

**THE GOSPEL OF JOHN: A ROMAN LEGAL AND
RHETORICAL PERSPECTIVE**

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Summary

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This thesis represents an experiment in which the Fourth Gospel is analysed for functional similarities with the precepts of the classical rhetorical handbooks and illuminated at points by reference to Roman law.

After exploring the possibility of an Ephesian provenance, the feasibility of examining the Gospel against the backdrop of the classical forensic rhetoric that pervaded such a cosmopolitan milieu is argued in the introduction. Further, the use of legal themes and motifs within the Fourth Gospel are amongst features that make the Gospel a favourable subject for such an analysis. Functional correspondences between the structure of the Gospel and that of ancient legal speeches are designated a primary interest.

Subsequent chapters, analogous to structural elements of a legal speech, include examination of John 1:1-15 as a prologue and 1:16-18 as an *ipsius causae* statement of the case. The witness motif, signs, Scriptural allusions, and logical arguments in 1:19-12:50 represent the type of evidence present in the *probatio* or proof portions of forensic orations. The farewell discourses (13-17) may be akin to a digression while the presentation of proof is resumed at the point of Jesus' arrest. Verses 20:30-21:25 conform to conventions for perorations. In addition, Roman laws and procedures involving women as witnesses and the distribution of inheritances illuminate various pericopes.

The conclusion shows that there is some support for the hypothesis that the Gospel was crafted in a way that reflects the modes and structure of forensic argumentation in Greco-Roman culture. The implications of such a structure would be threefold: 1) the Gospel has been carefully and intentionally composed 2) the distinctiveness of the Fourth Gospel compared to the Synoptics may be due to similarities with forensic rhetoric 3) the Gospel may be read from the perspective of a Roman legal context.

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Introduction

The Experiment

The topic of this dissertation, a Roman legal and rhetorical perspective on the Gospel of John is an attempt to meet the challenges issued by two current scholars. The first challenge was presented by Richard J. Cassidy who observed in his 1992 work, John's Gospel in New Perspective, "...John's Gospel has traditionally *not* been approached with a particular sensitivity for its Roman context."¹ Cassidy issues a clear call for supplementing existing studies and research with "...new materials and perspectives derived from considering features of the Gospel that relate extraordinarily well to significant elements in Roman rule at the end of the first Christian century and the beginning of the second century."² With such an appeal in mind, a conscious attempt has been made in this analysis of the Fourth Gospel to focus on those aspects of the text which exhibit a Roman context and/or would resonate with Roman concepts in the minds of readers within the Roman empire. The position that undergirds this study, that the Gospel in its final form was in all probability intended for an audience larger than one comprised merely of Jewish Christians who were thrown out of the synagogue,³ is demonstrable on two fronts.⁴ First, there is the author's conscious consideration of translating Aramaic phrases into Greek, the common language of the Eastern portion of the Roman empire.⁵

¹Richard J. Cassidy, John's Gospel in New Perspective (Maryknoll, NY: Orbis Books, 1992), 1.

²Ibid., 1-2.

³John 9:22, 12:42, 16:2. For the theory of the synagogue expulsion see J. Louis Martyn, History and Theology in the Fourth Gospel (NY and Evanston: Harper and Row, 1968). Judith Lieu, by contrast, asserts that John's Gospel does not reflect a community's separation from the synagogue. She focuses on verse 18:20 in which Jesus describes teaching in both synagogue and temple as evidence countering the idea that there is a negative view of the synagogue in the text. She also observes that since "synagogue" is not a word that occurs frequently in the Fourth Gospel, there is not necessarily a pre-occupation on the part of the community with an expulsion. She does not, however, provide an adequate explanation concerning why synagogue expulsions are something to which the Gospel text alludes three times. Judith M. Lieu, "Temple and Synagogue in John," New Testament Studies 45.1 (January, 1999): 62.

⁴While acknowledging the probability of earlier recensions of the Gospel, in this study I focus on its final form.

⁵For example John 1:41,42 and 4:25.

Second, John alludes to a Gentile mission. For instance, he includes in his text some foreigners (Greeks) who wished to see Jesus (12:20). By their inclusion John informs his readers that the opportunity to follow Jesus extends beyond Jewish boundaries. Even the Samaritans in identifying Jesus as Saviour of the World (4:42), and Jesus himself, who reminds his listeners that he has sheep who are “not of this (the Jewish) fold” (10:16), evidence an author who is concerned about a Gentile mission. Martin Hengel has recognised the Jewish background of the author. This background is illustrated by the author’s knowledge of halachic regulations, Jewish theology, festival customs, and the geography of Palestine.⁶ Nevertheless, Hengel points out that,

All in all, the references to the mission to the Gentiles are certainly not less, but more varied in John than in the Synoptic Gospels. The Johannine School and its head can therefore no longer be placed in a predominantly Jewish context, even if the founder of the school himself was a Jewish Christian from Palestine. He is working in a Gentile-Christian milieu...⁷

Therefore, with the author’s consciousness of a Gentile mission and careful translation of Aramaic words, the non-Jewish reader/hearer⁸ in the first century Roman empire might feel permitted to participate in the story line.

⁶Martin Hengel, The Johannine Question (London & Philadelphia: SCM Press/Trinity Press International, 1989), 110-113. There are many studies that examine the Jewish influences on the Fourth Gospel. For instance, A. E. Harvey, Jesus on Trial: A Study in the Fourth Gospel (London: SPCK Press, 1976), emphasises knowledge of Jewish legal procedures such as “Justice at the Gate” procedures and a “Jewish mentality” on the part of the author (15). Harvey does, though, comment that the author is “betwixt and between” the Jewish and Roman legal worlds (128) and that the Gospel was intended for a mixed Jewish and Gentile audience (129). Other studies focus on other aspects of Jewish influence on the Gospel. For example, in a recent book J. Duncan M. Derrett examines allusions to the Hebrew Scriptures in the passion narrative in The Victim: The Johannine Passion Narrative Re-examined Shipston-on-Stour, UK: Peter Drinkwater, 1993.

⁷Hengel, 123. Raymond E. Brown, while maintaining that the Johannine community may have originated with Jewish Christians, asserts that by the time of the Gospel’s composition it included Gentiles. Raymond E. Brown, The Community of the Beloved Disciple (NY & Mahwah, NY: Paulist Press, 1979) 55-58. On the characteristics of ancient schools and the Johannine community’s conformity with them see R. Alan Culpepper, The Johannine School SBL Dissertation Series 26 (Missoula, MT: Scholar’s Press, 1975), especially 287-288.

⁸The term “reader” must be used with caution as there is some concern as to the literacy of the masses during the first century C.E. William V. Harris concludes that during the Hellenistic era only 30-40% of the population may have been literate in those cities where there was philanthropic support of quasi-egalitarian education. William V. Harris, Ancient Literacy (Cambridge, MA: Harvard University Press, 1989), 329.

An additional reason for examining the Gospel from a Roman perspective is due to the possibility that the Gospel may have been composed in a cosmopolitan Roman city, the traditional place of origin being Ephesus. While there is no particular scholarly consensus regarding the area of provenance,⁹ suggestions range from Palestine to Alexandria and Syria to Ephesus. The latter receives the support of the church fathers, particularly Irenaeus.¹⁰ Although Irenaeus' assertion that "the disciple of the Lord" who "himself published the Gospel while he was staying at Ephesus in Asia" may be questioned,¹¹ an Ephesian provenance has thus far not been ruled out by the modern scholarly community. In addition, the association of Revelation, a document within the Johannine tradition, with the city of Ephesus (Rev. 1:11), helps to make an Ephesian provenance no less plausible than any of the other three suggestions. Thus, for the purpose of this study, Ephesus will be taken as the place in which the Gospel was composed for an audience¹² comprised of at least some non-Jewish Gentiles.¹³

That Ephesus was a cosmopolitan city in which Gentiles likely would have been familiar with Roman culture is due to the role that the city played in the Roman empire during the end of the first century, the approximate time of the Gospel's composition.¹⁴ Ephesus, a harbour city and travel hub, was acquired by Rome in the

⁹See, for instance, the succinct summary of the discussion concerning the provenance of the Gospel in D. A. Carson, The Gospel According to John (Grand Rapids: William B. Eerdmans, 1991), 86-87.

¹⁰Irenaeus, Adv. Haer. 2.22.5 and 3.1.1ff. Also, Eusebius. H.C. 5.8.

¹¹See Hengel, Johannine Question, pp. 2-5. Helmut Koester describes the identification of the author of the Fourth Gospel with John of Ephesus by the church fathers as a fiction designed to assist in defending a four gospel canon. Helmut Koester, "Ephesos in Early Christian Literature" in Ephesos: Metropolis of Asia Harvard Theological Studies 41 (Valley Forge, PA: Trinity Press International, 1995), 138.

¹²See footnote 8 above concerning ancient literacy. According to Harris, Ephesus evidences a higher rate of literacy than other Greek Cities of the Roman empire. This is based on the observation that Ephesians produced over 5,000 catalogued inscriptions as opposed to the average one to two hundred for other cities. W. Harris, Ancient Literacy, 274.

¹³Along similar lines of argument Sief Van Tilborg, in his book Reading John in Ephesus Supplements to Novum Testamentum 83 (Leiden: Brill, 1996), sets out to illustrate "how John's text was read or could have been read in first century Ephesus" rather than "trying to prove the work belongs to Ephesus" (p. 3). Instead of looking at a Roman legal and rhetorical context, however, Van Tilborg concentrates largely on Hellenistic philosophy, religion, and customs.

¹⁴The John Ryland's papyrus (P⁵²), upon which is found a portion of John 18, was dated by K. Aland

second century B.C.E. In 23 C.E. Augustus made Ephesus the capital of the Roman province of Asia at which time it received the title “First and Greatest Metropolis of Asia”¹⁵ and entered a period of prosperity. At that point, the city underwent a period of romanization including the establishment of the cult of Augustus as well as a stoa in which imperial propaganda was a dominating element.¹⁶ When an earthquake struck the city during the reign of Tiberius, an ambitious building program was begun. This included the romanization of the civic space in the form of a second agora known as the State Agora.¹⁷ The State Agora boasted a temple of Roma and a temple of the Flavians. In addition, the prevalence of Roman influence is demonstrated not only by the erection of Roman temples, but also the construction of Roman baths, six of which have been discovered. By the end of the second century Ephesus was the third largest city in the Roman empire. With such an ambitious Roman building program, the cosmopolitan tone of the city as a travel and economic hub, and the presence of the Roman governmental personnel and facilities necessary for the administration of the province, the citizens of Ephesus were in all likelihood exposed to Roman culture. Granting the strong possibility that the Fourth Gospel was composed in Ephesus and acknowledging the cultural diversity of that city, viewing the text from a Roman perspective would seem a natural undertaking.

There is a difficulty, however, with determining what constitutes those elements that may be read as particularly “Roman” strands in a Gospel produced in the thoroughly hellenized eastern part of the empire. Although Ephesus had essentially been under Roman control for more than two centuries prior to the

to the beginning of the second century. K. Aland, “*Neue Neutestamentliche Papyri II*,” *New Testament Studies* 9 (1962-3): 307. This is often employed to support a date of no later than 100-110 C.E. for the Gospel. See for instance R. Brown, *The Gospel According to John I* (NY: Doubleday, 1966), LXXXIII. References to a synagogue expulsion (9:22, 12:42, 16:2), Peter’s death (21:18-19) and the maturity of the author’s theology (Brown, LXXXV-LXXXVI) are also often cited as evidence supporting a date in the last decade of the first century.

¹⁵Richard E. Oster, Jr., “Ephesus,” *Anchor Bible Dictionary* (NY: Doubleday, 1992), 543.

¹⁶Peter Scherrer, “The City of Ephesos from the Roman Period to Late Antiquity” in *Ephesos: Metropolis of Asia* ed. H. Koester (Valley Forge, PA: Trinity Press International, 1995), 5.

¹⁷Oster, 544.

writing of the Gospel, the city had experienced Hellenistic rule prior to that time.¹⁸ In most former Hellenistic cities, Greek influence was so tenacious despite Roman Rule that even official Imperial decrees during the first half of the first century were issued not only in official Latin, but also in Greek for benefit of those citizens who were not bilingual. The Eastern portion of the empire aside, determining what is specifically "Roman" in Roman culture at large is itself a difficult undertaking. The difficulty arises because Roman culture was an amalgam. For example, the Roman education system was based on that of the Greeks. In addition, imitation of Greek literature and art was standard. Although the incorporation of Greek ideas and practices in Roman society was a usual procedure, one area in which the Romans achieved distinction from the Greeks was in the field of law. The codification of law was Rome's enduring contribution to human civilisation. Indeed, the Romans were the enterprising individuals who developed the major classification of laws (civil, criminal, administrative/state) and produced the law codes constantly in use throughout the middle ages.

A wide variety of factors contributed to the dissemination of Roman legal knowledge throughout the empire, even in the most hellenized regions. Included amongst them are the fact that Roman trials were public events, that legal decisions levied by governors in the Eastern part of the empire concerning civil, administrative, and criminal cases were at times based on Roman rather than local laws,¹⁹ and that epigraphic evidence indicates that both *nomikoi*, specialists in both

¹⁸The city came under the control of Alexander the Great in 334 and then experienced successive rule by the Seleucids, Ptolemies and the king of Pergamum before Roman rule in 133 B.C. According to Josephus (*Ant* 14.10.11-12) during the Seleucid rule Jewish citizens of Ephesus were exempted from military service, were permitted to assemble for religious purposes, and were able to collect those funds necessary for sacrifices. See further note 19 below.

¹⁹The Egyptian papyrus *P. Oxy 237* records precedents in 128 C.E. where the Prefect rules in accordance with Roman rather than Egyptian laws. See J. A. Crook, *Legal Advocacy in the Roman World* (London: Duckworth, 1995), 86-88. Although Josephus cites letters concerning Jewish rights and privileges under Roman rule, Tessa Rajak in her article, "Was there a Roman Charter for the Jews?" *Journal of Roman Studies* 74 (1984): 107-123, argues that the documents do not add up to an overall definition of Jewish religious liberty. The edicts, rescripts, and SC represent a wide geographical sprinkling and refer to specific cities, not entire provinces. There is no trace of any ubiquitous undisputed policy of fostering the ethnic traditions of the Jews (112). She also writes, "Before Claudius the rulings are generally on specific issues, with sometimes the addition of the familiar general formula--that the Jews are to be allowed to pursue their own ancestral laws or customs

Roman and local law, and rhetors were so common that by the second century if you lived on a "...bourgeois street in an eastern town, you were quite likely to have a *rhetor* or *nomikos* as your neighbour."²⁰ The widespread acquaintance of provincial citizens with Roman law contributes to the feasibility of employing Roman legal precepts in an examination of an Eastern provincial document dated in the last decade of the first century.

Therefore, Roman law and legal procedures provide a logical point of entry for examining the "Roman" aspects of John's Gospel. Even in his own work, Cassidy focuses on a Roman "legal context" for the Gospel to the extent that he relies upon a letter of Pliny and a rescript of Trajan. These documents serve as his tools in examining the Gospel against the background of the persecution of Christians. The rescript of Trajan is especially forensic in nature as rescripts were legal documents that had the force of laws. That the Gospel may be examined from a legal perspective is a natural outgrowth of John's text because the Gospel exhibits pervasive legal themes and motifs. The juridical aspect of the Fourth Gospel has been widely recognised since the mid 20th century.²¹ This is not to say, however,

(νόμοι or ἔθη). In such cases, the formula is certainly no more than a fine sounding verbal gesture... no prescription followed from it automatically" (115-116). More in line with Josephus, J. Duncan Derrett remarks that with the advent of Ptolemaic-Seleucid period the customary legal system maintained full control of religious matters, but superimposed on it was a second having jurisdiction in other affairs. In essence, as Derrett writes, the "King had no power to vary the Torah, but he evidentially enacted measures of his own supplementary to it" (181). Nevertheless, Derrett does recognise that the pious might still "run to a secular court if they would gain an advantage thereby..." (182). Just such a situation seems to be behind Luke 18:1-8. Consequently, it is possible that even some Jewish citizens, not to mention Gentile citizens in a provincial setting, would be familiar with the legal procedures and laws of secular governments. See J. Duncan Derrett, "Law in the New Testament: The Parable of the Unjust Judge," New Testament Studies 18 (1971): 178-191.

²⁰Crook, 157

²¹Robert G. Maccini, Her Testimony is True: Women As Witnesses According to John JSNTSS 125 (Sheffield: Sheffield Academic Press, 1996); A. T. Lincoln, "Trials, Plots and the Narrative of the Fourth Gospel," JSNT 56 (1994): 3-30; Loren L. Johns and Douglas B. Miller, "The Signs as Witnesses in the Fourth Gospel: Re-examining the Evidence," CBO 56.3 (July, 1994): 519-535; Murray R. Wilton, Witness as a Theme in the Fourth Gospel (Ph.D. Dissertation, New Orleans Baptist Theological Seminary, 1992); J. D. Charles, "Will the Court Please Call in the Prime Witness? John 1:29-34 and the 'Witness Motif,'" Trinity Journal 10 (1989): 71-83; Gary Burge, The Anointed Community (Grand Rapids, MI: William B. Eerdmans, 1987), 204-211; A. A. Trites, The New Testament Concept of Witness SNTSMS 31 (Cambridge: Cambridge University, 1977), 78-172; A. E. Harvey, Jesus on Trial: A Study in the Fourth Gospel (London: SPCK, 1976); S. Pancaro, The Law in the Fourth Gospel NovTSup. 42 (Leiden: Brill, 1975); Johannes Beutler, Martyria: Traditionsgeschichtliche Untersuchungen zum Zeugnisthema bei Johannes Frankfurter Theologische

that Jewish or Hellenistic themes and influences are absent from the Gospel. Indeed, as observed above on page two, the author of the Gospel was likely of Jewish background himself and was no doubt addressing an audience at least partially comprised of those who may have been familiar with Jewish law.²² Nevertheless, due to constraints imposed on the length of a thesis, those aspects of the Gospel cannot be addressed in this work. Instead, the focus will be limited to the possible crafting of the Gospel for and reception of the Gospel by the Gentile portion of its audience.²³

Hand in hand with Roman juridical procedures exists the art of classical forensic rhetoric, the methods developed by the rhetors for arguing legal cases before the courts. Although the production of rhetorical handbooks was pioneered by the Greeks, rhetoric was an indispensable art for the Roman legal advocate.²⁴ The works

Studien Band 10 (Frankfurt am Main: Josef Knecht, 1972); J. M. Boice, Witness and Revelation in the Gospel of John (Grand Rapids: Zondervan, 1970); J. C. Hindley, "Witness in the Fourth Gospel," Scottish Journal of Theology 18 (1965): 319-37; David M. Stanley, "John the Witness," Worship 32.7 (1958): 409-416; and T. Preiss, "Justification in Johannine Thought," Life in Christ London: SCM, 1954), 9-31. Many of these studies mention Jewish, rather than Roman, procedures and settings as background for the legal motifs in John's Gospel. Primary amongst them are "justice at the gate" procedures or the cosmic lawsuits of Isaiah.

²²Even the Pauline letter to the Ephesians, whether addressed to that community in particular or intended for general circulation throughout Asia, indicates a strong Gentile presence in the churches in Asia (Eph. 2:11-22).

²³Ramon Sugranyes de Franch in his Études sur le Droit Palestinien à L'Époque Évangélique (Fribourg: Librairie de L'Université, 1946), examines the parable of the "Servant without Pity" (Matthew 18:23-35) in relation to its legal background. He concludes that since Torah was concerned primarily with religious law, was not a comprehensive law code (69, 138), and did not provide for imprisonment of debtors (132 ff), the Gospel accounts of this parable reflect Hellenistic influence (132-33). At times in his exposition he even admits to the possibility of Roman parallels in legal proceedings concerning debt (108). J. D. Derrett, by contrast, asserts that the hearers of Jesus' parables were "hardly acquainted with either Roman or Greek law." J.D. Derrett, Law in the New Testament (London: Darton, Longman & Todd, 1970), 50. Derrett does concede at points in his work, though, that a non-Jewish audience or an assimilated Jewish community would not have understood the Jewish laws and customs behind some of Jesus' acts. See for instance 51 and 243. In essence, Derrett appears to make a distinction between knowledge of such customs and laws as possessed by Jesus' hearers and the knowledge that might be possessed by later generations--including those for whom the Gospels were written.

²⁴According to Suetonius, who was writing between 106 and 113 C.E., the reception of the art of rhetoric into Roman culture during the early years of the Republic was anything but warm. In his work, On Rhetoricians, Suetonius cites a decree of 161 B.C.E. in which rhetoric was banned from Rome. A later decree in 92 B.C.E. labelled the innovation of rhetoric as improper and determined that those who practised the art were displeasing. Suetonius, On Rhetoricians (Loeb Classical Library), 1. Eventually this foreign (Greek) science gained its due respect and was found to be both "useful and honourable." Rhetoric was employed not only in legal contexts, but also in every aspect of Roman public life. The dominance of this art in Roman culture is evidenced by the centrality of rhetoric in the

of Cicero and Quintilian, consulted with great frequency throughout this study, are monuments to the importance of rhetoric in Roman society.²⁵ That rhetoric was of importance in Ephesus itself has been noted by Sjef Van Tilborg who observed that Ephesus was a cosmopolitan city in which specialised studies, especially medicine and rhetoric, grew to great heights in the second century,²⁶ no doubt building on an interest in rhetoric present at the time of the Gospel's composition. Thus by positing a setting for the Gospel in a cosmopolitan Roman city such as Ephesus and acknowledging that the Gospel was read by at least some citizens of that metropolis

Roman system of education. See G. A. Kennedy, New Testament Interpretation Through Rhetorical Criticism (Chapel Hill & London: Univ. of North Carolina Press, 1984), 9.

Quintilian, an orator and teacher of rhetoric in the last half of the first century C.E., advocated educating children from their earliest years. He advised parents to make certain that even the child's nurse was able to speak correctly and that all of the women in the household with whom the child would be in contact should be well educated. In the ideal situation, the child might be exposed to only the most positive of influences. Quintilian Institutio Oratoria, Loeb Classical Library, 1.1.5 and 1.1.6. In addition to obtaining the rudiments of speech at home, a pupil might progress through three stages of education in the Roman school system. The primary school, for students aged 7-11, taught the basics of reading, writing and mathematics. Generally, the majority of students in the population did not progress beyond that level. See D. L. Clark, Rhetoric in Greco-Roman Education (Morningside Heights, NY: Columbia Univ. Press, 1957), 61.

The second stage of the education process involved attendance at a grammar school where one was taught the seven "liberal arts," a term coined by Cicero in his De Oratore, Loeb Classical Library, 1.16.73. See also, Clark, p. 12. The liberal arts consisted of what came to be known in the Middle Ages as the *Trivium* (grammar, rhetoric and logic) and the *Quadrivium* (arithmetic, geometry, music and astronomy). Breadth of education was the ideal since, according to Cicero, "A knowledge of very many matters must be grasped, without which oratory is but an empty and ridiculous swirl of verbiage"(Cicero De Oratore 1.5.17). For grammar school students, who ranged in age from 11/12 to 15, the major focus rested on the *Trivium*. Exercises in the grammar school were designed to prepare aspiring students for the next stage of learning--education in rhetoric.

The advanced school of rhetoric, taught by a Rhetor, was considered to be the pinnacle of Roman education. It focused exclusively on the *Trivium* and studies were undertaken until the age of 20. At that time, one was considered to be well prepared to take an active place in public affairs. Those engaged in public affairs, the majority of whom were presumably of the senatorial or equestrian ranks, the classes of individuals with sufficient financial security to permit delaying entrance into the work-force until the age of twenty, found a variety of occupations in which to employ their rhetorical education. Indeed, "the writer, the teacher-philosopher, the critic-grammarians, the politician and the lawyer-administrator all expressed themselves in the rhetorical medium. H. A. Fischel, "Story and History: Observations on Greco-Roman Rhetoric and Pharisaism" in Essays in Greco-Roman and Related Talmudic Literature (NY: Ktav Publishing, 1977), 444.

²⁵Cicero's works were written during the middle decades of the first century B.C.E. They were still widely used for the study of oratory in the time of Quintilian, who refers to them extensively. Quintilian composed his own Institutio following his retirement as a professor of rhetoric in 79 C.E. If one accepts the majority view that the Fourth Gospel was written during the last decade of the first century C.E., then Quintilian's work reflects court procedures and oratorical techniques prevalent at the time the Gospel was written.

²⁶Van Tilborg, 90.

who were not of Jewish background, the conditions appear right to explore points of contact between Roman law/rhetoric and the Fourth Gospel.

Through the process of seeking to examine the structure and judicial themes of the Fourth Gospel within the light of classical rhetoric the second challenge that shaped this dissertation was encountered: the assertion that connecting the methods of classical rhetoric with a gospel is an impossible task. In the words of Duane Watson,

Studying the Gospels as a single rhetorical unit...has not worked. It cannot work. This is due to limitations in Ancient Rhetoric. Ancient Rhetoric did not have a theory of narrative which discussed plot with issue, development, and resolution of the issue. Rhetorical usage (in narrative) was limited to smaller units in larger works, and involved description and speeches.²⁷

The formulation of Watson's statement as an absolute issues a bold challenge; one that invites testing.²⁸

In the experiment that follows an attempt will be made, not to apply the rules of classical rhetoric to the Gospel in a formal sense, but to examine the functional parallels between the means of argumentation in the Gospel and the conventions

²⁷Duane F. Watson, "Rhetorical Criticism of the Gospels" in D. F. Watson and A. J. Hauser, Rhetorical Criticism of the Bible: A Comprehensive Bibliography with Notes on History and Method Biblical Interpretation Series Vol 4. (NY, Leiden, Köln: E. J. Brill, 1994), 116. Amos Wilder in his work Early Christian Rhetoric (Cambridge, MA: Harvard University Press, 1971) also asserts that classical rhetoric has little in common with the gospels and Israel's sacred literature as a whole (p.7). He grounds his comments, not on the difficulties of relating ancient rhetoric to narrative, as does Watson, but rather upon the position that the gospels were uniquely creative communication events (p.10) that are based in revelation rather than persuasion (p.21). In his attempt to maintain the "uniqueness" of God's word as revealed in the New Testament, Wilder overlooks the fact that a completely unique mode of revelatory literature might be incomprehensible to the ancient audience. Communication can not be completely "unique" unless there is found a way to communicate without the use of basic building blocks such as nouns and verbs! He appears to deny the possibility that revelation will be "revelatory" if couched in accordance with the rhetorical conventions of its day. In contrast with Watson and Wilder, Burton Mack accepts the practice of applying Greco-Roman rhetorical principals to New Testament texts. Burton Mack, Rhetoric and the New Testament (Minneapolis: Fortress Press, 1990), 19-48 especially.

²⁸In contrast to Watson, J. Beutler avoids absolutes in his discussion of the applicability of rhetoric to the gospels. He writes, "...I see some limits in the applicability of these rules (of classical rhetoric) to a text like the Fourth Gospel. In the strict sense, the laws of rhetorics in antiquity were developed for the writing of speeches. They help to organise a speech in as successful a way as possible... Now a gospel text is not necessarily to be understood as a speech in this strict sense. It is a narrative, which may contain speeches, in our case particularly discourses or sermons of Jesus. So the laws of classical rhetorics can be applied to our gospel as a whole only with some caution, and the same holds true for parts of the Fourth Gospel which combine narrative with speech." Johannes Beutler, "Response from a European Perspective," Semeia 53 (1991): 193.

apparent in the rhetorical handbooks. That is not to say that the Gospel is rhetoric, for that would be both misguided and over-ambitious, especially since it is not possible to prove whether or not the author possessed a formal rhetorical education.²⁹ Rather, the proposed experiment will be one in which the Gospel is read as a whole to determine whether it reflects, perhaps without conscious intention on the part of the author, something of the classical rhetoric that permeated the cultural milieu in which it was written.³⁰ Thus these two challenges, to examine John's Gospel from a Roman perspective, particularly a legal one, and to attempt to point out functional similarities between rhetorical conventions the Gospel text as a whole, define the experiment undertaken in the pages below. Focus will centre on identifying those portions of the Gospel narrative that appear to reflect, albeit possibly without the intentional application of formal conventions by the author, similarities to the standard parts of a classical forensic speech.³¹ Where possible, this study of John's

²⁹See note 78 below for comments regarding educational levels and gospel authors.

³⁰A caveat is in order. The intention in this investigation of John's Gospel against the background of Greco-Roman rhetoric is not to depreciate the influence of Hebrew rhetoric. Hebrew rhetoric has been defined by scholars such as Roland Meynet in his Rhetorical Analysis JSOTSS 256 (Sheffield: Sheffield Academic Press, 1998), 172-177. To be sure, characteristics of Hebrew rhetoric such as a tendency to compose parallelisms and concentric structures may be found in the Gospel as indicated by Meynet, pp. 244-45 and 184-85, and Edwin Webster in his "Pattern in the Fourth Gospel" in Art and Meaning: Rhetoric in Biblical Literature ed. D. Clines et.al. JSOTSS 19 (Sheffield: JSOT Press, 1982), 230-257. Despite the Jewish influences, Roland Meynet does concede that as New Testament texts were written in Greek in a part of the world influenced by classical Greco-Roman modes of civilisation and education. Therefore, examining texts for this classical rhetorical influence is a legitimate undertaking (p. 176) though he prefers to focus on the Hebrew influences with which the New Testament writers were "impregnated to the bone."

³¹While it is tempting to say that the method employed in this thesis is "rhetorical criticism," that label has been consciously eschewed in the body of the text. This omission is due to the scholarly lack of consensus as to how to define "rhetorical criticism" and what that method entails. Martin Kessler goes so far as to describe "rhetorical criticism" as a "flexible term" and identifies rhetorical criticism as a "synchronic criticism" in his article, "A Methodological Setting for Rhetorical Criticism" in Art and Meaning: Rhetoric in Biblical Literature ed. D. Clines et. al. JSOTSS 19 (Sheffield: JSOT Press, 1982), 14. Vernon K. Robbins in an article entitled "The Present and Future of Rhetorical Analysis" found in The Rhetorical Analysis of Scripture ed. Stanley E. Porter and Thomas H. Olbricht. JSNTSS 146 (Sheffield: Sheffield Academic Press, 1997), 24-52 proposes that rhetorical criticism may grow into a program of "interpretive analytics" in which a multitude of disciplines and interpretive frameworks are brought to bear on a text (29, 48). Meanwhile, the authors and editors of the Postmodern Bible published in 1995 by Yale University Press, while acknowledging that "rhetorical criticism' may at times be taken as a synonym for "literary criticism" (p. 157), seek to situate rhetoric within a postmodern framework (p.150). Still others recognise that on occasion "rhetorical criticism" is used to designate exegetical practices that essentially constitute a sort of ancient form criticism. See for instance, the comments by Bruce Malina in his article "Rhetorical Criticism and Social-Scientific Criticism" in Rhetoric, Scripture and Theology ed. Stanley E. Porter and Thomas H. Olbricht.

structure will be supplemented by mentioning possible analogies between Roman legal situations and various juridical motifs that appear in the Gospel text. Before proceeding, however, the strenuous objection of Watson and others regarding the feasibility of examining a gospel narrative against the background of forensic rhetoric requires some comment.

The Applicability of Classical Rhetoric to Literature

The reticence of some within the scholarly community concerning the application of rhetorical conventions to written documents such as gospels, is based on one undeniable fact: The rhetoric of the handbooks was designed for speeches, not for literature. Thus the application of rhetoric to literature often is regarded to be a questionable exercise.³² This methodological difficulty has been articulated

JSNTSS 131 (Sheffield: Sheffield Academic Press, 1996), 83.

³²In an article titled "The Literary Composition and Function of Paul's Letter to the Galatians," New Testament Studies 21 (1975): 353-379 and in a book entitled Galatians (Philadelphia: Fortress Press, 1979), Hans Dieter Betz applied the conventions of classical rhetoric to that Pauline epistle. Philip H. Kern, critiques Betz' work in his Ph.D thesis, Rhetoric, Scholarship and Galatians: Assessing and Approach to Paul's Epistle (University of Sheffield, May 1994). Kern discourages the use of rhetorical labels except in cases where a pericope or verse conforms precisely to a handbook definition. He cautions against using "function" as a basis for labels (p. 36).

One difficulty Kern faces in his insistence that literature must conform precisely to the handbook definitions is the fact that classical rhetoric was not a unified science. This point may be exemplified by reference to a remark by Antonius in Cicero's De Oratore. Antonius is a character who despairs of so simple a task as identifying the various parts of a speech. He wails because the ancient authorities alternately identified four, five, or even seven parts of an oration (De Oratore 2.19.79). Furthermore, the ancient orators themselves did not believe one should adhere to the rhetorical precepts with slavish devotion. One illustration is expressed by Cicero who writes, "For all the kinds of language we ourselves use in public speaking are changeable matter, and adapted to the general understanding of the crowd" (De Oratore 1.23.108). Cicero demonstrates the fluidity of the rules regulating speeches in his oration, Against Verres. In this speech Cicero acted contrary to the regulations for "proper speeches" when he dispensed with his opening comments and moved directly to the introduction of witnesses. See further G. Kennedy, The Art of Rhetoric in the Roman World (Princeton: Princeton University Press, 1972), 160-161.

Voicing other objections to applying the precepts of oratory to literature, Kern maintains that handbook rhetoric was restricted to the "specific venues" of courts, assemblies, and public ceremonies (p. 12). Furthermore, he asserts that the principals governing the spoken art were applied in large scale to written discourse only after the advent of printing (p. 231). Kern, however, does not take into account comments of Cicero where the possibility of applying rhetorical principals beyond the limits of oratory are entertained (see pp. 15-16 below).

Others who are critical of the application of rhetorical categories to the Pauline Epistles are Stanley E. Porter, "The Theoretical Justification for the Application of Rhetorical Categories to Pauline Epistolary Literature," in Rhetoric and the New Testament: Essays from the 1992 Heidelberg Conference, ed. S. E. Porter and T. H. Olbricht, JSNTSS 90 (Sheffield: JSOT Press, 1993), 100-122; and Jeffrey T. Reed, "Using Ancient Rhetorical Categories to Interpret Paul's Letters: A Question of Genre," also in Rhetoric and the New Testament, 292-324. Both Porter and Reed maintain that only with regard to aspects of "style" may the Epistles successfully be examined with reference to

succinctly by Dennis L. Stamps who remarks, "Some critics of rhetorical criticism note that the classical rhetorical art was applied mainly to speech, and hence may not apply to the multiplicity of literary genres employed by the New Testament."³³ One must grant the point that according to the "purposes" expressed in their introductions, the rhetorical handbooks were almost completely focused on preparing and training orators who would not only compose speeches but also deliver them before the public. Does this imply, however, that studying a written work with reference to the rules found in the Greco-Roman handbooks is an unsound undertaking?³⁴

In addressing this question in relation to New Testament texts one must first offer the caution that to divorce New Testament literature complete form oral presentation is perhaps to overstate the distinction between the written and spoken word. This may be the case for as George A. Kennedy observes, literature in antiquity was often read aloud in group settings or by individuals and therefore was "heard in much the same way as a speech."³⁵ With regard not only to the Pauline

Greco-Roman rhetoric. These scholars, however, would not appear to object to the work of Jerome Neyrey who analysed Paul's trial speeches in Acts 22-26 in conjunction with the first three structural parts of a forensic speech: exordium, statement of facts/charges, and evidence for the defence. Jerome Neyrey, "The Forensic Defence Speech and Paul's Trial Speeches in Acts 22-26: Form and Function," in Luke Acts: New Perspectives from the SBL Seminar, ed. Charles H. Talbert (NY: Crossroad, 1984), 210-224. Porter, in a more recent article, does appear to soften his opposition to examining the Pauline Epistles in relation to rhetoric. He acknowledges that one might analyse them based on functional similarities between the letters and rhetoric rather than by stressing a formal correspondence between the two. He asserts that this method is possible, "As long as it is kept in mind that the categories probably did not consciously influence the writing of the letters and almost assuredly did not figure in their earliest interpretation." Stanley E. Porter, "Paul of Tarsus and His Letters" in Handbook of Classical Rhetoric in the Hellenistic Period 330 BC-AD 400 (Leiden, NY, Köln: Brill, 1997), 567-68.

³³Dennis L. Stamps, "Rhetorical Criticism and the Rhetoric of New Testament Criticism," Journal of Literature and Theology 8.3 (Sept., 1992): 271.

³⁴Jean Zumstein blithely dismisses this question. He observes that classical rhetoric can only be studied from texts. The implication of his observation is this: If rhetoric is exclusively oral and bears no relationship to literature, then using a text, a handbook, to assist one in writing and delivering a speech would be inconsistent. Likewise, a rhetor would be acting in an illegitimate manner in attempting to teach oratory by composing a literary work (a handbook). Based on this aspect of Zumstein's argument, there is little doubt that mutual exclusion between oratorical and literary modes of expression leads to absurd conclusions. "Analyse Narrative, Critique Rhétorique et Exégèse Johannique," in La Narration, ed. P. Buhler and J. Habermacher (*L'Université de Neuchâtel, Suisse: Labor et Fides*, 1988), 49.

³⁵George A. Kennedy, "The Genres of Rhetoric" in Handbook of Classical Rhetoric in the Hellenistic Period 330 BC-AD 400 ed. Stanley E Porter (Leiden, NY, Köln: Brill, 1997), 47.

Epistles, but letters in general Kennedy goes so far as to assert that they were "...surely read aloud in public to audiences. They would then be received as speeches and their authors anticipated this by observing some of the conventions of public address."³⁶

In spite of Kennedy's assertions concerning the delivery of written letters, for classical thinkers some distinctions were drawn between written and spoken discourse. The former mode was often regarded as the inferior means of expression. Plato articulates his disdain for the written word in the Phaedrus,

He who thinks, then, that he has left behind him any art in writing, and he who receives it in the belief that anything in writing will be clear and certain, would be an utterly simple person...if he thinks written words are of any use except to remind him who knows the matter about which they are written.³⁷

After this statement the philosopher proceeds to advocate "serious verbal discourse" about a subject. He regarded oral communication as superior to written words which "cannot defend themselves by argument and cannot teach the truth effectively."³⁸

Doubtless, Plato's sentiment is appreciated by those left to study his writings.

Despite the limitations of written discourse, however, the indisputable fact remains that written words may endure the ravages of time as speech cannot. The very existence of the Phaedrus and words of Plato obscurely expressed therein are proof positive. Nonetheless, the tension between spoken and written words was of concern to orators as well as philosophers. Here too the spoken word emerged as the favoured choice as is emphasised by the Elder Seneca who writes, "almost all people gain from being heard rather than read."³⁹ Indeed, Seneca even goes so far as to condemn Plato's Apology,⁴⁰ a speech never intended for actual delivery, as "worthy neither of defender nor defendant."⁴¹

³⁶Ibid.

³⁷Plato Phaedrus, Loeb Classical Library, 275 D.

³⁸Ibid., 275 C.

³⁹Elder Seneca Controversiae, Loeb Classical Library, 3.3 preface.

⁴⁰The Apology may be described as a literary creation, although Fowler, in the introduction to his translation of this speech, states that this work may have been, in its essence, a speech delivered by

Even though a preference for the spoken word existed in the Greco-Roman world, the question of whether or not some of the ancient orators themselves recognised the possibility of applying rhetorical precepts to the literary sphere must be examined. The phrase "some ancient orators" was chosen particularly because no consensus of opinion existed in the classical era. As Jan E. Botha notes, there was a range of differing opinions on the subject of whether or not rhetorical principles might apply to literature.⁴² According to one side of this range of opinion, the minimalist view, rhetoric was limited to public discourse. This appears to be the position held by Quintilian. Indeed, it is Quintilian who alters the definition of rhetoric from "the power of persuading" to the "science of speaking well" in order to emphasise the oral nature of the art. Aristotle, in his handbook, acknowledges the existence of ancient manuals of oratory that focused almost exclusively on style and delivery.⁴³ Although Aristotle regarded those rhetoricians who practised oratory in this manner with disapprobation, Quintilian rebuts Aristotle's emphasis on logic as is consistent with his own belief that rhetoric is more concerned with 'speaking well' than with logic and persuasion. Quintilian states:

Socrates and edited by Plato (Translator's Introduction, 64). The Apology purports to be Socrates' defence against charges that he had been corrupting the youth (Apology 11C). Structurally, the "speech" adheres to the form generally employed for forensic orations in the classical world. For example, in this speech 1 A-B serves as an introduction or exordium where Socrates sets forth his character. He claims that he is a non-practised speaker who intends to tell the plain truth and who has never before appeared in court. The next major portion of the speech begins in 3 Bff. It is a narration wherein Socrates indicates the circumstances that gave rise to the accusation--namely that he had angered the "wise men" of the city during his divinely sanctioned quest for someone wiser than himself. In 11 C he unfolds the body of his defence, which continues until paragraph 24. At this point a peroration, or closing statement, is delivered. In this peroration, Socrates entrusts his case both to the judges and to god in order that they might "decide as shall be best." The remainder of the Apology, paragraphs 25ff comprise a short epilogue delivered after the guilty verdict had been assigned. Since the Apology, a literary composition, conforms accurately to the structure of forensic speeches, it illustrates the fluidity with which the terms "literature" and "oratory" may be employed.

⁴¹Elder Seneca, 3.8 preface.

⁴²Jan E. Botha, "On the Reinvention of Rhetoric," *Scriptura* 31 (1989): 20.

⁴³On the history and development of rhetoric in antiquity from its inception in Greek democracy, including the first writings on the subject by Corax and Tisia in 476 BCE, to the time of Augustine see the excellent survey in James J. Murphy et. al, A Synoptic history of Classical Rhetoric NY: Random House, 1972 (2nd edition Davis, CA: Hermagoras Press, 1994). Another concise survey of the history of rhetoric may be found in Duane Litfin's St. Paul's Theology of Proclamation (Cambridge: Cambridge University Press, 1994): Part I.

Reason then was the greatest gift of the Almighty, who willed that we should share its possession with the immortal gods. But reason by itself would help us but little and would be far less evident in us, had we not the power to express ourselves in speech; for it is the lack of this power rather than thought and understanding, which they do to a certain extent possess, that is the great defect in other living things.⁴⁴

Aristotle, with his emphasis on logic and persuasion rather than speaking, though, opens the door for a maximalist view of oratory. According to this stance all communication, not just oral presentation, is the object of rhetoric.

Cicero, the primary proponent of the "maximalist position," asserts that a variety of literature and even other types of discourse might fall under the auspices of rhetoric even though such things defy formal classification as "oratory" or at best may be classified as panegyric, a species of oratory. One such type of communication is that represented by official dispatches. Cicero writes,

And what if (as often happens to the most exalted personages) messages have to be communicated from a general at a meeting of the Senate, or conveyed from the Senate to a general or to any prince or nation? Because, on occasions of this sort, a style of diction more elaborate than ordinary has to be employed, does it therefore seem that this type of speaking should be accounted a distinct department of rhetorical activity, or should be fitted out with its own peculiar rules?⁴⁵

The answer to this query in the dialogue was negative. While official dispatches do fall under the rubric of rhetoric, the "ability acquired by the ready speaker, from the treatment of his other subjects and topics, will not fail him..."⁴⁶ In essence, the rules, techniques and precepts learned in deliberative and forensic rhetoric were applicable to official messages.

Leaving aside the issue of official messages, Cicero proceeds to explore the relationship between history and oratory. He begins with what might be described as

⁴⁴Quintilian *Inst. Orat.* 2.16.14-15. In his discussion Quintilian uses *dicere* or *loquer* and thus is referring to speech acts/verbal communication rather than written acts (*scribo*) or language in general (*lingua*).

⁴⁵Cicero *De Oratore* 2.11.49.

⁴⁶Ibid., 2.1.49.

a joke concerning the inadequacy of Roman historians. He denigrates the Romans as "mere chroniclers" compared with their Greek counterparts who eventually turned their rhetorical skills to the field of history. He jests, "What class of orator, and how great a master of language is qualified, in your opinion, to write history?" "If he is to write as the Greeks have written", answered Catulus, "a man of supreme ability is required: if the standard is to be that of our fellow-countrymen, no orator at all is needed; it is enough that the man should not be a liar."⁴⁷ Later in the discussion on history, Cicero has Antonius remark,

No wonder... if this subject (history) has never yet been brilliantly treated in our language. For not one of our own folk seeks after eloquence, save with an eye towards its display at the Bar and in public speaking, whereas in Greece the most eloquent were strangers to forensic advocacy, and applied themselves chiefly to reputable studies in general, and particularly to writing history.⁴⁸

Cicero then goes on to list a wide variety of Greek historians whom he believed were gifted with eloquence. Herodotus and Thucydides head the list.⁴⁹ While the Romans had not necessarily applied rhetoric to the field of history in the past, its absence is, according to Cicero, a defect that should be rectified in the future.⁵⁰ He even advocates the applicability of rhetoric in the writing of history in *de Legibus*, where, in the words of Thomas Brodie, "Cicero declares that history demands, above all, a rhetorical treatment."⁵¹ Indeed, Cicero's characters in *de Legibus* comment that "this branch of literature (history) is closer than any other to oratory."⁵² Cicero's assertion indicates that at least one of the classical rhetoricians recognised the possibility of

⁴⁷Ibid., 2.12.51.

⁴⁸Ibid., 2.13.55.

⁴⁹Ibid., 2.13.55-58.

⁵⁰Reportedly, Cicero's friends constantly hoped that Cicero himself would undertake to write a major work of history. A. J. Woodman, *Rhetoric in Classical Historiography* (London, Sydney and Portland, OR: Croom Helm and Areopagitica Press, 1988), 70.

⁵¹Thomas L. Brodie, "Greco-Roman Imitation of Texts as a Partial Guide to Luke's Use of Sources," in *Luke-Acts: New Perspectives from the Society of Biblical Literature Seminar* ed. Charles H. Talbert (NY: Crossroad, 1984), 28.

⁵²Cicero *de Legibus*, Loeb Classic Library, 1.2.5.

relating not only history to oratory, but also other forms of literature as well--albeit to a lesser degree than history.⁵³

While Cicero appears to have recognised a relationship between literature and oratory, the presentation of some examples to illustrate this relationship are in order.⁵⁴ The first examples reflect writings that, while not necessarily claiming to be speeches, include judicial themes and employed the rhetorical conventions of forensic oratory for greater effect upon an audience. The final illustration is a speech that, contrary to understandings of handbook rhetoric, is in narrative rather than logical or argumentative form.

⁵³A full discussion of Cicero's theory of historiography may be found in Woodman, pp. 70-116. Robert Cape takes a more conservative view than does Woodman, asserting that Cicero's comments in *De Oratore* are not to be understood as a full theory of historiography as much as observations regarding stylistic connections between history and oratory. Cape, however, does not take into account some of Cicero's comments in *de Legibus* that seem to point to a relationship between history and oratory that extends beyond issues of style. Robert Cape, Jr. "Persuasive History: Roman Rhetoric and Historiography" in *Roman Eloquence--Rhetoric in Society and Literature* ed. William Dominik (London and NY: Routledge, 1997), 212-228.

One reason why rhetoric and literature, such as history, might be related is due to the fact that both types of communication share basic elements. In oratory, there are five basic building blocks or elements: invention, arrangement, style, memory and delivery. In preparing a speech, the primary concern is that of invention. In the process of invention the issue at hand is examined and decisions are made concerning what ought to be said. Following invention, the orator proceeds to arrangement where the materials and arguments decided upon during invention are organised according to their weight and anticipated effect on an audience. Once the proper arrangement has been achieved, style becomes a concern and the speaker adds embellishments, metaphors, appropriate rhythm and the like. At this point the speech is virtually complete and requires only the final two divisions of oratory. The first is memory to which the orator commits his speech in order that he might retain both its content and style before the audience. The second is delivery where the orator seeks to present the speech with effect and charm, employing appropriate facial features, gestures, variations in pitch and tone, and so on (Cicero *De Oratore* 1.31.142).

Of these five elements, the first three are held in common with the composition of literature at large. The very fact that orators "published" their speeches implies that verbal or speech acts may be rendered in literary form. Aristotle thought that the species of rhetoric most suited to writing was epideictic closely followed by forensic. He maintained that even though the forensic speeches offered the least opportunity for rhetorical device, their style was more finished than that of deliberative orations (Aristotle *Rhetoric* 3.12.5ff).

⁵⁴In applying the precepts of oratory to written compositions, one exercises a method of study in which even the church fathers engaged. Burton Mack writes, "Origen, for example, or Augustine, knew no other school for making sense of written compositions but the school of rhetoric." *Rhetoric and the New Testament*, 10. For further comments on Augustine and rhetoric see Murphy, *Synoptic History...*, 2nd ed., 210. Kennedy voices a similar comment about the ancient application of rhetorical precepts to literature saying, "Beginning in Greek in the Hellenistic period and in Latin by the Augustinian Age...virtually all literary composition, whether in poetry or prose, shows the influence of the study of rhetoric, primarily in style, but sometimes also in invention and arrangement." Kennedy, "The Genres of Rhetoric," 50.

The first example of a literary creation that employs rhetorical conventions stems from the pen of Plato. The Phaedo, a third person narrated Socratic dialogue concerning the issue of immortality, represents, on the surface, a piece of literature that bears no relationship to formal speeches. As a dialogue, the Phaedo would be defined not as rhetoric proper but as dialectic, a counterpart to rhetoric.⁵⁵ The relationship between dialectic and rhetoric occurs on two levels. First, whether conversing with others or delivering an oration, the speaker must stress his or her point in a convincing manner. Such an endeavour often involves a knowledge of logic which is common to both fields. Second, a dialogue must have points of contact with reality to be credible. The Socratic dialogues exemplify an artistry wherein each character speaks in ways not only appropriate to his or her ideas, but to his/her speaking style as well.⁵⁶

With this in mind, the dialogue, Phaedo, is set in a prison cell where Socrates is incarcerated and awaiting his execution--the same sentence recorded in the Apology. Despite the fact that the physical setting of the Phaedo is not a "courtroom" or forum, Socrates refers to his position in the dialogue as a "defence"⁵⁷ and identifies his listeners, who feel no compunction about interrupting their mentor and questioning his statements, as his judges.⁵⁸ Technically, these judges, by their interruptions are preventing Socrates from making a speech proper since the rhetorical handbooks make no allowance for sustained interactive conversation during an oration.⁵⁹ Despite the interruptions, though, rhetorical elements pervade the Phaedo. For instance, in addition to the forensic allusions to "defence" or "judges," the dialogue, though not actually a "speech," "ends" with what might be

⁵⁵Aristotle Rhetoric 1.1.

⁵⁶Murphy, 16.

⁵⁷Plato Phaedo 63 B. "I will try to make a more convincing defence that I did before the judges" (πειραθῶ πιθανώτερον πρὸς ὑμᾶς ἀπολογήσασθαι ἢ πρὸς τοὺς δικαστάς).

⁵⁸Ibid., 63 E. "I wish to explain to you, my judges..."

⁵⁹The possibility exists that dialogue and altercations existed in Roman court proceedings but were eliminated from the published form of speeches (J. A. Crook, 65).

termed a peroration, a summary statement with which formal speeches were closed.

In the dialogue Socrates concludes,

This then, Simmias and Cebes, is the defence I offer to show that it is reasonable for me not to be grieved or troubled at leaving you and the rulers I have here....If now I am more successful in convincing you by my defence than I was in convincing my Athenian judges, it is well.⁶⁰

Socrates' words, however, do not actually mark the end of the dialogue as Cebes requests continued discussion and proof concerning Socrates' claims with regard to immortality.⁶¹ Therefore, even though a peroration has been delivered, a call has been issued for fresh proof to be examined. At this point, despite the lack of legal terminology, the "defence" seems to continue. The fact that the defence is ongoing is reinforced when the narrator, the character Phaedo, breaks in at a later point in the discussion to clarify a point of Socrates' "*ethos*" or character. Phaedo is asked by the person to whom the dialogue is being reiterated, Echeocrates, whether Socrates showed uneasiness or calmness in the defence of his argument.⁶² *Ethos*, the character of the speaker, was one of the three basic sources of persuasion in Greek rhetoric. The other two modes of persuasion were *pathos*, the frame of mind of the audience during the speech, and *logos*, the content of the speech itself.⁶³ According to Phaedo, the narrator, Socrates' character was this: he had ready answers and listened to the young men's criticisms with a "pleasant, gentle, and respectful manner."⁶⁴

The device of narrating a dialogue to a third party who did not take place in the original conversation serves another "rhetorical function"--that of promoting *pathos* in the audience. The reader of the Phaedo is to identify him or herself with the character Echeocrates, the person to whom Phaedo is relating the details of

⁶⁰Plato Phaedo 69 E.

⁶¹Ibid., 70 B & C.

⁶²Ibid., 88 E.

⁶³James M. May, Trials of Character: The Eloquence of Ciceronian Ethos (Chapel Hill and London: University of North Carolina Press, 1988), 2.

⁶⁴Plato Phaedo 89 A.

Socrates' last hours. The identification between the actual reader and Echebrates results from the fact that neither the reader nor Echebrates were present at the scene of the original dialogue. Yet, despite his receiving an account of the conversation in Socrates' cell second hand, Echebrates claims to be as swayed by the arguments, *logos*, of the dialogue as were the young men present at the time of its original recitation in the Athenian prison. He exclaims at one point, "By Zeus, Phaedo, they were right. It seems to me that he made those matters astonishingly clear, to anyone with even a little sense."⁶⁵ By means of this device, the reader, in a manner similar to that of Echebrates and the young men visiting Socrates in his incarceration, is encouraged to participate in the dialogue and function as a judge (the reader's *pathos*) with regard to the persuasiveness of Socrates' argument (*logos*).

Thus it has been shown that the Phaedo, a narrated dialogue, though neither a "speech" in the proper sense, nor taking place in the usual settings for speeches, the forum or courts,⁶⁶ has points of contact with the rhetorical handbooks. Furthermore, the relationship between the dialogue and forensic rhetoric is encouraged by Plato whose use of the words "judges" and "defence" supports a courtroom analogy.

In addition to the Socratic dialogues, drama is a form of literature that has a connection with rhetoric. Dramatic literature by nature is to be performed orally. In his Synoptic History of Classical Rhetoric James J. Murphy claims that playwrights were aware of the importance of orality in drama and, as an example, remarks that even the playwright Euripides (480-406) has speech patterns that "reveal a widespread concern for the organised oral presentation of ideas."⁶⁷ Not only do the conventions of drama muddy the water for those who seek to separate literature and rhetoric by its orality, but this particular literary genre often borrows unashamedly

⁶⁵Ibid., 102 A.

⁶⁶Kern believes that literature in which there is merely an accusation or defence does not necessarily conform to classical rhetoric as forensic rhetoric involves a judge and jury (p. 21). In the Phaedo, the young men in the cell are clearly identified as judges. One wonders, however, if Kern would accept the position that the reader is also a judge as that function is implied rather than explicit.

⁶⁷Murphy, 5-6.

from rhetoric in attempts at verisimilitude. The play Eumenides by Aeschylus (458 B.C.E.) is an example of this phenomenon. Eumenides is a courtroom drama in which the fate of Orestes is to be determined. The efficacy of the drama depends in part on the playwright's incorporation of both courtroom language and conventions in his play. In fact, near the conclusion of this play, there is essentially a panegyric to rhetoric, or the art of persuasion, when Athena comments, "Holy persuasion too I bless, who softly strove with harsh denial, Till Zeus the Pleader came to trial and crowned Persuasion with success."⁶⁸ It is only a small step from seeing the influence of rhetoric in the Phaedo or the Eumenides to exploring the functional similarities between rhetoric and the Gospel of John. This is because much as the Phaedo is written in a way to encourage the reader to participate in the dialogue and function as judge, so too is the reader asked to render a judgement concern Jesus in the Fourth Gospel. Further, the functional similarities between rhetoric and John's writing are already apparent in the structure of the Gospel, a third person narrative of Jesus' words and acts involving a witness motif and including what has generally been described as a prologue (chapter 1) as well as a peroration (John 20:31), two of the compositional building blocks also found in oratory.⁶⁹

Before proceeding to the Gospel, however, a further example of the relationship of literature and classical rhetoric must be mentioned. As indicated in the quote above, Duane Watson voiced a concern that handbook rhetoric made no provision for a theory of narrative.⁷⁰ Gospels, as narratives, one might then conclude, could not be analysed in their entirety with relation to classical rhetoric. The lack of a theory of narrative is indeed an astute observation concerning the handbooks. While they include some instructions concerning a portion of the speech known as a *narratio*, or statement of the case wherein the events leading up to the

⁶⁸Aeschylus, The Eumenides, Trans. Philip Vellacott (Baltimore: Penguin Books, 1956), 179.

⁶⁹Burton Mack recognises the fact that the influence of oratory and rhetorical education was such that the composition of literature other than speeches came to reflect attention to rhetorical principles. Rhetoric and the New Testament, 30.

⁷⁰Page 9 above.

crime or trial were often reiterated in narrative form, the *narratio* was often only a small portion of the speech.⁷¹ Indeed, many speeches were comprised mainly of the “proof” or *probatio*—the arguments, testimonies, and other evidence—marshalled in support of one’s position or client. Although narrative and plot do not feature prominently in the rhetorical handbooks, there is one extant speech that is primarily narrative. Cicero’s third speech against Catiline was delivered not in a court, but before the general populace in 63 B.C.E. This speech is not a legal speech in that it was designed to elicit a response by a judge, but rather is a report to the populace of a legal procedure and investigation. To that extent, all of the “proof” marshalled against those in the Catilinian conspiracy is presented not in argument form, but by means of the vehicle of narrative.

This speech was delivered with short notice a few hours after the events occurred, but distributed in published form three years later. In this oration Cicero, after a brief prologue in which he announces, without modesty, that he has saved the city from conspirators, recounts the purpose for his speech,

It is through my efforts that these plots have been detected, laid bare and displayed to the Senate and I shall therefore now give you a brief account of them so that you, who have not yet heard but wish to

⁷¹Quintilian, however, regarded logic, employed in the proof portion of speeches, as “trivial” in comparison with the art of narration. “The primary art,” John D. O’Banion writes, “was the art of narration and not logic.” John O’Banion, “Narration and Argumentation: Quintilian on *Narratio* as the heart of Rhetorical Thinking,” *Rhetorica* 5 (1987): 341. Quintilian himself exclaims, “Have we not to narrate facts in the law courts? Indeed I am not sure that this is not the most important department of rhetoric in actual practice” (*Inst. Orat.* 2.1.10).

Quintilian sought to prepare his students for the delivery of a *narratio* by employing the study of narrative in late grammar school and early rhetorical education. See further May, 10-11. The three types of narrative Quintilian recommended for study were: 1) fictitious, including poems and tragedies; 2) realistic, which embraced comedy as people only find humorous that which parallels actual situations or life; 3) historic, a type of narrative that recorded actual fact and sought to strike a balance between being too dry or to elaborate in style (*Inst. Orat.* 2.4.2). Some of the school exercises designed by the grammarians for their youngest pupils included the composition of narratives, the reproduction or paraphrasing of fables, and most prevalent, the retelling of the stories of the historians. See Clark, 181. Another popular narrative exercise urged the students to write about a prominent person, perhaps a great general or other important figure in history, to whom the students “added life” by creating facts and conversations appropriate for the individual in question (Clark, 184). After such compositional exercises were mastered, Quintilian reports that an additional task was assigned: the responsibility of refuting or confirming the narrative, or declamation (*Inst. Orat.* 2.4.18). Suetonius confirms the importance of narrative for the rhetorician. In his brief history of rhetoric he maintains that the earliest rhetorical debates were based on historical narrative (Suetonius *On Rhetoricians* 1).

be told, can learn of their extent, the nature of the evidence and my methods of investigation and detection.⁷²

Cicero then proceeds to present, not a series of logical arguments or proofs, but rather a detailed account of events. This narrative includes details concerning the seizure of the evidence (3.3-5), the summoning to an inquest of those charged with conspiracy (3.6-7), testimony by the Gauls against the accused (3.9-10), the reading of several previously sealed letters and the confessions of those who had written them (3.10-13) and the penalties imposed by the Senate upon the conspirators (3.14-15). The remainder of the speech details, amongst other points, Catiline's part in the plot (3.16-17), an exposition of the signs/actions of the Gods that assisted Cicero in his attempt to reveal the villains (3.18-22), and Cicero's protestations that he is not seeking reward, but will continue to work for the good of the state (3.26-29). That *Catilinam III* was considered by ancient rhetors to be a speech despite its narrative format is apparent from the fact that it was cited by Quintilian for instructional purposes in his own *Institutio Oratoria*. In that work Quintilian clearly identifies this work as an oration against Catiline, *contione contra Catilinam*.⁷³ Even modern scholars recognise it as a piece of oratory with one describing it as a "racy popular harangue telling an excellent tale."⁷⁴ *In Catalinam III* is not cited to intimate that speeches comprised of narrative were necessarily the norm in ancient oratory but to demonstrate that when circumstances dictated, an orator would feel free to use a narrative format to convey a point and persuade his or her audience. Duane Litfin, in remarking on the tendency of an orator to tailor a speech to each situation describes the ability to "adapt nimbly to the rhetorical exigencies" as the mark of an effective orator.⁷⁵ If one eliminates the possibility of an orator presenting an argument in narrative form from the realm of oratory, one is

⁷²Cicero *In Catilinam III*, Loeb Classical Library, 3.

⁷³Quintilian *Inst. Ort.*, 5.11.42.

⁷⁴Michael Grant, *Cicero: Selected Speeches* (London: Penguin, 1973), 110.

⁷⁵Litfin, 115.

limiting the ability of an orator to adapt the form of his words to achieve his persuasive ends.

In any event, to claim as Watson does that the Fourth Gospel as narrative can bear no resemblance to ancient oratory is to overlook *Catilinam III*, a speech in which the relating of a narrative is the central occupation.⁷⁶ *Catilinam III* is a narrative of the events and evidence that impinged upon the trial of a conspirator during Cicero's consulship, just as the Fourth Gospel is a narrative of the public and private activities and teachings of Jesus that climaxed in his arrest and trial. This is not to imply that the Fourth Gospel is a speech, but to assert, contrary to Watson, that the categories of "narrative" and "classical rhetoric" are not necessarily as mutually exclusive as his comments would lead one to believe.⁷⁷

Classical Rhetoric and the Fourth Gospel

In the preceding discussion evidence was marshalled, both in the form of Cicero's observation that rhetoric may be applied to the field of history, a discipline based on narrative, and by acknowledging that Cicero himself combined narrative and rhetoric in at least one of his speeches, to illustrate that the dichotomy between narrative and rhetoric in the ancient world may not have been as strict as Watson implies. Thus, despite the unconventionality of applying handbook rhetoric to the Gospels⁷⁸ as a whole, the experiment undertaken in the chapters to follow is not

⁷⁶Cicero's narration of the courtroom events is done with an ulterior purpose: the narrative is intended to incline the audience favourably toward Cicero and to vindicate him in the eyes of those who may have felt that his treatment of those involved in the "conspiracy" was rather high handed. See *In Catilinam II*.

⁷⁷The idea that narrative may serve as a vehicle for presenting the "proof" portion of a speech, may also be at work in *P. Oxy. 472*. This Egyptian Papyrus, dated 130 C.E., contains part of a defence speech in which a *narratio* and a *probatio* (the presentation of the proof) are combined (J. Crook, 77).

⁷⁸In seeking to apply rhetoric to the Gospels, some comments regarding the level of rhetorical training the Gospel writers may have had is in order. Even though classical authors such as the elder Seneca asserted that the study of rhetoric was the educational ideal for training in all careers, (Elder Seneca *Cont.* 2.3 /preface), the probability exists that not every citizen of the empire was afforded the luxury of higher education. This has led some scholars to identify some documents of the New Testament as "sub-literary" phenomena to which the high brow principles of rhetoric would not apply. Arnold J. Toynbee, Trans. *Greek Historical Thought* (London and Toronto: J. M. Dent and Sons, 1924), 93. The term "sub-literary" is applied to a document that had its roots in the lower classes to the population who would not have benefited from a rhetoric-based education.

This position calls for a response. First, while the Gospels do indeed owe their existence to a

completely without basis. Before commencing an analysis of the Fourth Gospel in relation to ancient rhetoric and the context provided by Roman law, there is one final question that must be answered: Why select the Fourth Gospel for such an experiment?

John's Gospel was chosen for this experiment because it is a document exhibiting several features that indicate that it might provide a favourable subject for a rhetorical and legal analysis. The presence in this Gospel of a stated purpose for its composition, the author's use of legal themes and motifs that resonate with the subject matter treated in the species of rhetoric labelled "forensic," and the presence of structural elements that accord with the precepts of organisation for courtroom speeches are primary amongst these features. These three elements will now be discussed briefly.

humble origin and oral transmission, that does not imply that the authors who ultimately penned the documents were themselves uneducated. Even if the authors had not attended a school of rhetoric, an education at the grammar school level would have provided at least an introduction to rhetoric (see note 24 above for the stages of the Roman educational system). In fact, according to William A. Smith, there was a great deal of overlap between the grammar schools and schools of rhetoric. William A. Smith, Ancient Education (NY: Greenwood Press Publishers, 1955), 198. Furthermore, even if it may have been the case that Gospel writers were uneducated--a position thrown in doubt due to recent studies on the chreia which will be mentioned below--Kennedy maintains that rhetoric was so pervasive in Greco-Roman society that the Gospel writers "would have been hard put to escape an awareness of rhetoric as practised in the culture around them, for the rhetorical theory of the schools found immediate application in almost every form of oral and written communication..." Kennedy, New Testament Interpretation Through Rhetorical Criticism Studies in Religion, ed. Charles H. Long, (Chapel Hill and London: University of North Carolina Press, 1984), 10. Given the pervasive nature of rhetoric, even the audiences addressed by the Gospel writers may have "had certain presuppositions about forms of discourse which may well be reflected in the text. George A. Kennedy, "An Introduction to the Rhetoric of the Gospels," Rhetoric 1 (1983): 17-18.

Studies of the chreia, a basic unit of rhetoric in the form of a concisely stated saying or action attributed to a character, have shed new light on the gospel writers' education. Chreiai elaborations are frequently employed in the gospels and were the focus of many rhetorical school exercises. As Duane F. Watson remarks, "when studied from the perspective of chreia, the Gospel writers seem to have had a rhetorical education." Duane F. Watson and Alan J. Hauser, Rhetorical Criticism of the Bible: A Comprehensive Bibliography with Notes on History and Method Biblical Interpretation Series Vol. 4 (NY, Leiden, Köln: E. J. Brill, 1994), 119. For further information on Chreiai see the collection of essays in Semeia 64, 1993; R. F. Hock, "Chreia" in The Anchor Bible Dictionary Vol. 1. (NY: Doubleday, 1992), 912-914.

With regard to the Fourth Gospel in particular we may say that its author was obviously literate and that if he received formal schooling he had at least progressed through the second stage of education, the grammar school. At that stage of education rhetoric would have been part of the liberal arts curriculum, though not to the specialise extent found in the school of rhetoric. In any event, comments concerning the author's education are speculative. It is equally plausible that the author may have achieved literacy late in life through tutors or means other than a formal school setting.

The presence of a clearly articulated purpose for the composition of the Fourth Gospel constitutes the first aspect that resonates with rhetorical precepts. Kenneth Burke, a modern philosopher-rhetorician, assumes that all communication, whether written or oral, has some ulterior purpose that has driven its production. By showing his readers how to employ a wide variety of analyses, including both a dramatic examination of texts, and a close investigation of an author's use of arguments and rhetorical devices, Burke intends to equip the modern reader with the tools to discover the agendas of various authors. The upshot of such a program is to prevent the audience from being misled by the rhetoric.⁷⁹ As his primary examples Burke analyses the speeches of Hitler to demonstrate the procedure and prove that an audience does have the ability to unmask an author's hidden motives. The difficulty with such a philosophy of rhetoric is its assumption that writing with "motives," particularly "hidden motives," is part of the author's intention. Is it possible for one to write without ulterior motives? If the author states his purpose for writing, why shouldn't it be accepted at face value? Is it possible to impute intentions to an author which, although evidenced in the text, were not in the author's mind?

The ancient rhetorician, by contrast with Burke's model, although recognising the power of rhetoric to lead one down a primrose path by making the worst alternative appear the best or the guilty individual seem innocent, generally sought to have a clear statement of purpose or an indication of the subject at hand.⁸⁰ The ideal of employing a clear statement of purpose is evident even in the writings of Cicero who firmly advises that the "precise point at issue" in a rhetorical speech "must be

⁷⁹One of the key rhetorical principles, according to Burke, is identification. The author must identify him/herself with the interests and concerns of the audience in order to be persuasive (p. 24). Often the most ingenious and cunning identifications involve self-deception to the point that the author may be unaware of the deception. Ultimately, it is narrative that lends itself most readily to creating a sense of identification between the author, audience, and the ultimate principles or actions being advocated. Narrative is so successful in its identification that the audience may not even notice the subtle devices, misrepresentations, and manipulation that may be involved. Kenneth Burke, *A Rhetoric of Motive* (Berkeley and Los Angeles: University of California Press, 1969), 197.

⁸⁰Quintilian *Inst. Orat.* 4.2.1.

envisaged."⁸¹ Antonius, a character in *De Oratore*, stresses this principle most admirably when called upon to give his views of oratory,

I will do what I think should be the first thing done in every debate, which is that the subject for discussion should be clearly ascertained, so that a discourse may not have to ramble and lose itself, if perhaps the disputants do not understand the issue in one and the same sense.⁸²

Quintilian, a closer contemporary of the author of the Fourth Gospel than was Cicero stresses the importance of including a statement of purpose but asserts that the subject at hand need not be stated first thing in a speech but may appear at *any* point in an oration.⁸³ The author of the Fourth Gospel, in line with these precepts, though perhaps only briefly hinting at the nature of the case in 1:16,⁸⁴ places his clearest statement of purpose at the end of his work rather than in his prologue. He is, though, certain as to his focus. Specifically, the Evangelist states that he has written in order that the reader "may begin/continue to believe that Jesus is the Messiah" (20.31). Thus, if classical rhetoric sought "to persuade" and the Gospel of John has a fixed point that it seeks to move its audience to accept, it is *de facto* rhetorical in nature and may evidence points of kinship with those techniques and rhetorical procedures mentioned in the classical handbooks.

In addition to the presence of a clearly stated purpose, the prevalence of judicial themes and motifs in the plot provide some legitimisation for an attempt to examine the Gospel in accordance with the ancient rhetorical handbooks.

According to these handbooks, speeches designed for delivery in the courts employed forensic rhetoric, one of three types of rhetoric mentioned by the ancient orators. Aristotle identifies the three types of rhetoric as deliberative, epideictic or panegyric, and forensic or judicial. Each of these three types of rhetoric in turn correspond to a specific audience: the general assembly, the spectator, the judge;

⁸¹Cicero *De Oratore* 2.81.331.

⁸²Ibid., 1.48.209.

⁸³Quintilian *Inst. Ort.* 4.2.30.

⁸⁴See Chapter 1 below, p. 66 ff.

and to the three segments of time: future, present and past.⁸⁵ Deliberative oratory was often employed with regard to issues of state. Such rhetoric focused on topics such as government finances, questions of import/export, the feasibility of war, and whether legislation should be promulgated or repealed.⁸⁶ Since the end of such a speech was to determine whether the action under consideration would be either expedient or harmful, these speeches were often hortatory or dissuasive.⁸⁷ In addition to deliberative oratory, Aristotle refers to a second species of rhetoric called “epideictic.” Cicero and Quintilian, however, use an alternate name for epideictic oratory, “panegyric.” The purpose of this species of oratory, as Aristotle records, is the praise or blame of an individual,⁸⁸ and the intended audience for such a speech would be a group of spectators for whom the speech would elicit a momentary response in the *present*. Of the three species, epideictic speeches provided the greatest opportunity for ornamentation. Traditional forms of epideictic oratory included funeral orations and encomiums. In addition, Quintilian also includes in this species of rhetoric speeches composed solely for public display or entertainment. He adds that the proper function of panegyric is an amplification and embellishment of its themes.⁸⁹ One additional function of panegyric mentioned by Quintilian was the praise or blame of witnesses in the court room.⁹⁰

Although, as Quintilian confirms, epideictic oratory might be used on occasion in a judicial setting, forensic or judicial rhetoric is a species of oratory unto itself. Aristotle claims that forensic oratory naturally has as its audience a judge and

⁸⁵Aristotle *Rhetoric* 1.2.1.

⁸⁶Ibid., 1.4.7. Deliberative oratory played a prominent role during the years of the Republic when the Senate had the primary responsibility for setting general policy. It became less prevalent during the empire and post-classical period when policies of state were removed from the realm of public debate and were decided by the emperor after consultation with his advisors. At that point deliberative oratory often became known as “advisory oratory.” See George A. Kennedy, *The Art of Rhetoric in the Roman World*, 428 and Quintilian *Inst. Orat.* 3.8.6.

⁸⁷Aristotle *Rhetoric* 1.3.3.

⁸⁸Ibid., 1.3.5.

⁸⁹Quintilian *Inst. Orat.* 3.7.6.

⁹⁰Ibid., 3.67.2.

its end is ascertaining the probability of whether or not actions have occurred in the *past*. It is therefore either defensive or accusatory.⁹¹ Cicero, who was a famous pleader at the bar, believed forensic oratory to be the most challenging species for the rhetor's art. He comments,

The battle of the law courts involves really great difficulty and, I rather think, is by far the most arduous of human enterprises; for here ignorant people commonly judge an orator's power by the test of a triumphant result, and a panoplied antagonist confronts you who must be smitten as well as countered, and often the one who is to adjudge the victory is ill disposed and angry or even friendly to the other side while hostile to yourself..⁹²

The stated purpose of the Gospel, in which the author attempts to convince an audience that Jesus is God's son, has overtones that would resonate more closely with forensic rhetoric than the other two species of oratory.⁹³ Since forensic rhetoric focused on individuals with an aim of trying to defend or accuse them and in a similar manner the Fourth Gospel attempts to defend Jesus' identity through the presentation of signs (20:30), the Gospel appears to be forensic. Not only does the Gospel's stated purpose appear to conform with the type of subject matter addressed in judicial speeches, but the Gospel as a whole is pervaded by judicial themes.

Legal motifs and the presence of detractors who advance charges against the main character in the plot are pervasive elements in this Gospel. The most dominant

⁹¹Aristotle *Rhetoric* 1.3.3. Quintilian describes the duty of a forensic orator as the bringing and rebutting of charges (*Inst. Ort* 3.9.1).

⁹²Cicero *De Oratore* 2.17.72.

⁹³To say that forensic rhetoric is the species of rhetoric that reflects the author's main purpose in writing is not to say that the other species of rhetoric are absent from the Gospel. The ancient orators often "mixed" the various species in their own speeches. An example of a speech that mixes species is Cicero's forensic *Pro Rabirio Postumo* which contains a panegyric to Caesar (15.41-49). As far as Cicero was concerned, one case in which "mixing" might occur was in the use of the topics of praise and blame. Characteristic of epideictic speeches, this topic was appropriate in "every class of lawsuit" (*De Oratore* 2.85.39 also Quintilian *Inst. Ort* 2.1.10-11). Quintilian affirms the existence of "mixed forms" when he maintains that all species of rhetoric "rely on the mutual assistance" of the others (*Inst. Ort* 3.4.16).

Examples of other species of rhetoric in John's Gospel include the identification of John 13-17 as epideictic on the grounds that it seeks to offer consolation (Kennedy, *New Testament Interpretation*, 77) and the description of John 3:16 as deliberative because Jesus seeks to give advice with regard to a future event. Alan R. Odiam has identified all three species of rhetoric in Jesus' discourses in the Fourth Gospel. He maintains that 3:1-21 is an example of deliberative rhetoric, 5: 19-47 is forensic, and 17: 1-26 is epideictic. *The Rhetoric of the Fourth Gospel: A Key to Preaching* Ph.D. dissertation, Southern Baptist Theological Seminary, December, 1989.

legal motif in the Fourth Gospel is the 'witness motif.' That the theme of "witnessing," μαρτυρέω, is important to the evangelist may be affirmed by reference to a concordance. While the verb "to witness" is completely absent from the Gospel of Mark and present in Matthew and Luke only once respectively, there are thirty-one occurrences in John. Furthermore, those occurrences are not concentrated in any particular chapter or section of the work, but are distributed throughout the entire text. Not only is the word "witness" used frequently and pervasively, but the document as a whole is framed by the witness motif, an *inclusio*, since "in regard to actions within history the Gospel begins with the witness of John the Baptist and concludes with the witness of the Beloved Disciple."⁹⁴ In addition, the related term μαρτυρία, testimony, appears in John in fifteen instances as contrasted with its presence in the synoptics a mere four times. Another prominent legal motif includes the terms κρίνω and κρίσις, to judge and judgement, which occur thirty times. Thus, even as Plato's *Phaedo*, as discussed above, encouraged a rhetorical analysis by the presence of rhetorical terms in its text, so too does the Fourth Gospel.

Besides the legal motifs, another element in John's Gospel that lends credence to applying rhetorical principles to the narrative is the presence, in the plot, of an antagonist that advances charges. "The Jews," as a group that opposes Jesus and lobbies for his crucifixion, function in a role similar to that undertaken by those presenting an accusation in a lawsuit.⁹⁵ Alternately the Jews accuse Jesus of such crimes as violating the Sabbath (5:1-8, 9:16), blasphemy (5:17-18, 8:58) and false teaching (7:14-18). Ultimately, however, as S. Pancaro writes, "John's whole presentation of the trial (before Pilate) seeks to illustrate Jesus' claim to divine Sonship as the true and only factor which prompts the Jews to demand the death of Jesus."⁹⁶ Thus, while various charges are raised, only one is central to the case. The

⁹⁴ Lincoln, 6.

⁹⁵Throughout this dissertation, reference to the Jews corresponds to John's use of that designation for his portrayal of Jesus' opposition. For further information of John's use of this designation see George M. Smiga, *Pain and Polemic: Anti-Judaism in the Gospels* (NY: Paulist Press, 1992), 134-173.

⁹⁶S. Pancaro, *The Law in the Fourth Gospel* Supplements to *Novum Testamentum* 42 (Leiden: E. J.

presence of characters who accuse Jesus in John's narrative is not insignificant in light of classical rhetorical expectations. Certainly, "skilful character portrayal of all protagonists and antagonists" involved in a legal case was crucial.⁹⁷ Cicero sums up the use of *ethos*, portrayal of character, in legal settings,

A potent factor in success, then, is for the characters, principles, conduct, and course of life, both of those who are to plead cases and of their clients, to be approved, and conversely those of their opponents condemned; and for the feelings of the tribunal to be won over, as far as possible, to goodwill towards the advocate and the advocate's client as well.⁹⁸

The presence of characters who function as the disputants and the use of prevalent legal motifs, such as would be characteristic of the judicial settings in which forensic rhetoric would have been employed, have led some scholars to conclude that the Gospel in its entirety may be read from start to finish as a "trial document." Indeed, both Martin Warner, who describes the Gospel as a "retrial" of Jesus because the individual whom the Evangelist "wishes to commend as Christ, fails to fit expected categories or visibly alter the course of history but was actually condemned"⁹⁹ and A. E. Harvey, who asserts that the Gospel in its entirety is in the form of an extended trial in which Jesus is the defendant,¹⁰⁰ are amongst those who have viewed the Gospel at large from a legal perspective.¹⁰¹ This ability to view the judicial motifs and the presence of Jesus' accusers in the Gospel narrative as the Gospel's portrayal of an extended trial constituted the second motive for selecting the Fourth Gospel¹⁰² as an appropriate subject for a rhetorical analysis. The final

Brill, 1975), 504.

⁹⁷May, 10.

⁹⁸Cicero *De Oratore* 2.43.182.

⁹⁹Martin Warner, "The Fourth Gospel's Art of Rational Persuasion," in *idem* (ed.), *The Bible as Rhetoric* Warwick Studies in Philosophy and Literature (London and NY: Routledge, 1990), 163.

¹⁰⁰A.E. Harvey, *Jesus on Trial: A Study in the Fourth Gospel* Atlanta: John Knox Press, 1976.

¹⁰¹More recently Lincoln affirms that the narrative may be read as a whole from the perspective of a trial. He advocates, however, reading the text as a cosmic lawsuit that echoes the trial motif in Isaiah 40-55 (p. 6 ff).

¹⁰²Although the Gospel as a whole has not been the subject of an extended forensic analysis, the juridical nature of various sections of the narrative have been recognised. Most obvious is the Roman "trial" of Christ (chapters 18 and 19) which represents a complete courtroom procedure. Also, Paul Duke recognises the forensic nature of the pericope concerning "The Man Born Blind". Duke

incentive for applying classical rhetorical precepts to the Gospel as a whole is provided by the Gospel's basic structure.

In general, it is possible to say that the Gospel is composed of three units: a prologue (1:1-18); the main story (1:19-20:31); and an epilogue (21:1-25).¹⁰³ These three basic structural units are roughly comparable to the basic components of ancient oratorical presentations.¹⁰⁴ Cicero describes four major parts of a classical speech and provides an option to add a fifth. These are 1) An opening designed to invoke the good will of the listeners while encouraging them to be receptive and attentive. 2) A statement of the case at hand. 3) The arguments where one proves one's own allegations while rebutting those made by the adversary. 4) A summary, or peroration. The optional fifth part was that of a digression which was included either for effect or to amplify a point. Digressions usually interrupted part three, the proof, or were inserted immediately prior to or following one's argumentative section of the speech.¹⁰⁵ While the correlation between the standard parts of a public oration and the elements comprising the basic structures do not appear to be exact, for instance the Fourth Gospel has neither an obvious statement of the case nor has a

describes chapter 9 as a trial in which one is given the option either to "embrace the facts" of the healing and subsequently Jesus' true identity, "or shut one's eyes to them." Paul D. Duke, Irony in the Fourth Gospel (Atlanta: John Knox Press, 1985), 122. In addition, Jerome H. Neyrey examines yet another portion of the Gospel that he believes has a forensic format, 8:21-59. Jerome H. Neyrey, "Jesus the Judge: Forensic Process in John 8:21-59," Biblica 68.44 (1987): 509-542.

¹⁰³The main story itself is often further broken into sections representing Jesus' public ministry (1:19-12:50), the farewell discourses (13:1-17:26), and Jesus' trial, crucifixion and resurrection (18:1-20:31). For a concise summary of the witness motif as it occurs in each of the five sections of the Gospel, see Lincoln, 4-6.

¹⁰⁴Rather than speeches, Ben Witherington, III compares the structure of John's Gospel to the structure found in ancient biography. Ben Witherington, III, John's Wisdom (Louisville, KY: Westminster John Knox Press, 1995), 2-4, 43. On Ancient Biography and gospels see Richard A. Burridge, What Are the Gospels? Society for New Testament Studies Monograph Series (Cambridge: Cambridge University Press, 1992); David E. Aune, The New Testament in Its Literary Environment (Philadelphia: Westminster Press, 1987), 17-43; Charles H. Talbert, What Is a Gospel? (Philadelphia: Fortress Press, 1977).

¹⁰⁵Quintilian makes brief mention of two other "parts" of a forensic speech. The first is partition, wherein the orator states various headings under which the various proofs are to be presented. The second is proposition, the arguments and proofs themselves (Quintilian, Inst. Ort. 3.9.1). Aristotle, in his description of the parts of a judicial speech, represents a conservative approach. For the Philosopher all that is required is to make a statement of the case and to prove it. To these two basic parts, Aristotle concedes, may be added an exordium (prologue) and/or an epilogue.

digression ever been explicitly identified, the similarities in structure between the Gospel and the arrangement of classical speeches bears investigation.

The Scope of the Experiment

Given the fact that Cicero both employed narrative throughout his third speech in defence of Catiline and also affirms the analogous application of rhetorical techniques to history, which like the Gospel is narrative,¹⁰⁶ the possibility of examining the Gospel with reference to ancient oratory is apparent. The Gospel's judicial themes, stated purpose, use of detractors or accusers in the plot, and basic structure make forensic rhetoric the obvious starting point. Rather than focusing on questions of style,¹⁰⁷ however, the similarities in structure between the Gospel and forensic speeches will be explored. One must clearly state, though, that the object will not be to prove that the Gospel is ancient rhetoric. Rather, the focus will be to show how the arrangement of elements in John's Gospel evidences a functional similarity with the precepts of ancient oratory. This is, in essence, a modest proposal based on the assumption that the Gospel was in all likelihood written for an audience that included a non-Jewish component in a Greco-Roman city in which the general populace might hear daily oratorical presentations and debates in the public forums. In the case of John's Gospel, as mentioned at the beginning of the introduction to this thesis, the city in question was perhaps Ephesus. In such a setting it is possible that the Gospel may have been composed, possibly without conscious intention on the part of the author, to reflect the mode and means of argumentation that pervaded the culture of his day.

¹⁰⁶A.J. Woodman maintains that the character Antonius in *De Oratore* "sees historiography in terms of judicial oratory, of which the *narratio* was an integral part" (p. 95). The link between "history" and "rhetoric" is one forged through narrative. Thus, just as rhetoric may be applied to history as a narrative piece of literature, so too may it be applied to the Fourth Gospel.

¹⁰⁷With regard to style see, for instance, C. Clifton Black, "The Words That You Gave to Me I have Given to Them': The Grandeur of Johannine Rhetoric," in *Exploring the Gospel of John*, ed. R. A. Culpepper & C. C. Black (Louisville: Westminster John Knox Press, 1996), 220-239; D. A. Black, "On the Style and Significance of John 17," *Criswell Theological Review* 4 (1988): 141-159; A. Festugière, *Observations stylistiques sur l'Évangile de S. Jean, Études et Commentaires* 84 (Paris: Éditions Klincksieck, 1974).

In addition, the author of the Gospel's formal knowledge of rhetoric will not be tackled in this thesis. This is because, as Dennis Stamps rightly points out, that since the identity of the author of the Fourth Gospel cannot be firmly established, one's ability to make assertions concerning his education and the influence of formal training in Rhetoric upon him and the text he produced is diminished.¹⁰⁸ In essence, as mentioned above on pages nine and ten, what can be assumed about the author is no more than that he was literate and lived in an era in which rhetoric was something to which he would have been exposed in his daily life.¹⁰⁹ Affirming the prevalence of rhetoric in Greco-Roman culture, Litfin comments, "The truth is that rhetoric was not merely ubiquitous in the Greco-Roman culture, more than that, it was endemic, an inherent part of life..."¹¹⁰ With such a prevalence of rhetoric, it is likely that the author of the Fourth Gospel, especially if situated in a Roman governmental and travel centre such as Ephesus, was constantly exposed to rhetorical practices and no doubt absorbed a type of general knowledge of rhetoric that may be unintentionally reflected in the structuring and argumentation of his Gospel.

The viability of this approach is akin to that recognised by Stanley Porter with regard to Pauline studies and rhetoric. He asserts that examining Pauline documents from a rhetorical perspective is simply one form of analysis to which a text may be subjected. He comments that while there is no formal correspondence between rhetoric and the Pauline Epistles, there may be functional correlations. He adds, "These functional correlations, especially in terms of arrangement and invention, provide a way forward...since they give access to the underlying nature

¹⁰⁸Dennis Stamps, "The Johannine Writings" in Handbook of Classical Rhetoric in the Hellenistic Period 330 BC-AD 400 (Leiden, NY, Köln: Brill, 1997), 614.

¹⁰⁹This position is more conservative than that taken in regard to the rhetorical training received by Paul in some Pauline studies. For instance Porter ("Paul of Tarsus", 535) observes that Paul may possibly have received some type of rhetorical training in Jerusalem though perhaps "as rhetoric interpreted through the adaptation by Rabbinic thought, rather than as rhetoric strictly for civic oratorical purposes." Litfin recognises such a position concerning Paul's training as reasonable, but nevertheless speculative (139). He opts for the more modest claim that rhetoric was so prevalent in the Hellenistic world that Paul could not have avoided its influence if he had tried (140).

¹¹⁰Litfin, 125. See further his comments on 132-33 regarding the widespread use and appreciation of rhetoric in the first century.

and purpose of argumentation, and the effect that this argumentation may have on the shape of an entire work and its defined audience.”¹¹¹ Thus, in relation to the Fourth Gospel some questions that will be explored include: Does the Gospel indeed have sections that function akin to a prologue, statement of the case (*narratio*), proof, digression and epilogue? Where these elements are missing, could the author be adapting the structural precepts of oratory for application to a literary presentation of the material? If the Gospel does contain a *probatio*, or proof, what types of arguments, testimony and evidence are marshalled in support of the author’s case?

In addition to seeking the answers to questions regarding the structural relationship of the Fourth Gospel to ancient rhetoric, the goal of locating aspects of the Gospel within a Roman legal context will not be neglected. The role of a son or heir with regard to an estate in Roman inheritance law and the possibility of women in the Roman world serving as witnesses will be marshalled to illuminate various pericopes. The first station for this study, however, is upon that track from which both forensic speeches and John’s Gospel embark upon their respective journeys: The Prologue.

¹¹¹Porter, “Paul of Tarsus,” 584.

CHAPTER 1

The Prologue of the Fourth Gospel and the Exordium

The issue of the relationship of the first 18 verses of John to the remainder of the Gospel has long provided fodder for scholarly discourse.¹ The essence of the debate focuses on the function of the prologue. Ignoring the wide variety of nuances that have contributed greatly to our understanding of the prologue, one might say that there are essentially three categories under which theories concerning the function of the prologue fall.² 1) The prologue introduces the Gospel by either preparing the readers for what follows or providing a summary of the Gospel's contents, a position exemplified by Von Harnack and E. C. Hoskyns.³ 2) The opening verses provide the means by which the remainder of the Gospel may be interpreted. The "interpretative lens" is either the Gospel's "theological thesis," variously conceived, or some other hint concerning the appropriate filter through which the Gospel may be read. One sample illustration of this position is found in the work of J. A. T. Robinson who maintains that the prologue forces one to read the stories/history that follow as "timeless truths." In essence, the presence of the prologue "places the narrative in its cosmic setting," thus directing the way in which the remainder of the Gospel is to be read and interpreted.⁴ 3) The last position, a catch-all category,

¹For an early treatment of the question see A. Von Harnack, *"Über das Verhältnis des Prologs des vierten Evangeliums zum ganzen Werke,"* *ZTK* 2 (1892): 189-231.

²E. Haenchen also summarises these three categories. *John* Vol 1. (Philadelphia: Fortress Press, 1984), 122.

³Harnack, *"Über das Verhältnis"*; E. C. Hoskyns, *The Fourth Gospel* ed. F. N. Davey, 2d rev. ed. (London: Faber and Faber, 1947). S. Smalley, speaking of 1:1-51 writes, "The first chapter of John as a whole, then, appears to be a microcosm of the Fourth Gospel *in toto*, and to summarise the entire sweep of salvation history with which it is concerned." Smalley maintains that vv. 1-18 are picked up in vv. 19-51 and then repeated throughout the whole Gospel. S. Smalley, *John--Evangelist and Interpreter* (Exeter: Paternoster Press, 1978), 93. Also included in this category would be the work of Mark Stibbe. Stibbe, while not identifying the prologue as presenting a "summary" of the Gospel, does maintain that it prepares the reader for what follows. He asserts that the prologue has three functions 1) Introducing Jesus as the Gospel's enigmatic hero; 2) Introducing the plot; 3) Establishing some of the primary themes of the Gospel. Mark Stibbe, *John* (Sheffield: JSOT Press, 1993), 25-26. For further comments on Jesus as enigmatic hero see Stibbe, *John's Gospel* (London and New York: Routledge, 1994), 12-13.

⁴J.A.T. Robinson, "The Relation of the Prologue to the Gospel of John," *New Testament Studies* 9 (1963): 120-129. Robinson also posits a theory that the prologue was composed and added to the

includes all of those who do not believe the first 18 verses fall within the boundaries of 1 and 2. Generally this category includes those who do not necessarily believe the prologue is really a "prologue," positing instead that it is the mere "beginning" of the Gospel,⁵ or those who believe the prologue may be interpreted on the basis of its own merit (perhaps due to assertions that it had an independent existence). Under this category one might include Ernst Käsemann who believes that neither positions 1 nor 2 do justice to the prologue. Maintaining that the prologue may be understood apart from the Gospel he writes,

...(the) prologue is neither a summary of the Gospel nor a pedagogic introduction for the Hellenistic reader. It must, like the Gospel, itself be theologically understood: It bears witness to the presence of Christ, whose earthly history lies now 1900 years in the past, as the creator of eschatological sonship to God and of the new world.⁶

Gospel by the author at a later date, thereby accounting for the differences in style and tone. At that later date, Robinson maintains the author and community had different concerns from those of the original composition and thus required that the Gospel be read in a new way.

⁵E. Haenchen, "Probleme des johanneischen Prologues," in *Gott und Mensch: Gesammelte Aufsätze* (Tübingen: 1965), 114-143.

⁶Ernst Käsemann, "The Structure and Purpose of the Prologue to John's Gospel," in *New Testament Questions of Today*. The New Testament Library (London: SCM Press, 1969), 165.

In addition to that of Käsemann, another interesting position has been taken by Warren Carter. Carter maintains that the prologue, rather than introducing the Gospel or serving as an interpretative filter, is a symbol expressing "the essential understanding and experience of the community--rejected by the surrounding society, yet unique and special in perceiving the divine act." Warren Carter. "The Prologue and John's Gospel: Function, Symbol and the Definitive Word." *ISNTJ* 39 (1990): 50. The prologue, as symbol, legitimises and interprets the Johannine community's experiences in the same way as does the Gospel as symbol. Carter supports this observation by pointing out that both Gospel and prologue contain the same themes. In sum, Carter believes that the Gospel and prologue, one prose, the other poetic, are different "forms" of the same symbol. Furthermore, he maintains that it is usual for symbols to function in a multiplicity of forms and that the poetic and prose versions of the Johannine community's "cluster of symbols" represents such multiplicity.

Carter's ideas, while intriguing, are not necessarily convincing. First, his use of "symbol" is vague. For instance, is a "narrative" or "poem" really a symbol or is it more appropriately the community's meaning bearing myth? Did the Johannine community understand the prologue and/or Gospel as symbols? Second, even if Gospel and prologue are different versions of the same "cluster of symbols" (p. 35), the question of why the prologue was attached to the Gospel has not been answered. Is it not an exercise in repetition for both the poetic symbol and narrative symbol to be composed by an author as a single unit? (Granted, Carter recognises the repetition but apparently concludes that the sense of repetition is avoided due to the diversity of form.) Is it the case that the "multiplicity of form" occurs in a single literary unit? Are there examples of symbols in multiple form in single literary units of other communities? Third, is it necessarily the case, as Carter asserts, that the variety in the community's symbolic unit indicates the "pain and trauma" of a community holding fast to its special identity? (p. 50) For instance, a citizen of the United States may recognise multiple symbols and forms of his/her identity--the American flag, the Pledge of Allegiance, the song Star Spangled Banner, but that does not necessarily indicate that "pain and trauma" accompany that American's understanding of "being an American." Thus, while Carter is correct in observing that both prologue and Gospel may relate to the Johannine community's struggle for meaning and/or identity, his understanding of the

The discussion concerning the relationship of the prologue to the Gospel, amazingly enough, has generally overlooked one means by which some of the mist surrounding this question might be dissipated: determining whether or not the prologue indeed functions as a prologue by a comparison with prologues and prefaces in the Greco-Roman world. Such a comparison would yield, in the long run, not only information concerning whether or not verses 1-18 reflect the conventions of classical prologue writing, but also an understanding of the role such prologues were designed to assume. For instance, did ancient prologues really seek to provide an interpretative key with which a reader might unlock the appropriate understanding of the remainder of the text? Did they provide a summary of contents? Neither or both? Did they serve some other function? The absence of study in this direction, due perhaps to scholarship's preoccupation with reconstructing an underlying hymn,⁷ has recently been rectified by Elizabeth Harris. In her book, Prologue and Gospel, she undertakes to examine John's opening verses in the light of expectations concerning the prologues of Greek dramas.⁸

Harris begins her task by surveying classical definitions of dramatic prologues, and observing that there was great variety of definition--ranging from Aristotle's concept of "a beginning" to Euanthius' assertion that in a preface anything outside of the story might be said "for the convenience of the poet, the story, or the actor."⁹ Despite this variety, Harris is able to say that the "Greek literary sphere is

relationship between the two is ultimately unsatisfying.

⁷For a table of various reconstructions see R. E. Brown, The Gospel According to John Vol. 1 (Garden City, NY: Doubleday, 1966), 22. A list of additions to Brown's table may be found in J.S. King, "The Prologue to the Fourth Gospel: Some Unsolved Problems," Expository Times 86 (1975): 372. King also lists those scholars who affirm the unity of the prologue (pp. 372-3). The fact that this underlying hymn is often linked to Jewish wisdom traditions (in my opinion, rightly so) presents another reason why scholarship has perhaps not often ventured into comparisons with prologues in the Greco-Roman world. Two recent discussions, among many, of John's prologue and the wisdom tradition are: Ben Witherington III, John's Wisdom (Louisville, KY: John Knox Press, 1995), 49-58 and John Ashton, "The Transformation of Wisdom--A Study of the Prologue of John's Gospel," New Testament Studies 32 (1986): 161-186.

⁸Elizabeth Harris, Prologue and Gospel: The Theology of the Fourth Evangelist, JSNTSS 107 (Sheffield: Sheffield Academic Press, 1994).

⁹Harris. 14-15 and note 3, p. 15.

the only one that furnished instances of a self-contained, concentrated poetic unit acting as an introduction to, and presentiment of, what was to follow; there are no instances of this to be found in Jewish literature."¹⁰ Ultimately Harris apparently "synthesises" the various definitions of dramatic prologue in order to obtain a working description of the openings for ancient religious dramatic productions--a description to be used in her analysis of John 1:1-18. Concerning the prologue form of religious dramas she writes,

In highly compressed statements it announced past events, intimated the present situation and its cosmic proportions, and introduced the main characters, who were about to fulfil the ordained will of God (the gods), other characters being part of the scenery and necessary background to the execution of the events divinely ordained. The prologue, then, set forth cryptically in advance the religious and philosophical truths which were to be unravelled and explicated in the body of the work.¹¹

In line with this definition she proceeds by focusing on the "main characters" introduced by the prologue, characters who are of primary importance in the Gospel: John the Baptist, Moses and Jesus Christ, the latter individual being explicated by means of a detailed analysis of Christological titles. While her text is well argued, it is not completely convincing. For example, John the Baptist does not necessarily appear to be a main, or even key character. Although he is the first to speak and delivers testimony integral to the story, is John's role really greater than that of, say, Peter? John the Baptist steps off the stage after Chapter 3. Peter, at least, remains until the conclusion. Even R. A. Culpepper, who in chapter 5 of his *Anatomy* lists major and minor characters in the Gospel, cites as primary characters Jesus, the Father, and two groups--the Disciples and the Jews. John the Baptist is identified as a minor character while Moses, who does not have a speaking role, is not mentioned

¹⁰Ibid., 15-16. The hymns to wisdom and the opening verses of other Jewish documents, such as Genesis, apparently do not conform with Harris' definitions of "prologue." Raymond Brown comments, "In Jewish and Hellenistic literature the normal opening of a book that recounts a story is either a lapidary summary of contents...or the heading of the first chapter (Mark). Such a poetic opening as the Prologue can be matched only in epistles like 1John and Hebrews" (*The Gospel According to John* Vol. 1, p. 18).

¹¹Harris, 189. See also p. 25 of Harris' monograph.

as a character at all.¹² Harris does not provide a means of reconciling her identification of main characters introduced by the prologue with Culpepper's breakdown of the cast. In addition, one wonders why God, θεός, frequently mentioned in the prologue, is not seized upon by Harris as a main actor in the unfolding of events? Furthermore, do the Christological titles and their usage ultimately make clear one's understanding "...of the protagonist of this cosmic drama, the Word, λόγος, Jesus Christ"? At least for this reader of the Gospel, the cryptic truths of the prologue are not, in any obvious way, decoded by the main text. To some extent the *Logos*, the hypostatic usage of which is not repeated in the body of the Gospel, remains shrouded in mystery.¹³

While Harris' argument regarding the introduction of a cast of characters in a prologue is ultimately unconvincing, a function perhaps of her working description of a religious dramatic prologue, there is merit in her assertion that the Evangelist could be writing with an understanding of Greco-Roman prologue conventions "in the background."¹⁴ As classical definitions for dramatic prologues are, as Harris points out, fluid, thus making a comparative analysis between such prologues and the beginning of the Gospel difficult, recourse to a comparison with another, more concisely defined, type of ancient prologue may provide a more fruitful result. The prologues of formal speeches, which though oral, are extant in written form, were governed by a well defined set of precepts. These precepts were clearly elucidated in the rhetorical handbooks. That one will not have strayed far from Harris' efforts by an analysis of speech prologues rather than dramatic prologues is evidenced by Harris' own observations that "it would seem that rhetoric treated prologues to comedy and tragedy alike on the analogy of the beginnings of speeches."¹⁵

¹²R. A. Culpepper, *Anatomy of the Fourth Gospel* (Philadelphia: Fortress Press, 1983), 101 *et seq.*

¹³Harris herself notes that no consensus of opinion concerning an understanding of the Logos has been reached (198). Stibbe comments, "When it comes to understanding Jesus, the narrator constantly leaves us with logical ellipses or gaps which we, the reader, must try to fill in...As far as Jesus himself is concerned, his abstruseness is indicated by his speech and by his actions" (*John's Gospel*, 30).

¹⁴Harris, 38.

¹⁵*Ibid.*, 14.

Before proceeding to an exposition of the beginning of the Gospel in the light of rhetorical prologues, some presuppositions with regard to those verses must be stated. First, I am in agreement with Harris¹⁶ and C. K. Barrett¹⁷ that the lack of a consensus regarding the possible earlier independent existence of the prologue and the reconstruction thereof, while not necessarily denying such possibilities, does make one regard such theories with scepticism.¹⁸ The very fact that such reconstructions are based, in large part, upon perceived stylistic differences rather than other criteria suggests that the reconstructive enterprise does not have a firm basis. Furthermore, a distinction between poetry and prose in the hymn appears incorrect if one accepts Barrett's assertion that the prologue is not a hymn driven by meter, but a "prose hymn" dominated by content rather than form.¹⁹ In essence, the prologue is constructed "not as a jig-saw puzzle but as one piece of theological writing."²⁰ It is a writing penned by the author of the Gospel. Thus, the presupposition is that the prologue is a unified whole that is not independent from the Gospel.²¹ Indeed, the two are in an intimate relationship, bound by the author's pen and purpose. In any case, rhetorical analysis requires one to look at the final form of the text apart from concerns of source criticism.

A. The Conventions of Speech Prologues

Many modern speeches begin in accordance with accepted conventions. Perhaps the most well known method for beginning a speech is found in the advice given to many an amateur orator: Warm up your audience by starting with a joke.

¹⁶Ibid., 26.

¹⁷C. K. Barrett, "The Prologue of St. John's Gospel," in New Testament Essays (London: SPCK, 1972), 37.

¹⁸A recent example of such a theory is that of Helmut Koester who identifies 1:1-5 and 1:9-13 as a gnostic version of the Sophia myth to which verses 6-8 and 14 are interpolations. Helmut Koester, "The Story of the Johannine Tradition," Sewanee Theological Review 36(1992): esp. p. 24.

¹⁹Barrett, "The Prologue," 39. While maintaining that content is the driving force, I do, however, recognise the rhythmic element of the initial verse. See p. 53 below.

²⁰Ibid., 48.

²¹Despite this claim for unity, various theological terms appear in the prologue but are not repeated in the Gospel. These include: word, fullness, and grace. See Brown, 19.

Ostensibly the joke, if moderately successful and humorous, functions in two ways; it both grabs the attention of the audience, enabling the listeners to relax and participate with their laughter, and establishes the orator as a sharp, clever, and witty individual whose words might merit further attention. The ancients would approve of opening a speech thus for, as Cicero observes, getting an audience to laugh wins good will.²² Non-verbal conventions also abound in oratory. One such non-verbal device is often employed by some ministers prior to the delivery of the sermon. Specifically, this device is the "moment of silent prayer" that immediately precedes the sermon. This silence, although perhaps genuine in its intentions, serves a multitude of functions. It signals a shift into a new portion of the service, the homily or exposition of the word, and allows both the congregation and pastor to prepare for that change. It can also make the pastor appear, either by design or actuality, humble--a frail human who requires time to gather courage prior to launching into a fifteen minute soliloquy. As Quintilian remarks, "confidence often labours under the disadvantage of being regarded as arrogance"--as true today as then.²³ Perhaps above all, that moment of silence lends authority to the sermon as the prayer delivered in those moments is supposedly a request for God/The Holy Spirit to lend inspiration to the words.

The classical orators also observed conventions in the prologue, or *exordium* of a speech. Quintilian describes the purpose of the *exordium* as "to prepare our audience in such a way that they will be disposed to lend a ready ear to the rest of our speech."²⁴ This statement may be applied to written works as well. For instance, in modern ears the phrase "Once upon a time" tells the reader to expect a fairy tale thereby enabling only those interested in such a genre of literature to decide to go on with reading the book. Furthermore, the first few pages of any novel are likely to determine whether a person will persevere in allowing the author to command their

²²Cicero *De Oratore*, Loeb Classical Library, 2.58.236.

²³Quintilian *Institutio Oratoria*. Loeb Classical Library, 4.1.33.

²⁴ Quintilian *Inst. Ort.* 4.1.5.

attention to the end. For Quintilian, speeches grabbed the audience's attention through two avenues; either the subject under consideration was titillating enough to arouse interest in its own right, or the author of the speech was obligated to craft the *exordium* in a way to encourage attentiveness in the audience.

The beginning of a speech, according to Cicero, is of primary importance in an oration. Since it must gain the audience's ear, he advises that it be created after the rest of the speech has been completed in order that it might be "carefully framed" and "suitably expressed."²⁵ Quintilian, in his discussion on *exordia*, emphasises three subjects or tasks upon which the author must concentrate: his/her own character, the attitudes of the judge, and an introduction of key points to be covered in the speech.²⁶ Establishing the person and character of the rhetor, one of the speaker's initial responsibilities, is of great importance as, if the pleader "is believed to be a good man, this consideration will exercise the strongest influence at every point of the case."²⁷ The consequence of having established an *ethos* in which one is not only a good man, but an engaging speaker is that judges "give greater credence to those to whom they find it a pleasure to listen."²⁸ Concerning the question of character, the orator also has the option of praising or maligning the characters of both his client and the opposition in the *exordium*.²⁹ The second task, winning the good will of the judge, may be achieved in a variety of ways. One technique is to praise qualities possessed by the judge that it is hoped that esteemed person will employ to secure a favourable judgement. This is a tactic employed by Paul in the thanksgiving of his letter to the Romans. By acknowledging and subtly complimenting the Romans on the fact that their faith had been proclaimed throughout the world (1.8), he counts upon that staunchness of faith and dedication thereto to predispose the audience to

²⁵Cicero *De Oratore* 2.78.315, 318.

²⁶Quintilian, *Inst. Ort.* 4.1.1 *et seq.*

²⁷*Ibid.*, 4.1.7.

²⁸*Ibid.*, 4.1.12.

²⁹*Ibid.*, 4.1.14.

be susceptible to the corrections he seeks to offer. Quintilian also points out, amongst other techniques, that judges, especially those predisposed against one's self or client, might be calmed, frightened, or even threatened by the speaker.³⁰ The last task of the *exordium*, the introduction of some of the key points the speaker wishes to address in his or her case, is to be brief at best. It behoves the orator to save the most important questions for introduction in the statement of facts. Having set out classical understandings of speech prologues and the elements therein, it is important to note that nowhere is it intimated in either *De Oratore* or *Institutio Oratorum* that a prologue is to provide the lens through which the remainder of the speech may be interpreted.³¹ This simply does not appear to be an understanding of speech prologues recognised by either Cicero or Quintilian.

But how does the Gospel of John stack up against the guidelines set out by the classical orators? May we in fact infer that 1:1-18 is functioning like an *exordium*? In an effort to answer these questions, John's prologue will be analysed with respect to the three elements recommended for inclusion in an ancient rhetorical *exordium*--character, gaining the attention of the judges, and the introduction of key points.

1. Character of the author and questions of authority

Aristotle, a predecessor to Quintilian, stated that a speech must be delivered in a way that renders the speaker worthy of confidence.³² For the ancient rhetoricians this endeavour was of the utmost importance as one's character constituted the "most effective means of proof" in a case.³³ Cicero, who studied Aristotle's works, was a master of establishing his *ethos* or character in ways that would dispose the audience in his own favour not to mention that of his client.³⁴

³⁰Ibid., 4.1.21.

³¹As mentioned on page 36 above, some scholars have viewed the prologue in this light.

³²Aristotle, *Rhetoric* 1.2.4.

³³Ibid.

³⁴May holds that Cicero, born of the equestrian ranks, of necessity became adept at establishing his *ethos*. The Romans believed that one's character remained immutable for the duration of one's life, and

Closely related to the concept of *ethos* was that of *auctoritas*, authority. Indeed, an audience granted authority only to those who possessed *ethos* worthy of respect. Regarding the importance of authority in the Roman world, May states that the Romans' reverence for authority manifested itself in a tendency to "defer to the judgement of a higher *auctor*," be it a *pater familias*, a patron, a magistrate, or the senate.³⁵

An author's *ethos* and authority might be derived from a number of sources. For instance, social status might contribute to one's *ethos*. Thus, a position in the senate, holding the office of consul, belonging to a family that was able to claim a long line of honourable personages, possessing wealth, or having a previously demonstrated ability at public speaking might all contribute to one's reputation and character.³⁶ When the Fourth Gospel is considered, none of these things are divulged about its author nor are they revealed in the person of the narrator.³⁷ The Evangelist simply begins to relate the story he wishes to tell.

With regard to an author or, in the case of speeches, an orator's self characterisation, Quintilian notes that a pleader may be "modest and say little about himself."³⁸ In the case of the prologue of the Fourth Gospel, this would be an understatement as apart from the use of the first person plural in 1:14ff, the author gives no details concerning himself. What remains is an omniscient narrator who speaks as though his authority is not in question. As Margaret Davies observes, the

therefore determined all of one's actions. Character was even believed to remain constant from generation to generation in the same family. James J. May, *Trials of Character: The Eloquence of Ciceronian Ethos* (Chapel Hill and London: University of North Carolina Press, 1988), 6.

³⁵Ibid., 6-7.

³⁶There is a contrast between Roman and Greek rhetoric. For Aristotle, character was formulated in the context of the speech itself and never was based on the pleader's prior reputation. See May, p. 9 and Aristotle *Rhetoric* 1.2.4.

³⁷The status of the Beloved Disciple as a reliable witness and the source of the Gospel will be discussed in chapter 5 of this thesis.

³⁸Quintilian *Inst. Orat.* 4.1.7.

prologue "presumes knowledge of God's eternal existence and of his purpose in creation, and the narrator records events in the story in terms of this insight."³⁹

Given this information, what may be said, on the basis of the prologue, concerning the author's *ethos/auctoritas*? First, one may say that the author appears to have a sound knowledge of the Septuagint. The fact that the author draws upon the Jewish Scriptures is exemplified by the vocabulary he chooses to employ in the commencement of his work. The first two words of the prologue, in particular, are reminiscent of the first words found in the Septuagint version of Genesis--"In the beginning," Ἐν ἀρχῇ. As Michael Edwards remarks, John "travels to the beginning of the scriptures; as writer, he makes contact with the beginning of 'the writings.'"⁴⁰ By calling to mind Genesis, accomplished not only with the words "in the beginning" but also with such key words as God θεός (LXX Gen. 1:1; Jn. 1:1), darkness σκοτία (LXX Gen. 1:3; Jn. 1:5) and light φῶς (LXX Gen. 1:4; Jn. 1:4-5), the author is evoking, what may, at least for a Jewish or Christian audience, be an authoritative source. A second observation concerning the author's *ethos* is that if the original readers knew the author⁴¹ or if the author's personal *ethos* had apparently been established at some time prior to the writing of the Gospel, the issue would not be required to be addressed in the prologue itself. This was a practice with which classical oratory could find no fault. Indeed Cicero does not necessarily include the establishment of one's *ethos* as requisite in an *exordium*.⁴² He assumes, perhaps to a

³⁹Margaret Davies, Rhetoric and Reference in the Fourth Gospel JSNTSS 69 (Sheffield: JSOT Press, 1992), 31.

⁴⁰Michael Edwards, "The World Could Not Contain the Books," in The Bible as Rhetoric. Studies in Biblical Persuasion and Credibility ed. Martin Warner (NY and London: Routledge, 1990), 179. The importance and relationship of the Pentateuch to the Gospel tradition is also found in the beginnings of the synoptic gospels as well. As Edwards notes, the synoptics all employ vocabulary harkening back to Genesis in their opening chapters (pp. 178-179). For example, Mark's gospel begins, Ἀρχὴ τοῦ εὐαγγελίου. Matthew's use of the word ἐγέννησεν in chapter one recalls the γεννηθῆτω of the creation story of Genesis 1, and Luke refers to "those who were with Jesus ἀπ' ἀρχῆς." In none of these other gospels, however, is the connection as blatant as in John whose ἐν ἀρχῇ is an exact reproduction of the Septuagint Gen. 1:1.

⁴¹Perhaps implied by Jn. 21:23-24.

⁴²Cicero mentions only securing the good will of the judge/audience and summarising the speech's contents as constituting an *exordium* (2.74.320 and 2.79.323).

lesser degree than Aristotle, that *ethos* may be asserted throughout the course of the speech as a whole. Even Quintilian, in discussing deliberative oratory, maintains that a formal opening is not required when an orator is known since whoever asks an orator for his opinion is already pre-disposed to him.⁴³ To any other community of readers, however, the prologue must stand on its own. It reveals no details of the author save that he writes with authority; is acquainted with the Septuagint; and apparently believes the assertion he makes in verses 1:14,16 where he uses the first person plural. In any event, the issue of securing a reader's attention, the point at which we have now arrived, is a matter for discussion under the next topic.

2. Obtaining the good will of the judge or audience

Now, various elements might induce an audience to listen attentively to a speech. The speaker, if of high *ethos* and *auctoritas*, may draw in the audience, or the subject itself may be titillating enough to arouse interest. If these two aspects are absent, the orator may be faced with a variety of tasks. For instance, the speaker may be required to disabuse a judge of predispositions toward an opponent. Sometimes, in order to win the goodwill of an audience, the orator might need to employ a variety of devices, such as creating "...the impression that we shall not keep them (the audience) long and intend to stick closely to the point."⁴⁴

Cicero demonstrates his handling of a prejudiced judge in *Pro Publio Quinctio*.⁴⁵ In that oration he assumes the judge, Aquilius, is predisposed to favour the prosecution, a claimant of great influence in Rome. After stressing his client's own humble circumstances, Cicero remarks,

The more numerous these disadvantages are, Aquilius, the greater should be the indulgence with which you and your assessors listen to our words, so that truth, weakened by so many unfavourable conditions, may at last be revived

⁴³Quintilian *Inst. Ort.* 3.8.6.

⁴⁴Quintilian *Inst. Ort.* 4.1.34.

⁴⁵The *exordia* of five other of Cicero's speeches (*Pro Roscio Amerino*, *Pro Cluentio*, *Pro Mureno*, *Pro Caelio* and *Pro Milone*) are examined with respect to obtaining "good will" by Paul Prill. "Cicero in Theory and Practice: The Securing of Good Will in the Exordia of Five Forensic Speeches," *Rhetorica* 4 (1986): 93-109.

by the impartiality of men so eminent. But if you, in your capacity as judge, show that you can afford no protection to loneliness and distress against violence and interest; if, before such a tribunal the cause is weighed in the balance of influence and not in that of truth, then assuredly neither sanctity nor purity any longer exists in the state, nor can the authority and integrity of the judge afford any consolation to a humble citizen. No doubt either truth will prevail before you and your assessors, or, driven by violence and interest from this tribunal, will be unable to find a place wherein to rest.⁴⁶

This statement for the benefit of the judge contains two elements. First there is an appeal to the judge's own *ethos*--his authority and integrity as a judge. Aquilius is reminded that he, by virtue of his office, is to be blind to the accuser's money and power. Second, Cicero includes a bold, but tactful, threat of rioting in the streets should the decision fall against his client. To threaten a judge "with the displeasure of the Roman people," remarks Quintilian, is one of the most popular ways to bring fear to bear upon the judges.⁴⁷

In the case of John's prologue there is a marked difference from *Pro Publico Quinctio*, namely, the prologue contains no explicit address to a judge or judges. John, however, does not ignore the audience, but, in a manner similar to that employed by Cicero in the Catilinian orations, utilises a particular technique for securing the good will of his audience. This technique, which involves eliciting an audience's concern for itself or the common good, is recognised by Quintilian who writes,

But there are certain tricks for acquiring good-will, which though almost universal, are by no means to be neglected...For it keeps the judge's attention on the alert, if he is led to think the case novel, important, scandalous, or likely to set a precedent, still more if he is excited by concern for himself or the commonweal, when his mind must be stirred by hope, fear, admonition entreaty and even by falsehood, if it seems to us that it is likely to advance our case.⁴⁸

Both Cicero, in his orations against Catiline, and John, in his gospel, arouse attention by urging their respective audiences to focus on themselves or the

⁴⁶Cicero *Pro Publico Quinctio*, Loeb Classical Library, 1.4-5.

⁴⁷Quintilian *Inst. Orat.* 4.1.21.

⁴⁸Ibid., 4.1.33.

commonweal. In this technique, the use of the pronoun "we," employed by both authors, serves to involve the audience in the particular discourse. John is marked by "liturgical structure" with the first person plural of 1:14 ("...we have seen his glory...") reflecting what may be regarded as a confession of faith.⁴⁹ Cicero too, at one point in his second speech against Catiline, although expressing strong conviction rather than a confession of faith, dispenses with an address to the judge and resorts to plying the first person plural. By the use of "we" Cicero identifies the State, Senate, the people and himself as one, united in their judgement against Lucius Catiline.⁵⁰ In short, the subtitle of the speech, *Habita ad populum*, delivered before the people, indicates the scope of those who are to act as judges--all who heard the speech. He opens his oration,

At last citizens, we have either cast out of the city or dismissed or said farewell to Lucius Catiline, as he departed blazing with audacity, breathing forth crime... We shall be afraid neither in the Campus Marius nor in the forum, nor in the senate-house, and finally not within the walls of our own homes.⁵¹

Cicero, through the use of the first person plural was encouraging all auditors to become involved in his assertions, to lay claim to them, to allow Cicero to speak on their behalf. Specifically, he was using this device to invite his audience to join with him in condemning Catiline. John's use of the first person plural in 1:14 is a technique that might be said to function in a similar manner. It too may serve to draw in the reader and invite him or her to join with the author in asserting a belief; to participate in the "in group" of the community. Verses 10-13 set up a dichotomy between those who accept the position of the author and those who do not. These verses, concerning the Logos, begin with the assertion that some "did not know him" nor "accept him," while others "received him," "believed in his name" and were

⁴⁹David Deeks, "The Structure of the Fourth Gospel," in The Gospel of John as Literature: An Anthology of Twentieth Century Perspectives, ed. Mark W. G. Stibbe, New Testament Tools and Studies, Vol. 17 (Leiden, NY and Köln: E. J. Brill, 1993), 81.

⁵⁰In the first speech against Catiline before the Senate, Catiline is urged to go into exile without a trial. This advice is taken and Catiline's exile is the occasion for the second speech.

⁵¹Cicero Oratorio in Catilinam Secunda, Loeb Classical Library, 1.1.

rewarded--*i.e.* they were given power to become children of God. An interesting observation is that verse 12, the statement concerning the "reward" for believing, not only serves as a pivot point in the contrast between rejecting the "true light" (his people did not accept him v. 11) and receiving/believing the "true light" (we have seen his glory v. 14) but also as a demarcation between "his own people" (them) in verse 10 and the first person plural (us) of verse 14. In essence, verses 10-14 invite the reader to identify with the author and his community and holds out the promise of reward to titillate his or her self-interest.⁵²

In addition to the use of the first person plural, one might see another technique for gaining the attention of the reader that is employed in John's gospel. It is possible that the reader of the prologue is immediately made aware that the subject to be discussed is important--important enough to employ the first two words of the Septuagint and use the word θεός, God, three times in the first two verses. When one begins by speaking of something as important as the deity, the attention of the audience is likely to be arrested.

Prior to turning to an analysis of the prologue's structure in an effort to determine whether or not it may be understood to provide an outline or summary for the contents of the Gospel, it is appropriate to recapitulate the observations made concerning the prologue's methods for gaining the good will of the audience. While many ancient speeches contained material directly addressed to the judge, such an address was not an obligatory part of a prologue, a fact demonstrated in Cicero's second speech against Lucius Catiline. The attention of the audience, could, however, be aroused through what Quintilian described as a number of tricks, one of which was exciting the auditor by concern for himself or the commonweal. Both

⁵²Although commentators often recognise the confessional tone of the first person plural as confessional and representative of believers throughout the generations, as does Rudolf Bultmann in The Gospel According to John, trans. G. F. Beasley-Murray (Philadelphia: Westminster Press, 1971), p. 70, it is possible to understand the "we" as a reference to "...the Evangelist and other Christians who actually saw Jesus in the days of his earthly life." D. A. Carson, The Gospel According to John (Grand Rapids: Eerdmans, 1991), 128. Also R. Alan Culpepper, Anatomy of the Fourth Gospel (Philadelphia: Fortress Press, 1983), 97-98.

Cicero and possibly John, through the use of the first person plural, evoke a sense of community in their speeches. Cicero, in his second oration regarding Catiline, addresses all listeners assuring them that their personal safety will be restored if they join him in condemning Catiline. John, in his work, encourages the reader to join with him in a communal confession of belief, indicating to his readers that those who believe may be considered to be 'children of God.' In addition, John may also ensure that his readers recognise the importance of his subject by using Ἐν ἀρχῇ and θεός in the initial verses of his text. In essence, John's means of securing the good will of his audience would be acceptable to ancient orators.

3. Laying the Groundwork for the Remainder of the Oration.

The observation may be made that a number of scholars have identified a "climax," "pivot" or "central affirmation" in the opening to John's Gospel. The wide variety of verses to which this honour has been ascribed, however is quite peculiar.⁵³ The three verses most often championed are 12, 14, and 18. A sample survey of a random selection of scholars reveal Harris⁵⁴ and O'Day⁵⁵ extolling verse 18; R. Alan Culpepper,⁵⁶ after constructing an elaborate chiasmus, championing verse 12b; and verse 14 being advocated both by H. Ridderbos⁵⁷ and J. A. T. Robinson.⁵⁸ With regard to speech prologues, Cicero and Quintilian do not speak of a single climax, pivot or central affirmation. Rather, they speak of opening remarks, points, and the introduction of various questions as elements properly within the realm of

⁵³The lack of unity regarding the prologue's "climax" has also been noted by King. He lists these scholars and the verses that they see as the focus of the prologue: Bernard--v.18; Hoskyns--v.17; Schnackenberg--v.14; Marsh--v.14; Morris--v.18; Lindars--vv.14-18; Jeremias--vv.14-18; Barrett--v.13; and R. E. Brown--v.14a. See King, "The Prologue..." p. 373.

⁵⁴Harris, 92.

⁵⁵Gail R. O'Day, *Revelation in the Fourth Gospel* (Philadelphia: Fortress Press, 1986), 33.

⁵⁶R. Alan Culpepper, "The 'Pivot' in John's Prologue," *NTS* 27(1980): 1-31. Chiastic structure is also proposed by M. E. Boismard, *Le Prologue de Saint Jean Lectio Divina 11* (Paris: Les éditions du Cerf, 1953), 106-107. The pivot in Boismard's construction is comprised of vv. 12-13. See also Charles H. Talbert, *Reading John* (London: SPCK, 1992): 66-67.

⁵⁷H. Ridderbos, "The Structure and Scope of the Prologue to the Gospel of John," *Novum Testamentum* 8 (1966): 194 and 196.

⁵⁸Robinson, 123.

"prologue."⁵⁹ While it is conceivable that an orator might introduce a variety of points, one of which is superior to the others, the fact that there are three main claimants for the title "climax" in the Johannine prologue indicates that the author has introduced a number of issues into his prologue, none of which is necessarily dominant.

Quintilian, in his advice concerning how one might "make the judge ready to receive instruction" from an orator, speaks concerning the practice of introducing the main points one intends to cover into an *exordium*. He asserts,

For as regards the length of the *exordium*, it should propound rather than expound, and should not describe how each thing occurred, but simply indicate the points on which the orator proposes to speak.⁶⁰

The opening verses of John's Gospel appear to reflect to this proscription. In a short prologue, the author introduces key concepts and vocabulary, briefly sets out the order of the Gospel's contents and states the main issue with which his narrative will be occupied. An exposition of the major units of the prologue: 1) the opening "hymn" (vv. 1-5); 2) a brief sketch of the Gospel's contents (vv. 6-16); and 3) an *ipsius causae* type "statement of the case" (vv. 16-18) will demonstrate this conformity.

a. The Opening Hymn: Verses. 1-5.

The assertion that verses 1-5 comprise the initial "unit" of the prologue is demonstrable on two fronts. First, in content its cosmic concerns differentiate this group of verses from those which follow. Verses 6-15, by contrast with the initial sentences of the prologue, refer to the world. This "worldly focus" is illustrated by the fact that verses 6-9 centre on the testimony given by a human; verses 10-13 on the light that is in the world; and verse 14 on the Word became flesh. Verse 15, in echoing verses 6-9 serves as an *inclusio*.⁶¹ Second, the fact that verses 1-5 are a

⁵⁹Cicero *De Oratore* 2.78.315; Quintilian *Inst. Ort.* 4.1.23.

⁶⁰Quintilian *Inst. Ort.* 4.1.35.

⁶¹Ridderbos, who also looks for "unity of content" in the prologue agrees that vv. 1-5 are a single unit. He, however, divides the remainder of the prologue into vv. 6-13 and vv. 14-18 (p. 191). He describes

stylistic or theological unit is recognised by most scholars. Verse 6, for those seeking to construct an underlying source, is almost universally recognised as a break from verse 5. This break is often explained on the basis of an editorial interpolation, or to put it baldly, a "rude interruption"⁶² of the underlying source. While C. K. Barrett has demonstrated that verse 6 need not be considered the initial verse of a disruptive prose insertion into a poetic hymn,⁶³ nevertheless, the verse is discordant. It signals a shift from the eternal and general concepts of Word, God, and Light to the recent historical and particular represented by John the Baptist. Verse 6, therefore, indicates the beginning of a new narrative unit.

The unit comprised of verses 1-5, in light of classical understandings of the "introductory" functions of ancient prologues, conforms with classical expectations. In form, these verses employ lofty and majestic language with which they describe their main subject, the Logos. Verse 1 is dominated by a rhythmic construction in which ἦν is the syllabic centre of each phrase. In turn, each phrase is balanced with the others with regard to the number of syllables: short--long--short. The construction may be illustrated:

1	2	3	Centre	3	2	1		
Ἐν	ἀρχῆ	ἦν		ὁ	λόγος	=total 7 syllables		
1	2	3	4	Centre	4	3	2	1
καὶ	ὁ	λόγος	ἦν		πρὸς	τὸν	θεόν	=total 9 syllables
1	2	3	Centre	3	2	1		
καὶ	θεὸς	ἦν		ὁ	λόγος	=total 7 syllables ⁶⁴		

While Quintilian would perhaps shudder at this opening sentence, declaring, "The old rule still holds good that no unusual word, no overbold metaphor, no phrase derived from the lumber-rooms of antiquity or from poetic licence should be

the prologue as "...a closed impressive unity of thought. One is able to speak of an ellipse with two foci (vv. 1 and 14). These two foci are marked by the *logos* concept..." (p. 196).

⁶²Robinson, 122.

⁶³C.K.Barrett, "The Prologue," 39.

⁶⁴Bultmann explains further details of the couplets in this verse and their poetic structure (*John*, 15).

detected in the exordium,"⁶⁵ the author of the Gospel remains oblivious to these strictures. He employs both a "poetic" tone, as exemplified by its balanced syllabic structure, and the phrase Ἐν ἀρχῇ, derived from the lumber-room of the Septuagint. Cicero, however, may not be as offended since he confirms that the opening may "possess some element of ornament and dignity."⁶⁶ Indeed, Cicero himself on occasion began a speech with a poetic flourish, the better to obtain the attention of his audience. For instance, the opening words of *Pro Milone* constitute the resolution of an iambic trimeter that is cited by Quintilian as an example of the use of poetry in orations.⁶⁷

With regard to poetic flourishes in an *exordium* it appears that Cicero's main concern was not whether ornament should or should not be used, but rather whether or not the opening of a speech was appropriate for the following case. "Just as a forecourt or entrance should be properly proportioned to the mansion or temple to which it belongs,"⁶⁸ so too should the prologue conform to the case at hand. J. A. T. Robinson uses a similar metaphor to describe the relationship of the prologue to the Gospel. "It is like a porch to the house, designed and executed by the same architect but in a grander and more elevated style."⁶⁹ A subtle difference, however, exists between Cicero and Robinson. While Robinson is concerned with the "style" of the prologue in relation to the "style" of the Gospel,⁷⁰ Cicero is focusing on the

⁶⁵Quintilian *Inst. Ort.* 4.1.59.

⁶⁶Cicero *De Oratore* 2.79.320.

⁶⁷Quintilian *Inst. Ort.* 9.4.74. Steven Cerutti observes that the first words of the *Pro Milone* are the result of Cicero "...using the dramatic meter to enhance the drama of the exordium, if only for the purpose of getting the attention of his audience." Steven Cerutti, *Cicero's Accretive Style: Rhetorical Strategies in the Exordia of the Judicial Speeches* (Lanham, NY, Oxford: University Press of America, 1996), 113.

⁶⁸Cicero *De Oratore* 2.79.320.

⁶⁹Robinson, 121.

⁷⁰With regard to style, the discourses attributed to the Johannine Jesus may be described as evidencing the "grand" or "lofty" style. See C. Clifton Black, "'The Words That You Gave to Me, I Have Given to Them': The Grandeur of Johannine Rhetoric," in *Exploring the Gospel of John*, ed. A. Culpepper and C. Black (Louisville: Westminster John Knox, 1996), 223. Thus Robinson's comment must not be taken to imply that the Gospel portion is completely without instances of elevated style.

appropriateness of the "style" of the opening to the content of what follows. Cicero goes so far as to assert that in "petty cases" or those not attracting public attention, an opening is not even required because the subject is not worthy of such efforts.⁷¹ Thus, the Evangelist's use of a "lofty" opening does not necessarily imply that, on the basis of style, it is so divergent from the Gospel that it must be dependent upon some underlying source. Rather, the style indicates that the author believed his narrative, the subject of which was an attempt to demonstrate that "Jesus is the Messiah, the son of God" (20:31), was of the utmost importance.⁷² Consequently, it was a subject worthy of a grand introduction. In essence, the very style of the opening serves to introduce the Gospel and alert the reader that what follows is deemed to have value.⁷³

In addition to the lofty style that is maintained until verse 5, if not with a balanced syllabic structure, at least through the use of *stichwörter*, the very words of these verses introduce concepts that occur in the remaining pages of the work. As Robinson notes, it is as if "the themes of the Gospel are played over beforehand, as in the overture to an opera."⁷⁴ For instance, φῶς, light, in 1:4 and 1:5 occurs not only later in the prologue itself (1:7,8,9) but as a self-referential metaphor for Jesus in the "I am" and related statements of 8:12, 9:5, and 12:46. The word is also used in Jesus' teachings 3:19-21,⁷⁵ 11:9-10 and 12:35-36, which, to some extent, have subtle

⁷¹Cicero *De Oratore* 2.79.320.

⁷²C. Black observes that matters pertaining to divinity were "eminently appropriate for grand stylization" and that such style might excite within an audience a response of religious wonderment ("The Words..." p. 223).

⁷³The opening verses of the prologue are an example of *hypsos* style. Thielman identifies three types of literary style that were often connected with religious themes in antiquity: *hypsos* (lofty or sublime expression), *asapheia* (obscurity), and *semnotes* (solemnity). See F. Thielman, "The Style of the Fourth Gospel and Ancient Literary Critical Concepts of Religious Discourse," *Persuasive Artistry JSNTSS* 50 (Sheffield: JSOT Press, 1991), 169-183. See also G. A. Kennedy, *New Testament Interpretation Through Rhetorical Criticism* (London and Chapel Hill: Univ. of North Carolina Press, 1984), 98 and 109.

⁷⁴Robinson, 122. The following correlations are made between verse 1-5 and the Gospel: 1:1=17:5; 1:4=5:26 & 8:12; 1:5=3:19 and 12:35.

⁷⁵I maintain that Jesus' quotation does not end at 3:15, but continues to 3:21. As opposed to serving as an editorial comment, verses 16-21 appear to continue Jesus' teaching begun in verse 11. The *meta tauta* of verse 22 indicates that the prior verses are intended to be placed on Jesus' lips rather than serve as a comment "outside of the story time-line" by the narrator.

self-referential import. Certainly both John the Baptist, who testifies to the light, and Jesus, who speaks of the light that has come into the world (3:19), have paved the way for the association: Jesus/Light. Apart from the prologue, the word φῶς only occurs on the lips of Jesus. Darkness, σκοτία, another term introduced in the prologue and contrasted with "the light" often occurs in these same passages—8:12, 12:35, 12:40, 12:46. Again, it is a word which, in the Gospel, is particular to the vocabulary of the character "Jesus." A third concept, ζωή, life, is also introduced in 1:4 and features in "I am" statements: "I am the bread of life" (6:35, 6:48); "I am the resurrection and the life..."(11:25); and "I am the way, the truth, and the life" (14:6). It also occurs in the teachings of Jesus, (*i.e.* 4:14, 12:50). All in all, the word "life" occurs 34 times in the Gospel as a whole and of those, only thrice is it not spoken by Jesus. These three exceptions are: by the narrator in the prologue 1:4; in the testimony of John 3:36,⁷⁶ and in the verse that functions as a summary/peroration of the Gospel in 20:31.

Thus, verses 1-5 function in an introductory capacity not only by means of their style, which indicates the importance the author attached to the subject, but also by introducing key terms. These key terms are both virtually unique to the vocabulary of Jesus himself in the remainder of the Gospel and are often included in his self-designations.

The key term "light" occurs not only in verses 1-5, but also in the portion of the prologue that follows. While this creates a bridge between these two sections of the prologue, verses 6-15 have their own task in the prologue; they summarise the contents of the Gospel.

b. A Summary of Contents: Verses 6-15.

The idea that there may be a "deliberate correspondence between the structure of the prologue and that of the Gospel"⁷⁷ is not new.⁷⁸ One individual who

⁷⁶I hold that the quote from John the Baptist extends from 3:27 to 3:36 and also that 3:16 is to be attributed to Jesus rather than a narrator.

⁷⁷Robinson, 122.

illustrates this understanding of the prologue is B.T.D. Smith (1912) whose exegesis is cited by Robinson without critical comment.⁷⁹ Smith proposes this structure:

Topic	Prologue	Gospel
Christ as agent of new creation	1:3	1:35-4:42
Christ as life of world	1:4	4:43-6:71
Christ as light of world	1:4ff	7:1-9:41
His own received him not	1:10	10:1-12:50
Became Children of God	1:12	13:1-20:29

This scheme, when used to describe the relationship between the prologue and Gospel, has a multitude of difficulties that are manifest when the document is read as a narrative whole. For instance, why does a description of Christ as the "light of the world" end at 9:41 when there is yet an important self-reference, "I have come as a light into the world" in 12:46? Similarly, Christ as life of the world terminates arbitrarily at 6:71 given the sayings of 11:25 and 14:6. Furthermore, verse 1:12's relationship with 13:1-20:29 is not necessarily obvious to the reader, thereby defeating any summary or correspondence function verse 1:12 might possess in relation to those chapters.⁸⁰

An alternate and simpler relationship between the prologue and Gospel does exist. The connection depends on the following division of verses 6-15: vv. 6-9; vv.

⁷⁸A recent example is found in the work of Murray Ross Wilton who states, "the first 12 chapters of the Gospel are an expansion of verses 6-13 of the prologue." M. R. Wilton, Witness as a Theme in the Fourth Gospel (Ph.D. Dissertation, New Orleans Baptist Theological Seminary, 1992), 82. Eugene Nida maintains that only verses 11-13 "preview" what he terms the two major sections of John. First, verse 11 focuses on the theme of rejection found in Chapters 1-11. Second, the theme of vv. 12-13, his own received him, corresponds to chapters 13-20. The primary difficulty with Nida's scheme is that it does not take into account the complexities of the Gospel. For instance, chapter 18 reflects rejection rather than acceptance and thus might be more aptly summarised by verse 11 rather than vv. 12-13. Nida, "Rhetoric and the Translator with Special Reference to John 1," Bible Translator 33.3 (July, 1992): 328.

⁷⁹Robinson, 122-123.

⁸⁰While not maintaining a strict correspondence between elements of the prologue and Gospel as does Smith, Warren Carter thinks that there are four themes common to both. These are: The origin and destiny of Jesus the Logos; Jesus' role as revealer of God; Responses to the Logos; and The relationship of Jesus to other significant figures (such as John the Baptist). See Carter pp. 37-48. Ignace de la Potterie, after a structural analysis, finds four themes in the prologue that differ slightly from those of both Smith and Carter. These are: The Beginning vv. 1-2, 6-8, 15; The Word, the Light of Man vv. 3-5, 9; The Responses vv. 5b, 10-12, 16; and The Object of Faith--the unique son of the Father vv. 13-14, 17-18. Potterie, however, does not seek to connect this thematic structure of the prologue with the Gospel. "*Structure du Prologue de Saint Jean*," New Testament Studies 30 (1984): 354-381. See especially his chart on p. 358.

10-13; v. 14; v. 15. Verses 6-9 form a unit comprised of the introduction of John the Baptist and a summary of his testimony concerning the light.⁸¹ This segment of the prologue is differentiated from verse 10 in which the light is already present in the world. Thus, verses 7-8 are a vivid expression of John's purpose; verse 9 is the narrator's qualification that John himself was not the light; and verse 10 begins a new thought in which John is no longer in focus. Verses 6-9, then, clearly are centred upon the testifying activity of John, an activity with which the Gospel begins in verse 19. Indeed, Καὶ αὕτη ἐστὶν ἡ μαρτυρία τοῦ Ἰωάννου (1:19) indicates that the business of the Gospel, summarised in 1:6-9, has begun.⁸²

After the introduction of John the Baptist and a summary of his testimony (vv. 6-9), a second idea is set forth in the prologue by the author. It is found in verses 10-13: The light, once in the world, was rejected by "his own" but rewards those who believe in his name. In essence, what is introduced here is a theme of conflict centred on rejection/acceptance of the light. This theme is played out in the narrative in the form of the machinations of "the Jews," as the writer characterises Jesus' opposition, and Jewish officials who do not acknowledge Jesus' identity. The conflict reaches its climax when Jesus' opponents ultimately succeed in obtaining his arrest and death.⁸³ Those who accept Jesus' identity, who can join with the disciples and not ask Jesus "Who are you?" because they know "it is the lord" (21:12), are born

⁸¹Verse 9 is taken to be "the true light, which enlightens every man, was coming into the world" rather than "he was the true light that enlightens everyone coming into the world." The first gives a "predictive force" more in line with John's assertions of verses 15 and 27.

⁸²To what portion of John's testimony verses 6-9 correspond is irrelevant. It is not the task of the reader to determine whether the correlation between 1:6-9 of the prologue and the narrative concludes at 1:36 where John ceases speaking, 1:42 after two of John's disciples follow Jesus, or 3:22-36 which is John's last appearance. 1:6-9 is not intended to account for all that falls in 1:19-3:36. It is a summary statement painted with a broad brush, indicating nothing more about the contents of the Gospel than its starting point: the testimony of John the Baptist. Recalling to mind the words of the ancient orators quoted earlier, the object of an *exordium* is to "propound rather than expound." According to Quintilian, the prologue is the place to "simply indicate the points on which the orator proposes to speak" (*Inst. Orat.* 4.1.35). There is no requirement that the orator provide a programmatic outline with points and sub-points to which the text must slavishly conform.

⁸³There is irony in the fact that the Samaritans, a group estranged from the Jews and therefore not necessarily Jesus' own people, identify Jesus as "Saviour of the World" (4:42). These outsiders accept Jesus while, as the Gospel progresses, his own people will not.

anew (3:1-10) into the kingdom of God, thus obtaining eternal life (6:68-69). In short, verses 10-13 briefly point to those events and conflicts which culminate in the trial of Jesus.

The last major theme of the Gospel to be introduced in the prologue text is found in verse 14. It is the idea that the word became flesh and his glory was seen. This verse, one may maintain, refers to nothing less than the crucifixion.⁸⁴ Only in Jesus'/the Messiah's death is his fleshly mortal existence confirmed. Only at the point of death does the ironic confession "we have seen his glory" have its greatest impact. This is demonstrated by the fact that after the prologue, the narrator does not break into the text until 19:35 where he implicitly identifies himself as an eye witness to the piercing of Jesus' side. The testimony to the piercing is the point at which "we have seen his glory" equals "we have seen his death" (and the sign of blood and water).⁸⁵ Jesus himself indicates a relationship between his death and glorification in the prayer prior to his arrest (chap 17). As Harris observes concerning the relationship between the word "glory" and its verbal counterpart, which occurs in the passion,

Does the 'glory' used here (1:14) of the 'flesh' of the Logos hint at, even prepare for, the frequent use of the verb when there is mention of Jesus' flesh at the point of death? The phrase 'was glorified' in the Fourth Gospel alone among New Testament writings, is frequently synonymous with the death of Jesus, whether it be in respect of the Son of Man or concerning the Son (of God). It seems better, therefore, to include in any understanding of 1:14 the view that within the very word 'glory' in the prologue resides a seminal allusion to the death of the Logos-become-flesh.⁸⁶

⁸⁴Margaret Pamment remarks that the word "glory" (glorification) in the Fourth Gospel points to a specific event in Jesus' life--his crucifixion. There are some instances, however, when *DOXA* is to be equated with "honour" 5:41-47; 7:18; 8:49-59. M. Pamment, "The Meaning of *Doxa* in the Fourth Gospel," *ZNW* 74 (1983): 12 and 13.

⁸⁵For a discussion of alternate interpretations of verses 19: 35-36 see Margaret Davies, *Rhetoric and Reference in the Fourth Gospel*, JSNTSS 69 (Sheffield: Sheffield Academic Press, 1992), 63-64.

⁸⁶Harris, 128. An exception to the assertion that "glory" is associated with the death of Jesus may be found in verse 21:19. In that verse the death by which Peter will "glorify" God is predicted. In both the case of Jesus and of Peter "glory" is associated with death. There is a distinction, though. Jesus' glory rebounds to Jesus himself (1:14, 17:24) and is given by the Father. In the case of Peter, the death stems from following Jesus and results in the glorification of God. C.H. Dodd links the concepts of glory and light as they apply to Jesus and writes, "...the action in which He most fully expressed Himself, namely His self-devotion to death in love for mankind, is the conclusive manifestation of the divine glory. In developing this thought, the Evangelist plays subtly upon the varying meanings of the

The relationship between 'glory' and the cross in this Gospel has been clearly articulated by T. F. Glasson, "The glory of Christ is most marked at the point when with Judas' exit the wheels of the passion story begin to turn."⁸⁷ Before turning to verse 15, however, there is one final caveat regarding the word *doxa* and its possible legal connotations in the Roman world. To describe the trial of Christ and his death in terms of "glory" is to evoke language reminiscent of the five kinds of legal cases listed by Quintilian: *endoxos* honourable; *adoxos* mean; *amphidoxos* doubtful; *paradoxos* extraordinary; and *dysparakolouthentos* obscure.⁸⁸ In essence, *doxa* is part of a patina of legal terminology. Similar legal terminology was already introduced into the prologue by linking John the Baptist with "testifying" (6-7).

Identifying Christ's death as the last of the three "seminal allusions" to the content of the Gospel found in the prologue is supported by the fact that verse 15 returns to John the Baptist. Although verse 15 is often excluded from reconstructions of the "underlying hymn" and seen as a disruption described as Baptist material "quoted in an awkward manner,"⁸⁹ it is integral to the structure of the text. Specifically, verse 15 forms an *inclusio* with 1:6-9 signalling to the reader that the summary of the Gospel's contents is at an end. Also, this verse simultaneously reminds the reader of the way in which the Gospel itself will be starting. Despite its structural importance, verse 15 does indeed seem disruptive.⁹⁰

word δόξα, suggesting that by such a death Christ "honours" God...and gains "honour" Himself; but the "honour" which He gains is no other than the "glory" with which the Father has invested Him..." C. H. Dodd, The Interpretation of the Fourth Gospel (Cambridge: Cambridge University Press, 1953), 207-208.

⁸⁷T. Francis Glasson, Moses in the Fourth Gospel. Studies in Biblical Theology (London: SCM Press, 1963), 73.

⁸⁸Quintilian Inst. Orat. 4.1.40.

⁸⁹C.K. Barrett, "Prologue," 44.

⁹⁰M. D. Hooker believes that verse 15, even though abrupt, is not a mere parenthesis. It serves a function in that it helps "confirm the truth of what has just been said that the light is shining in the darkness and that we have seen the glory of the incarnate Logos." Similarly, verses 6-8 confirm verses 1-5. M. D. Hooker, "John the Baptist and the Johannine Prologue," NTS 16 (1969): 357. In essence the Baptist portions of the prologue serve as witness to the assertions made of the Logos in vv. 1-5 and v. 14. The difficulty with this scheme is twofold. First, verses 10-13 and 16-18 also make assertions concerning Christ which consequently "remain out in the cold" by not being substantiated by Baptist testimony as are 1-5 and 15. Second, if verse 14 does refer to the crucifixion, an event that takes place

This verse is sandwiched between the confession of verse 14 and the statement of 16, both of which employ the first person plural. Although verse 15 may be jarring to a reader, this very disruptiveness is not unnatural for oratory. Since this verse is an *inclusio* it serves as a transition, capping off what has come before and permitting a new thought to follow. If verse 15 functions like the end of the summary position of an *exordium*, then, as Quintilian notes, the disruption is natural. The Orator states,

There is indeed a pedantic and childish affectation in vogue in the schools of marking the transition by some epigram and seeking to win applause by this feat of legerdemain...But what necessity is there for an orator to gloss over his transitions or attempt to deceive the judge, who requires on the contrary to be warned to give his attention to the sequence of the various portions of the speech?⁹¹

The *inclusio* of verse 15, with its discordant tone, does indicate the summary portion of the *exordium* has come to a close and points ahead to the testimony of John in verse 19. The intervening verses, 16-18, although part of the *exordium* are not part of the summary. Rather, they explicate why "testimony" is necessary by indicating the issue which is in question. Thus with verse 15, the author has completed his obligation, as Cicero directs, to prepare the ground for his audience. He has summarised the plot of his Gospel: Beginning (1:6-9); Middle (1:10-13); End/Passion (1:14). Furthermore, in his summary, the Evangelist has focused upon his central character in a way reminiscent of forensic rhetoric's focus upon the main client. Cicero states concerning opening summaries,

points drawn from one's client--by clients I mean the persons concerned with the matter--are considerations showing him to be a man of high character, a gentleman, a victim of misfortune deserving of compassion, and any facts that will tell against a false charge.⁹²

If one were to keep Cicero's comment in mind while reading the Evangelist's summary, one might find the hint of a correlation. John the Baptist's testimony, the

long after John's imprisonment, how is it possible that John confirm that statement? Presumably, John might be able to confirm vv. 1-5 as "one sent from God" but confirmation of this latter event is left to the narrator who confesses "we have seen his glory."

⁹¹Quintilian *Inst. Ort.* 4.1.77-78.

⁹²Cicero *De Oratore* 2.79.321

testimony of an unimpeachable witness sent by God, focuses upon the character of Jesus Christ, the light. Verses 10-13 might arouse compassion for the character--a character who suffers the unfortunate circumstances of being neither recognised nor accepted by his own. In verse 14 the reader sees in Christ's death not a vindication of his opponents, but his glorification, hinting that the crucifixion of Jesus was only a hollow or false victory for those who instigated it.

In essence the observation has been made that verses 6-15 appear to conform to ancient expectations of speech prologues. Not unlike formal prologues, these verses introduce points to be covered in the body of the Gospel and end at an obvious place, the *inclusio* of verse 15. But what, then, is the significance of verses 16-18?

c. Verses 16-18: An Ipsius Causae Statement of the Case?

The final verses of what has been described as the "prologue" to John are troublesome indeed. These verses, which are related to Exodus 33-34,⁹³ contain a significant textual variant and, according to some scholars, have a questionable relationship with the previous verses of the prologue. For instance, Ernst Käsemann counts these verses amongst an epilogue to the Logos hymn, an epilogue beginning at verse 14.⁹⁴ Harris, by contrast, believes 16-18 are a continuation of John's testimony in verse 15.⁹⁵ This last theory, although having precedent amongst the church fathers,⁹⁶ is difficult to defend. Verses 16-18 make use of the first person

⁹³Detailed discussions of the relationship between Ex. 33-34 and John 1:14-18 are numerous. Representative are Craig A. Evans, *Word and Glory: On the Exegetical and Theological Background of John's Prologue*, JSNTSS 89 (Sheffield: JSOT Press, 1993), 79-81; Dennis R. Lindsay, "What is Truth? in the Gospel of John," *Restoration Quarterly* 35.3 (1993): 131-133; and A.T. Hanson, "John 1: 14-18 and Exodus 34," in *The New Testament Interpretation of Scripture* (London: SPCK, 1980), 97-108. Further works focusing on Exodus or Moses typology include Jacob Enz, "The Book of Exodus as a Literary Type for the Gospel of John," *JBL* 76 (1957): 208-215 and T. Francis Glasson, *Moses in the Fourth Gospel*, Studies in Biblical Theology (London: SCM Press, 1963).

⁹⁴Käsemann, "Structure," p. 152. King lists several scholars who regard at least portions of 16 and 17 as an insertion (King, p. 373). See also table in Brown, *John I*, p. 22.

⁹⁵Harris, p.49. The use of the word ὅτι, is recitative according to Harris (p. 35). I maintain that it is epexegetical with the demonstrative that it follows being the οὗτος of verse 16. As a result, I translate the beginning of v. 16 as "So then, out of his superabundance..." On the epexegetical ὅτι see F. Blass, A. Debrunner, *A Greek Grammar of the New Testament*, rev. Funk (Chicago: University of Chicago Press, 1961), Para 394, p. 202.

⁹⁶Harris, 31-34.

plural which is not employed by the Baptist in the remainder of chapter one. The fact that John the Baptist never uses the first person plural in the Gospel provides an argument against regarding vv 16-18 as his continuing testimony. The Baptist is one who is unique, sent by God; one whose testimony in chapter 1:29-34 is explicit and first hand;⁹⁷ one who at the beginning of the Gospel stands alone and points to Jesus (1:29). To include John in a corporate "we" is to reduce his individual significance, to depreciate his function as a prime witness. That John's primary function is to witness is demonstrated by the fact that every other event in John's life, such as his preaching repentance and baptising, is eliminated from the narrative or subordinated to John's act of testifying to Christ.⁹⁸

Rather than serving as part of John's testimony or functioning as an epilogue to the preceding verses, 16-18, which have the Logos as their focus, are integral to the prologue's structure. They are connected with verses 1-15 yet form their own unit of thought. The close relationship between 16-18 with the preceding verses is exemplified by the vocabulary they share with verse 14. The following points of contact may be observed:

πλήρης	(14) = πληρώματος (16)
χάριτος	(14) = χάριν ἀντὶ χάριτος (16) & χάρις(17)
αληθείας	(14) = ἀλήθεια (17)
ἐγένετο	(14) = ἐγένετο (17)
μονογενοῦς	(14) = μονογενῆς (18)
πατρός	(14) = πατρός (18)

The similarities in vocabulary between verse 14 and verses 16-18 raise the question of verse 15 serving as an "interruption" here, much as verses 6-8 are often regarded

⁹⁷J. Daryl Charles, "Will the Court Please Call in the Prime Witness?" *Trinity Journal* 10 n.s. (1989): 72.

⁹⁸David M. Stanley observes that John's primary function is not the baptism of Jesus as in the synoptics. In this Gospel the baptizer is called simply "John" not "John the Baptist." D. Stanley, "John the Witness," *Worship* 32 (1958): 10. See also J. M. Boice, *Witness and Revelation in the Gospel of John* (Grand Rapids: Zondervan, 1970), 81.

as an interruption after verse 5.⁹⁹ In both cases the disruptive use of the Baptist material signals a shift of function in the verses of the prologue. Verse 6 marked the movement from the ornamental passage of vv. 1-5, a passage introducing its subject and the importance with which the Gospel is to be regarded, to the summary of contents in verses 6-14. Similarly, verse 15 informs the reader of the fact that although the verses that follow will be related to the subject at hand, the Logos, their function will no longer be one of "summarising." What is the function they serve? If one were to read the Fourth Gospel in its entirety as an extended trial, verses 16-18 indicate the point of contention concerning Jesus upon which a judgement must be rendered. In these verses one finds a few words analogous to the "statement of the case"¹⁰⁰ in orations.

As one might recall, a speech often included five sections: a prologue, a statement of the case, the proof or *probatio*, a digression and an epilogue. Within the second portion, there are three distinct methods that might be employed. These are the *expositio*, the *ipsius causae*,¹⁰¹ and the *narratio*--the term by which the "statement of the case" became known.¹⁰² The *narratio* and *expositio* have been clearly described by O' Banion,

⁹⁹P. Borgen offers an alternate understanding of the relationship of verses 16-18 to the prologue. He maintains that a unit, comprised of verses 14-18, serves as an expansion of verses 1-2. Verses 1 and 2 are themselves an exposition of Gen. 1:1ff. He observes that scriptural expositions and accompanying interpretative expansions are characteristic of the Targums. The pattern abc/bca as found in the Jerusalem Targum on Gen. 3:24, is similar to that pattern found in John's prologue. If verses 1-5 are an exposition of Gen. 1:1ff, then vv. 6-9=vv. 4-5, vv. 10-13=v. 3, vv. 14-18=vv. 1-2. While Borgen's observations correctly take into account the order of the "catch words" between vv. 1-5 and vv. 6-18 they do not account for subtleties requiring explanation--such as the presence of John the Baptist in vv. 6-9 and 14-18 but not in the centre section of vv. 10-13. P. Borgen, "Observations on the Targumic Character of the Prologue of John," *New Testament Studies* 16 (1970): 288-295.

¹⁰⁰In Cicero, "statement of the case" is also the translation for *Causa Ponatur*. This rhetorical concept, however, is not to be confused with the "statement of the case" that is the second stage of a rhetorical speech. In Cicero, the *Causa Ponatur*, whose more accurate translation is "setting out of the case" is essentially the "partition" of Quintilian, the division of one's argument into headings--an optional task that occurs after the "statement of the case" and prior to the presentation of the proof.

¹⁰¹At times Quintilian employs the word *propositio* to indicate a very brief summary. This was not the full *narratio* with its characterisation and dialogue, nor was it *expositionmen* in which the relevance of facts was emphasised. In essence, *propositio* is used interchangeably with *ipsius causae*.

¹⁰²John. D. O'Banion, "Narration and Argumentation: Quintilian on *Narratio* as the Heart of Rhetorical Thinking," *Rhetorica* 5 (1987): 342-343. On *Narratio* see Quintilian *Inst. Ort.* 4.2.31. On *expositio* see *Inst. Ort.* 4.2.79 ff.

Expositio was the case summarised, reduced to its parts and implication; *narratio* was the case enacted, embodied, the parts brought to life. *Narratio* was the case in narrative form, its meaning implied; *expositio* was the meaning, the narrative de-emphasised.¹⁰³

Verses 16-18 of John's text conform neither to *narratio* nor to the *expositio*. This is due to the fact not only that verses 16-18 are clearly not narrative in form, lacking a story line, plot and dialogue, but also because *narratio* and *expositio* are clearly set apart from the prologue of a speech. Cicero's orations often show a distinct transition between his prologue and his narration of events. Before beginning his *narratio* in the *Pro Sexto Roscio Amerino*, for instance, he ends his exordium and employs this transition,

And that you may more readily understand, gentlemen, that the actual deeds are more outrageous than my description of them, we will put before you the course of events from the beginning; you will then find it easier to appreciate the misfortunes of this completely innocent man, the audacity of his enemies and the deplorable condition of the State.¹⁰⁴

Although not employing such an elaborate transition, an *expositio* was also regarded as a unit of speech separate from an *exordium*. Quintilian asserts the independence of the *expositio* by observing that the *exordium* and the *expositio* are not integrally related. In some instances, an *expositio*, might be omitted altogether from the speech, leaving the prologue to stand on its own.¹⁰⁵ Verses 16-18 are not independent from the preceding verses of John's prologue. They do not contain a transition such as that of Cicero's *Pro Sexto*, and they are too intimately related to the remainder of the prologue to be removed. Indeed, not only do these verses evidence similarities of vocabulary with verse 14, but verse 17 is the only one in this portion of John's text, where Jesus Christ is explicitly mentioned. Without verse 17 the prologue would be ineffective since the reader would not know the identity of the one described as the Logos, the one to whom John the Baptist testifies. Although the *narratio* and the *expositio* versions of a "statement of the case" are independent from

¹⁰³O'Banion, 350.

¹⁰⁴Cicero, *Pro Sexto Roscio Amerino*, Loeb Classical Library, (5.14).

¹⁰⁵Quintilian *Inst. Ort.* 4.2.5 and 4.2.76.

the prologue and thus are not descriptive of verses 16-18, the *ipsius causae*, by contrast may occur within the *exordium* of a speech.

The *ipsius causae* or *propositio*, more accurately translated "the case itself" rather than "statement of the case," is a third concept discussed by Quintilian. He gives the following illustrations of statements that are sufficient for presenting the judge with an understanding of the case at hand:

It may, for instance, suffice to say 'I claim repayment of a certain sum of money which was lent on certain conditions' or 'I claim a legacy in accordance with the terms of the will'...Again it is sometimes sufficient and expedient to summarise a case in one sentence such as "I say Horatius killed his sister." For the judge will understand the whole charge from this simple affirmation....¹⁰⁶

Generally, a short statement concerning the nature of the case at hand, the *ipsius causae*, might occur under any of the following circumstances: where there is no necessity to explain the case; where the facts are already known; when the facts have been set out by the previous speaker; or when it is impossible to deny or substantiate the charge--in cases of sacrilege, for instance.¹⁰⁷ Another unique characteristic of the *ipsius causae/propositio* is that it may be employed by the orator at any juncture within a speech, be it in the *exordium*, proof, or some other place.

With regard to this point Quintilian writes,

Even scholastic rhetoricians occasionally substitute a brief summary (*propositio*) for the full statement of facts (*pro narratione*). For what statement of the case can be made when a wife is accusing a jealous husband of maltreating her, or a father is indicting his son turned Cynic before the censors for indecent behaviour? In both cases the charge can be sufficiently indicated by one word placed in any part of the speech.¹⁰⁸

An *exordium* is a logical place to find a brief statement of the case itself as is apparent in Quintilian's handbook. He chastises those who assume that the judge knows the type of case that is to be presented prior to the utterance of a single syllable. The "bad" habit of not including a comment detailing the *ipsius causae* in

¹⁰⁶Ibid., 4.2.6-7.

¹⁰⁷Ibid., 4.2.1-5.

¹⁰⁸Ibid., 4.2.30.

the *exordium* was fostered by the schools of declamation where the case was set out by the instructor before the students might argue it.¹⁰⁹

In essence then, the statement of the *ipsius causae* might both occur in the *exordium* and be articulated briefly, qualifications that could be fulfilled by the last verses of John's prologue. But one might inquire, would the confessional tone of verse 16, implicit in the first person plural (ἡμεῖς πάντες ἐλάβομεν) be appropriate in a "statement of the case"--a portion of a speech generally concerned with bald facts rather than unsubstantiated belief? Quintilian concedes that in some instances, especially those concerned with religious matters, where the charges can not be substantiated or denied,¹¹⁰ confessions may be entirely appropriate. One may at least say that an assertion involving the use of a first person plural is permissible in a statement of the *ipsius causae*.¹¹¹ Furthermore, "confession" is especially appropriate in cases involving religious matters, such as are present in the Gospel of John. Thus one can conclude that verses 16-18 of John's prologue may be said to parallel rhetorical understandings of the *ipsius causae* in terms of position in the *exordium* and confessional form.¹¹²

To assert that verses 16-18 are similar to a "statement of the case" in the form of an *ipsius causae* is not defensible merely on the grounds that such statements occur in the prologue and may make use of a first person pronoun. Rather, determining whether or not verses 16-18 do indeed reflect similarities with an *ipsius causae* rests in large part on the content of those verses. In those verses, does the

¹⁰⁹Ibid., 4.1.4-5. Quintilian writes, "And it is a mistaken practice which we adopt in the schools of always assuming in our *exordia* that the judge is already acquainted with the case. This arises from the fact that a sketch of the case is always given before actual declamation."

¹¹⁰Quintilian *Inst. Ort.* 4.2.8. Quintilian cites an example in this passage of a confession of guilt. While a "confession of guilt" is not the same as a "confession of belief" as found in John's prologue, one may at least say that the use of a first person plural in this example is common to both.

¹¹¹Quintilian's examples of *ipsius causae*, quoted above from 4.2.6-7, use the first person singular. Any party or parties wishing to make an accusation or a defence might naturally articulate the substance of their claims using a singular or plural first person pronoun as appropriate.

¹¹²Verses 16-18 also conform in terms of length. A *narratio*, for instance, with its attempt at characterisation, plot etc., would be much longer than a few sentences.

author indicate a charge against Jesus or a point of law which will be disputed?

Although not focusing on these particular verses, A. Trites has asserted that the issue being debated in the Gospel of John is the messiahship and divine sonship of Jesus.¹¹³ This assertion will serve as the starting point for an analysis of verses 16-18. The investigation will proceed within the boundaries of two considerations. First, is the issue of messiahship/divine sonship, the thesis articulated in verses 16-18? Second, does the Gospel at large appear to be centrally concerned with the issue of Jesus' divine sonship/messiahship?

With regard to the question of divine sonship/messiahship being manifested in verses 16-18 one may naturally begin with verse 18. Famous for its difficult textual variant in the second clause, this verse is integral to assertions regarding Jesus' divine sonship. Indeed, there are three possible readings of the text: ὁ μονογενὴς υἱὸς θεοῦ, μονογενὴς θεός (ὁ μονογενὴς θεός) and ὁ μονογενής.¹¹⁴ Of these readings, the second, in its anarthrous form, has the strongest manuscript support. Despite these three variants, the word, μονογενής, which may be translated “only son” or “only descendant,”¹¹⁵ when combined with the statement that Jesus Christ is the only one with the ability to “make God known” (ἐξηγήσατο) v.18, does lend credibility to the thesis that the divine sonship/messiahship of Jesus Christ is the issue that the Gospel writer wants the reader to have in the forefront of his or her mind at the close of the prologue (verse 18) and the beginning of the Gospel (verse 19). Thus, by its content and focus, verse 18 passes the first consideration in testing Trites' claim that the issue being debated in the Gospel is the divine sonship of Jesus. In essence, it functions like a statement of the case. The true test for a “statement of

¹¹³A. Trites, *The New Testament Concept of Witness*, Society for New Testament Studies Monograph Series 31 (Cambridge: Cambridge University Press, 1977), 78.

¹¹⁴A detailed discussion of these variants may be found in E. Harris pp. 101-109. See also D. A. Fennema, “John 1:18: God the Only Son,” *New Testament Studies* 31 (1985): 125-135.

¹¹⁵See Fennema p. 126-127 regarding the filial element of μονογενής and a critique of translations that render the word as “sole descendant” or “unique.”

the case,” however, is whether or not the issue raised in it is indeed echoed throughout the remainder of the text.

While the claim that Jesus' divine sonship is the central assertion of the Gospel is dependent upon an analysis of the entirety of the Gospel, an analysis which will occupy the remaining chapters of this thesis, some preliminary remarks may be made. To begin, the question of Jesus' identity is a major motif in John's narrative. From the testimony of John the Baptist, who points to a particular individual as the Lamb of God (1:29ff), to the pointed questions asked by Pilate (18:33); from the ironic conversation with the Samaritan Woman (4:1ff) to the disciples' not needing to inquire about Jesus' identity because it was known (21:12), the identity of Jesus is a primary concern of the Gospel's characters. Even Jesus' "I am" sayings may be included under the auspices of this identity motif. This motif, however, is integrally related to the question of Jesus' divine sonship. Jesus is to be identified as the Christ, the Son of God. A few brief observations must suffice to illustrate this point, the theme being treated in greater detail in subsequent chapters. First, the fact that the Jews were seeking to put Jesus to death because he called God his own Father (5:18), one of a variety of points upon which Jesus and the Jews were in conflict, supports the assertion that the question of Jesus' divine sonship was the factor contributing to his crucifixion.¹¹⁶ Turning over the table of the money changers earned Jesus no censorship in this narrative (3:13-23). Healing on the Sabbath resulted only in persecution (5:16). It is the claim of divine sonship that motivates the Jews to seek Jesus' death (5:18).¹¹⁷ The Jews' disapprobation of Jesus' claim to have a unique

¹¹⁶M. Davies provides an alternate reading of the Gospel text. Rather than emphasising Christ's divinity, she maintains that the Gospel's Christology "refers to Jesus' status as a Jew and as the Jewish messiah..." Specifically, "Jesus, the Son of God, is the human being whose whole life expresses that purpose because he is obedient to God" (*Rhetoric and Reference*, 17). Regarding the metaphor of Israel as God's son, see 77-78. W. F. Lofthouse, by contrast, emphasises the divine relationship between Jesus Christ and the Father in his reading of the Gospel. "Fatherhood and Sonship in the Fourth Gospel," *Expository Times* 43.10 (July, 1931): 442-448.

¹¹⁷S. Pancaro indicates that there are four charges levelled by the Jews against Jesus: 1) Violation of the Sabbath--5:1-8, 9:6-24. 2) Blasphemy--5:17-18; 8:58, 10:24-38. 3) Leading people astray through false teaching-- 7:14-18, 7:45-49, 9:24-34. 4) Acting as an enemy of the Jewish Nation--11:47-53. He asserts, however, that all four of these charges, which are connected with the law, may be reduced to one issue: Jesus is the son of God (19:7). S. Pancaro, *The Law in the Fourth Gospel*. Supplements to

relationship with the Father is also the concern of 10:31-39. Ultimately, it is Jesus' claim to divine sonship that the Jews reluctantly reveal as the central issue underlying their demand for Jesus' death at the hands of Pilate (19:7). The most convincing evidence, however, for supporting the assertion that Jesus' divine sonship is the point of contention and central issue of the Gospel is the author's own statement in verse 20:31--that the Gospel had been written ἵνα πιστεύ(σ)ητε ὅτι Ἰησοῦς ἐστὶν ὁ Χριστὸς ὁ υἱὸς τοῦ θεοῦ. This verse unequivocally indicates that Jesus' divine sonship is the primary issue of the Gospel. Thus, the assertion that vv. 16-18 are in fact recognisable as analogous with an *ipsius causae* "statement of the case" appears reasonable in the light of this brief survey of points from the remainder of the Gospel.¹¹⁸

B. Summary

In this chapter the central question was whether or not one might read John's prologue in the light of the prologue conventions set out in classical rhetoric. The observation was made that classical rhetorical prologues were generally comprised of three primary elements: illuminating the character and authority of the speaker; obtaining the good will of the judge; and providing an introduction to the primary contents of the remainder of the case. To these three it is possible to add a fourth--the inclusion of a brief statement of the case itself, *ipsius causae*. In the first 18 verses of John's Gospel, the Evangelist presents himself both as an individual whose authority is not in question and one who is familiar with the Scriptures. He secures the good will of his audience by employing a first person plural confession of faith, which serves to draw the audience into the account, and by evoking Gen. 1:1. Regarding the introductory function of an *exordium*, the opening hymn, via its use of lofty and majestic language, is a means by which the author indicates that the

Novum Testamentum 42 (Leiden: E. J. Brill, 1975), 7-8.

¹¹⁸John Marsh, while not identifying verse 18 as similar to an *ipsius causae*, does recognise its centrality to the Gospel. He writes, "The closing sentence of the prologue provides a kind of summary statement of the religion and theology which the Christian church, as the community of the Logos, is bound to affirm..." John Marsh, The Gospel of Saint John (London: Penguin Books, 1968), 101.

Gospel's contents are of supreme value and worthy of a grand introduction. He also employed concepts and themes in these verses which are later taken up in other portions of the Gospel. Verses 6-15 continued the introduction of the Gospel by providing a general summary of the narrative's contents. This summary included: the introduction of John the Baptist (beginning of the Gospel) 1:6-9; the conflict between Jesus and the Jews (middle of the Gospel) 1:10-13; the passion (end of the Gospel) 1:14. Verse 15 provided an *inclusio* that indicated that the summary of contents was complete. In addition, verse 15 facilitated the transition to the statement of the case-- vv.14-18. In these final verses of the prologue, the central issue of verse 18, the identity of Jesus as the divine son of God, was identified as functioning similarly to an *ipsius causae* statement of the case. This identification was made not only in terms of the form of vv. 16-18, but also on the grounds that the issue of Jesus Christ's divine sonship is central to the Gospel at large. Thus it may be concluded that John 1:1-18 might be recognised as conforming to the conventions of prologues as set out in the classical rhetorical handbooks.

At the completion of the prologue of a forensic speech, an orator would begin to offer evidence in support of his case. This presentation of the evidence was known as the *probatio*. If the conventions of forensic speeches were being consciously or unconsciously reflected in the Fourth Gospel, then proof in support of the assertion that Jesus Christ is the Logos become flesh, the only Son--*μονογενής*, might be marshalled within the next chapters of the work. Is such evidence presented in the portion of the Gospel known as the public ministry?

CHAPTER 2

The Public Ministry & the *Probatio*

In forensic procedures the essence or heart of the case is the presentation of the evidence and the crafting of arguments designed to move the jury to a position of belief--a position one hopes favours one's client. In this chapter there will be three foci: the categories and types of proof employed by the classical orators; the divergence from traditional classical rhetorical presentation of the proof present in the Fourth Gospel; and an analysis of the specific "evidence" or proof present in the account of Jesus' public ministry as presented by the Evangelist.

A. Classical Rhetoric and the Types of Proof

The portion of a classical speech that followed the *exordium* and statement of the case was the *probatio* (πίστις), proof. In court cases proof was that which was tendered as evidence, both persuasive arguments (artificial proof) and physical evidence that did not require interpretation (inartificial proof).¹ Artificial arguments fit one of three categories. The first is the example or παράδειγμα² which may be further subdivided into comparisons drawn from history (παραβολή) and fables (λόγος). In employing examples, the rhetor seeks to establish a parallel between some aspect of the current case and either an actual event/persona in the past or a piece of fiction, poem, or fable. In the latter case, quotations from well known literature may be employed as well as episodes, poems, etc. created by the author specifically for the occasion. Often these parallels, which may be used either to demonstrate similarity or dissimilarity, may require that an episode or fable be related in full.³

¹Aristotle *The Art of Rhetoric*, Loeb Classical Library, 1.2.2; Quintilian *Institutio Oratorum*, Loeb Classical Library, 5.1.1. The terms "artistic" and "inartistic" are often found as alternate translations for "artificial" (ἐντεχνοί) and "inartificial" (ἀτεχνοί).

²Aristotle *Rhetoric* 2.20.1; Quintilian *Inst. Ort.* 5.11.1ff.

³Quintilian *Inst. Ort.* 5.11.15.

A second category of artificial proof is the reasoned argument, or enthymeme. Related to the syllogism in dialectic, an enthymeme may take the form of a logical proof, πίστις, in which one of the premises has been suppressed. For example, the enthymeme "he was a good pilot for he was never shipwrecked"⁴ may be diagrammed as a three part logical proof as follows.

- A. Good pilots never shipwreck.
- B. He never shipwrecked
- C. Therefore, he is a good pilot.

The suppressed premise in the enthymeme, or the premise assumed but not articulated, was A.⁵ Not all enthymemes, however, must have a suppressed premise. The orator need only present "reasoned arguments" to be making use of enthymemes. Such arguments are generally based on what are labelled topics or commonplaces, categories of various types of arguments. For example, arguments from opposites, consequence, cause/effect, lesser/greater and so on are topics.⁶ In addition to being built on topics, an "apparent" enthymeme may be built by employing a number of methods of false reasoning (logical fallacies).⁷ Enthymemes employing false reasoning, also known as "apparent arguments," are admissible in court cases provided that the fallacious arguments succeed in persuading the judge and escape being spotted by the opponent. Once identified, however, the result is the subsequent demolition of the argument by the opponent. Aristotle regarded enthymemes as the strongest form of artificial proof.⁸ Comparisons and another means of artificial proof, indications or signs, paled in the shade of enthymemes.

The indication or sign has two manifestations. One is termed a τεκμήριον. A τεκμήριον is a statement with regard to a piece of evidence wherein if the

⁴Ibid., 5.10.48.

⁵Maxims, which suppress all premises and merely state the conclusion of a proof, are also considered to be enthymemes.

⁶Aristotle *Rhetoric* 2.23.1-30.

⁷Ibid., 2.24.1-10.

⁸Ibid., 1.1.11.

premises of the statement are accepted, the conclusion is irrefutable. An instance of a sign is this, "a woman has had a child because she has milk."⁹ The logical proof in this illustration might be constructed:

- A. Women produce milk only after having a child
- B. This woman is producing milk.
- C. Therefore, this woman has had a child.

If premise A and premise B are true, the conclusion is irrefutable, and the sign of a lactating mother may be regarded as a τεκμήριον. The other type of σημεῖον (*signum*) is one which does not involve a necessary conclusion. For example, with regard to a case concerning homicide Quintilian notes that bloodstains on a garment are a sign that may indicate that the victim was slain by the defendant. To deduce that the bloodstains indicate murder, however, is not an irrefutable conclusion. After all, the stains may also indicate that the defendant has had a bloody nose.¹⁰

Signs often involve what we today would consider either hard or circumstantial evidence, the objects that are put into plastic bags and labelled "Exhibits A,B,C." They are, in Quintilian's view, analogous to inartificial proofs. The analogy exists because inartificial proofs also often involve the admission of physical objects or written records into the courtroom. Despite the analogy, inartificial proof may be contrasted with artificial since it does not require interpretation. According to Quintilian, inartificial proofs include decisions rendered by previous courts, rumours, witnesses, evidence extracted by torture, oaths, documents, and supernatural evidence (oracles, prophecies and omens).¹¹ The primary difference between a sign, irrefutable or not, and an inartificial proof is that signs are inferential. Signs point to something beyond themselves. By contrast, inartificial proofs are non-inferential. The testimony of a witness is not circumstantial evidence. Rather, the words uttered by the witness are either true or

⁹Ibid., 1.2.18

¹⁰Quintilian *Inst. Orat.* 5.9.9.

¹¹Ibid., 5.1.1-1.7.37.

false, believable or unbelievable. The witness of John the Baptist is the inartificial proof with which the author of the Fourth Gospel commences the arguments most akin to those found in a *probatio*/πίστις. Before turning to an examination of the proof presented in the public ministry portion of the Gospel, however, a few caveats must be offered with regard to John's presentation of proof in narrative form.

B. Proof in Narrative Form: John's Divergence from the Forensic Speech.

In the introduction, several points were made regarding the relationship of narrative and oratory. Recapping and slightly expanding some of those arguments is appropriate given the narrative form of the public ministry portion of the Gospel. A possible objection to seeking points of contact between the rhetorical conventions associated with *probatio* and the account of Jesus' public ministry is that while John's Gospel is a narrative, ancient rhetoric provides no theoretical basis for presenting proof in a narrative form. Continuous narrative, as evidenced in the handbooks, was apparently restricted to the optional, extended statement of the case or "*narratio*." The "proof" section of the rhetorical speech was comprised of the presentation of artificial proof. Hence the label πίστις was applied to this portion of the speech even as *narratio* was the label by which a statement of the case became known. The convention of associating the proof portion of a forensic speech solely with artificial proof severely limited forensic rhetoric. In essence, the introduction of the testimony of witnesses and other inartificial proof became excluded from the materials upon which an orator could draw in crafting his speech. Therefore, inartificial proof was admissible in the court, but introducing it into one's oration was not possible. At best, then, a rhetor could only present half of a case's proof in his speech. Quintilian recognised this limit in forensic oratory and remarked that although inartificial proofs "lie outside of the art of speaking...those who would eliminate this...(form) of proof from their rules of oratory deserve the strongest condemnation."¹² Indeed, once inartificial evidence is presented in a courtroom after

¹²Ibid., 5.1.1-2.

the opening orations have been delivered, the orator may draw upon all his skills in subsequent orations to discredit such evidence. Clearly then, a defence lawyer speaking during his first oration would be at a marked disadvantage if he would be relying primarily on inartificial evidence to support his case. Such is the situation in which the Fourth Evangelist finds himself. The reader of his Gospel comes fresh to the trial of Jesus where the fact under dispute is the claim of Jesus Christ's divine sonship. The evidence including "witnesses," in actuality, begins with the testimony of John, a witness sent from God.¹³ Hence, the author is forced to depart from classical handbook understandings of the *probatio* portion of a speech to enable the presentation of such evidence. John executes this departure from the traditional mode of presenting evidence in an ingenious manner. By presenting his statement of the case to a brief comment analogous to an *ipsius causae* statement in the *exordium*, which is permitted by the handbooks, he is able to reserve "narrative" for the form in which he presents his proof. In employing narrative to express his arguments he is successfully able to introduce inartificial proof into his defence of Christ. His witnesses may "speak" in character as the plot unfolds.

Is John's use of narrative for what may be termed the proof portion of the Gospel a radical divergence from the conventions of oratory? The answer is no on three counts. First, as has already been indicated within the above discussion concerning types of artificial proofs, examples, whether in the form of historical examples or fables, may be recounted at length. This involves, by nature, the use of narration in which there may be a "mini plot" and characterisation.¹⁴ Thus, if as Aristotle asserts, a rhetor may be more fond of examples than enthymemes,¹⁵ his

¹³John Ashton downplays John's witness and asserts that the trial theme of the Fourth Gospel does not begin until chapter 5. Such a position is difficult to defend in light of 5:33-36. In those verses John's testimony from the earlier portions of the Gospel is identified by Jesus as "true." Although human testimony, and therefore inferior to other testimony, John's witness is considered to be part of the case. John Ashton, *Understanding the Fourth Gospel* (Oxford: Clarendon Press, 1991), 228.

¹⁴As an example Aristotle mentions a fable replete with characterisation and plot (Aristotle *Rhetoric* 2.20.5).

¹⁵Aristotle *Rhetoric* 1.2.10.

probatio portion of the speech may contain several narrative units. In essence, narrative form was not the sole prerogative of the "statement of the case" but was at least found in the individual units of which the proof was composed.¹⁶ The Gospel writer's use of one long running narrative rather than a series of narrative units does not necessarily involve a tremendous leap. A second reason indicating that the Fourth Evangelist's presentation of arguments parallel to those present in a *probatio* in a narrative format is not a radical divergence from modes of argument employed in the Greco-Roman world is that he was preceded by others. A clear example, found in the realm of apologetics, is illustrated by Philo's *In Flaccum*. D. M. Hay, in an analysis of *In Flaccum* concludes that that document is an argument in narrative form in which three theses are advanced: Flaccus was guilty of mistreating the Jews; Flaccus' loss of life was divine punishment; Flaccus' death proves "the folly of any persecution of the Jews."¹⁷ Just as the Fourth Evangelist attempts to advance his argument by employing inartificial proof as well as artificial and thus is forced to rely on narrative, so also does Philo. In *In Flaccum* Philo employs the actions of Flaccus that were public knowledge, such as permitting the installation of imperial images in the synagogues, as inartificial proof.¹⁸ Such proof, which would fall under the category of "decisions rendered by previous courts" since Flaccus' decisions and actions had the force of official rulings by virtue of his *imperium*,¹⁹ were otherwise not able to be presented in the *probatio* portion of a forensic speech. Thus, while Hay admits that *In Flaccum* could not, as it stands, serve as an actual courtroom speech, it does exhibit forensic qualities and employs rhetorical conventions.²⁰ Finally, even though narrative in the body, or proof part of a speech was restricted,

¹⁶G. A. Kennedy indicates that *narratio* and *probatio* were at times combined in ancient rhetoric. G.A. Kennedy, *The Art of Rhetoric in the Roman World* (Princeton: Princeton University Press, 1972), 143, 195.

¹⁷D. M. Hay, "What is Proof?--Rhetorical Verification in Philo, Josephus, and Quintilian," *SBL Seminar Papers* 2 (1979): 89.

¹⁸*Ibid.*, 90.

¹⁹Flaccus held the *imperium* as befitted his office as prefect of Alexandria circa 32 C. E.

²⁰Hay, 87.

apart from examples and fables to the *narratio* of a speech in the theory of the handbooks, in actual practice some speeches made extensive use of narrative as proof. For example, J. A. Crook reports that an Egyptian papyrus dated 130 C. E. records a speech that combines *narratio* and *probatio* in its form²¹ and Cicero's *Catilinam III*, a deliberative speech mentioned in the introduction, details attempts to vindicate Cicero's actions in the Catiline conspiracy by presenting an extended narrative of the proceedings against the conspirators. In his narrative, Cicero does not probe the 'arguments' presented for or against the accused, but records the details of testimony given to support the accusation. He also recounts the contents of a number of letters that revealed the guilt of those charged with conspiracy. Cicero, then, employed extended narrative in his speech in order that the populace might be made aware of the inartificial evidence with which he secured a conviction of the conspirators. Thus, while the use of narrative to present inartificial proof was employed by Philo in apologetics, the technique is also rooted in oratory itself as demonstrated by Cicero.

That is not to say that this portion of the Fourth Gospel is a *probatio*. Rather, the assertion will be made that despite presenting his arguments in narrative form, the Evangelist takes pains to cluster the evidence he has to present for Jesus' identity as the divine son of God in this portion of his Gospel. To that extent, this portion of his work functions much the same as the *probatio* of a speech in which the main proof an orator will introduce is presented. Further, the type of arguments the Evangelist musters and the evidence he presents may reflect something of the type of arguments and proof presented in trial situations. As a consequence, the Evangelist's presentation of proof as an extended narrative, while not a usual characteristic of forensic speeches, may evidence points of contact with the types of evidence found in the *Probatio* section of ancient orations. The Gospel writer's use of narrative works to his advantage for he is able to incorporate the presentation of

²¹J. A. Crook, Legal Advocacy in the Roman World (London: Duckworth, 1995), 77.

inartificial proof--proof that was recognised in the courts, but generally excluded from introduction into the oration. These caveats aside, now is the appropriate time to examine the evidence presented by John in his Gospel.

C. Proof in the Public Ministry

Although John employs all four basic types of proof in the public ministry--inartificial, and the three artificial proofs of examples, signs and enthymemes, an analysis of the portion of his work that parallels the *probatio* of speeches logically begins with the type of evidence that he presents at its inception. Thus we shall commence with an analysis of inartificial proof in the form of "witnesses."

1. Inartificial Proof: The Witness Motif and Other Evidence

Amongst those scholars who have focused upon the witness motif in the Gospel of John there is some divergence of opinion concerning what person/objects in the public ministry portion of the Gospel may be identified as "witnesses." For instance, J. D. Charles identifies John the Baptist, the Holy Spirit (who is present in the testimony of the Baptist, 1:29-36), Moses, the Father, the Scriptures, the works of Jesus, and the disciples as witnesses in the public ministry.²² E. Harris, while recognising John the Baptist as a "witness," additionally discusses, from the public ministry, only the works of Jesus and Scripture in her analysis of "witness" in the Fourth Gospel. She thereby omits, apart from the Baptist, all human witnesses.²³ By contrast, J. M. Boice takes care to include human witnesses. His list of those giving testimony includes the Samaritan woman, disciples, and the man born blind. He also adds John the Baptist, Jesus Christ, Jesus' works, the Father and the Scriptures.²⁴

²²J. Daryl Charles, "Will the Court Please Call in the Prime Witness? John 1:29-34 and the 'Witness Motif,'" *Trinity Journal* 10 n.s. (1989): 71 n 2, 74-75.

²³E. Harris, *Prologue and Gospel: The Theology of the Fourth Evangelist*, JSNTSS 107 (Sheffield: Sheffield Academic Press, 1994), 46-47.

²⁴J. M. Boice, *Witness and Revelation in the Gospel of John* (Exeter and Grand Rapids: Paternoster Press and Zondervan, 1970), 27. Boice's 7 categories of witnesses (John the Baptist, Other Human Witnesses, Jesus' Self-Testimony, Jesus' Works, the Testimony of the Father, Scriptures, and the Holy Spirit) under which he organises his chapters are the same categories employed by J. H. Bernard, *St. John*, International Critical Commentary, 30 (Edinburgh: T & T Clark, 1942), xc-xciii.

The two lists of witnesses that are most similar are those of A. T. Lincoln and L. L. Johns/D. B. Miller. In their articles these authors include John the Baptist, Jesus himself, Jesus' works, the Father, Scripture, the Samaritan woman, and the Crowd that witnesses the raising of Lazarus. They differ only to the extent that Johns and Miller assert that the signs too, as "works," are evidence and thus qualify as witnesses.²⁵ Another list of witnesses that focuses upon the signs is that of A. A. Trites. Trites, however, includes not only 7 signs/works of Jesus (commencing with Cana and ending with the raising of Lazarus) as witnesses but also John the Baptist, the First Disciples, Jesus' self testimony, the Samaritan woman, the Father and the Scriptures.²⁶ A last list that is considerably less comprehensive but one that makes no claim to be exhaustive is that of A. E. Harvey. Harvey identifies John the Baptist, the First Disciples, Nathanael, Simon Peter and Jesus himself as witnesses for the defence.²⁷

This wide disparity of opinions as to who or what might serve as a witness in the Fourth Gospel is due to two factors. The first factor is that of "definition." Many of these scholars' working definitions of "witness" vary. For example, E. Harris, who remarks "...it appears that he (the Evangelist) intended the reader to understand by 'witnessing' any activity by and through which the heavenly character and origin of Jesus, his actions and his words, are communicated,"²⁸ has defined witness in such a way as to exclude human testimony. This exclusion is necessitated by the fact that ordinary mortals, with the exception of John the Baptist, can not adequately witness to the divine origin of Christ. Only John, who has been sent by God, Jesus' works and the Scriptures provide evidence. By contrast, some of the seven authors

²⁵A. T. Lincoln, "Trials, Plots and the Narrative of the Fourth Gospel," *JSNT* 56 (1994): 6; L. L. Johns and D. B. Miller, "The Signs as Evidence in the Fourth Gospel: Re-examining the Evidence," *CBO* 56.3 (July 1994): 523.

²⁶A. A. Trites, *The New Testament Concept of Witness*, Society for New Testament Studies Monograph Series 31 (Cambridge: Cambridge University Press, 1977), 78-112.

²⁷Judas is described as a witness for the accusation by Harvey, p. 38. In a later chapter (6), he does speak of the Paraclete as "witness".

²⁸E. Harris, 48.

surveyed, as exemplified by Johns and Miller, place the word "testimony" in the legal sphere where it is used of those offering eyewitness accounts in courtrooms or in "other contexts involving the establishment of facts."²⁹ Thus, as the signs/works are evidence which help to establish faith, they may be classified as "witnesses." A completely different approach to understanding "witness" in the Fourth Gospel is offered by Boice. For Boice, the forensic aspects of the words "testimony" and "witness" drop away to enable the words to connote revelation.³⁰ Thus Boice states, "for John the witness of Jesus is revelation, and the witnesses which cluster about it are expressions by the evangelist of those aspects of revelation which concern the subjective appropriation and objective verification of religious truth."³¹ Boice is consequently able to identify both the First Disciples and the Man Born Blind as witnesses--individuals who are not explicitly connected with the words μαρτυρία / μαρτυρεῖν in the text of the public ministry. This observation regarding the use of the words "witness" and "testify" in the Gospel text leads us to the second factor contributing to the lack of consistency amongst the seven authors under consideration. The factor is this: are the authors identifying witnesses functionally, or because the characters are labelled thus in the text?

There are essentially two ways to approach the question of who/what is a witness in the Gospel of John. On the one hand one may seek to identify witnesses by virtue of their function. For instance, if witnesses report to another what they have seen, heard or experienced, then the Man Born Blind qualifies for the designation.³² On the other hand one may apply the title "witness" only to those persons/objects in the Gospel text that are explicitly associated with the words μαρτυρία and/or μαρτυρεῖν. This latter approach has been consistently employed by A. T. Lincoln

²⁹Johns and Miller, 522 and n.11.

³⁰Boice, 31.

³¹Ibid.

³²Maccini states that the "idea of witness" resides not only in the words 'witness' or 'testify,' "but also in other words and phrases as well as in the events narrated in the larger literary structures." Robert Gordon Maccini, Her Testimony is True: Women as Witnesses According to John, JSNTSS 125 (Sheffield: Sheffield Academic Press, 1996), 55.

and L. L. Johns/D. B. Miller. Johns and Miller only deviate from Lincoln by subsuming or relating the "signs," which are never explicitly labelled as witnesses, to the category of works. The works, though, are identified as bearing testimony. Thus, the application of either a functionalist approach or a text intensive approach explains some of the diversity of opinion concerning what persons/objects in the Public Ministry are witnesses.

Thus far mention has been made of seven authors each of whom have differing lists of characters or elements that might be identified as witnesses in the Gospel. The following graph may provide assistance in recalling the various positions held by the seven authors being considered and pave the way for some observations.

WITNESSES COMMONLY IDENTIFIED IN THE PUBLIC MINISTRY³³

	Charles	Harris	Boice	Lincoln	Ins/Milr	Trites	Harvey
Bptst (1:19-34; 3:25ff)	X	X	X	X	X	X	X
Holy Spirit (3:33)	X						
1st Disciples (1:35ff)	X		X			X	X
Signs					X	X	
Sntn Woman (4:1ff)			X	X	X	X	
Jesus (3:11; 5:31; 8:18)			X	X	X	X	X
Jesus' Works (5:36)	X	X	X	X	X	X	
Father (5:37; 8:18)	X		X	X	X	X	
Scriptures (5:39)	X	X	X	X	X	X	
Moses (5:46)	X						
Man Brn Bld (9:1ff)			X				
Crowd (12:17)				X	X		

The most striking observation that may be made with reference to the data in this graph is that there is only one point upon which all seven authors agree--John the Baptist may be designated as a witness. Next, one may note that there is almost complete consensus in identifying both Jesus' works and the Scriptures as sources of

³³Maccini agrees with Boice but adds other human witnesses such as Jesus' mother and Mary Magdalene. In addition see M. Tenney, "The Meaning of Witness in John," *Bibliotheca Sacra* 132 (July, 1995): 229-241.

testimony. A. E. Harvey alone is reluctant to label the works and Scriptures as witnesses, a reticence understandable given the fact that inanimate objects/events are not generally thought to "give testimony." Rather, such objects or events are present in the courtroom as evidence or proof; not as individuals who actively voice testimony. The distinction between one who bears evidence, or testifies, and something that is evidence is indeed a subtle distinction blurred in Greek by the etymological connection that exists between μαρτυρεῖν (to bear witness), μαρτυρία (a testimony) and μαρτύριον (proof or evidence). Ultimately John never employs μαρτύριον, thereby obscuring the boundaries between hard evidence and those called to the witness stand to give proof. For the purposes of this study, "witnesses" will be defined as animate beings³⁴ who give evidence either in writing (as a proxy for their presence) or orally as in a court. Such a definition accords well with that given by Quintilian.³⁵ All other proof, be it labelled by John as "witnessing" or not, will be discussed under the appropriate categories: documentary inartificial evidence, or the three types of artificial evidence. Thus, we shall now turn to focus on those witnesses in the public ministry specifically identified as such by virtue of the fact that they testify, or are said to have produced testimony by the Evangelist. For convenience, human witnesses will receive first attention.

a. Witnesses Providing Testimony in the Public Ministry

Cicero remarks that there are many arguments and pieces of evidence an orator might think would likely be of use in a case. Many of these, however, do not deserve notice or offer only a small amount of assistance.³⁶ Hence, arguments are to be weighed and those the "least weighty" or those that might damage one's case are to be left out. In comparison with the synoptics, the Fourth Evangelist leaves much out. There is no birth of John the Baptist (Lk 1:57-80); no genealogy of Jesus (Matt

³⁴The phrase "animate beings" is being employed in order to give the definition breadth. This is necessary as the Holy Spirit/Paraclete is identified as a witness in the farewell discourses.

³⁵Quintilian *Inst. Orat.* 5.7.1.

³⁶Cicero *De Oratore*, Loeb Classical Library, 2.76.308.

1:2-17; Lk 3:23-38); no birth of Jesus (Matt 1:18-25, Lk 2:1-7). In this respect, the author of the Fourth Gospel is most akin to Mark which also contains no childhood stories and begins with Jesus' baptism at the hands of John the Baptist.³⁷ Possibly the lack of these childhood stories is no oversight on the part of the Fourth Evangelist. Since John is seeking to establish the divine sonship of Jesus, human genealogies and the like might be downplayed in the case.³⁸

In addition to advising that weaker arguments be cut from an oration, Cicero also censures those who place their weakest points or evidence at the beginning of the *probatio* "...for a case is in a bad way which does not seem to become stronger as soon as it begins... So in arrangement of the speech the strongest point should come first..."³⁹ As far as human witnesses are concerned, the Fourth Evangelist commences the section of his Gospel that functions most closely to the *probatio* portion of forensic speeches with his strongest human witness, John the Baptist. The Baptist, as noted on the above chart is the only individual whom scholars agree may be described as a witness in the Gospel. The phrase "This is the testimony given by John..." (1:19) provides a clear transition from verses 16-18, which function like a statement of the case to the presentation of evidence that follows. The interrogation of the witness may proceed at once as John's impeccable credential, the fact that he had been sent from God, had previously been articulated in 1:6. With the credentials established thus, the Evangelist is free to employ Isaiah 40:3 not as a statement by a narrator needed to bolster John's credibility, as it is used in the synoptics (Lk. 3:4-6; Matt. 3:3-36; Mk. 1:3), but as John's own self-description.⁴⁰ By quoting Isaiah John affirms that he has been sent by God on a mission: to prepare for the Lord. His own

³⁷For a discussion of the relationship between John's Gospel and the Synoptics in twentieth century research see D. Moody Smith, *John Among the Gospels*. Minneapolis: Fortress Press, 1992.

³⁸Joseph is identified as Jesus' father in 1:45, but Nathanael in 1:49 identifies Jesus as the "Son of God." Whether or not Nathanael fully understands that title as it applies to Jesus is irrelevant. The point is that this title has been linked with Jesus of Nazareth in the mind of the reader/audience.

³⁹Cicero *De Oratore* 2.77.313-314.

⁴⁰A. E. Harvey, 27-28.

utterance is therefore consistent with the words introducing him in the prologue. With such consistency, the opposition is offered no point upon which to attack the witness. Both an allusion to the quotation from Isaiah and the articulation of the assertion that he is not the Messiah are present again in 3:28. The interrogation of John is, contrary to the view held by S. Smalley, not a trial.⁴¹ No charges are raised and the questions put to John appear in no way related to the parenthetical remark regarding John's later imprisonment in 3:34. Indeed, in the light of John's own self-testimony in 1:20-27 in response to his interrogation, the reader unfamiliar with the story of the beheading of John at the request of Herod's daughter might find the reference to John's imprisonment jarring. "Surely the Baptist has been framed as he has done nothing to give offence!" is a thought that may cross the reader's mind. The possibility exists that the reader is being prepared to understand that in this particular narrative justice does not always necessarily prevail. If John can be falsely convicted, so too can Jesus Christ. Witnesses are only convicted if they perjure themselves. John's testimony is irrefutable. Hence it is merely to be believed or disbelieved.

The persistent question of "Who are you?" as reiterated on three occasions by the priests and Levites in their interrogation of John, foreshadows the theme of questionable identity that runs throughout the Gospel as a whole. This theme climaxes in Pilate's interrogation of Jesus wherein the question of Jesus' identity is central (18:33, 37; 19:8).

John the Baptist, however, is only the first of five human witnesses in the Fourth Gospel. The other four are divided between two who bear the designation "witness" in the Gospel text and two who merely function as witnesses because they are interrogated by the authorities and provide information concerning their personal encounters with Jesus.⁴²

⁴¹Stephen S. Smalley, "Salvation Proclaimed 8: John 1:29-34," *Expository Times* 93 (1981/82): 324.

⁴²Although C. H. Dodd asserts on page 293 of his *Interpretation of the Fourth Gospel* that the stories of the disciples (1:35-46) "are narrated at this point for the sake of the confirmatory testimony they

With regard to the witness motif, the pericope of the Samaritan Woman in which the first "human witness" after the Baptist is introduced, gives rise to a wide variety of questions. For instance, is the woman truly a witness? If she is a witness, does her character render her witness ineffective or inferior to that of the Samaritans from the city (4:42)? Finally, what place does the woman's testimony occupy in the overall scheme of John's defence of Jesus' identity? The issues we will specifically consider are four: the relation of her gender to her ability to serve as a witness; her *ethos* and the implications her marital situation might have for the efficacy of her testimony; the strategy of employing the witness of a common citizen such as the Samaritan woman at this juncture of the text; and a few comments regarding belief and growth toward an adequate understanding of Jesus' identity as reflected in this pericope.

The issue of whether or not the Samaritan woman is a witness in the trial of Christ is complex. She has not been recognised as filling that role in the works of Charles, Harris or Harvey.⁴³ The reticence on the part of scholars to describe the Samaritan woman as a "witness" may be intrinsically linked with her gender since the testimony of women was deemed inadmissible in the legal procedures of 1st century Judaism.⁴⁴ Several facts, however, point to the conclusion that the Samaritan woman is indeed a witness. For instance, although the choice of a female

afford to the Messiahship of Jesus," I do not list the disciples as witnesses in the public ministry. I take this position on two grounds. First, the disciples' comments identifying Jesus as Messiah contain no information concerning their personal encounters with Jesus. This may be contrasted, for instance, with the testimony given by the Samaritan woman in 4:29. Second, the disciples receive a charge to testify in 15:27, but that testimony is to commence only after Jesus' death and the advent of the Holy Spirit. See pages 174-175 below.

⁴³John Ashton, who maintains that the trial motif does not commence until chapter 5, consequently denies her a witnessing role. *Understanding the Fourth Gospel*. (Oxford: Clarendon Press, 1991), 228. She receives only brief mention in the detailed treatment of the witness motif by Johannes Beutler. *Martyria: Traditionsgeschichtliche Untersuchungen zum Zeugnisthema bei Johannes*. *Frankfurter Theologische Studien Band 10* (Frankfurt am Main: Josef Knecht, 1972), 282.

⁴⁴Beutler notes that forbidding women to testify is a traditional ruling, not explicitly articulated in Scripture (p. 149 n. 186). On the prohibition of women witnesses see also John Breck, "John 21: Appendix, Epilogue or Conclusion?" *St. Vladimir's Theological Quarterly* 36. 1-2 (1992): 31 n.9. Maccini identifies some exceptional instances where women were permitted to testify in Jewish circles. See his discussion pp. 63-97.

witness might be surprising to Jewish readers,⁴⁵ Roman audiences might not regard a testifying woman as abnormal. Women were permitted to testify in Roman courts as stated in the law codes. Justinian's *Digest* reads, "Since the *lex Julia de Adulteriis* prohibits a woman who has been convicted of adultery from testifying, it follows that even women have the right to give evidence in court."⁴⁶

In addition to the fact that women testified in Roman law courts, there are further indications in the text itself for considering the woman by the well to be a witness. First, the woman functions as a witness in these verses. In legal cases a witness, either one who is testifying of his/her own free will or one summoned to the court, possesses knowledge relevant to the case.⁴⁷ This knowledge is shared with the court where it is either believed or disbelieved, accepted as worthy of consideration or dismissed. The evidence, once accepted, assists the jury in making a judgement. Within chapter four, the activities of the Samaritan woman fit this criterion. She possesses knowledge about Jesus, specifically, that he possesses prophetic powers for he has told her everything she has ever done. Further, she shares this knowledge of her own free will with those in the village. As for the Samaritans, the jury that heard her evidence accepted her testimony as true (4:39), they consequently ἐπίστευσαν εἰς αὐτὸν, believed in Jesus. Their belief reflects that they had made a positive judgement concerning the stranger the woman had met at the well.

Ultimately, the most significant evidence for identifying the woman as a witness is the fact that the Evangelist identifies her as a γυναῖκός μαρτυρούσης, a

⁴⁵Indeed, even Jesus' speaking with a woman amazes the disciples (4:27). de Boer observes that in some Rabbinic texts, Jewish men (Rabbis) were to limit conversation with women. M. de Boer, "John 4:27--Women (and Men) in the Gospel and Community of John," in *Women in the Biblical Tradition*, ed. G. J. Brooke (Queenston, Lewiston, Lampeter: The Edwin Mellen Press, 1992), 223-24 and n.38; C. K. Barrett, *The Gospel According to St. John*, 2nd edition. (London: SPCK, 1979), 240.

⁴⁶Justinian *Digest* 22.5.18. Likewise, men who were convicted of adultery were prohibited from testifying, but only in certain types of legal cases (*Digest* 22.5.14). The fact that women *did* testify is evidenced by the passage of later laws which prohibited the testimony of women in select legal situations (*Digest* 1.10.6). Presumably, these later laws would not have been necessary had women not been exercising the right to testify. Maccini notes that the "Acts of Paul and Thecla" is an example of early Christian literature in which a woman is portrayed testifying before governors (p. 75).

⁴⁷Quintilian *Inst. Orat.* 5.7.9. According to Quintilian, some take the position that there is no stronger form of proof than that which rests on human knowledge. 5.7.4.

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⁴⁷Quintilian *Inst. Orat.* 5.7.9. According to Quintilian, some take the position that there is no stronger form of proof than that which rests on human knowledge. 5.7.4.

testifying woman.⁴⁸ This is the first use of a word from the witness word group since the appearance of John the Baptist, the initial witness in the case.

Although the Samaritan woman is to be identified as a witness despite her gender, functions as a witness, and is labelled as a "witness" in the Gospel, the character or *ethos* of a witness influences the extent to which a judge will believe or weight the evidence that is being presented. As Quintilian advises, often a witness may be interrogated about his or her past life

with a view to discovering whether (he/she) can be charged with some disgraceful conduct, or degrading occupation, with friendship with the prosecutor or hostility toward the accused, since in replying to such questions (the witness) may say something which will help our cause or may be convicted of falsehood.⁴⁹

The *ethos* of the Samaritan woman is an important concern in assessing her witness since the reader is made aware that she is of doubtful reputation. Having had five husbands⁵⁰ and living without the sanction of marriage with a sixth man (4:18) does not necessarily speak well for her character.⁵¹ This concern, however, need not damage her testimony.

⁴⁸In such a participial construction the weight is not on her gender, but rather on the act of testifying (de Boer, 216 n.24).

⁴⁹Quintilian *Inst. Orat.* 5.7.30.

⁵⁰Early commentators from the time of Origen often found allegories and symbolism in the 5 husbands. Origen, for instance, linked the number 5 to the five books of Moses, which were the only books held as canonical by the Samaritans. Others, referring to 2 Kings 17, see this number as an allegory for the 5 gods worshipped by the Samaritans. Brown, however, believes that the author did not intend such an allegory (Brown, *John I* p. 171).

⁵¹With regard to the difficulties of her marital status, exegetes have been inclined to treat that point in a variety of ways. One means that is employed in their analysis is to "legalise" her relationship with the sixth man by attempting to add some aspect of official sanction to her affair. For example, C. K. Barrett maintains that the sixth man may legally be her husband by Mosaic law, but not by Christian standards. Such a situation might be possible, for instance, if she had been divorced and remarried (Mark 10:11). See Barrett, *The Gospel According to John*, p. 235. The attempt to legalise her relationship with her current companion is obviously an attempt to rescue the woman's character. Others simply down-play the woman's marital status, emphasising instead other less damaging aspects of her character. For instance, M. Pazdan focuses on the fact that the Samaritan Woman is a model for discipleship and that her insightful conversation with Jesus concerning the history of the well and Samaritan/Jewish relations indicate that she is acting "as a teacher." M. Pazdan, "Nicodemus and the Samaritan Woman: Contrasting Models of Discipleship," *Biblical Theology Bulletin* 17.4 (October, 1987): 146. To identify the woman as a "teacher" in this pericope, however, is to overlook the fact that Jesus attempts to instruct *her* regarding the living water and the appropriate location from which to worship God. In addition, it is to Jesus that the disciples ascribe the title "Rabbi" or teacher upon their return to the well (v.31). By contrast some scholars recognise the woman as an adulteress,

First, with respect to the villagers, the pericope does not state that the woman's marital history was known to them. One reason for making such an assertion is due to the nature of the woman's responses to Jesus in vv. 16-19. When Jesus commands her to call her husband and return to the well,⁵² she responds with the true but artful response, οὐκ ἔχω ἄνδρα. It is a reply that represents a reluctance on the part of the woman to share any details of her history that might be construed as sordid and is designed to keep her personal life private and secret. When Jesus answers by revealing the true particulars of her marital state, she verifies that he has discerned the details of her status correctly and consequently identifies him as a prophet (4:19).⁵³ Presumably, a prophet would possess powers that would enable him to discern her secrets.⁵⁴ If details of her life had been public knowledge in the village, the woman would not necessarily have been surprised that a stranger would be cognisant of her past.⁵⁵ Certainly, Jesus' prophetic insight into her past is

concupine, or loose woman who never should have been speaking with strange men at public wells at mid day. J. Neyrey and T. Brodie are two scholars who fall in this last camp. They offer alternate means for salvaging the witness of the Samaritan woman in spite of her chequered past or overly bold behaviour in public. Neyrey, in an intriguing although not necessarily obvious reading of the text, rationalises the text. He maintains that although the woman's actions occur in public places and involve her speaking with unrelated males in a promiscuous manner, the pericope transforms the public space into a "fictive kinship group" wherein those who believe in Christ are kin. Thus, in actuality the woman is not speaking with strangers in public places, but with potential kin within the private familial space of Christian believers. Thus, the woman's behaviour is not inappropriate. J. Neyrey, "What's Wrong with This Picture? John 4, Cultural Stereotypes of Women, and Public and Private Space," *Biblical Theology Bulletin* 24 (Summer, 1994): 77-91--especially, 88. Brodie's solution is less elaborate. He remarks that as a witness the Samaritan woman's "...credibility should have been non-existent, but her attitude to her negative background was so forthright and healthy that the people knew that she had indeed received a message." T. Brodie, *The Gospel According to John*. (NY and Oxford: Oxford University Press, 1993), 214.

⁵²Prior to this command, the woman's presence at the well has shown remarkable similarities to the betrothal scenes at wells in Gen. 24:10; 29:4-14 and Ex. 2: 15-22. Recent detailed exegetical treatments concerning chapter 4 and the well "type scene" may be found in Paul Duke, *Irony in the Fourth Gospel*. (Atlanta: John Knox Press, 1985), 100-103; Jeffrey Lloyd Staley, *The Print's First Kiss: A Rhetorical Investigation of the Implied Reader in the Fourth Gospel*. SBL Dissertation Series 82 (Atlanta: Scholar's Press, 1988), 98ff.

⁵³Similarly, Haenchen writes, "Whoever asserts that Jesus wishes to lay bare her morals misunderstands the text. In the original form from which the Evangelist took it over, it was designed to show only that Jesus discerned a fate that could not otherwise be divined." E. Haenchen, *John I* (Philadelphia: Fortress Press, 1984), 221.

⁵⁴Charles L'Éplatténier, *L'Évangile de Jean* (Geneve: Labor et Fides, 1993), 99.

⁵⁵Jesus' knowledge of her past is in accordance with 1:47-48 and 2:24-25.

what forms the basis of her testimony (4:29,39) thereby indicating that she found his knowledge to be of great significance and hence a unique demonstration of his gifts. Thus, the weight the woman attaches to Jesus' ability to see her past indicates that her history may not have been common knowledge in the village.

Not only does the woman seek to keep her background secret from Jesus, revealing that she assumes that he would not know her history, she also manages to disguise the essence of Jesus' revelation in her own proclamation to the townspeople. She does not say "He knows I've had five husbands" but rather that Jesus is a man who εἶπέν μοι πάντα ὅσα ἐποίησα, "has told me all the things I have done." This is a testimony that affirms Jesus' prophetic role while not defaming her own character. Thus, on the basis of her testimony, there would be no reason for the Samaritans to question either her virtue or the value of her claim concerning Jesus.⁵⁶ Within the structure of the pericope, then, questions of the woman's marital status do not arise for the villagers and therefore her character does not negatively effect her witness to them. The Samaritans may consequently believe in Jesus on account of her word (4:39) and be motivated by her testimony to abandon their routine activities to meet the stranger at the well.

Likewise, for the readers of the Gospel, the author has employed a variety of devices in order that the woman's testimony might not be discredited because of her marital record. The foremost device is the fact that the reader is able to "listen in" to the conversation between Jesus and the woman. In essence, the reader is a witness to the event that created the witness. That the woman's character may be questionable is known to the reader, but does not discredit the woman's testimony that Jesus had told her all that she had ever done. On the contrary, the reader knows that she is telling the truth and that her witness is valid because the reader has been privy to the woman's moment of revelation. By the time the Samaritan woman issues the

⁵⁶If her history was well known to the Samaritans, they would not have been impressed that one more person, stranger or not, would have been aware of it. Hence, they would not have bestirred themselves to go out to meet this stranger.

invitation to her fellow Samaritans to "come and see" Jesus, the reader has, in effect, already seen Jesus. The phrase "come and see," another device, functions literarily to encourage the reader to take a stance with regard to Jesus' identity--a stance embodied in the question μήτι οὗτός ἐστιν ὁ Χριστός; (is he not the Christ?).⁵⁷ Other aspects of the woman's conversation with Jesus at the well invite the reader to formulate opinions concerning Jesus' identity independent of her testimony. The means for achieving this end is the author's use of irony. For example, the reader, imbued with prior knowledge concerning Jesus' identity garnered from John the Baptist's testimony, the miracle at Cana, and Jesus' dialogue with Nicodemus,⁵⁸ immediately grasps that Jesus is speaking metaphorically when he refers to living water (4:10). The woman, however, does not know with whom she is speaking and takes Jesus' comments about water quite literally. The use of irony draws the reader into the text and enables him/her to participate in the narrative.⁵⁹ Paul Duke identifies the type of irony employed in chapter 4 as "irony of identity." "Irony of identity" occurs when one character or group fails to recognise the true identity of another and consequently reveals this failure through action or dialogue. The audience, by contrast, has awareness of, or constructs the identity of, all parties in the scene.⁶⁰ Irony, as a device, appeals to readers who may feel a sense of accomplishment upon finding meanings other than the literal surface meaning. In

⁵⁷Rudolf Bultmann, The Gospel of John, trans. G. K. Beasley-Murray (Oxford: Basil Blackwell, 1971), 193 n. 3; L'Éplatténier, 104. By contrast, the phrase might be translated by scholars as "this could not be the Christ, could it?" Gail R. O'Day, who apparently prefers the latter translation, asserts that the question is ironic due to the fact that it records only a tentative confession while, presumably, the reader is aware that Jesus *is* the Christ. Gail R. O'Day, Revelation in the Fourth Gospel (Philadelphia: Fortress Press, 1986), 76. See further the discussion in Maccini, 120. Although μή is generally employed in questions where a negative response is expected and οὐ introduces questions in which a positive response is expected, F. Blass, A. Debrunner and R. Funk in their A Greek Grammar of the New Testament (Chicago: University of Chicago Press, 1961), p. 221 observe that the negative expectation of μή is at times modified in the Fourth Gospel. As evidence they cite not only 4:29 but also 4:33 and 21:5. In 7:26 the interrogative question concerning Jesus' identity as Messiah begins with μήποτε and, in the context of 7:25, carries the connotation that perhaps he is.

⁵⁸Staley, 16.

⁵⁹O' Day, 31.

⁶⁰Duke, 100.

addition, it affirms those who already understand the irony.⁶¹ Thus, the story of the woman at the well presents a situation in which the reader, in the early stages of the pericope, is able to identify Jesus as the Christ while the woman is left to grapple with the identity of the mysterious stranger.

As a result of the various techniques employed by the author, the worthiness of the woman's character as it effects the validity of her testimony is a moot point. As far as the audience is concerned, the reader has seen that the woman was a victim of irony and has been urged by the author, *via* various techniques, to formulate a conclusion concerning Jesus' identity independent of her testimony. Likewise, the author has taken pains to craft the pericope, for instance with the careful phrasing of her testimony to the other townsfolk, in order that questions of her character do not occur to the Samaritans as they are not alerted to her shady past. Hence the woman's questionable marital status detracts neither from the reader's understanding of Jesus' identity as garnered from the pericope or the likelihood of the Samaritan's belief in the authenticity of her testimony.

While the woman's character, including both her gender and her possibly questionable sexual morality, does not negate either her position as a witness or her effectiveness in that role, the question remains whether the woman at the well fits into John's overall case for establishing Jesus' identity. Two aspects of the pericope may be examined in reference to this question. The first is the strategy of presenting the Samaritan woman as a witness at all and specifically at this juncture in the case. The second is the thematic focus on adequate "belief" concerning the identity of Christ as it relates to the Gospel's claim that Jesus is the Messiah, the Son of God.

As far as producing the woman as a witness at this point in the legal proceeding, it must be noted that the woman is one of the three human witnesses explicitly identified as such by the author in the public ministry. The other two are, of course, John the Baptist and "the crowd" that witnessed the raising of Lazarus

⁶¹Ibid., 37-39.

(12:17). In comparison with John the Baptist, the woman is a humble character. To follow the testimony of a well known witness such as the Baptist with that of one who is of an obscure background is an acceptable technique for providing the best mix of witnesses in a case. As Quintilian observes, if all of one's witnesses are powerful, one may be accused of "bringing undue influence to bear" upon the jury.⁶² While from the advocate's point of view commending distinguished witnesses to the court is the easier task, witnesses of inconspicuous rank were also called to the stand because they could provide balance and benefit one's case. Indeed, the claim may be made that inconspicuous witnesses, the presence of whom lends an air of simple honesty to a case, are often those who are in a position to know the real facts.⁶³ The contrast between the testimony of John the Baptist and the woman is striking and illustrates this point.⁶⁴ John's testimony is based upon a revelation "about Jesus"--a revelation in the dual form of seeing the Holy Spirit which descended upon Jesus and hearing the voice of God (1:32-34). The woman's testimony, on the other hand, stems from a personal encounter with Jesus.⁶⁵ As a result of her personal conversation with Jesus she offers what is obviously a consistent testimony (4:29) as those in the city are able to repeat it (4:39). In addition to providing a humble foil following the well known Baptist, the woman is in many respects the ideal witness. Quintilian maintains that the ideal witness will be "neither timid, inconsistent nor imprudent."⁶⁶ The woman's testimony meets all of these criteria. She leaves her water jug and approaches the townspeople in a forthright, rather than timid manner; her testimony is consistent enough to enable the townspeople to reiterate it; her

⁶²Quintilian *Inst. Ort.* 5.7.23.

⁶³Ibid., 5.7.24.

⁶⁴Others have noted the persuasive force inherent in contrasting the woman's background with other characters, such as Nicodemus. See Maccini, p. 143 and his footnote 74.

⁶⁵J. C. Hindley remarks that in every case of human witness in John, there is some personal confrontation with Jesus and reaction to him. Hindley does not include John the Baptist amongst the "human witnesses" but follows the categorisation of J. H. Bernard where the witness of the Baptist is in its own category. J. C. Hindley, "Witness in the Fourth Gospel" *Scottish Journal of Theology* 18 (1965): 320 and 332.

⁶⁶Quintilian *Inst. Ort.* 5.7.10.

testimony prudently avoids any direct reference to her marital state or background thus giving any potential opposition no cause to depreciate her testimony by attacking her character.

In the light of the other two explicitly identified human witnesses in the Gospel, the role of the Samaritan woman is most akin to that of the crowd who testified concerning the raising of Lazarus. The crowd, as does the woman, represents witnesses of inconspicuous rank. The inconspicuous nature of these witnesses extends even to their identity for even as the Samaritan woman is not named, neither are any members of the crowd. Further, just as the Samaritan woman has testified to a supernatural act on the part of Jesus, namely, his prophetic knowledge of her past, so too does the crowd certify that it had direct knowledge of a supernatural act or sign of Jesus--the raising of Lazarus. John the Baptist, it may be recalled, had no direct personal knowledge of Jesus' supernatural activities. The only commonality between all three human witnesses is that people leave their everyday tasks to go and see Jesus on the basis of their testimony. John's two disciples who follow Jesus (1:37ff), the Samaritans who leave their tasks in the middle of the day to go hear the stranger at the well (4:30), and the great crowds who hear of Jesus' raising of Lazarus and greet Jesus rather than going about their usual festival activities (12:12ff), attest to the effectiveness of the testimonies of these three witnesses.

In addition to the Samaritan woman providing personal witness from the commoner's point of view and thereby effectively balancing the witness of the influential Baptist, the pericope of the Samaritan woman is integral to the Gospel's main thesis that Jesus is the Messiah, the Son of God. The issue of Jesus' identity is of paramount concern in this passage.⁶⁷ Throughout her dialogue with Jesus, the woman grapples with trying to understand the identity of the one with whom she is speaking. Moving perhaps from inadequate levels of belief in Jesus' identity to

⁶⁷O' Day states that one way of interpreting the chapter is to see it as a "portrait of Jesus' self-revelation" (p. 50).

perhaps stronger levels of belief, she applies a succession of appellatives to Jesus: Jew/Ἰουδαῖος (v. 9); Sir/κύριε (vv. 11 and 15); prophet/προφήτης (v. 19) and ultimately χριστός, Christ or Messiah (v. 29).⁶⁸ The title "Jew," as contrasted with her own self description as a "Samaritan woman" (v. 9), shows that the woman has identified Jesus as "the other"—one who is not part of her community and, in fact, is one of those with whom her community is at odds in the realm of religion. Despite the differences in their ethnicity, Jesus persists in continuing the conversation and she gamely enters into the dialogue with a question of her own (v. 11). At this point in the conversation, however, she is able to call Jesus κύριε. The word κύριε has only appeared in the Gospel once prior to the woman's conversation. Specifically, it occurred in the context of the first witness, John the Baptist and his quote of Isaiah 40:3 (1:23).⁶⁹ Here in chapter 4, though, there is some irony in the woman's designation of Jesus as κύριε as she is not employing the term with the exalted meaning of John's proclamation. Rather, she is using κύριε to mean "sir," a common expression of respect. Not until Jesus reveals his omniscience of the woman's past does she upgrade her understanding of Jesus' identity and recognise him as a religious figure, a prophet (v. 19).⁷⁰

The title "prophet" as a stepping stone in a person's developing belief in Jesus also occurs in the story of the Man Born Blind in chapter 9. The blind man, like the woman, attaches the title "prophet" to Jesus in response to an action of Jesus, specifically, the healing of his sight (9:17).⁷¹ This ascription, though, changes when

⁶⁸L'Éplatténier accepts the possibility that "one greater than Jacob" (v. 12) may be included in the list of titles (p. 108). This phrase, however, does not in actuality represent a designation in the woman's ascription of titles to Jesus. First, the woman phrases the clause interrogatively and with a fair amount of incredulity. How could the stranger possibly be greater than Jacob? Second, she misunderstands Jesus' explanation of the living water and requests him as κύριε, Sir, to provide her with the living water so she need not draw from the well (v. 15). The title "Sir" in 15 reveals no broader understanding of Jesus' identity than was present in verse 11 when she identified him with that same title. On verse 4:30 see note 57 above.

⁶⁹There is a possible occurrence of "Lord" in 4:1 but that text is text-critically uncertain. Although there is a considerable degree of doubt, Ἰησοῦς is the preferred reading in that passage.

⁷⁰The Samaritan expectation may have been of a prophet like Moses (Maccini, 120 and n.6). See Glasson, Moses in the Fourth Gospel for more information regarding Moses typology in this Gospel.

⁷¹Pancaro observes that the blind man employs the term "prophet" to indicate Jesus is a "man of God, not a sinner." There is no allusion, as in 6:14, to the Mosaic prophet or the prophet Messiah. S.

the blind man, like the Samaritan woman, progresses in his belief and understanding of Jesus.⁷² Indeed, upon his second encounter with Jesus, he professes belief and worships him (9:38) as "Lord," the "Son of Man."⁷³ The blind man's second encounter with his healer is crafted in a way that is remarkably similar to that of Jesus' self revelation in 4:25-26. In both pericopes, after a discussion regarding the title of one who is of religious significance, Jesus reveals that he is the person to whom the title applies. In the case of the Samaritan woman the title is Christ/Messiah (4:25-26) while in chapter 9 it is the "Son of Man" (9:37).⁷⁴ Jesus' claim about his identity forms the climax of both texts. It is a revelation that calls for a response. There is opportunity for an immediate reaction to Jesus' self-identification, however, only in chapter 9. The blind man worships (προσεκύνησεν)⁷⁵ the Son of Man thereby according divine status to the one who had accomplished the healing act by the human act of spitting on the ground.⁷⁶ In the case of the Samaritan woman, by contrast, the climactic self-revelation of Jesus, which has followed upon a discussion concerning the worship (προσεκύνησαν) of God (4:20-24), is interrupted by the return of the disciples who are concerned with mundane matters: the fact that Jesus was speaking with a woman (4:27) and that Jesus should eat (4:31). Even their title for Jesus, 'Ραββί, is an ironically unworthy designation for Jesus in this pericope and its use stresses the discordance between the disciples' return to the scene and the revelatory moment that they had interrupted.⁷⁷

Pancaro, The Law in the Fourth Gospel, Nov. T. Sup. 42 (Leiden: Brill, 1975), 24.

⁷²Duke, 120.

⁷³Culpepper adds the designation "from God" in 9:33 to the titles ascribed to Jesus by the blind man in his progression of belief (Anatomy, 140).

⁷⁴Both employ the participial construction ὁ λαλῶν plus a form of "you" accompanied by a copulative.

⁷⁵The word προσεκύνησεν may mean "bow down before" to the extent that it is used in the LXX as an action before kings and important individuals (2 Chron. 24: 17). The term is also used in the LXX as an action accompanying worship of God (1 Chron. 16:29) and in the prohibition of worship of foreign Gods (Ex. 20:5). As the term is used in John 4:31 in the context of "worship of God," that is the connotation I assert is involved with its use in chapter 9.

⁷⁶Bultmann maintains that the word "worship" in this instance denotes reverence paid to the Son of Man as a divine figure/God rather than the type of homage accorded to a man or even a miracle worker (John, p. 339 n.3).

⁷⁷The title "Rabbi" is applied to John the Baptist in 3:26.

Would it have been possible for the woman to recognise Jesus as divine had it not been for the untimely arrival of his food-bearing disciples? In any case the woman appropriately responds following the interruption not by worshipping, but by serving as a witness and sharing her experience with others vv. 28-29, leaving her water jug behind. Those to whom she recounts her message are able to come to initial belief in Jesus on the strength of her testimony. Eventually, though, they too evidence growth in their belief, developing to the point where they identify Jesus as Saviour of the World. Thus, within the entirety of John's Gospel and the author's attempt to assert Jesus' messiahship/divine sonship, this particular pericope and witness serve to provide evidence of Jesus' miraculous knowledge as well as a clue that Jesus' true identity exceeds those titles assigned to him,

Before turning to other types of evidence and witnesses that John describes as giving testimony, it is appropriate to discuss briefly two additional mortal characters who sometimes may be regarded as witnesses because they appear to function as such: the Man Born Blind, whose encounter with Jesus we have already seen bears resemblance to the pericope of the Samaritan woman, and the "lame" or "impotent" man in chapter 5. Both of these individuals, however, have much in common as they are intended to serve not as witnesses for Jesus, but for the opposition. John's use of a narrative format rather than the traditional form of argumentation present in oratory has enabled him not only to present witnesses ostensibly called for Jesus' defence, but also may indicate the nature of the case constructed by Jesus' opponents.

The Man Born Blind has been identified by Boice as a character who functions as a witness for Jesus within the Gospel. The pericope, which extends from 9:1-41, is comprised of a variety of scenes, some of which are in the context of a legal interrogation.⁷⁸ After the man is healed by Jesus, his neighbours and those who knew him when he was a beggar were incredulous concerning the restoration of his sight. They brought him to the Pharisees for interrogation (v. 13). Although

⁷⁸Culpepper and others have outlined seven scenes in this pericope. See *Anatomy*, 73 n. 27 and 139 n. 79.

Duke maintains that the man was put on trial, found guilty and condemned to exile,⁷⁹ the formerly blind man was not on trial *per se*, as he himself was facing no charges. The fact that the Pharisees drove him out in verse 34 is, as will be demonstrated, the culmination of their fumbled attempts at examining the witness.⁸⁰ Rather than trying the blind man, since the healing had occurred on the Sabbath, the Pharisees were employing him as a witness against Jesus. They were attempting to ascertain whether or not "work" in the form of the healing had been done by Jesus (v.14) on the Sabbath or if any charges might be levied against the healer on the basis of the blind man's statements.⁸¹ In essence then, the healed man was not intended as a witness for establishing Jesus' identity in the plot of the Gospel and the trial motif, but rather was put on the stand as a "star witness" for the Pharisees.⁸² The fact that the man ultimately produces evidence that assists Jesus contributes to the irony of the pericope.⁸³ The initial question put to the healed man by counsel, *i.e.* the authorities conducting the examination, was a query concerning how the healing had occurred. The response given by the witness was the concise account that Jesus put mud on the man's eyes, the man washed, and then was able to see.⁸⁴ The difficulty with such a testimony, however, was that it did not necessarily damage Jesus. As the Pharisees themselves recognised, although the healing occurred on the Sabbath, the miraculous nature of the healing was one of the signs, σημεῖα (v. 16) that could be used by the opposition to affirm Jesus' identity and cause belief in Jesus' messiahship amongst some of the people.⁸⁵ As far as the efficacy of the witness for their case, the Pharisees are at this point divided, with some claiming that Jesus' healing on the

⁷⁹Duke, 126.

⁸⁰The expulsion is foreshadowed in 9:23.

⁸¹In the synoptics no explicit charge that Jesus is breaking the Sabbath is levied after the Sabbath healings. The Pharisees simply seek to destroy Jesus after such healings. "John purposefully accentuates the condemnatory attitude the Pharisees assume towards Sabbath work," (Pancaro, p. 46).

⁸²Duke, 126 and Pancaro, 19; *Contra* Boice, 137.

⁸³Duke, 118ff.

⁸⁴The kneading of mud was one of thirty nine works forbidden on the Sabbath (Pancaro, 19).

⁸⁵Compare 7:31.

Sabbath marked him as a sinner while others questioned how it was possible for a sinner to do signs. This interchange between the Pharisees occurs as an "aside" within the investigation and marks a call for decision.⁸⁶ Do they continue interrogating the witness, perhaps hoping evidence would be presented that would enable them to discredit Jesus, or dismiss the formerly blind man? They choose to ask the man born blind how he would identify Jesus, perhaps hoping he would claim that Jesus was a sinner for breaking the Sabbath. Instead of taking the position that Jesus was either a sinner or not a sinner, the man labelled Jesus as a "prophet" (9:17). "Prophet" is a new title he applies to Jesus, having before merely referred to Jesus as "man" (v. 11). At this point in the interrogation, the scene turns farcical as the Pharisees attempt to discredit their own witness for they had failed, as Quintilian puts it, to dismiss the healed man while there was still some advantage for their case.⁸⁷ Their attempt to deprive the man born blind of credibility began with their idea to accuse the witness of falsehood. Their claim, however, that the man had not been born blind, v. 18, was met with failure as the man's parents, who appear as character witnesses for their son, affirm that he had indeed been born sightless even though they assert that they do not know the details of the healing. For those details, they refer the counsel back to the formerly blind man who would speak for himself (9:21). Thus, with what must have been obvious reluctance, the Pharisees were forced to call the man who had been born blind to the witness stand for a second time. During this second interrogation of the witness they try three methods either to gain a favourable testimony or discredit him as a witness. First, they recommence the interrogation with an ascription of glory to God and a subsequent attempt to lead the witness by claiming that it was already known that Jesus was a sinner (v. 24). Quintilian affirms that by beginning an examination with comments of an apparently irrelevant and innocent character and subsequently leading the witness, it

⁸⁶For the definition of an "aside" see Tom Thatcher, "A New Look at Asides in the Fourth Gospel," *Bibliotheca Sacra* 151 (Oct.-Dec., 1994): 430.

⁸⁷Quintilian *Inst. Orat.* 5.7.21.

is "possible to extort useful admission from them (the witnesses) against their will."⁸⁸ Even though the questioners were employing an acceptable courtroom technique in their question to the formerly blind man, he sees through their ruse and denies knowledge that Jesus is a sinner. Rather, he claims, the only knowledge he possesses is that Jesus restored his sight. The counsel for the accusation then employs a second tactic--they ask the healed man again about the method with which his sight had been recovered as "fortune sometimes is so kind that a witness gives an answer involving some inconsistency"⁸⁹ and thus may be discredited. Alas, fortune does not smile on the authorities as the blind man denies knowing whether Jesus is a sinner and reiterates that he has been healed without contradiction (9:25).⁹⁰ This time, though, he asks whether his questioners are seeking to become one of Jesus' disciples. Finally, the examiners attempt one last ploy to discredit the witness. They seek to accuse the healed man of partiality for Jesus on the grounds that he is a disciple of Jesus while they themselves are "disciples of Moses" and do not know the origin of Jesus (9:28). To this outburst the healed man responds by articulating what he assumes to be the logical answer--that Jesus must come from God and not be a sinner or the healing would not have taken place, a sentiment that some of the Pharisees themselves articulated in their aside of verse 16. This comment by the formerly blind man is an example of what Quintilian would label as "a smart repartee" on the part of the witness that has the potential of winning "marked favour" from an audience.⁹¹ At this point the farce is over. The accusation's star witness has actually assisted Jesus' case rather than harming it. Jesus has been unequivocally identified as a healer who is not a sinner and thus has the favour of/comes from God. The authorities chase the witness from the witness stand with a desperate *argumentum ad hominem* ploy-- that the blind man had no right to "teach" the

⁸⁸Ibid., 5.7.27.

⁸⁹Ibid., 5.7.29.

⁹⁰Bultmann, by contrast, asserts that the search for inconsistency was not as much to discredit the witness as an attempt to find fresh testimony that might count against Jesus (John, p. 336).

⁹¹Quintilian *Inst. Orat.* 5.7.31.

Pharisees (or to give evidence, which is implied) because he had been born blind and thus was a sinner (9:34). It is a statement that forms an *inclusio* with 9:1-3 where Jesus seems to assert that the man's blindness is not a result of sinfulness.

The story of the man who had remained by the pool of Bethesda for 38 years (5:1-18) is not only a foil for the man born blind,⁹² but also, to some extent, presents the impotent man as a more obliging assistant for the Jews as they formulate their case against Jesus. At first glance this man's evidence simply appears insubstantial. Specifically, his testimony would be attacked on grounds of inconsistency. He first rightly claims that he does not know who it was who healed him and commanded him to take up his mat,⁹³ but then, after being dismissed from the stand and meeting Jesus a second time, he runs back to the Jews to identify Jesus as the one who had made him well (5:15).⁹⁴ Despite the fact that the healed man's testimony regarding Jesus appears inconsistent, the Jews eagerly proceed to persecute Jesus (5:16).⁹⁵ Does the testimony of the man found by the pool damage the case John is presenting for Jesus? No, it does not since the miraculous healing, the occurrence of which is not questioned, still attests to Jesus' abilities and to some extent overshadows the "Sabbath violation" (v. 17).⁹⁶

⁹²For a detailed outline of the parallels between these two pericopes see Culpepper, *Anatomy* p. 139-40.

⁹³Pancaro states that the command to take up the mat is illicit. Thus, by uttering it Jesus has broken the law since commanding something unlawfully was punishable by death (p. 15 & n. 29).

⁹⁴As the man was in the temple and free to speak with Jesus, it may be assumed that the Jews had not pursued the charges against him for carrying his mat on the Sabbath.

⁹⁵That ἐδίωκον in this case implies that the authorities were seeking his death is apparent from 5:18 where they sought to kill him even more (μᾶλλον) once they had heard Jesus' own comment in v. 17. There is irony in the fact that the healed man is permitted to wander free in the city after being charged with violating the Sabbath, but for the same "crime" the authorities seek Jesus' death. In verse 16 the tense of the verb changes to the imperfect, indicating that Jesus habitually was involved in Sabbath violations (another example is chapter 9). See Leon Morris, *The Gospel According to John*, rev. ed. The New International Commentary on the New Testament (Grand Rapids; William B. Eerdmans, 1995), 273.

⁹⁶J. Staley writes concerning the impotent man, "In his final narrated sentence the healed man may unequivocally be making the case for the charismatic healer's authority over and above Torah authority--this time supplying the name of the healer in the hope that his interrogators will be impressed (2:23; 3:1-2; 4:45). Perhaps he is not a tattle-tale, but a character who serves in his own way, with his own theological argument, as a faithful witness to the sign performed." J. Staley, "Stumbling in the Dark, Reaching for the Light," *Semeia* 53 (1991): 63; and his *Reading with a Passion: Rhetoric, Autobiography and the American West in the Gospel of John* (NY: Continuum, 1995), 32-44, esp. 43.

With the "Lame" man, the discussion of the human witnesses in the Fourth Gospel is complete. Of the various testimonies, both those of the individuals explicitly identified in the text as witnesses who give evidence for Jesus and those who are functionally witnesses for the opposing side, only John the Baptist provides testimony that refers to Jesus' familial relationship with God (1:34).⁹⁷ The testimony of the other witnesses, both for the defence and the accusation, stem from their personal encounters with Christ and thus, as mere human testimony, cannot address questions of divine sonship. The testimony of the Samaritan woman is the only one that links Jesus with the concept of messiahship, but her encounter with Jesus was interrupted before she could ascribe to him divinity. Neither the crowd in chapter 11 nor the two witnesses for the opposition, who in reality aid John's case for claiming a special identity for Jesus because they confirm their healings, link Jesus with claims of divine sonship and messiahship. Rather, they merely report their personal experiences or observations regarding Jesus' miraculous works. Human witnesses in the sphere of religious concerns are by nature limited in their knowledge of the divine. This is perhaps why Jesus asserts that he does not accept human evidence (5:34) and is able to rely on testimony even greater than John's (5:34). It is within an examination of two of these additional witnesses, Jesus' self testimony and the testimony of the Father, that the theme of Jesus' divine sonship is again brought to the fore.

The pericopes associated with the testimony of the Father and Jesus' self-testimony are chapter 5:30-47 and chapter 8:12-20. Attention will be focused first upon the testimony of the Father (chap. 5) and then upon the self-testimony of the son (chap. 8). Finally, some observations will be made concerning the admissibility of evidence from various members of the same family in situations where one of the family members is the defendant--a practice deemed acceptable in Roman inheritance law.

⁹⁷The variant reading, ὁ εκλεκτός, in 1:34 does not have as diverse manuscript support.

Regarding the witness of the Father, there are essentially two points that will be addressed: the nature or "content" of the Father's witness that also forms an *inclusio* in the public ministry; and the feasibility of identifying the "Scriptures" and the "works" in chapter 5 as witnesses that may be subsumed under the category "testimony of the Father."

In chapter 5: 30-47 the Evangelist portrays Jesus as one who articulates a list of several possible witnesses that will be used in his defence against the charges levied against him by the Jews in 5:18. The legal context of chapter 5:31ff is complex. Having healed the impotent man and commanded him to take up his mat, thereby advising him to work on the Sabbath, Jesus is accused by the Pharisees of violating the rule prohibiting work on the day of rest (5:16). A secondary charge, that of making himself equal with God was subsequently added (5:18).⁹⁸ The discussion in the verses that follow, however, focus on Christology with Jesus identifying himself in verse 30 with the "unequal" and subordinate Son of God in verses 19-29. Given that Jesus' testimony and claims would not be true if unsupported by other witnesses (5:31),⁹⁹ he promotes testimony from a variety of sources. The list includes what appear to be five witnesses: testimony from one other than himself (ἄλλος) v.32, John the Baptist (vv.33-35),¹⁰⁰ Jesus' own works (v.36), the Father (vv.37-38), and the writings/Scriptures τὰς γραφάς(v39). If

⁹⁸This charge is similar to that advanced in 10:33.

⁹⁹At this juncture, Jesus is not necessarily referring to the requirement in Deut 17: 6 and 19:15 that there be two witnesses for legal validity and that self-testimony is false or invalid. Rather, he is asserting that the "kind of witness he is bearing is true only if it is supported by the Father" (Morris, 287). The position that Jesus is not discussing the conditions for legal validity is also supported, amongst others, by Francis J. Moloney, *Signs and Shadows* (Minneapolis: Fortress Press, 1996), 20 and D.A. Carson, *The Gospel According to John* (Grand Rapids: Wm. B. Eerdmans, 1991), 259. Commonly, however, chapters 5 and 8 are held to reflect a contradiction. Other solutions to this contradiction are varied. See, for instance, Pancaro, 210; Von Whalde, "The Witnesses to Jesus in John 5:31-40 and Belief in the Fourth Gospel," *Catholic Biblical Quarterly* 43 (1981): 395; Bultmann, 263, 279.

¹⁰⁰The naming of John the Baptist as one of Jesus' witnesses serves the integral function of reminding the reader that even though the first "official" legal controversy with the Jews involves the charge of violating the Sabbath in chapter 5, the real issue and trial of Jesus is greater than this accusation. Moloney observes that if the Baptist is correct and "Jesus is 'of God,' then the claims of vv. 19-30 need no further defending" (p. 21).

indeed the "other" of verse 32 is the Father, a position commonly held in scholarship,¹⁰¹ there are essentially four witnesses which Jesus cites as valid¹⁰²--the Father, the works, the Scriptures and the Baptist.

The Father is an ideal witness because He is transcendent. As Jesus states when referring to the transcendence of his witness, the testimony of the "other" in verse 32 is true (ἀληθής). The key element of this true, transcendent testimony is that it can never be identified by humans as "false."¹⁰³ Such a testimony from the other/Father is to be contrasted only with the testimony of John the Baptist, a human witness who, even though testifying to the "truth" (v. 33) and inspired by God, was subject to the interrogation of the priests and Levites (1:19) concerning his own identity. Technically, even the Baptist could have been convicted of perjury had his testimony been deemed counterfeit or uninspired. It is no coincidence then, that Jesus, while acknowledging the adequacy of John's testimony for human salvation (5:34), does not receive testimony from mankind (v. 34) and has a testimony, μείζω, greater than John's.¹⁰⁴

The content of the testimony of the Father is the second issue raised by an analysis of chapter 5. Although verse 32 maintains that the "other" is testifying at present, the verse gives no indication of the substance of the testimony.¹⁰⁵

¹⁰¹For further references see Von Wahlde, 386; Pancaro, 257; Bultmann, *John*, 264.

¹⁰²A.R. Odiam, citing Aristotle's categorisation of witnesses as recent and ancient (*Rhetoric*. 1.15.13-19) identifies the Baptist's testimony and Jesus' works as recent witnesses while the Father and Scripture are deemed ancient. A. R. Odiam, *The Rhetoric of the Fourth Gospel: A Key to Preaching*. Ph.D. dissertation (Southern Baptist Theological Seminary, December 1989), 117. I am uncertain that the "Father" would be regarded as an ancient witness. The Father is not an individual who has ceased either his existence or his authoritative direction/revelation of humankind in the past. Rather, the Father transcends the Aristotelian categories of Ancient and Recent witnesses.

¹⁰³There is a play on the word "truth" used both here and in v. 31. Although in v. 31 it is used with the connotation "valid" (for the self-witness of defendants is depicted as inadmissible evidence), in v. 32 the word is employed in the sense that the testimony of the "other" is a reality or fact. This reality, however, is apparently subject of confirmation only by Jesus--the sole individual who "knows" unequivocally that the testimony of the "other" is true.

¹⁰⁴Thus I concur with Pancaro that the "other" who testifies can not be the Baptist. Pancaro maintains that "the other" is left indeterminate in order to build up to the climax in verse 37 (p. 211).

¹⁰⁵Odiam identifies the entirety of 5:19-47 as a forensic speech in which verses 19-20 are a statement of the case and verses 21-40 comprise the proof (Odiam 94ff). In actuality, the witnesses in these verses are not "proof" against the charges in 5:16-18 since they are merely listed and do not provide

Consequently, the reader is left to ascertain the nature of the testimony on his or her own.¹⁰⁶ A logical place for the reader to begin to search for the content of the Father's witness is within the Gospel text itself. Appropriately, twice in the public ministry, once at its inception and once at its close, the reader is made aware of the active vocalisation of the deity on behalf of Christ. The first occurrence forms the basis for John's testimony in 1:33.¹⁰⁷ The second occurrence is found in verse 12:28 where a voice from heaven states that the Father's name has been and will be glorified. Although the crowd in 12:28 can not identify a source for this voice, Jesus indicates that it came for their sake (v. 30). The Gospel reader, though, is aware that the voice has emanated from the Father to whom Jesus was addressing his comment in 12:28a. Further, even though this second account of God's direct speech to a character within the narrative, unlike the first revelation to the Baptist in chapter 1, does not testify to Jesus' identity directly, the words are heard in the context of a discussion of Jesus' death. Further, the voice speaks of the glorification of the Father's name after the reader has previously been made aware that Jesus' own glorification is related to his demise (12:16) and resurrection. The glorification of the Father's name, then, is explicitly linked with the glorification of Jesus.

Consequently, the voice in verse 12:28 serves as an affirmation/testimony in Jesus'

any solid testimony or evidence in this pericope that would assist a judge in delivering a verdict.

¹⁰⁶Regarding the Evangelist's use of the perfect tense in verse 37 Von Wahlde summarises three theories advanced by scholarship to explain its presence and/or the content of the Father's testimony: 1. The perfect tense refers to the Scriptures; 2. It refers to the Torah described in general terms; 3. It indicates the internal testimony of God within believers (Von Wahlde, 386). To these three he adds a fourth, that "...the witness of the Father in 5:37-38 is precisely the word of the Father which he has given to Jesus and which Jesus gives to the world" p. 390; (Also Beutler, 261). Von Wahlde discounts the first two theories on the grounds that Scripture/Torah is mentioned as a witness in its own right and thus verse 39 would be redundant if Scripture/Torah were implied at this point in the text. Further, the "internal testimony of God" is not indicated in verse 38 since believing is a precondition of receiving the abiding word, not the "word" a pre-condition of believing.

¹⁰⁷Pancaro objects to the notion that the revelation to John the Baptist is part of the Father's testimony. He believes v. 1:33 can not be considered testimony of the Father as indicated in chapter 5 because the voice reveals its information concerning Jesus to the Baptist alone rather than to the crowd as in the baptism accounts of the Synoptics (Pancaro, 216). The force of Pancaro's observation is negligible because even though Jesus and John's contemporaries in the plot of John's Gospel are not present during the act of revelation to John, the reader (whom the Evangelist wishes to persuade) accepts that John is accurately recounting the words of God. Further, the miraculous voice and revelation to John must be occluded from any crowd that might be surrounding the Baptist to provide consistency for the theme that no one had ever seen God (v. 1:18) or known him (v. 8:19).

behalf. Thus the voice, as well as the revelation to the Baptist, indicates that a relationship exists between Jesus and God. The voice from the Father, be it in chapter 1 or chapter 12, is not an event that has occurred in the distant past; it is an example of God's ongoing and current testimony to Jesus within the context of the public ministry. The Father, then, is a transcendent and unimpeachable source of testimony. He is a witness who is presenting evidence concurrent with Jesus' ministry, framing it at beginning and end.

The second issue in chapter 5 concerning the testimony of the Father is this: despite the apparent multiplicity of witnesses, Scripture and the works of Jesus are essentially aspects of the Father's testimony. Scripture, as a collection of writings whose ancient authors are assumed to be inspired by God, may be identified as a record of the Father's testimony. Thus, the Evangelist freely employs Scripture throughout his narrative of the public ministry, a practice which will be examined in greater detail below.¹⁰⁸

To some extent, like the Scriptures, the works¹⁰⁹ of Jesus also rebound to the credit of the Father and therefore are also an aspect of the Father's testimony. The key to interpreting the "works" of Jesus as evidence rests upon an equivocation in the Evangelist's use of μαρτυρεῖ in verse 36. The works are given to Jesus by the Father and thus the works testify (provide evidence or are evidence) that Jesus is the Father's son.¹¹⁰ The question becomes who is doing the testifying? Do the works testify to Jesus' relationship to the Father, or more logically, by giving the works does the Father attest that Jesus is his son?¹¹¹ In the second formulation of the question the act of testifying is the burden of the Father, not of the works themselves. Thus, while the works of Jesus appear on the surface to be one of a variety of witnesses in

¹⁰⁸See below section b, "Scripture as Inartificial Proof."

¹⁰⁹ Works are a category of Jesus' actions that includes the signs. All of Jesus' actions, not just his miracles, may be categorised as "works." See pages 124-125 below for a more detailed discussion of the signs and works.

¹¹⁰Verse 10:25 restates this proposition and employs μαρτυρεῖ as well.

¹¹¹Pancaro, 216.

chapter 5 they have their source or origin in the Father in a way similar to that of the Scriptures. Therefore, as already has been stated, the witnesses of the works, the Father, and the "writings" are essentially different aspects of the testimony of one--the "other" mentioned in verse 32 who is greater than the Baptist.

The idea that God actively testifies through the granting of works or by his actions is similar to a concept of God's "testimony" articulated in Hebrews 2:4. In Hebrews the message of salvation was "testified together by God with signs and wonders."¹¹² The signs and wonders are part of the evidence provided by God. In the Fourth Gospel God also testifies through the granting of works. The signs and wonders may be classified as works of God and rebound to God's credit. Even Jesus' works in 5:36 are performed by Jesus but are credited to God. The responsibility of the Father for the works of Jesus is emphasised earlier in chapter 5 where Jesus himself does nothing on his own (5:19,30) and the works of the Father have been shown to the son (5:20). An analogy may be drawn between the works performed by Jesus at the behest of the Father and the work performed by the "lame" man at Jesus' command (5:18). Just as Jesus was responsible for breaking the Sabbath since he had commanded the lame man to take up his mat (5:11-12) so too is the Father responsible for, and hence testifies through, the works given by him to be completed by Jesus.¹¹³ Thus, the works of Jesus both comprise the testimony of the Father and are executed by Jesus.¹¹⁴ Jesus' works, as recorded by the Evangelist, however, are not only testimony of the Father, but more properly serve in John's Gospel as evidence. That evidence leads one to make an inference concerning Jesus' identity.¹¹⁵ Such a use of the works by the Evangelist enables them to be categorised by the classical orators not as inartificial proof, but as artificial proof,

¹¹²Beutler, 295. Also Acts 14:3.

¹¹³Beutler indicates that in Greek philosophical thought "act witnesses" are evident to the extent that works testify to words, or in other words, actions prove one's words (p. 297).

¹¹⁴Beutler, 260.

¹¹⁵John Ashton recognises a relationship between Jesus' works and the inferences to be drawn from those works concerning Jesus' divinity (Understanding the Fourth Gospel, 139).

subject to interpretation. Hence a detailed discussion of Jesus' works, and indeed his signs, will be reserved for consideration under the topic of artificial evidence.

When the works and Scriptures are subsumed under the witness of the Father, then the multiple witnesses for Jesus in chapter 5 may be reduced to two--John the Baptist (a human inspired by God) and the Father. In addition, since Jesus himself does not accept the testimony of the Baptist (5:34),¹¹⁶ only the Father verifies the truth of Jesus' claims. In chapter eight, however, the point of concern in addition to the truth of Jesus' claims is the validity of the presentation of evidence for his identity. Indeed Jesus himself indicates that the testimony of two witnesses is required as is written in the law (8:17).¹¹⁷ The solution to this dilemma of requiring two witnesses is that Jesus will consider his own testimony admissible. He and his Father will both testify.¹¹⁸

Shifting focus from the testimony of the Father to the testimony of Jesus brings us to chapter 8. While in chapter 5 the reduction of Scripture and the works to the witness of the Father is viable because Jesus speaks of a single "other" who testifies (v. 32) and is greater than John (v. 36), in chapter 8, by contrast, Jesus has the legal requirements for admissible testimony in mind. He specifically designates two witnesses--himself and his Father, both of whom are explicitly mentioned as testifying "for" Jesus. Jesus testifies *περὶ ἐμαυτοῦ* and the Father who sent him testifies concerning him, *περὶ ἐμοῦ* (8:18).¹¹⁹ The context of this testimony is the question of Jesus' Galilean origins, for the Christ was not necessarily to rise from Galilee (7:52).¹²⁰ Implicit in this question are the issues of Jesus' parentage

¹¹⁶Pancaro, 266.

¹¹⁷Deuteronomy 17:6, 19:15; Numbers 15:30.

¹¹⁸In 10:24-45 Jesus continues the idea of twofold testimony by asserting that both he and the works given to him by the Father have indicated to the Jews whether or not he is the Christ.

¹¹⁹8:28 indicates that Jesus speaks as the Father has taught him *ἐδίδαξέν*, but the words to which Jesus is referring are his prophecies in 8:21ff, not the words that he testifies in his own behalf before the opposition. Jesus is not speaking "concerning himself" in 21ff, but *περὶ ὑμῶν* (v. 26), concerning you *i.e.*, his listeners.

¹²⁰7:53-8:11 are in all probability a secondary addition to the text and are omitted by some ancient manuscripts.

(8:19),¹²¹ a theme that had last been broached by the Jews in Galilee in 6:42ff,¹²² and his identification as the Christ.¹²³

But was Jesus' self-testimony in response to the Pharisee's qualms concerning his credentials for identity legally invalid or possibly incomprehensible to that portion of an audience comprised of non-Jewish Gentiles living in a Roman city such as Ephesus? (8:13) While the practice of presenting two witnesses was indeed current in Jewish practice, the legal procedures of the day also appear to have prohibited the use of self-testimony.¹²⁴ On an interesting note, Roman law may

¹²¹The concept of "agency" *i.e.* that Jesus is God's agent and hence speaks the words of the sender (Father) is not necessarily intended in 8:19. It is unlikely that a legal witness would assign the defendant to serve as agent in delivering the sender's testimony concerning said agent. Although P. Borgen indicates that the sender-agent relationship was appropriate in lawsuits where the agent represented the sender, Borgen's examples do not extend to criminal proceedings in which the defendant is the agent. Peder Borgen, "God's Agent in the Fourth Gospel," in *Religions in Antiquity*, ed. Jacob Neusner, Studies in the History of Religions 14 (Leiden: E. J. Brill, 1968), 141-142. The fact that the sender-agent motif is not appropriate for this pericope does not, however, depreciate the applicability of the agency motif at other points of the Gospel.

¹²²In 6:42 the Jews claim that they know emphatically, οἶδαμεν, the father and mother of Jesus--that Jesus is the son, υἱός, of Joseph. Similarly, in 8:19 the Jews fail to comprehend that God is the Father to whom Jesus is referring and that Jesus himself is the divine son. The Jews' inability to recognise Jesus' divine sonship results in the fact that they do not know, οἶδατε, the true father of Jesus. Neither have the Jews known Jesus' father in the past as verse 19b employs the pluperfect of "to know" that is to be understood as an imperfect. The concept of knowledge in chapter 8 may also be contrasted with 7:28ff where those from Jerusalem (rather than those who seek to kill Jesus and the authorities) are said to know, οἶδατε, Jesus even if not they but Jesus is the only one to "know" the one who sent him. The "knowledge" is possessed by those who believe and identify Jesus as the Christ (vv. 7:31-41). The difference between the fact that the crowd in 7:28 does not *know* the one who sent Jesus and Jesus' assertion to the Jews in chapter 8 that if they would *know* Jesus they would know the Father is one of degree. In 7:28 those in the crowd who believe in Jesus and recognise him as Messiah or prophet already are aware that the identity of the one who sent Jesus is God. What they do not possess is direct "knowledge" of God. That is knowledge belonging to Jesus alone. In 8:19, by contrast, the Jews do not *know* that Jesus is the Christ, sent by God. Consequently they are not aware (do not know) the basic concept grasped by the crowd, that Jesus is in relationship (sent by/Son of) God. Also, 8:54-55.

¹²³Concerning the particulars of Jesus' self-testimony in chapter 8, the formula ἐγὼ εἰμὶ, "I am," is used. The statement, "I am the light of the world," although harkening back to chapter 1 (1:4-5,7,8,9, also 3:19-21) is unequivocally a claim Jesus is making with regard to his own person. Therefore, when the Pharisees accuse him of uttering self-testimony with this "I am" statement they indicate that their central concern with Jesus is his identity. Further, since the Pharisees would regard Jesus' *I am* statement as self-testimony and hence invalid (8:13), this indicates that they were concerned not only with a simple assertion of identity in chap 8, but also with possible Messianic pretensions on the part of Jesus. The concern about messianic pretensions may be inferred from the fact that the concept of light was associated with an eschatological figure. An example illustrating this point is Isa. 9:1-2 where light is linked with a coming eschatological king (also, Isa. 60:19-20). Isaiah 49:6, however, identifies Israel as a "light to the Gentiles." Jesus' claim to be the "light of the world" is confirmed by the miracle in chapter 9.

¹²⁴The Mishnah indicates self-testimony is not admissible (D.A. Carson, 339). Nicodemus, at least, asserts that the Jewish law does not judge a person without first hearing from the person being judged

provide another perspective on the validity of self-testimony for an individual who would be offering self-testimony as Messiah and Son of God. Although usual Roman practice, like Jewish law, regards two witnesses as sufficient¹²⁵ but forbids self-testimony, there was a single instance recorded by both Gaius and Justinian wherein a father and son might both offer admissible testimony. That instance was in the sphere of inheritance law. The law codes specified, however, that the joint testimony of father and son with regard to inheritance matters, such as establishing the identity of the heir, was to be undertaken only in rare circumstances.¹²⁶ Certainly the subject of the Gospel and chapter 8 in particular, wherein a central concern is establishing the identity of the Son of God, qualifies as such an exceptional case. As Pancaro notes, without explicitly mentioning this possible Roman legal precedent,

Jesus alone, besides the Father, has complete knowledge of his own person (and of the Father). In view of this knowledge, he is qualified to bear witness to himself since his "testimony" concerns his very person, his identity, and his relationship to the Father.¹²⁷

Only the Father and the Son are competent witnesses to establish Jesus' identity as the Son of the Father, and Roman law provides a possible precedent whereby the self-testimony of Jesus, combined with that of the Father, might be offered conjointly.

With the discussion of the validity Jesus' two witnesses, himself and the Father, all of those who witness within the public ministry by presenting testimony to/for Jesus have been mentioned. The human witnesses drawn from the general

(7:51).

¹²⁵Justinian Digest 22.5.12.

¹²⁶Gaius Institutes 2.108.. In later centuries Justinian bans the testimony of father-son combinations in inheritance proceedings by declaring that in former times the ancients "permitted the heir and those connected with him by paternal power to testify respecting wills; and while conceding the right, advised them to abuse it as little as possible; we, nevertheless, for our part, correcting this provision have denied the heir...as well as the persons connected with him as above stated, the right under any circumstances to give evidence in their own behalf, and therefore we have not permitted the ancient constitution relating to this subject to be inserted into our code." Digest 2.10.10.

¹²⁷Pancaro, 271. For further points of contact between Roman inheritance law and the Fourth Gospel, please see the appendix to this thesis.

populace including the Samaritan woman, the crowd that testified to the raising of Lazarus, and the man born blind, who ended up assisting Jesus' case even while serving as a witness for the opposition, were able to provide evidence concerning their personal encounters with Jesus. The Baptist, who as a human was not an acceptable witness to Jesus, was the sole human witness capable of testifying about Jesus' identity, having received direct revelation from the Father. Concerning witnesses who would testify to his identity, however, Jesus preferred his own self-witness and the witness of the Father, both of whom might be seen as viable witnesses in accordance with Roman inheritance law. Further, the Father's transcendent witness was expressed not only through Jesus' works, themselves artificial proof, but also the Scriptures. Before bringing this discussion of inartificial evidence within the public ministry to a close, however, it is appropriate to consider briefly John's use of Scripture as inartificial evidence in the defence of Christ.

b. Scripture as Inartificial Proof

In verse 5:39 Jesus states that the Scriptures testify in his behalf. Indeed, Scripture is often employed in the text of the Gospel as a form of proof. The Evangelist weaves Scripture into his work in a variety of ways.¹²⁸ Sometimes he merely alludes to Scripture, as he does in 1:1, at times he quotes passages directly as in 12:38-40.¹²⁹ As far as the art of persuasion is concerned, documentary artificial

¹²⁸A.T. Hanson describes five ways John uses Scripture: 1) John employs Scripture because it was used in his source *i.e.* Isa. 40:3 in 1:23. 2) John cites Scripture using formulas such as "it is written" *i.e.* 12:38-40. 3) Scripture is quoted or discussed, but without an introductory formula *i.e.* 2:17/Ps. 69.9. 4) Scripture lies behind John's Christological language, *i.e.* 1:51/Gen. 28 and 5) Scripture influences portions of John narrative *i.e.* 11:11-13/Job 14:12-15 LXX. Hanson, "John's Technique of Using Scripture," in The New Testament Interpretation of Scripture (London: SPCK, 1980), 157-176. Johannes Beutler lists John's references to Scripture according to the categories: clear references to individual texts; unclear or unspecified references; references to Moses or the law in general; and references to the whole of Scripture. Johannes Beutler, "The Use of 'Scripture' in the Gospel of John," in Exploring the Gospel of John, ed. R. A. Culpepper and C. C. Black (Louisville, KY: Westminster John Knox Press, 1996), 147-153.

¹²⁹Regarding John's use of introductory formulas for Scripture (Hanson's second category--see note 128 above) Martin Hengel makes the observation that in the public ministry John uses "it is written" or a similar formula. Then, beginning with 12:37 and continuing throughout the passion, a double fulfilment scheme is used to introduce Scripture. Specifically, John clarifies the prophetic failure of Jesus as actually a fulfilment of the prophetic word and will of God. Martin Hengel "The Old Testament in the Fourth Gospel," Horizons in Biblical Theology 12.1 (June, 1990): 32.

evidence included not only the written accounts of authoritative opinions from ancient witnesses,¹³⁰ but also the written testimonies from individuals not able to attend the trial.¹³¹ The Scriptures, as ancient documents, qualified as inartificial evidence to the extent that they were treated as "law" or ancient authorities to be used as precedents. Other uses of Scripture, involving extensive modification and/or interpretation fall under the heading of artificial proof. This latter use of Scripture is referred to as "artificial" because when interpreted, the writings are no longer mere precedents. Instead they are crafted or shaped by the author to be rhetorically persuasive.¹³² In essence, determining whether Scripture is being used inartificially is not dependant upon whether it is quoted exactly, paraphrased, or merely something to which the characters or author allude.¹³³ The key to identifying Scripture as inartificial is that the passage must serve as an unadorned precedent rather than a mere ingredient in a logically persuasive argument. Often inartificial use of Scripture takes the form of "proof texts." At times the Evangelist reveals that Scripture may be used inartificially as a legal precedent for supporting Jesus' claim to messiahship. A clear example may be found in 2:17 where, in the context of the

¹³⁰Also Quintilian *Inst. Orat.* 5.2.1-5.5.5. Beutler comments on the classical practice of employing writings as witnesses, 288. Hans Dieter Betz also classifies Scripture as written documentary evidence. He remarks that Scripture was accepted with a very high degree of *auctoritas* ("The Literary Composition and Function of Paul's Letter to the Galatians," 370-371).

¹³¹Hengel regards Abraham, Isaiah and Moses as witnesses for the Son of God become human (p. 25). While Hengel's language implies that these individuals are inartificial witnesses, that is not necessarily the case. These figures are inartificial witnesses only if the passages to which Jesus refers while invoking their authority do not require interpretation. For example, 8:56 may have as its background Gen. 15:2ff (Hengel, 26), yet Gen. 15:2ff does not explicitly refer to Jesus' day or his Messiahship. Nor is it apparent how the Genesis passage provides information upon which Jesus can draw for his defence. To make a connection between 8:56 and the Gen. passage requires inference or at least knowledge of Rabbinic speculation regarding Gen. 15:9 (For the Rabbinic traditions see Bultmann, *John*, 326 n.3). Hence an appeal to Abraham is artificial rather than inartificial proof.

¹³²Burton L. Mack elucidates the distinction, writing, "... Jewish people treated the Scriptures both 'inartificially' as citations of precedent judgement that counted as given (whether 'authoritative' or 'well known'), and 'artificially' namely as taken from a culturally given reservoir of images available to be manipulated rhetorically." He observes, in addition, that the tendency was to treat Scriptures artistically (artificially). Mack, "Persuasive Pronouncements: An Evaluation of Recent Studies in the Chreia," *Semeia* 64, (1993): 285. Also Miriam Dean-Otting and Vernon K. Robbins, "Biblical Sources for Pronouncement Stories in the Gospels," *Semeia* 64 (1993) especially p. 110.

¹³³Beutler writes that the author of the Fourth Gospel "seems to be more interested in the fact of the witness of scripture to Jesus than in the details of it..." (Beutler, "The Use of 'Scripture,'" p. 158).

cleansing of the temple, Psalm 69.9 is cited: Zeal for your house will consume me.¹³⁴ Similar to a prophecy-fulfilment motif, the author identifies Psalm 69 as a passage of Scripture that refers to the life of the Messiah and hence to Jesus' cleansing of the temple. The Psalm is used as a proof text, or inartificial proof.¹³⁵

Although John employs Scripture inartificially, he also uses it artificially. The artificial use of Scripture within logical arguments is part of the first topic to be considered under the rubric of "artificial modes of proof." Additional types of artificial proof including examples and signs will also be identified in the public ministry portion of the Gospel.

2. Artificial Modes of Proof: Scripture within Logic Proofs, Examples and Signs.

a. Scripture within logical Arguments and an Example of an Enthymeme.

As mentioned in the section above, the crafting of Scripture in ways to make it part of rhetorically persuasive arguments falls under the auspices of artificial rather than inartificial modes of proof. Logical arguments are of great importance in the *probatio* portions of speeches. Descriptions of arguments and instructions for their construction occupy a large place in the classical handbooks. For instance, Aristotle meticulously discusses not only twenty eight topics, or modes of reasoning that are used to construct arguments, but also ten types of logical discourse that result in argumentative fallacies--fallacies that none the less may be used in an attempt to persuade an audience who might not recognise the weakness of the argument.¹³⁶

¹³⁴The Septuagint employs κατέφαγέ rather than the future καταφάγεται as found in the Fourth Gospel. Also, the Johannine version understands "consume" as a reference to Jesus' death. Despite these differences, though, the Fourth Gospel intends Psalm 69.9 (68.10 LXX) to serve as a proof text and to be accepted as quoted, however skewed that quote might be.

¹³⁵The question of whether or not Psalm 69 was understood commonly by the Jews as a Messianic Psalm is not necessarily important. The author /rhetor presents the pericope as if it was. The Psalm, especially verse 21--they gave me vinegar to drink, may have been widely understood as Messianic in the Christian community (Luke 23:35, Mark 15:35; Matt. 27:48, John 19:29).

¹³⁶Aristotle *Rhetoric* 2.23-24.

One topic employed by the Gospel writer in his use of Scripture is that of "less and more,"¹³⁷ *minore ad maius*.¹³⁸ One example of a reference to Scripture or the law occurring in a *minore ad maius* argument is 7:22-23. In that pericope Jesus defends his Sabbath healings by asserting that if circumcision, a procedure involving only a small portion of the anatomy, is performed on the Sabbath in accordance with the law, certainly healing a whole person, ὅλον ἄνθρωπον,¹³⁹ should be permitted on the Sabbath as well. Circumcision is the lesser good while restoring an entire individual to health is the greater.

Another instance where Scripture plays a role within a logical argument is 10:34-35. M. Hengel regards these verses as a *minore ad maius* argument, asserting that "...if God calls even Israel 'gods' how can the one chosen and sent by God be accused of blasphemy?"¹⁴⁰ Presumably, Hengel maintains that the less/greater relationship is between Israel, and the one sent by God. Such a conclusion, however, does not follow from the premises given. The fact that a formal less/more proof may not be constructed from the three statements presented in 10:34 is illustrated from the attempt:

- a. Scripture identifies the ones to whom the word of God was given as gods (Psalm 82:6).
- b. It is not the case that Scripture errs (v. 35).
- c. Therefore, the one the Father has sent into the world may claim he is the Son of God without committing blasphemy.

The conclusion, c, does not follow from b. Nor is it the case that the first two premises prove the superiority of one sent by the Father in comparison with the recipients of the law.¹⁴¹ Contrary to the idea that the pericope exemplifies the topic

¹³⁷Ibid., 2.23.4.

¹³⁸*Kal wehomer* arguments are included within this topic.

¹³⁹The healing in view here was that of the impotent man in 5:9.

¹⁴⁰Hengel, "The Old Testament in the Fourth Gospel," 25. John Ashton remarks that on the surface this argument is an *argumentum ad hominem*--if the others are called gods, so too may Jesus accept the title Son of God. (Understanding the Fourth Gospel, 147). Beutler also asserts that it is *argumentum ad hominem* ("The Use of 'Scripture,'" 155).

¹⁴¹Further confusion occurs when the "word" is identified as "Jesus" in light of 1:14. If Jesus is the "word," then he is not an Israelite or one to whom the word came. Consequently he may not be called

of *minore ad maius*, the entire passage, verses 31-38, is part of an extended proof conforming to Aristotle's topic of "turning upon the opponent what has been said against ourselves."¹⁴² The argument can be broken down into 12 steps of which the key premises are the first two and the fifth. It is with these particular premises that the contradiction in the Jewish accusation is exposed.

1. Scripture (Psalm 82.6) says "you are gods" 10:34.
2. It is not the case that Scripture (Law) errs 10:35.
3. Therefore, the Jews (who are levelling the accusation against Jesus) are gods --from premises 1 and 2.
4. Blasphemy occurs when a human makes himself a god or claims to be a god. 10:33.
5. Jews are humans (by definition of the charge they are levelling against Jesus)10:33.
6. But the Jews are gods (from premise 3 above).
7. Therefore, the Jews commit blasphemy. (Scripture, as opposed to any claims the Jews might make, must receive preference as it does not err.
To claim to be a god must not be blasphemous)
8. Jesus makes himself a god (as attested by the Jews in 10:33 and by his own claim to be the sanctified "Son of God" in 10:36.)
9. If Jesus does not do the works of his Father, then he is not the Son of God 10:37.
10. If Jesus does do works, then he is the Son of God (the Father is in me and I am in the Father 10:39) and his claim to be the Son of God is to be believed (10:36). (Compare with 5:17-18).
11. Jesus does do works, admitted previously by the Jews 10:33 and by Jesus himself 10:32.
12. Therefore, Jesus is Son of God--Conclusion from premises 10-11.

The tension, as illustrated, is between the first two premises and the fifth. If Scripture identifies the Jews as gods and is infallible, the Jews themselves are not able to assert they are humans since it is inconsistent to claim to be both human and divine. The trap is clever because asserting their humanity in the face of conclusion 3 would reveal that the Jews deny the infallibility of Scripture. As the Jews are not permitted to uphold both their claim to their humanity and the infallibility of Scripture, they, by their own definitions of blasphemy, have committed the very

a god.

¹⁴²Aristotle *Rhetoric* 2.23.7.

crime with which they were accusing Jesus. Jesus has turned the charge of blasphemy levelled at himself against the Jews. He then proceeds to prove, in verses 37-38, echoing verses 32-33, that he himself is worthy of the title Son of God on account of his works. Any superiority Jesus exercises in relation to the Jews is, contrary to Hengel, not because of his sanctified/sent status, which only Jesus recognises, but is to be attributed to his works, which are accepted even by his opposition (10:33).

Lest the impression be given by the analyses of 10:32-38 and 7:23 that John's logical arguments are linked solely with scriptural allusions and quotes, it is appropriate to digress briefly and provide an illustration of an inartificial logic proof unconnected with the Old Testament. Chapter 3:31, chosen for its brevity, will illustrate the point. This verse is an enthymeme, so called because it has one premise that is suppressed, or not explicitly stated. Simply, there are two stated premises, one suppressed premise and a conclusion as follows:

1. The one who comes from above is above all.
2. The one who is of the earth belongs to the earth and speaks of earthly things.¹⁴³

Suppressed premise: Heaven is above.

Conclusion: The one who comes from heaven is above all.¹⁴⁴

This enthymeme is closely linked with verse 3:12 wherein Jesus indicates that his audience does not believe his words concerning earthly things let alone heavenly. Part of their difficulty in comprehending may be attributed to their inability to identify Jesus as the Son of God. This point is illustrated by Nicodemus who calls Jesus "Rabbi," a teacher who comes from God, ἀπὸ θεοῦ ἐλήλυθας διδάσκαλος(3:2), but never identifies Jesus' familial relationship with the Father. Not discerning this relationship, Nicodemus is unable to perceive that Jesus is

¹⁴³To speak of earthly things is not necessary for this proof. This premise does, however, play an important role in the narrative flow by serving as a point of contrast for the testimony (spoken words) of the one from above/God.

¹⁴⁴For a detailed exposition of syllogisms/proofs in the first portion of chapter 3 (verses 1-21) see Odiam, pp. 59-93.

speaking metaphorically of "being born from above" (v.4), assuming instead that Jesus is speaking of literal re-entry into a mother's womb. In order that the reader might not make the same mistake with regard to Jesus' identity, the enthymeme in verse 31 assists the reader in reaching the conclusion that Jesus is the Son who is sent by God.

The reader is encouraged to discover the identity of the one who is described as the Son sent by God in verse 16 by Jesus' use of the third person in his discourse. By using the third person, Jesus does not directly claim the relationship with the Father for himself. The series of clues that lead the reader to infer that the Son is Jesus are essentially three. First, the reader is aware that Jesus refers to himself in the first person in verse 12. In that verse Jesus maintains he has the potential of speaking about heavenly things. This comment occurs in the text immediately prior to Jesus' third person exposition regarding the Son of God. Then, the enthymeme in verse 31 is found to be part of a pericope contrasting the one who speaks about earthly things, with the "one" who is from heaven and speaks the words of God (verse 34). Further, these "words of God" by definition would be "heavenly" as God is in heaven. Thus, already aware that Jesus is one who speaks of heavenly things, the reader may infer that the ambiguous "one" mentioned in the third person exposition is really Jesus himself. It is Jesus who is the Son of the Father mentioned in verses 16, 17, 35 and 36. This particular enthymeme, therefore, is an important step in allowing the reader to discover a truth concerning Jesus' identity that is not known by Nicodemus--that Jesus is no mere teacher, he is the Son of God (3:35).

These three pieces of logical argumentation, 3:31, 10:32-38 and 7:23-24 illustrate one type of "proof" employed by the Gospel writer within the public ministry portion of his work. Whether weaving Scripture into his text, as was the case in both verses 10:32-38 and the argument regarding circumcision (7:23), or presenting proofs that do not depend on Scripture such as in chapter 3, the author's arguments contribute to the overall purpose of the Gospel. That purpose is to convince the reader to believe/continue to believe that Jesus is the Son of God. This

assertion concerning Jesus' identity was found both in the conclusion of the proof constructed from verses 10:32-38 and the inference drawn by the reader with the assistance of the enthymeme in 3:31. Further, the audience was made aware that the charges levelled against Jesus by his opponents were not sustainable, as demonstrated by the *minore ad maius* argument concerning circumcision (7:23) or the clever use of Psalm 82 within the argument concerning blasphemy in chapter 10.

In addition to employing formal logical arguments, some of which include references to Scripture, the author is engaging in artificial modes of persuasion whenever he interprets or exegetes Old Testament passages. An example of such interpretation of Scripture is found in chapter 6, the pericope concerning the bread from heaven. This pericope has been aptly described by P. Borgen as a passage with midrashic character.¹⁴⁵ Although recounting the particulars of Borgen's study of chapter 6 is not necessary within this context, some aspects of the pericope will be of concern. They will be employed to illustrate another type of proof found in John's Gospel and described in the rhetorical handbooks--the example.

b. The Example.

In verse 6:32 the crowd, which is following Jesus, states, "Our ancestors ate the manna in the wilderness as it is written, 'He gave them bread from heaven to eat.'"¹⁴⁶ This assertion occurs immediately after a request for Jesus to execute a sign (v. 30). The passage to which the crowd alludes in this statement is chapter 16 of Exodus in which God informed Moses that manna was to be provided (Ex. 16:4). In essence, the crowd is upholding this event as an occurrence they are challenging Jesus to emulate.¹⁴⁷ The rhetorical handbooks would classify the use of Exodus in

¹⁴⁵Peder Borgen, "Observations on the Midrashic Character of John 6," *ZNW* 54 (1963) 232-290 and *Bread From Heaven*, *Supplements of Novum Testamentum* 10 (Leiden: E. J. Brill, 1965).

¹⁴⁶Psalm 78.24; Exodus 16.15. The Exodus passage, however, never refers to the manna as "bread from heaven."

¹⁴⁷T. F. Glasson, amongst others, maintains that John chapters 6-8 correspond to the gifts associated with Exodus: manna (Jesus as the true bread); water from the rock (Jesus as the living water); the pillar of fire (Jesus as the light of the world). *Moses in the Fourth Gospel*, *Studies in Biblical Theology* 40 (London: SCM Press, 1963), 10.

an attempt to persuade Jesus to take action as an "example" or παράδειγμα.¹⁴⁸ Rhetorical examples were employed by the orator who would try to establish a parallel between a current happening/person and an historical event or character. Once the point of comparison was in place it was crafted to demonstrate that the two events or persons were "like, unlike or contrary."¹⁴⁹ By referring to the Exodus feeding, the crowd is challenging Jesus to provide food even as Moses once did. They are not merely testing Jesus' ability to accomplish the act, having already experienced the multiplication of fish and loaves on the opposite side of the Sea (6:5-14). Indeed, they had previously identified this miracle as a sign (6:14). Rather, the crowd appears to be manipulating Jesus into providing another free meal, an observation made by Jesus himself (6:26). Jesus, however, having seen their motives, is not content with demonstrating his similarity to Moses. Instead, he casts the story about the giving of manna in a new light. Specifically, Moses was not responsible for the Exodus miracle as it was the Father who gave the bread from heaven (v. 32). Jesus then proceeds to identify himself not as a "giver of bread," the role denied to Moses in verse 32, but the bread itself (v. 35). Further, this bread is superior to the wilderness manna in that it results in eternal life rather than day to day sustenance for a limited mortal existence (6:51,57-58).¹⁵⁰ The comparison that the crowd initiated, by which they were encouraging Jesus to demonstrate his similarity to Moses, has been turned upside down. The point is now one of dissimilarity, emphasising Jesus' superiority to Moses. Jesus is the one who is the

¹⁴⁸Aristotle *Rhetoric* 2.20.1; Quintilian *Inst. Orat.* 5.11ff. Johns and Miller also acknowledge that Moses "functions rhetorically as a historical example or paradigm" in the Fourth Gospel (526). Wayne A. Meeks aptly draws out the importance of Moses and Moses traditions for the Gospel in *Prophet-King: Moses Traditions and the Johannine Christology*, Supplements to *Novum Testamentum* 14 (Leiden: E. J. Brill, 1967). Also Marie-Emile Boismard, *Moïse ou Jésus: Essai de Christologie Johannique*, *Bibliotheca Ephemeridum Theologicarum Lovaniesium* 84 (Leuven: Leuven University Press, 1988).

¹⁴⁹Quintilian *Inst. Orat.* 5.6.5 and 5.6.7. Glasson, by stating "every comparison involves an element of contrast..." (24 n. 2) collapses the categories "unlike" and "contrary" into one. I maintain that the terms like/unlike fit John's understanding of the Moses/Jesus parallelism more accurately than the terms like/contrary. The relationship is one in which Jesus is greater than Moses, not diametrically opposed to him.

¹⁵⁰6:51-58 has often been viewed in relation to the Eucharist. See the detailed discussion in Gary Burge, *The Anointed Community* (Grand Rapids, MI: William B. Eerdmans, 1987), 181-189.

bread that gives life. Moses, by contrast, while present at the Exodus event, did not provide the manna. In addition, while the Exodus feeding resulted merely in sustenance for mortal life, Jesus is the agent of nourishment for eternal life. In essence, the comparison effectively portrays Jesus as superior to Moses who was a most esteemed mortal in the Old Testament.¹⁵¹ The reader is left to make inferences concerning the identity of the one greater than Moses, the heaven sent source of eternal life. Perhaps he is divine?

In addition to comparisons involving Moses,¹⁵² other Biblical characters serve as examples in John's narrative of the public ministry.¹⁵³ Moses, however, is the one who performed signs (Ex. 4:1-9).¹⁵⁴ The working of signs are actions that are attributed to Jesus in the Fourth Gospel and serve as a means of persuasion in their own right.

c. Signs as Proof.

The link between signs and the proof portion of a speech is made explicit in the rhetorical handbooks. In fact, σημεῖον, or sign, is a technical rhetorical term.¹⁵⁵ Even Quintilian is careful to employ the word and provide a Latin translation. He writes, "The Latin equivalent of the Greek σημεῖον is *signum*, a sign, though some

¹⁵¹"But while examples may at times...apply in their entirety, at times we shall argue from the greater to the less or from the less to the greater." Quintilian *Inst. Orat.* 5.11.9.

¹⁵²1:17; 3:14.

¹⁵³Abraham (8: 39ff) and Jacob (4:12).

¹⁵⁴Miller and Johns provide a concise exposition of the relationship between Moses and the signs in the Fourth Gospel. It may be observed, for instance, that the first signs in both the Gospel and Exodus 4 involve a transformation and a healing. When 19:34-35 is added, both texts also have a sign involving water and blood (526-527).

¹⁵⁵Although acknowledging that the Johannine signs are inspired by the pentateuchal stories, Schnackenburg states that the miracles of Exodus alone are not sufficient to explain them. His solution is that John's concept of "signs" involved a developed understanding of the symbolic actions of the Old Testament prophets. I offer an alternate solution: that while Exodus did assert an influence, the concept of "sign" present in the rhetorical handbooks, rather than the symbolic actions of the prophets, contributes to a fuller understanding of John's use of "sign." Nichol might object to my understanding of the signs in relation to Greco-Roman rhetorical uses of σημεῖον. He writes, "The miracles are not *semeia* in the sense that they are signs which point to some meaning behind them; the miracle itself is significant, demonstrating the power of Jesus and causing many to believe." W. Nichol, *The Semeia in the Fourth Gospel*, *Novum Testamentum Supp.* 32 (Leiden: Brill, 1972), 62.

have called it *indicium*, an indication...Such signs enable us to infer that something else has happened."¹⁵⁶ With regard to the role signs play in the *probatio* portion of a speech Aristotle maintains that they may be used to construct arguments.¹⁵⁷ Some signs, however, may be used in irrefutable arguments and are called τεκμήριον, or necessary, while others, merely referred to as σημεῖα, result in arguments which are only probable and thus may be refuted. Footprints on a beach, the rising sun, supernatural actions, a bloody cloth, the absence of a wound, and any multitude of objects, so long as they indicate something beyond themselves, are species of signs.

In the Fourth Gospel the supernatural events of Jesus are an integral part of the "proof" presented by the author to establish Jesus' identity as the Son of God. This is boldly stated in verses 20:30-31. As a consequence, they are designated as "signs." The signs, σημεῖα, of Jesus are mentioned frequently throughout the public ministry¹⁵⁸ and in a wide variety of contexts. Not only do the signs refer to actual miracles as narrated in the plot (2:11, 4:54, 6:14) but they are also demanded by various Gospel characters throughout the text as a form of credential for Jesus' actions or claims (2:18, 6:30, 7:31).¹⁵⁹ Further, it is Jesus' consistent production of miracles or signs that results in the Pharisees and chief priests plotting his death (11:48).¹⁶⁰ In essence, the presence of the word "sign" in the text of the Fourth

¹⁵⁶Quintilian *Inst. Orat.* 5.9.9-10.

¹⁵⁷Aristotle *Rhetoric* 1.2.14-18. A sign in and of itself is not a full argument. Only when a sign is coupled with a second premise may an inference be made. A sign without such a premise is merely a "demonstrative proposition necessarily or generally approved." *Prior Analytics* 2.27.70 a 6-9.

¹⁵⁸"Sign" or "Signs" occurs 15 times in the public ministry portion of the text.

¹⁵⁹Signs are used as credentials in the Jewish Scriptures. For example see Ex. 4:1-9 and Judges 6:17. Agreeing with D. Moody Smith, I do not believe it is possible to relate the signs in John directly to the Exodus signs. "The Milieu of the Johannine Miracle Source: A Proposal," in *Jews, Greeks and Christians: Religious Cultures in Late Antiquity* ed. R. Kelly and R. Scroggs, Studies in Judaism and Late Antiquity 21 (Leiden: Brill, 1976), 174 n.33. A variation by which the Johannine signs are related to signs in Old Testament may be found in an article by Douglas K. Clark. Clark links the Johannine signs with portions of the Wisdom of Solomon. "Signs in Wisdom and John," *Catholic Biblical Quarterly* 45 (1983): 201-209. This connection is also noted by R. Schnackenburg, *The Gospel According to Saint John*, Trans. K. Smyth (London and NY: Burns and Oats/ Herder and Herder, 1968), Vol I 521 and 522 n. 10. See also Martin Scott, *Sophia and the Johannine Jesus*, JSNTSS 71 (Sheffield: JSOT Press, 1992), 166-168.

¹⁶⁰In Johannine usage, the word "sign" is used rather than δύνναμις, miracle or wonder, to designate the supernatural events performed by Jesus. K. Regenstorff discusses the unique Johannine usage in comparison with the Synoptics. "σημεῖον," *Theological Dictionary of the New Testament* Vol 8, ed.

Gospel may not merely be the result of influence from a "signs or miracle source."¹⁶¹ Instead the word may have been deliberately chosen since the miracles/signs worked by Jesus are "overt demonstrations and indeed proofs of (Jesus') messiahship."¹⁶²

The signs as presented by the Fourth Evangelist, however, are by no means τεκμήριον. They are not irrefutable. Rather they rely on probability since they contain a premise that is generally accepted, but need not be the case at all times. The proof generated from the signs of the Fourth Gospel would be constructed thus:

1. A Miracle is a sign of messiahship/divine sonship.
 2. Jesus does miracles.
- Therefore, Jesus is the messiah/divine son.

The vulnerability of this argument is found in premise one. A miracle may be a sign of messiahship/divine sonship, but it may signify other things as well—for instance, in the case of Moses, the signs given to him by God in Exodus 4:1-9 confirmed that he was one sent by God and not necessarily that he was a Messiah/Son of God. The fact that Jesus' miracles are not τεκμήριον, or signs from which one must necessarily infer messiahship, is articulated by the crowd in 7:31, "When the Christ comes, will he do more signs than this man has done/is doing?" Although this particular group of people believes that Jesus is the Messiah, they acknowledge that

Friedrich (Grand Rapids: Eerdmans, 1971), 245.

¹⁶¹The hypothesised existence of a signs source was stated by Bultmann in his 1941 commentary. Comprehensive works include W. Nicol, The Semeia in the Fourth Gospel, Nov. T. Supp. 32 (Leiden: Brill, 1972); H. M. Teeple, The Literary Origin of the Gospel of John (Evanston, IL: Religion and Ethics Institute, Inc., 1974); R. Fortna, The Gospel of Signs: A Reconstruction of the Narrative Source Underlying the Fourth Gospel (Cambridge: Cambridge University Press, 1970); and The Fourth Gospel and its Predecessor (Edinburgh: T & T Clark, 1988); Urban Von Wahlde, The Earliest Version of John's Gospel: Rediscovering the Gospel of Signs (Wilmington, DE: Glazier, 1989). For a summary discussion regarding aspects of the miracle/signs source and the history of scholarship surrounding it see James M. Robinson "The Johannine Trajectory," in Trajectories Through Early Christianity by James M. Robinson and H. Koester (Philadelphia: Fortress Press, 1971), 235-238 and especially note 9 p. 235. Also see the survey in Robert Kysar, The Fourth Evangelist and His Gospel (Minneapolis, Minn: Augsburg, 1975), 13-37.

¹⁶²Fortna, Predecessor, 3. In actuality the signs are not only proof of Jesus' messiahship but also symbolise the type of spiritual life that comes through Jesus. For instance, the resurrection of Lazarus may be linked to eternal life. That Jesus, however, is the one who performs these signs and is the one through whom this spiritual life may be received provides a clue to his identity as the Son of God. On the signs as symbols see Brown, John Vol 1 pp. 529-530.

one could do miracles or signs and not be considered such.¹⁶³ In short, although Jesus does signs from which people could infer that he is the Messiah and believe that he is the Son of God, it is also possible that an incorrect inference might be made, or more extreme, no inference at all. Such potential for misunderstanding the signs leads to what has often been described as the ambiguous¹⁶⁴ or inconsistent¹⁶⁵ presentation of signs in the Fourth Gospel. At times, the Evangelist presents the signs positively while at others Jesus makes statements that appear to depreciate requests for signs or even downplay "faith" based on signs.

Three pericopes in particular reflect what on the surface may be interpreted as a less than positive evaluation of both those seeking signs and/or those in the public ministry portion of the Gospel who have believed on account of the signs: 2:23-25; 4:48 and 6:25-51. 2:23-25, for example, records that Jesus would not entrust himself to a group of new believers who had based their belief upon his signs. Thus it might be concluded he does not look favourably upon faith stemming from signs. Similarly, in 4:48 Jesus abruptly interrupts the official's request for the healing of his son with a statement regarding the requirements of the populace for signs and wonders. This interruption is out of place in the context of the official's innocent request and consequently appears to serve as a rebuke for those who require signs.¹⁶⁶ Finally, in 6:25-51 the crowd is castigated for following Jesus not because he has done signs, but because they are seeking to assuage their hunger. Johns and Miller extensively address each of these pericopes or "problem passages" and after analysing their grammar, structure, and context, determine that the verses do not

¹⁶³D. Moody Smith maintains that a general expectation of a miracle working prophet was present in first century Judaism. Thus "... a *semeia* source would not have convinced Jews generally that the crucified Jesus was the Messiah. For that a passion narrative or its equivalent would have been necessary" ("Milieu" p. 177-178). Fortna, while not commenting on the efficacy of a pure signs source (SQ) does believe it was joined with a passion narrative prior to its incorporation into the work of the Fourth Evangelist (Predecessor, 208). Nichol does not commit himself to a passion narrative. Rather, he merely states that the *semeia* source probably would have contained other narrative material found in John (p. 6).

¹⁶⁴Fortna, Predecessor, 240.

¹⁶⁵Johns and Miller, 519 and n. 1

¹⁶⁶This verse is often described as an *aporia*, evidence of a literary seam. See Fortna, Predecessor, 4.

reveal a deprecation of faith that stems from signs.¹⁶⁷ Their comprehensive arguments need not be repeated here. These three passages, however, demonstrate that signs require the observer to recognise that a sign exists and then to make an inference with regard to what it truly indicates. In these three passages, Jesus reminds the characters of the "sign" nature of his miracles or corrects their mistaken inferences.

As illustrated by these three pericopes characters may fail with regard to the signs in three ways. First, they may not recognise Jesus' actions as signs.¹⁶⁸ This was the case with both the official and the crowd at Capernaum. Second, it is possible that one might not make the proper inference with regard to the signs,¹⁶⁹ as revealed by the crowd's comments in 7:31. Finally, individuals who claim to be followers of Jesus may fail to remain committed and are unworthy of trust as illustrated in verses 2:23-25 and 6:25-51. An omniscient Jesus, however, is able to discern the motives of the characters in the Gospel and offer a challenge that the deeper sense of the sign be discerned.¹⁷⁰

John's positive evaluation of the signs is most evident when the relationship between the "works" and "signs" is elucidated. In general, the words "works," ἔργα, and "signs," σημεῖα, as they refer to miraculous events¹⁷¹ are specific to particular

¹⁶⁷Johns and Miller, 528ff.

¹⁶⁸Peter Riga describes the σημεῖα as correlates of the synoptic parables. He identifies the signs with a "parabolic theme"—that the sign is given, miscomprehension then takes place, and finally an explanation is offered. "Signs of Glory: The Use of Semeion in St. John's Gospel," *Interpretation* 17 (1973): 407. This theme, however, does not necessarily apply to John's theory of signs in total. For instance, the raising of Lazarus does not directly result in a misunderstanding or subsequent explanation. Indeed, 12:18 reveals that the crowd was able to witness on the basis of the sign. At best, one might make the case that the Disciples did not recognise that the raising of Lazarus foreshadowed Jesus' own death and resurrection.

¹⁶⁹This is the case with the crowd immediately following the multiplication of loaves. They "believe," yet, they have made a mistaken conclusion regarding Jesus' identity as they wish to make him king by force.

¹⁷⁰Regarding the proper inferences that are made concerning signs, Fortna maintains that signs are not merely wonders. A true sign "must be recognised as full of meaning beyond the miraculous" (*Predecessor*, 241). Riga also states that observers must recognise the signs, "read into them their profound religious meaning, and consequently accept the Person of Christ who works them..." (Riga, "Signs of Glory," 403).

¹⁷¹"Miraculous events" are just one of the connotations to the word "works" in the Gospel. Johns and

characters within the narrative. Jesus himself speaks of "works" while the narrator or those characters who encounter Jesus speak of signs.¹⁷² This distinction between the two terms is not immediately obvious as they sometimes are used interchangeably. For instance, the crowd in 6:30 inquires of Jesus, "What *sign* are you going to give us...what *work* are you performing?" The healing of the impotent man is an additional example as the action is considered by Jesus to be "work," ἐργάζομαι (5:17). By contrast the healing of the impotent man constitutes a sign in the opinion of the crowd (6:2). Also, the healing of the man born blind is a work attributed to God (9:3-4), but identified by the Pharisees as a sign (9:16). That Jesus would refer to his actions as works while the characters would see them as signs is only natural. For Jesus himself the actions are not "signs" in terms of the rhetorical definition. They do not indicate something beyond themselves. Jesus knows himself and his relationship with his Father and thus has no need to make inference concerning his own identity. From his perspective, his actions are not signs. By contrast, all of the other characters, and indeed the reader, must make inferences concerning Jesus' identity. From their point of view, then, Jesus' actions do serve as signs.¹⁷³

Despite the interchangeable nature of the two terms, however, it must be acknowledged that the word "signs" refers to miraculous events, while the term "works" is not limited to actions that constitute supernatural occurrences. Rather, the works include other actions of God in Christ such as the ability to judge (5:22).¹⁷⁴

Miller observe that the word "works" has a "broad semantic range" extending beyond miracles to include proof of commissions, actions for which persons are morally accountable, and God's activity through Jesus in addition to being used of miracles (p. 525).

¹⁷²This observation has also been made by Beutler, *Martyria...*, 294 and Guthrie, "The Importance of Signs in the Fourth Gospel," *Vox Evangelica* 5 (1967): 79. 4:48 and 6:26 are exceptions where Jesus himself speaks of signs. These are verses, however, in which Jesus is seeking to avert misunderstandings of the signs.

¹⁷³Riga asserts that the term "sign" is especially appropriate for the Gospel. Since signs are "essentially obscure" they are the proper mode through which the revelation of the incarnate Word should be made manifest to humanity (410). Presumably, their "obscure" nature preserves the idea of God's otherness and mystery.

¹⁷⁴Beutler, *Martyria*, 259. Beutler overstates the difference between the signs and works by asserting that the signs are Christological, reflecting the glory of Christ (2:11). By contrast the works reflect the

In essence, the term ἔργα includes but is not restricted to Jesus' miracles.¹⁷⁵ The works indicate the whole of Jesus' activity.¹⁷⁶

The overlapping relationship between the works and signs does have a bearing on the question of whether or not the Evangelist regards the signs in a positive manner. Specifically, if Jesus' works promote belief with regard to Jesus' identity and the signs are included in the term "works," then the signs too have a positive value for believers. That the works may promote belief in Jesus' identity as the Son of God is articulated most succinctly in two passages. First, in 10:38 Jesus encourages the Jews to believe in him on the basis of his works if not on other grounds. The second verse in which the works are represented as unambiguously positive is 5:36 where Jesus states that even the works he accomplishes testify in his behalf and indicate that he has been sent by the Father. The works, therefore, function positively as part of the evidence presented by the author¹⁷⁷ to promote belief in Jesus' identity as the Messiah/Son of God.¹⁷⁸

The signs, as activities of Jesus, are included within the works and are therefore one means of positive proof of Jesus' identity employed within the author's rhetoric. While various characters in the narrative may misunderstand the significance of the signs, a possibility because the Johannine signs are not τεκμήριον and consequently require interpretation, they may lead one to belief. Thus, they cannot be denigrated.

Father and therefore reveal a theological orientation. This strict division is impossible to maintain. For instance, Beutler describes the ability to give life (5:21) as a work, but does not take into account that the raising of Lazarus (giving of life) is identified as a sign (11:47, 12:18).

¹⁷⁵Raymond E. Brown, *The Gospel According to John* Vol 1, p. 528. Brown's third Appendix focuses on the works and signs (pp. 523-532).

¹⁷⁶Pancaro includes as part of this all encompassing activity not only the actions of Jesus, but also his words (p. 215).

¹⁷⁷Discussion of the resurrection as "sign" will be deferred until Chapter 4.

¹⁷⁸So observes Pancaro, "The σημεῖα of Jesus, his whole ἔργον ...are being cited as "testimony" which should induce the Jews to accept that Jesus was indeed the Messiah, the Son of God"(p. 216). Also Johns and Miller, "...the signs as well as the works of Jesus are witnesses in the strategy of persuading the characters and ultimately the reader, of Jesus' identity" (p. 533). Schnackenburg writes, "(The signs)"too (as works) are to be 'testimonies' whereby faith is proclaimed and unbelief convicted, and thus they have a sort of juridical validity..." (Vol 1, 525).

D. Summary

During this romp through the twelve chapters of the public ministry, three primary objectives have served as the impetus for discussion: to determine the form of arguments and proof presented in the public ministry as they reflect the type of proof presented in the *probatio* portions of speeches, to ascertain whether or not the author's *ipsius causae* intention for his case was indeed supported by the various modes of proof offered throughout the chapters, and to offer the suggestion that aspects of Roman law might elucidate some of the motifs found in the public ministry.

With regard to the first objective, the observation was made that the narrative format of the public ministry was not the usual form for the *probatio* of public speeches as recorded in the handbooks. Narrative was generally reserved for the statement of the case. Despite this fact, however, the handbooks do not prohibit the use of narrative in a *probatio* and Cicero employs narrative in one of his speeches as the backdrop for his arguments. In any case, the means of argumentation present in oratory was part of the cultural milieu in which the author was writing and is reflected in the types of evidence he presents in his work. The advantage of using narrative for the presentation of one's proof is obvious; it enables the author to present types of evidence, such as the testimony of witnesses, that are part of the trial procedure but which fall outside of the scope of the legal speech. Further, the presentation of one's "proof" in narrative form permits the incorporation of the opponent's arguments and/or positions into the text. This results in the capturing of the full dramatic quality of a court procedure, a dynamic lost in the one dimensional presentation of arguments in a forensic speech proper.

Following these observations, an attempt was made to determine what types of proof might be found in the public ministry. The witness motif and John's unmodified use of Scripture were described as inartificial proofs while his use of logical arguments, rhetorically crafted Scriptural proofs, examples, and signs were

artificial. In addition, all of these various proofs contributed to the case by providing evidence to convince not only the characters, but also the reader, of Jesus' identity as the Son of God.

Accompanying these two "rhetorically focused" aspects of the investigation, attempts were made to relate aspects of the public ministry to Roman law. The witness motif had elements that were explicable on the basis of Roman rather than Jewish law. Specifically, the ability of a female, such as the Samaritan woman, to testify and the admissibility of the combined testimony of a father and son, such as reflected in chapter 8, were permitted by Roman law.

Having completed this investigation of the public ministry, the question remains whether or not other portions of the Gospel relate to aspects of ancient speeches as discussed in the handbooks. The farewell discourses are the next subject for examination.

CHAPTER 3

The Farewell Discourses as Digression and the Paraclete as Advocate

After chapter 12 the tone of the Fourth Gospel changes, moving from Jesus' interaction with the Jewish crowds and leadership to the more intimate tableau of his private discussions with his disciples.¹ This shift in tone has led John Ashton to state, "Jesus' protracted farewell to his disciples in chapters 13-17 interrupts the trial sequence."² Although Ashton himself does not make the connection, his statement is akin to simple descriptions of the digression as discussed in the rhetorical handbooks. In the handbooks the observation is made that orators may find it necessary to "break away in the middle of the speech" or to introduce topics "in the midst of matter which has no connection..."³ to that which is the current focus for discussion. According to Quintilian, digressions (παρέκβασις / *egressio*) may be "of various kinds and may deal with different themes in any portion of the speech."⁴ Digressions, for instance, might amplify a topic, add charm and elegance to the oratory, excite emotion in the judge or serve as a preface to a main point.⁵ Furthermore, Cicero specifies that a digression might employ topics that "stimulate or curb the emotions of the audience."⁶ In any case, Quintilian reminds the orator not to "be long in returning to the point from which he departed." Despite some

¹Jeffrey Lloyd Staley offers a note of caution stating that on the story level the interconnectedness between chapter 13 and the preceding scenes "does not allow for the kind of major division that scholars frequently foist upon the text there." For example, verses 11:1-21:25 are unified in that they form Jesus' fourth ministry tour. The Print's First Kiss: A Rhetorical Investigation of the Implied Reader in the Fourth Gospel. SBL Dissertation Series 82 (Atlanta: GA: Scholar's Press, 1988), 67.

²John Ashton, Understanding the Fourth Gospel (Oxford: Clarendon Press, 1991), 228.

³Quintilian Inst. Ort. , Loeb Classical Library, 4.3.17 and 4.3.16.

⁴Quintilian Inst. Ort. 4.3.12. Contrary to other orators, Quintilian does not maintain a digression should be limited to a position following the statement of facts (4.3.14). See Cicero De Oratore, Loeb Classical Library, 2.77.312. On "digression" in ancient oratory in general see Heinrich Lausberg, Handbook of Literary Rhetoric Trans. M. Bliss et. al. (Leiden, Boston, Köln: Brill, 1998), 158-59. He notes that longer digressions can "adopt all types of literary narration" (159).

⁵Quintilian Inst. Ort. 4.3.15ff.

⁶Cicero De Oratore 2.77.312.

modern conceptions that a digression is merely a “set piece...added to avoid tedium”⁷ thus presenting subject matter that might be described as ornamental, superficial, or extraneous to the case, the ancient orators regarded digression as a potential tool for introducing materials that were of relevance and importance for the case at large.⁸ H.V. Canter, in analysing digressions in Cicero’s speeches, has discovered that “in practically every case the digression is found to sustain a relation fairly close to the main issue...(T)he digression in Cicero is never an otiose disquisition..., but is inserted with the ultimate aim of aiding the client or the cause he is presenting.”⁹ Canter also observes that although Quintilian remarks that digressions are to be brief, Cicero tended to incorporate rather lengthy digressions during the course of the *probatio* portion of his speeches.¹⁰ These ranged in length from 77 to 120 lines, approaching one quarter of the length of some orations, and led Canter to conclude that although Cicero tended to average only one digression per speech, “when a digression is begun it is carried to considerable length.”¹¹

Given these observations, the farewell discourses of the Fourth Gospel may be seen to function as a digression in a variety of ways. First, the length of the discourses, nearly one fourth of the Gospel, does not preclude examining them from the perspective of classical digressions. Second, the position of the farewell discourses in the Gospel at large accords with Cicero’s frequent placement of digressions in the *probatio* portions of his speeches. The idea that the farewell discourses are placed in the midst of the “proof portion” of the Gospel may be

⁷Charles Allen Beaumont, *Swift’s Classical Rhetoric* (Athens, GA: University of Georgia Press, 1961), 156. Beaumont himself, however, recognised that a digression might assist in the furtherance of one’s argument. For example, see page 93 of his work.

⁸H.V. Canter, commenting on Cicero’s *De Partitione Oratoria* 15.52 notes that Cicero associates digression with amplification. Digression and amplification contribute to the case by explaining, enforcing, or illustrating the case with additional materials. “*Digressio* in the Orations of Cicero,” *American Journal of Philology* 52 (1931): 351.

⁹*Ibid.*, 359.

¹⁰*Ibid.*, 356.

¹¹*Ibid.*, 354. He further notes that the *Pro Archia* contains a digression *extra causam* that comprises more than half of that particular oration.

expanded further. For instance, although these discourses indicate an abrupt shift from Jesus' interaction with the citizens of Judea, Samaria and Galilee to private conversations with the disciples, chapter 18 returns to the point from which John departed. Specifically, the author ends his "digression" by relating Jesus' arrest, the fruition of the "plot to kill Jesus" (11:45-53). With the arrest, Jesus is once again firmly within the public sphere where quiet conversation with his followers is not possible. In essence, like a digression, the farewell discourses might be excised from the text with no disruption of the narrative or argumentative flow. Further, the farewell discourses function in ways similar to a digression because they may be said to intrude into a portion of the Gospel akin to a *probatio*. Specifically, the witness motif, a type of proof so prevalent during the public ministry, is absent from the farewell discourses.¹² The theme of witnessing/offering testimony, however, recurs in chapters 18-20:29. For example, Jesus himself indicates that there are witnesses, those who know the word he had spoken (18:21) even though they do not speak either for or against him in his hearing before the Jewish authorities. Also, Pilate, by implication, testifies to Jesus' identity in 19:19-22 when he refuses to amend the sign on the cross. Another illustration of one who functions as a witness is Mary Magdalene. She testifies to Jesus' resurrection when she reports to the disciples that she has seen the Lord (20:18).¹³

Even as the farewell discourses interrupt the witness motif, so too do they represent a break from the "proof" of Jesus' identity inherent in the signs and other miracles associated with Jesus. In chapters 13-17 Jesus performs no miracles. The chapters that follow the discourses, however, contain the supreme supernatural event: Jesus' resurrection, an event prefigured by the raising of Lazarus.

¹²Both the disciples and the Paraclete will testify to Jesus (15:26-27), but do not actually do so within the farewell discourses.

¹³Regarding Mary's testimony see Robert G. Maccini, *Her Testimony is True*, JSNTS 125 (Sheffield: Sheffield Academic Press, 1996), 226ff.

As an additional point, the observation must be made that even though Jesus' farewell interrupts the portion of the text that functions like the *probatio* portion of the speech, a position often occupied by digressions in Cicero's orations, it is not completely divorced from the task of offering clues concerning Jesus' identity. Jesus' foreknowledge of events, such as his prediction of Peter's denial (13:38) and the motif that events surrounding Jesus' life fulfil Scripture (13:18, 15:25), provide additional verification of Jesus' identity and claims for the reader.¹⁴ Since, in rhetoric, digressions were to support the claims of the orator, the presence of these clues do not represent a departure from the type of material that might be included in the digressions of ancient speeches.

Study of the farewell discourses in this chapter will focus on two points. First, attention will be given to the nature of the farewell discourses themselves. Included in this discussion will be mention of possible backgrounds and analogies for farewell conversations, one of which is a farewell speech embedded in one of Cicero's defence speeches, and comments concerning various aspects of chapters 13-17 that contribute to the author's argument that Jesus is the Son of God/Messiah. Second, the various translations of *παράκλητος* will be discussed. Then, given the possible identification of the Holy Spirit as advocate/paraclete within the discourses, the role of the advocate in Roman trials will be explored. During this discussion the theory that the Holy Spirit, who assists the disciples in the trial of Jesus that extends beyond the crucifixion, acts in ways analogous to those of a Greco-Roman advocate will be set forth.

¹⁴G. Kennedy has described the farewell conversations as "consolatory," focusing on Jesus' concern for the disciples' emotional reaction to his immanent death. G. Kennedy, New Testament Interpretation, ed. Charles H. Long (Chapel Hill and London: University of North Carolina Press, 1984), 77. Although "consolation" falls under the category of epideictic rather than forensic rhetoric, the classic orators "mixed forms" in order to achieve the most persuasive arguments. While the public ministry was forensic, as exemplified by the witness motif, there is no prohibition against a digression employing another species of rhetoric. A. R. Odiam's position regarding 17:1-26 is that those verses represent not consolatory epideictic rhetoric, but another sub-category of epideictic oratory, the encomium. The encomium in chapter 17 has as its end the glorification of God. Rhetoric of the Fourth Gospel: A Key to Preaching (Ph.D. diss. Southern Baptist Theological Seminary, 1989), 138-141.

A. Aspects of the Farewell Discourses in John's Gospel

That the discourses in chapters 13-17 may be described as a digression to the extent they interrupt the trial narrative is apparent. Additional questions, though, may be raised concerning the discourses. For instance, what are some possible backgrounds or models for farewell speeches such as appear in the Gospel? Can an analogy to a farewell speech be found in Greco-Roman oratory? What are some of the prominent features of John's farewell discourses and do they contribute to the advancement of the Evangelist's thesis concerning the identity of Jesus?

Parallels between John's farewell discourses and other literature, both Jewish and Greco-Roman have been identified. T. F. Glasson, for example, remarks that there are numerous points of similarity between John 13-17 and the book of Deuteronomy, which he maintains may itself be regarded as a farewell speech.¹⁵ Other scholars have focused on relating Jesus' farewell to that of Moses and other farewell discourses in Judaism. Indeed, Jacob's farewell in Gen. 49, Elijah's in 2 Kings, David's speech to Solomon in 1 Chron. 28-29 and Paul's speech in Acts 20:17-28 all share features with Jesus' conversations with the disciples in John 13-17.¹⁶

Ernst Bammel also focuses on a Jewish background for these chapters of the Fourth Gospel. He discusses in detail his thesis that the discourses, which for him begin at 13:31 and continue to 17:24, have as part of their heritage the Jewish literary genre of the testament. He observes, however, that there are various points that represent differences between Jesus' speeches in this portion of the Gospel and Jewish testaments. For example, unlike Jewish testaments, which rehearse God's past dealings with Israel, John has instead focused on concern for the disciples and hence does not contemplate Israel's past.¹⁷ In light of the many differences between

¹⁵T. F. Glasson, Moses in the Fourth Gospel, Studies in Biblical Theology 40 (London: SCM Press, 1963), 74.

¹⁶Ben Witherington, III, John's Wisdom (Louisville, KY: Westminster John Knox Press, 1995), 245.

¹⁷Ernst Bammel, "The Farewell Discourse of the Evangelist John and its Jewish Heritage," Tyndale

the discourses in John and the Jewish testaments, Bammel concludes that the discourses represent a transitional phase in the development of the literature. The Gospel retains some elements of the Jewish testament, but also has elements similar to the "speeches of the resurrected one" that in early Christian literature had to some extent replaced the testaments.¹⁸

In addition to focusing on a Jewish background of chapters 13-17, some attention has settled on a Greco-Roman context. For instance, they may be compared with Greco-Roman table speeches. E. Bammel observes that such speeches have the following elements: a jealous argument, departure of an unwelcome guest, the delay of the speech until the unwelcome guest has departed, a walk after the meal, and the appearance of intruders.¹⁹ Along similar lines Ben Witherington maintains that the Greco-Roman meal, which was accompanied by a *symposium*, is what is found in John 13:1-30.²⁰ F. Segovia also posits a Greco-Roman paradigm for the farewell discourses. He asserts that the Fourth Gospel is an example of ancient biography. Such biographies, he maintains, contained a threefold structural framework. This framework included a beginning narrative of the hero's origins and youth, an account of the public life and career of the hero and a narrative of the hero's death and lasting significance.²¹

Whether the farewell discourses of John have their background in Jewish traditions or Greco-Roman biography, a central concern for the thesis that John's Gospel is structured in a way that resonates with the conventions of Greco-Roman

Bulletin 44.1 (1993): 112-3. As far as the form of the farewell discourses are concerned, John Ashton describes them as testament and commission (Understanding the Fourth Gospel, 445ff).

¹⁸Bammel, 115-116.

¹⁹Ibid., 107.

²⁰Witherington, 231-232 ff.

²¹F. Segovia, "The Journey(s) of the Word of God: A Reading of the Plot of the Fourth Gospel," Semeia 53 (1991): 32. Witherington too recognises the Fourth Gospel as biography (John's Wisdom, 2-4) but emphasises the function of the farewell discourses in the Gospel rather than their place in a biographical framework. He states, "Jesus is portrayed as a *Jewish* sage addressing his pupils a final time" (245). Instead of focusing exclusively on Greco-Roman biographies, then, he takes into account the Jewish wisdom tradition.

forensic speeches is this: is it possible for a farewell speech to be incorporated into an orator's presentation in defence of his client? The answer is yes. In a speech defending Milo against a charge of murder, Cicero recounts portions of a farewell oration given by his client. The "farewell speech of Milo," which Cicero narrates with a combination of indirect discourse and first person characterisation of Milo, may itself be identified as a digression.²² Further, like John's farewell discourses, which precede Jesus' trial and death sentence, "Milo's speech" is uttered prior to the issuing of a legal verdict against Milo.

Milo's farewell extends from 34.91- 35.98 with additional echoes in 38.104.²³ As a digression, it falls between the presentation of the proof, the end of which was clearly marked by the sentence "But now I have said enough about the case itself..."²⁴ and the peroration. This portion of Cicero's speech in defence of Milo employs not logical reasoning, *logos*, but *pathos*, or emotional appeals. By use of *pathos* Milo's farewell is intended to depict his bravery and upright character in an attempt to gain sympathy for his plight--the threat of his conviction and subsequent banishment from Rome. The speech, which consisted of words uttered privately to Cicero,²⁵ much as Jesus' farewell discourses were originally addressed privately to the disciples, begins thus:

"Farewell!" he cries, "farewell, my fellow citizens! Security, success, prosperity be theirs! Long may this city, my beloved fatherland, remain glorious, however ill she may have treated me! May my countrymen rest in full and peaceful enjoyment of their constitution, an enjoyment from which, since I may not share it, I shall stand aloof, but which none the less is owed to myself! I shall pass and go hence..."²⁶

²²Canter identifies two digressions in the speech in defence of Milo--Cicero's part in Clodius' murder and the sequence regarding Pompey and Milo (Canter, p. 353). Despite this, Canter observes that his listing of digressions is only "approximately complete" (p. 352) and that with regard to content eulogy is a frequent subject for digression in Cicero's speeches (p. 358). Given the eulogistic nature of Milo's farewell and its position in the text following a transition statement, the designation "digression" is appropriate.

²³Cicero *Pro Milone*, Loeb Classical Library, 1972.

²⁴Ibid., 34.92.

²⁵Ibid., 36.99.

²⁶Ibid., 34.93.

Cicero eventually switches to indirect discourse in recounting the benefits that accrued to the citizens by Milo's actions, not the least of which was, of course, eliminating their fears of Clodius, whom Milo had murdered. Furthermore, Cicero observes that Milo had provided other extraordinary services to the state (35.95). The orator argues that Milo's actions were not only identified as beneficial to the state, but were actions which rebounded to Milo's glory. Cicero, in reporting Milo's speech continues,

Furthermore he (Milo) says, what is undoubtedly true, that it is the fashion of the brave and the wise to pursue not the rewards of noble action so much as noble action itself; that every phase of his career has been crowned with glory, if at least a man can perform no prouder task than the deliverance of his country from danger...if rewards must be taken into account, the noblest is glory; this alone is enough to compensate for life's brevity by the remembrance of future ages, to make us present in absence and alive in death; that, in fine, it is glory upon whose ladder men seem even to scale heaven. "Of me," he says, "shall the people of Rome and all nations ever speak, of me shall no far off age ever cease to make mention. Nay, at this very time, though all my foes are laying their torches to the pyre of my infamy, still, wherever men are gathered together my name resounds in thanksgiving and congratulation in all converse."²⁷

Jesus, too, speaks of glory in his farewell discourses (17:24),²⁸ but comparisons between the content and/or style of the two farewell discussions, that of Jesus and that of Milo, are not necessary as digressive material was tailored to each individual case in an attempt to persuade the judges to believe the claims of the client. The existence of a farewell discourse in Cicero's oration indicates the feasibility of regarding the Johannine farewell discourses, not as material extraneous to the Gospel plot, but as a carefully crafted piece analogous to a digression.

The situation of Jesus in the Fourth Gospel is quite different from that of Milo, who was charged with murder. Jesus must prove that he is the Son of God/Messiah. The Evangelist, following the dictate of rhetoric that each aspect of one's defence is to promote the interests of the client, tailors Jesus' digressive

²⁷Ibid., 35.96-98.

²⁸Glory from God though, is contrasted with human glory (5:44; 12:43).

farewell to support Jesus' claims. Furthermore, the reader is made aware that the question of Jesus' identity will not be settled during his earthly trial, but will be ongoing as future generations decide the issue themselves (15:27).

Various aspects of the discourses provide indirect proof of Jesus' sonship. The first is Jesus' omniscience, for Jesus knows that Judas will betray him (13:2-3; 13:21-30). Second, there is careful emphasis in these discourses on Jesus' relationship with God. For instance, Jesus has the role of preparing a place for the disciples with his Father (14:1-3) and is the "way" to the Father (14:6). Further, Jesus describes himself as one who came from the Father into the world and will leave the world to go to the Father (16:27-28). The special relationship is also illustrated by the fact that Jesus is so confident in his relationship with the Father that he himself intercedes with the Father on behalf of the disciples (17:24)²⁹ and requests the Father to send the Paraclete (14:15).

Within the Fourth Gospel, the use of the word "Paraclete" is an element unique to the farewell discourses.³⁰ Reference to the Paraclete in these chapters may alert the reader that legal procedures will occur in the time following Jesus' death. Indeed, after Jesus' resurrection, the Paraclete will continue the defence of Jesus. The Paraclete, though, is an entity whose actions in this regard require explication. As a consequence we will now turn to study of this figure.

B. The Paraclete as Advocate

The paraclete passages, which occur four times within the farewell discourses (14:16-17; 14:26; 15:26; 16:7-14) are the subject of much scholarly debate. Three topics often discussed are: 1) are these passages interpolations? 2) what is the nature

²⁹17:11 indicates that if the disciples remain faithful to the revelation of Jesus to the Father, they too remain "one" with the Father. This unity is described as the "Divine unity of love." Leon Morris, *The Gospel According to John*, rev. ed. (Grand Rapids: Wm. B. Eerdmans. 1995), 644. The unity, however, depends on the revelation of Jesus who is the way and the one sent from the Father (17:8).

³⁰The word also appears in 1 John 2:1.

of the background from which the Evangelist is drawing in his depiction of the Paraclete? and 3) what is an appropriate translation for the word παράκλητος?³¹

With regard to the first issue, whether or not the paraclete passages are interpolations, Hans Windisch exemplifies one side of the debate. He maintains that the first three paraclete sayings do not belong in the original text of the farewell discourses and removal of the passages would not disrupt the flow of the narrative as a whole. In addition, Windisch describes the Paraclete as "unnecessary" because the disciples have already been sufficiently enlightened and comforted in the first portion of the farewell discourse with regard to Jesus' departure.³² The difficulty with such a theory concerning the paraclete passages, however, is determining the function of such interpolations.³³ Why were these passages ultimately included in the Gospel if they are interpolations? Even if the explanation is that references to the Paraclete are later additions to the text designed to provide an interim solution for the problem caused by the death of the first eyewitnesses and the delay of the parousia,³⁴ the question of why the figure of the Holy Spirit should be designated as "the Paraclete" remains unanswered.

³¹For a detailed discussion of these various questions, often called 'The Paraclete Problem' see Felix Porsch, *Pneuma und Wort. Frankfurter Theologische Studien* 16 (Frankfurt am Main: Verlag Josef Knecht, 1974), 300ff.

³²Hans Windisch, "The Five Johannine Paraclete Sayings," in *The Spirit-Paraclete in the Fourth Gospel*, trans. James W. Cox. Facet Biblical Series 20 (Philadelphia: Fortress Press, 1968): 2ff.

³³Although not mentioning interpolations, W. R. Domeris focuses on a possible function for the Paraclete that explains its presence in the text. He takes the position that the concept of the "paraclete" was introduced by the Evangelist to legitimise his own position within his community. Facing a crisis of leadership, the Evangelist appealed to the tradition of the Holy Spirit, reference to which is made in the Qumranic documents where it served to legitimise writings. Within the text of the Gospel Domeris asserts that the first paraclete may be seen either as Jesus or the Beloved Disciple while the second is either the Spirit or the Evangelist. The Evangelist requires that he himself be linked with the Holy Spirit to add authority to his document. Domeris does not indicate adequately why the Beloved Disciple might be the first paraclete or the Evangelist the second when the parallelisms in the Gospel story are between Jesus and the Paraclete. Neither does he indicate how he arrived at the theory that the Evangelist was experiencing a challenge to his leadership. "The Paraclete as Ideological Construct," *Journal of Theology for South Africa* 67 (June, 1989): 17-23.

³⁴Concerning the delay of the parousia and the Fourth Gospel, see R. E. Brown, "The Paraclete in the Fourth Gospel," *New Testament Studies* 13 (1967): 129-130. Brown, however, does not believe the paraclete passages are interpolations.

R. E. Brown takes a position that is at odds with Windisch by asserting that the paraclete passages defy explanation in terms of deliberate interpolation.³⁵ There are a variety of reasons for maintaining that the paraclete passages are integral to the text. First, when the Gospel is read as a unified whole, the Paraclete-Holy Spirit resembles Christ.³⁶ For example, the Paraclete will be sent from the Father (15:26) even as Jesus was sent (5:36-37). A second reason for disagreeing with the theory that these passages represent interpolations is that, although the Paraclete is not mentioned elsewhere in the Gospel, his absence is explicable in light of the Gospel's story line. In the farewell discourses, Jesus is consistently forward-looking. He predicts his betrayal (13:21-30), his death (14:19,28), and events in the time beyond his death (14:3, 15:20-21). Consequently, the word "paraclete" is not employed in the remaining chapters of the Gospel because the Paraclete will make its appearance after the point in time where Gospel narrative concludes.³⁷ The mention of the Paraclete in the farewell discourses is an example of prolepsis.³⁸ The idea, that the "paraclete passages" are interpolations based on the criterion that the term "paraclete" occurs at no other point at the text, is subsequently unsatisfactory. A final reason for asserting that the paraclete passages are an integral part of the text is that the term "paraclete," which may have legal connotations, is commensurate with a dominant theme in the Fourth Gospel: the trial motif. Although not exclusive to the legal sphere, the legal overtones in the word resonate well with both the witness motif and the Roman interrogation of Jesus. The question of the proper translation

³⁵Brown, "The Paraclete...", 114.

³⁶Ibid., 126-27. Also, Brown, *John* Vol. 2, 1140 and Stephen Smalley, "The Paraclete: Pneumatology in the Johannine Gospel and Apocalypse," in *Exploring the Gospel of John*, ed. R. A. Culpepper & C. C. Black (Louisville: Westminster John Knox Press, 1996), 291-292.

³⁷The actual bestowal of the Holy Spirit upon the disciples is mentioned in 20:22. The fact, however, that the term "Holy Spirit" is used rather than "paraclete," is not necessarily significant. In the farewell discourses, the term "Holy Spirit" is employed as well (14:26). The Holy Spirit is the one who fulfills the role of "paraclete." Thus, even as Jesus may be designated and called "messiah," so too the Holy Spirit may be designated "paraclete."

³⁸On anticipation or prolepsis in the farewell discourses see Margaret Davies, *Rhetoric and Reference in the Fourth Gospel*, JSNT SS 69 (Sheffield: JSOT Press, 1992), 55-58; R. Alan Culpepper, *Anatomy of the Fourth Gospel* (Philadelphia: Fortress Press, 1983), 63, 67-68. Also, Gail R. O'Day, "I Have Overcome the World' (John 16:33): Narrative Time in John 13-17," *Semeia* 53 (1991): 156 and 164.

of the word παράκλητος and the extent to which its forensic aspects would be emphasised is a topic that will become the focus of attention after some issues regarding the background of the concept have been raised.

In addition to the question of whether or not the paraclete passages are interpolations, the background of the concept "paraclete" has been the subject of much discussion.³⁹ While attempts to link the figures of heavenly helpers in proto-Mandaean Gnosticism to the Fourth Gospel's concept of the Paraclete are generally regarded as unconvincing,⁴⁰ several Jewish antecedents have been proposed and appear more fruitful. Brown briefly summarises three themes from Judaism that are thought to provide elements for the background of John's thought. The first theme is that of a principal figure dying and being replaced by another, as was the case with Moses/Joshua or Elijah/Elisha. A second theme involves the Spirit of God descending upon the prophets so they might speak the words of God to humanity. Late Jewish angelology provided another theme. Angels not only assumed a teaching function, but also a forensic role as defenders of God's people (advocates) as in the Qumranic concept of the angelic "spirit of truth."⁴¹

³⁹For a survey of the theories of the sources for the Evangelist's concept of "paraclete" see Robert Kysar, *The Fourth Evangelist and His Gospel* (Minneapolis, MN: Augsburg Publishing House, 1975), 127-131.

⁴⁰Brown, "The Paraclete...", 119. Also Felix Porsch, *Pneuma und Wort*, 309; Gary Burge, *The Anointed Community. The Holy Spirit in the Johannine Tradition* (Grand Rapids, MI: William B. Eerdmans, 1987), 13. J. Behm remarks that important aspects of the Mandaean description do not fit with John's depiction of the Paraclete. For example, Mandaean Gnosticism has a plurality of helpers who work simultaneously without interaction. The Paraclete, by contrast, acts in sequence with Jesus (14:16) and at Jesus' direction (16:12). Also, the Mandaean heavenly helpers do not have any aspects that correspond to the forensic traits of John's paraclete (i.e. his witnessing 15:26). "παράκλητος" *Theological Dictionary of the New Testament*. Vol. 5, ed. G. Friedrich (Grand Rapids: Eerdmans, 1967), 808.

⁴¹Brown, "The Paraclete...", 120-121. Regarding links between the Paraclete and angelology see O. Betz, *Der Paraklete, Arbeiten zur Geschichte des Spätjudentums und Urchristentums 2* (Leiden/Köln: E. J. Brill, 1963) and George Johnston, *The Spirit-Paraclete in the Gospel of John*, Nov. T. Supp 12 (Cambridge: Cambridge Univ. Press, 1970). Critiques are offered by Burge, 19-29 and Kysar, 239. Additional theories for the background of "paraclete" are noted by Burge. They include the figure of wisdom (Burge, 29) and Isaiah's eschatology (Burge, 28). Burge himself proposed that the Evangelist developed Jewish ideas when he elevated the motifs of inter-testamental advocacy to the literary motif of the trial of Christ (Burge, 30 and 208). On the relationship between Wisdom and the Holy Spirit (and hence the Paraclete) as one aspect amongst others forming the background of John's concept of the Paraclete see Witherington, 251. The designation "Spirit of Truth" appears in John 14:17; 15:26; and 16:13.

Another alternative is to look beyond Judaism for some person or class of persons whose duties might be analogous to those assigned to the Paraclete in the Fourth Gospel. One proposal might be that the duties associated with the term παράκλητος, as applied to the Holy Spirit by John, correspond with those expected of a late first century legal advocate. The activities of such advocates would have been known to both Jewish and Gentile audiences since, as J. A. Crook observes, "...the whole Greco-Roman world was litigiously minded, and there is plentiful evidence for litigation at all levels in society below and beyond the elite..." and even in the provinces.⁴² Explicating this possible background as a basis for understanding John's paraclete passages involves analysing each in accordance with the description of patrons/legal advocates in the rhetorical handbooks and/or in relation to the activities of such advocates as revealed in their speeches. In the course of such a task, not only will the Roman concept of "advocate" be put forward as a plausible background for illuminating the Paraclete's role in the Fourth Gospel, but the assertion will be made that the word "advocate" is the most appropriate translation for παράκλητος. Indeed, the question of the possible background for the concept and the question of the most accurate translation of the word are inseparable.

The issue of finding an accurate translation of the word παράκλητος is one that is often raised. Should the translator render the word as "advocate," thereby emphasising the Paraclete's legal functions, or as "comforter" or "helper," terms which do not necessarily have forensic connotations? Furthermore, if the paraclete passages are explicable in terms of the duties of those who exercised legal functions during the course of a trial, additional questions must be answered. For instance, if the Paraclete is acting in a legal capacity, who is on trial? Is the Paraclete acting as defence lawyer or prosecuting attorney? In addition, one might inquire as to the number of separate trials reflected in this portion of John's Gospel.⁴³

⁴²J. A. Crook, Legal Advocacy in the Roman World (London: Duckworth, 1995), 125.

⁴³S. Smalley comments on the difficulty of ascertaining the Paraclete's role in a legal setting. He writes, "But what of his (the Paraclete's) role in the courtroom? The usual gloss is that the Paraclete acts for the defence, as an 'advocate' ... In John 14-16, however, the Paraclete becomes a counsel for

A comprehensive article, in which the difficulties concerning an appropriate translation of "paraclete" are discussed, is that of Raymond Brown.⁴⁴ According to Brown, an accurate translation of the word "paraclete" is confounded by the fact that there is no real Hebrew equivalent.⁴⁵ Further, the fact that there is no example of the word being used in non-New Testamental Greek from the first century C.E.⁴⁶ does not simplify the translator's task. Brown observes that while a forensic function is clear from both 15:26 where the Paraclete will testify on Jesus' behalf and 16:8 where the Paraclete will ἐλέγξει, convict/prove wrong, the world,⁴⁷ such a forensic function is absent from chapter 14 verses 16 and 26. Rather than legal functions, the verses of this chapter portray the Paraclete as one who comes to the disciples and remains with/in them, teaching them concerning Jesus.⁴⁸ "Advocates," in the general conception, do not necessarily teach, nor do they "remain with" those involved in legal procedures. Thus, Brown is reluctant to translate παράκλητος solely as "advocate." Jerome, in composing the Vulgate, side stepped the difficulty by retaining a transliteration of the Greek, *paracletus*. He employed neither *advocatus* or *consolator*⁴⁹ as might be expected in a Latin translation. An analysis, however, of the role of "advocates" in Quintilian's handbook and in Cicero's speeches will provide evidence that even in chapter 14 the Paraclete acts in accordance with the duties expected of such legal advocates. In illustrating this assertion attention will first focus upon the teaching and support functions of the Paraclete as activities in which the ancient advocate⁵⁰ engaged during the course of a case.

the prosecution (16:7-11)..." (Smalley, "The Paraclete," 291).

⁴⁴R. E. Brown, "The Paraclete," 113-132.

⁴⁵Ibid., 115.

⁴⁶Kenneth Grayston analyses all occurrences of the word in Greek until the third century C.E. "The Meaning of PARAKLETOS," *ISNT* 13 (October 1981): 67-82

⁴⁷The issue of a proper translation for the word ἐλέγξει will be discussed below in a detailed exposition of 16:8-11.

⁴⁸Brown, "The Paraclete," 114.

⁴⁹Burge, 10.

⁵⁰While the translator of *Inst. Ort.* employs the word "advocate," Quintilian himself often uses the Latin words *patromus* or *orator*. For example, see *Inst. Ort.* 5.7.11, 5.7.7. Patron, advocate, and

In 14:26 two activities are ascribed to the "other Paraclete"⁵¹ that Jesus will request from his Father. This second Paraclete μένει, remains,⁵² with the disciples and ἔσται ἐν, will be in them.⁵³ Before examining these functions, which may be identified as "offering support," saying a word regarding the presence of multiple patrons, helpers, or advocates in Roman legal procedures is appropriate.

In the concept of "another paraclete" Roman audiences would recognise the common practice of allowing multiple advocates, and indeed the client himself, to speak in a client's behalf. Each speaker would speak in turn or perhaps handle different aspects of a courtroom trial. For instance, one advocate might deliver an

orator, though, were all used of those who plead cases for clients in a court of law and are synonyms. Crook observes that the term "paraclete" has as its closest verbal analogy the word "advocate," yet "paraclete" was not a usual synonym in legal literature for a practising advocate (Crook, 149). For this reason Grayston acknowledges that study "confirms that παράκλητος did not derive its meaning from legal activity but was a more general term, sometimes used in legal contexts, meaning supporter or sponsor" (Grayston, 67). Despite Grayston's assertions, some 4th century B.C.E. Greek orators did employ the word "paraclete" for "orator," or one who spoke in behalf of a client (Liddell and Scott, p. 1313) and, as Morris points out, "helper" overlooks the fact that the word "paraclete" is not active in meaning (The Gospel According to John, 589). In addition, F. F. Bruce notes that the later Rabbinic commentaries do identify the Holy Spirit as a pleader for Israel in the Divine Lawcourt. F.F. Bruce, The Gospel of John (Grand Rapids: Wm. B. Eerdmans, 1983), 307 n. 10. In the Fourth Gospel, I maintain that there is no reason, especially given the trial motif in John, why the term "paraclete" should be rendered as "helper" rather than advocate. Similarly, Witherington, John's Wisdom, 252.

⁵¹While the translation, "Another, a Paraclete" is favoured by some commentators and does not imply that Jesus is a paraclete, Leon Morris argues against this interpretation, favouring the reading that the Paraclete will be another paraclete (second after Jesus). He notes that in 1 John 2:1 the term paraclete is used of Jesus (The Gospel According to John, 576 n. 43). D. Bruce Woll focuses on the theme of succession present in the first farewell discourse. As "another paraclete" the Holy Spirit is a successor to the departing Jesus even as the disciples are Jesus' successors (14:2) p. 233. "The Departure of the Way: The First Farewell Discourse in the Gospel of John," Journal of Biblical Literature 99.2 (1980): 225-239. I agree that the paraclete is "second after Jesus."

⁵²The word μένω, remain or abide, is thematic in the farewell discourses. The Father "dwells" in Jesus (14:10), the Holy Spirit "dwells" with the disciples (14:17), and Jesus too will come to the disciples (14:18). Ultimately, in 15:4 ff the believers and Christ "dwell" in one another. Of all the various relationships in the farewell discourses (Father in Jesus/Jesus in Father; disciples in Christ/Christ in disciples; Holy Spirit with/in disciples) it is important to note that there is no reciprocal relationship between the Spirit-Paraclete and the disciples. Humanity in the Fourth Gospel is never "in" or "dwelling in" the Paraclete even though humanity might "know" him (14:17). Thus John preserves the idea that Jesus alone is the way to the Father (14:6). It is with Jesus alone that humanity experiences a complete reciprocal relationship and through Jesus, then, a full relationship with the Father (17:20-24).

⁵³Three possible variants occur at this point in the Greek text μένει...ἔσται, μενεῖ... ἔσται, and μένει...ἔστιν. The first is preferred by the editors of the 3rd edition of the UBS Greek NT, though with a very high degree of doubt. This reading implies that the Spirit of Truth is to some extent already present with the disciples--perhaps *via* Jesus himself through whom truth came (1:17)--and will be more fully present when the Paraclete is sent by the Father as Jesus requests.

opening speech while another would focus on the presentation of the evidence or the preparation of the witnesses. The use of "multiple advocates" occurred, for example, in the case of Marcus Aemilius Scaurus who was accused of extortion in 54 B.C. N. H. Watts, in his introduction to the speech crafted by Cicero for that legal occasion, notes that Scaurus was defended not only by Cicero, but also by four other individuals. Furthermore, even Scaurus himself spoke, "and deeply moved the jury by his squalor and tears, reminding them of his open handed aedileship and his father's reputation."⁵⁴ In the Fourth Gospel, the Evangelist accepts that Jesus will speak in his own behalf (5:31) and that the Paraclete will serve as a second advocate, witnessing to Jesus and preparing the disciples for their role in the defence of Jesus that will continue beyond Jesus' death. Although the Paraclete is not received by the world (14:17) he is received by the disciples.⁵⁵ The disciples are sent into the world (17:18) where they will witness (15:27) and bear much fruit (15:16). In essence, the Paraclete's function is not to address the opposition, the world, but to prepare those who will. Is the role of preparing witnesses for trial a function of the ancient Roman advocate?

In addition to the fact that multiple advocates might work to defend a client, the idea that an advocate would, as John's Paraclete (14:17), "remain" and "be" with those involved in the case, including those he intends to call as witnesses, is comprehensible against a Roman legal background. Quintilian describes the responsibility of an advocate to his witnesses thus,

(the production of witnesses makes) a great demand on the acumen and watchfulness of the advocate, who must see that his witness is neither timid, inconsistent nor imprudent. For the opposing counsel have a way of making a witness lose his head or of leading him into some trap; and once a witness

⁵⁴Watts, Introduction to *Scaurus* by Cicero, Loeb Classical Library, 263. That individuals might plead in their own behalf in Roman courts is discussed by J. A. Crook, 123-24.

⁵⁵Smalley claims that the ministry of the Paraclete "is exercised in relation to the world as well as to the church" (The Paraclete, 291). The Paraclete bears witness to Jesus (15:18-26) and "exercises a ministry of discrimination" (16:7-11). Exactly how the Paraclete exercises these functions in a world that can neither see him or know him (14:17) is unclear. Smalley does, however, acknowledge that the world's not receiving the Paraclete is parallel to its rejection of Christ (292).

trips, he does more harm to his own side than he would have done good had he retained his composure and peace of mind."⁵⁶

If the disciples in the Fourth Gospel are to serve as witnesses for Jesus, as is indeed stated in 15:27, then the fact that the Paraclete, the Spirit of Truth, remains with them and supports them is only natural.⁵⁷ To lend one's supportive presence to the witnesses enables them better to give their testimony.⁵⁸

With regard to the disciples' need of the Paraclete's presence, Brown is correct in asserting that the Johannine passages give no indication of "Support/Comfort" to the extent the disciples will be protected by the Paraclete when they are in difficulty.⁵⁹ The Holy Spirit does not provide "protective custody" for the witnesses. The disciples may be persecuted for their faith (15:18-21;⁶⁰ 16:1-2 and 21:18-19) but such persecution is merely an effect and continuation of the trial of Christ. Their persecution directly results from the fact that the "world" does not know Jesus despite the fact that he was sent by God (15:21, 16:23). In light of this their tribulation occurs within the context of their testifying for Jesus 15:27.

Rather than protecting the disciples, the Holy Spirit will guide ὁδήγησει them (16:13) in all the truth and provide a sense of peace as the gift of Jesus (14:27). As may be noted in reference to the quotation from Quintilian above, assisting witnesses to have peace (peace of mind) is essential for them to deliver their testimony. Further, guiding a witness is also expected of the advocate. Quintilian

⁵⁶Quintilian *Inst. Orat.* 5.7.10-11.

⁵⁷Felix Porsch recognises the on-going trial of Christ and the Paraclete's role as advocate. "Der Paraklete wird den Glaubenden als 'Anwalt' in einem Prozeß zwischen dem Kosmos und Jesus (und damit auch den Glaubenden, insofern sie Jesu Repräsentanten in der Welt sind) gegeben." p. 222.

⁵⁸That the disciples produce believers through their testimony is apparent in 17:20.

⁵⁹Brown, "The Paraclete..." 116. Also Smalley, "The Paraclete, 291. In chapter 17: 11-16 Jesus speaks of protection, but it is a protection not necessarily against those who may wish to discourage witnesses from testifying, but rather protection against Satan, who causes one to "be lost."

⁶⁰Richard Cassidy interprets the Gospel as a whole against the background of the Roman persecution of Christians. In such light 15:21, where Christians will be persecuted on account of Christ's name, accords well with the "accusation of the name" made against Christians in Pliny's writings. Cassidy himself, however, does not make this understanding of verse 15:21 explicit. On *accusatio nominis* see Cassidy p.18 and on the farewell discourses generally 54ff. R. Cassidy, *John's Gospel in New Perspective* (Maryknoll, NY: Orbis Books, 1992).

writes, "But if...the advocate does not know what the intentions of the witness may be, he must advance gradually inch by inch and sound him by examination and lead him step by step to the particular reply which it is desired to elicit."⁶¹

That the disciples are witnesses who require "leading" is due to the fact that at the present time they cannot endure or bear any more information from Jesus (16:12). In actuality, during Jesus' lifetime they are incapable of grasping the significance of those things Jesus has already spoken to them and, indeed, the true identity of Jesus as the Son of God. This inability on the part of the disciples may be illustrated by Simon Peter's reaction to Jesus' announcement that he is "going" away. This disciple is not able to comprehend that Jesus, in verse 13:33, is telling the disciples of his death (13:36) when Jesus speaks of "going," ὑπάγω. Consequently, Peter inquires as to why he will be unable to follow Jesus and vows to lay down his life for him (13:37)--a vow that he is unable to fulfil during Jesus' interrogation before the high priest (18:15-27). Later passages illustrate that Peter obviously has not grasped the significance of Jesus' words concerning the teacher's departure and identity. For instance, he attempts to defend Jesus by violence at Jesus' arrest (18:10), an action designed to prohibit Jesus' trial, death and departure. Furthermore, his lack of understanding is apparent when he is unable to comprehend the significance of the open tomb (20:6-10). Only after receipt of the Holy Spirit (20:22) does Peter become capable of full understanding of Jesus' teachings and identity (21:12).⁶² Only after that point does Peter know Jesus is the Lord (21:15-17). Only after being inspired by the Holy Spirit will Peter be capable of following Jesus (21:18-19). The Holy Spirit guides the disciples after Easter by enabling them to recognise the significance of Jesus' teachings and incorporate them into their witness to others (21:24). Prior to receipt of the Holy Spirit and his leading, the disciples are not able to testify concerning Jesus as they were commanded in 15:27. The Holy

⁶¹Quintilian *Inst. Orf.* 5.7.20.

⁶²In 17:7-8 Jesus indicates that the disciples are aware that he was sent by God, but does not mention that they were aware of his identity as Son of God. See also the statements in 2:22; 12:16.

Spirit leads the disciples after Easter to that point where they may give the desired testimony--that Jesus is the Lord (20: 28; 21:12), the Messiah, the Son of God (20:31).

Witnesses may be led, encouraged, and calmed in giving testimony, but an advocate may also associate with the witnesses he chooses to call before they are in the witness box. Often, for example, the advocate will "instruct" witnesses. As a consequence, the "teaching" function assumed by the Paraclete in the Fourth Gospel is merely another aspect of the duties of a Patron/Advocate. According to the Gospel text, the Spirit will (διδάξει) teach, the disciples all things and will (ὑπομνήσει) remind, them of all that Jesus had said to them (14:26). To "teach" and to "remind" are tasks which New Testament translators are reluctant to associate with the "legal" realm of advocacy. As Brown writes, "...a purely forensic translation of παράκλητος does not do justice to his role as teacher."⁶³ Despite this objection, however, Quintilian is clear that just such tasks fall to an advocate. He asserts, "Many things must be mastered (by the witness) before appearing in court and various questions as might be asked by the opponent are to be explored. The result, then, is a consistent testimony..."⁶⁴ In essence, then, the advocate "rehearses" the witnesses, assisting them in determining what they should or should not mention in the furtherance of the case and reminding them of various pieces of information they would want to be sure to include in their statement.⁶⁵ As Francis W. Beare remarks, John 15:26-27 reveals the assumption that the followers of Jesus will be interrogated for their faith and at that time "the Holy Spirit will teach⁶⁶ them how to answer."⁶⁷ They will testify that Jesus is the Son of God in the ongoing trial of Christ.

⁶³Brown, "The Paraclete...", 117.

⁶⁴Quintilian *Inst. Orat.* 5.7.11 (trans. mine).

⁶⁵See, for example, 2:20-22, where the disciples "remember" a saying of Jesus.

⁶⁶There is some debate as to the extent of the Spirit's revelation in 14:26. Does he complete Jesus' revelation {i.e. Hans Windisch, 7; Carson, *The Gospel According to John*, 505}, bring additional revelation that is grounded in Christ, {i.e. Francis Beare, "Spirit of Life and Truth: The Doctrine of the Holy Spirit in the Fourth Gospel," *Toronto Journal of Theology* 3 (1987): 216; Witherington, *John's Wisdom*, 253}, or simply remind the disciples of Jesus' revelation thereby possessing no revelation of his own {i.e. Burge, *Anointed Community*, 212-213; George R. Beasley-Murray, *John*, Word Biblical

Having discovered that those activities in which the Paraclete is said to engage in 14:17 and 14: 25-26 do fall within the realm of forensic proceedings, an examination of those duties described in 15:26 and 16:7-11 must also be undertaken. The tasks of the Paraclete in these passages are definitely of a legal nature. He is to "bear witness" to Jesus and ἐλέγξει the world. The legal associations with the words μαρτυρήσει and ἐλέγξει both resonate with the trial-motif in the Fourth Gospel, and cause difficulties with regard to that motif. For instance, if, as has already been demonstrated, the Paraclete's supportive, instructive, reminding, artful guiding of witnesses is the task of a legal advocate, how can the Paraclete himself serve as a witness, one who gives testimony? Along the same lines, how could he both witness concerning Jesus (15:26) and also ἐλέγξει (convince/convict/accuse/ prove wrong) the world⁶⁸ concerning sin, righteousness and judgement (16:8-11)? Is the Paraclete a counsellor for the defence, or a prosecuting attorney? Is it possible that he might be both at the same time? In an attempt to answer these questions, various efforts have been made either to reconcile these apparently conflicting legal tasks, or to explain them in some fashion. Andrew Lincoln provides a means by which these difficulties may be moderated. He speaks not of one trial but of a plurality of trials. With regard to 15:26-16:4 he acknowledges the existence of two trials, the trial of Jesus and the trial of the disciples. These two trials, reflecting the two temporal perspectives of the narrative (the time of the story of Jesus and the time of the narrator and implied readers) are linked to the extent that they become "compressed." The two "perspectives can merge, because for the implied author both the trial of Jesus and that of his followers are part of the ongoing overall lawsuit of God with the world."⁶⁹ According to Lincoln, in the lawsuit between God and the

Commentary 36 (Waco, Texas: Word, 1987), 226}? I favour this last reading, and maintain that 16:12, a verse often read in conjunction with 14:26, refers to the crucifixion.

⁶⁷Beare, 117.

⁶⁸According to 14:17, the world cannot receive the "Spirit of Truth." Presumably, the disciples and those who are to believe (17:20) through their word perceive this witness and the Holy Spirit's ἐλέγξει of the world. See also notes 55 and 74.

⁶⁹Andrew T. Lincoln, "Trials, Plots and the Narrative of the Fourth Gospel," *JSNT* 56 (1994): 20.

world, which is similar to that of Isaiah 40-55,⁷⁰ Jesus is both chief witness and judge.⁷¹ The Paraclete is to be seen as an advocate in the ongoing trials between Jesus and the authorities/God and the world. One of the Paraclete's primary tasks, then, is to "co-witness" with the disciples,⁷² but he "will also have a prosecuting role, acting to convict the world that it has been wrong in response to Jesus, wrong in its basic assumptions about sin, righteousness and judgement (16:7-11).⁷³ These tasks are in addition to the Paraclete's being present with the disciples in their trial. In some sense, the theory of multiple trials is an attractive solution to the problem posed by the various roles of the Paraclete in the farewell discourses. An alternate explanation, however, is that rather than varied functions in a variety of trials, all the activities attributed to the Paraclete occur within the auspices of one trial—the trial of Jesus that continues beyond the Gospel narrative. That the Paraclete acts in the role of a defence lawyer in preparing the disciples to testify for Jesus has been shown. The remaining task is to prove that the actions of "bearing witness" to Jesus and "convicting/proving the world/opposition wrong to the disciples,⁷⁴ rather than representing additional trials or legal procedures, do comprise part of the task of a defence attorney in forensic oratory. They are merely different aspects of the continuing trial of Jesus.

Witnessing, the first duty to be investigated, occurs in some of the defence speeches of Cicero. As Cicero's defence of Milo has previously been mentioned with

cf. Kelly D. Reese, "The Role of the Paraclete in John 16:7-11," *Theological Educator* 51 (1995): 41-42.

⁷⁰Lincoln, 20-23. On Isaiah and the twofold role of witness and advocate see also A.A. Trites, *The New Testament Concept of Witness*, SNTSMS 31 (Cambridge: Cambridge Univ. Press, 1977), 118 and 120.

⁷¹Lincoln, 15.

⁷²Ibid., 10 & 27.

⁷³Ibid., 10.

⁷⁴The Paraclete comes to the disciples (16:7) and not to the world (14:17). Thus, by accusing the world of its mistaken understanding of Jesus, *i.e.* that Jesus is a sinner (9:24), the disciples would be encouraged to remain faithful in their witness to him. The idea that the Paraclete addresses his efforts to the disciples is found, for example, in I. de la Potterie, *La vérité dans saint Jean* (Rome: Biblical Institute Press, 1977), Vol 2 . 399 ff. and Gerard Sloyan, *John*, Interpretation (Atlanta: John Knox Press, 1988), 193. See comments by D. A. Carson, *The Gospel According to John*, 536.

regard to Milo's "farewell speech," for the sake of convenience, the point concerning Cicero's "witnessing" for the clients he is defending will be illustrated from that speech.⁷⁵ The charge against Milo is that he had murdered Publius Clodius, another politician with whom he had great enmity. Cicero, in presenting the case, time and again inserts not only his own opinions on various characters and procedures touching the case,⁷⁶ but also statements that are essentially personal testimony. Two examples shall suffice. In the first, Cicero "testifies" that Clodius, whom he is claiming in the speech initiated the violence with Milo, had previously attempted murder. Cicero, in a passage laden with *pathos* exclaims,

Clodius, we are told, never acted with violence, Milo never without it. How is this? When I, gentlemen, left the city amid the grief of you all, was it a trial that I feared? Was it not rather (Clodius') slaves, arms, violence?...For I saw even Quintus Hortensius here, the light and ornament of the state, almost done to death by the hands of slaves⁷⁷ for standing by me...And so, from this time forward, when did his dagger...rest in its sheath?...That too many years later was aimed against myself, for but recently, as you are aware, it nearly wrought my destruction near the King's house.⁷⁸

A second example of Cicero's personal testimony as introduced into his defence of Milo involves the question of whether or not Clodius was previously aware of the death of Cyrus, the event that the prosecution claimed drew Clodius from his home to the Appian Way where the murder took place. As the death of Cyrus was unexpected the prosecution claimed Clodius had no prior plans for travelling and thus had not been deliberately lying in wait on the Appian Way to attack Milo. Cicero, of course, asserts that Clodius' position on the road was cunningly calculated. This last version is, of course, Cicero's. Cicero writes,

⁷⁵The speech in defence of Sulla contains another example in which Cicero both witnesses and serves as advocate. In fact, Christopher P. Craig describes Cicero as "the strongest witness" offered in Sulla's defence. Christopher P. Craig, *Form as argument in Cicero's Speeches* (Atlanta, GA: Scholar's Press, 1993), 91.

⁷⁶Cicero *Pro Milone* 6.14. "It was in accordance with this principle that I myself, since an affray had admittedly occurred on the Appian Way, gave it as my opinion that one who had defended himself had acted contrary to the interests of the state, but, since the affair contained elements of intrigue, I left the question of guilt to a jury while expressing my disapprobation of the business generally."

⁷⁷Again, Clodius' presumably.

⁷⁸Cicero *Pro Milone* 14:36-37. Also, 7.20.

We are met by the objection "Neither could Clodius have had any idea of the plot, since he intended to remain at his Alban estate." Yes, that would have been the case, if he had not intended to leave the house to commit murder. For I am perfectly aware that the messenger, who is alleged to have reported the news of the death of Cyrus, reported not that, but the approach of Milo. For what news could he have brought about Cyrus, whom Clodius, on his departure from Rome, had left in a dying condition? I was with him at the time, and I was joint witness with Clodius of his will. The will had been openly drawn up, and Clodius and myself named as legatees. Clodius at the third hour on the previous day had left him breathing his last, and only on the tenth day following received news of his death!⁷⁹

In essence, then, Cicero's testimony, that he and Clodius were at the deathbed of Cyrus and aware that he had little time to live, diffuses the opponents' argument that Clodius was on the Appian Way, rushing to Rome upon receiving the "surprising" news of Cyrus' death. Cicero, therefore, has inserted his personal testimony within the "artificial proof" presented in his speech. He is at one and the same time witness and defending advocate.

Combining the roles of witness and attorney, whether that attorney represents the prosecution or defence, while not necessarily having an analogy in modern courts, was an integral part of Roman legal oratory. Consequently, the Holy Spirit-Paraclete, who as an attorney prepares the witnesses and is himself a witness to Jesus, would be comprehensible to a Greco-Roman reader without positing the theory that the Holy Spirit was acting in regard to two separate trials. Only one is necessary, the continuing trial of Jesus.

Even as Roman legal oratory makes manifest the fact that an orator may at the same time act as legal advocate and witness, so too does it indicate that one might defend a client more by acting like a prosecuting attorney against the other side than by "defending" one's client. Such a counter-offensive technique, which will also be demonstrated by reference to Cicero's *Pro Milone*, is helpful in understanding the Paraclete's role in 16:8-11.

⁷⁹Ibid., 18.48.

The idea that the Paraclete is acting more like a prosecuting attorney than a defence lawyer in his preparation of the disciples⁸⁰ has its basis in John's use of the word ἐλέγξει in 16:8. According to Liddell and Scott, the term has a variety of meanings, including to cross examine, question, accuse, test, bring to the proof, prove, bring convincing proof concerning, refute, expose, and to decide a dispute. The Bauer/Arndt/Gingrich lexicon offers four basic definitions: 1.) to bring to light/expose/prove 2.) to convict or convince someone regarding something 3.) to reprove or correct 4.) to punish/discipline. In any case, the majority of definitions would fit a legal setting and would be appropriate for a prosecuting attorney. Despite the fact that the Paraclete may be acting in an offensive rather than a defensive posture in 16:8-11, positing multiple trials in which the Paraclete serves in one as a defendant/witness and another as the prosecution is still not necessary. Rather, the technique employed by defence advocates of "counter accusing" the prosecution of some misdeed provides an insight for understanding the Paraclete's role in chapter 16. The Paraclete's actions in making Jesus' followers aware of an accusation against the world is an aspect of the continuing defence of Christ.

A classic example of a "defence by taking an offensive position," although directed at the judge and not the witnesses as are the Paraclete's words, is that of Cicero's speech in defence of Milo. Although Milo is on trial for the murder of Publius Clodius, the defence does not attempt to deny that Milo committed the murder.⁸¹ Rather, Cicero has Milo admit to the murder and rests his defence of Milo on the claim that the truly guilty party in the affair is Clodius. Cicero attempts to prove that Clodius had been trying to murder Milo and merely lost his life in a fouled attempt. Two short passages in the speech make it apparent to the audience that Cicero will defend Milo through use of a counter-accusatory tactic. In the first

⁸⁰Charles Talbert states that the witness of the disciples and the Paraclete in 15:26-27 "may be two sides of the same coin." This is due to the possibility that the disciples are "human vehicles of the Spirit of Prophecy." Talbert, *Reading John* (London: SPCK, 1992), 217.

⁸¹Milo's slaves, who were acting in their master's behalf, actually did the killing.

passage Cicero declares, "Unless I can succeed in giving you palpable proof that a conspiracy was formed against Milo by Clodius, I do not ask you to waive the present charge in consideration of my client's many distinguished services to the state..."⁸² Similarly, he summarises the point upon which Milo's defence is built in a later passage, "If my client plotted against Clodius, let him not go unpunished; if Clodius against Milo, let us be acquitted."⁸³ Cicero, then, aptly demonstrates that a defending lawyer may also serve in an accusatory capacity.⁸⁴

The Fourth Evangelist, as has already been illustrated in the exposition of 10:31-38 in the preceding chapter, is aware of the counter-accusatory technique. In that pericope Jesus turns the charge of blasphemy levelled at himself upon his opponents, the Jews. He further traps them by adding the accusation that if they deny that they too are gods, they deny the infallibility of Scripture. The possibility exists that this same technique of accusing the accusation of a wrongdoing of falsehood though serving to prepare the disciples for their role rather than being addressed directly to a judge, is echoed in 16:8-11. Indeed, A. E. Harvey recognises the counter-accusatory technique and reflects it in his translation of 16:8, "He (the Paraclete) will accuse the world on the grounds of sin and of justice and of judgement."⁸⁵ That the primary opposition to Jesus is not only designated by the term "the Jews" but by the "world" is articulated by the Evangelist in 15:18, 8:23, and 3:19. The world hates Jesus, but those who follow Jesus and do not oppose him are not of the world (17:16). The world, then, which the Paraclete accuses, represents the prosecution in the trial of Jesus, those who do not follow him and do not believe

⁸²Cicero *Pro Milone* 2.6.

⁸³Ibid., 12.31.

⁸⁴A. E. Harvey describes the technique of convicting the accuser of a falsehood as one that would be familiar not only in Roman courts, but also in Jewish, 110. Harvey, despite the fact that the world can neither see nor know the Spirit of Truth (14:17), does not see the counter-accusatory technique within the context of preparing the disciples to testify. Instead, the technique is directed to the world.

⁸⁵Harvey, 113. Similarly, K. Reese, 46.

that he was sent by God. To accuse the world is a natural aspect of defending Jesus and preparing the disciples and believers to witness in his behalf.⁸⁶

The subsequent verses of chapter 16 provide details about the accusation that will be levelled against the world and communicated to the disciples. Finding an appropriate translation for the three ὅτι clauses that comprise verses 9-12 is, however, daunting. The three verses stand in apposition to 16:8 and the ὅτι within them may be taken either as causal, explaining why the world is "accused" of sin, righteousness and judgement, or explicative in which case the clauses explain something about sin, righteousness and judgement. One possible solution is to take all three clauses in a causal manner. Verse 9 easily fits in such a scheme. The Paraclete accuses the world of sin because the world does not believe in Jesus (8:24) and has, in fact, been inclined to accuse Jesus of sin (8:46). Here the tables are turned. The world, not Jesus, is accused. This accusation is necessary because of the world's unbelief. Those who believe, and are consequently not of the world

⁸⁶The choice of the word "accuse" for ἐλέγχω avoids the difficulties inherent in two common alternatives, "proves the world wrong about" and "convicts." The translation "proves the world wrong about" is correct in that it focuses upon the construction ἐλέγξει περὶ as a whole. The point of contention with such a translation, though, is that the phrase "proves one wrong about" may not be employed in the other occurrence of ἐλέγχω in the Gospel, 8:46. See Witherington, *John's Wisdom*, 264; D. A. Carson, "The Function of the Paraclete in John 16:7-11," *Journal of Biblical Literature*, 98.4 (1979): 550. To read 8:46 as if Jesus were inquiring, "Which of you proves me wrong about sin?" is awkward and doesn't fit with the context of that verse. In 8:45 Jesus asserts that the Jews do not believe he is speaking the truth. The logical inference, then, is that they believe he is lying and hence committing a sin. In such a context translating 8:46 as "which of you accuses me of sin?" is more fitting than "which of you proves me wrong about sin?" Contra Buchsel, "ἐλέγχω" *Theological Dictionary of the New Testament*, ed. Kittel (Grand Rapids: William B. Eerdmans, 1964), 474.

There are also difficulties with rendering the ἐλέγξει of 16:8 as "convicts." The word "convicts," as the opposite of acquits, implies that a judgement has taken place and that someone has been declared guilty of an offence. Who is the judge in such a scenario? That the Paraclete is a judge can hardly be correct as the role of judge, if there is one, is relegated to Jesus, the son (5:22). See Harvey, 113. The nature of that judgement is such that neither Jesus nor the Paraclete necessarily "convicts" the world. Specifically, the judgement that has been entrusted to the son is based upon belief or disbelief in Jesus. This standard for judgement becomes set and irrevocably accomplished at the time of Jesus' glorification (12:31) and results in eternal life for believers and self-imposed condemnation of non-believers (3:18). Individuals may be "accused" of not meeting the standard of judgement set by Jesus and the Father (8:16) and consequently they will be self-condemned or presumably might repent and come to belief. Individuals, however are not necessarily "convicted" of wrongdoing and sentenced in a legal sense. To this extent even Jesus may assert that he judges no one (8:15) and that he came not to judge the world (12:47). The choice of the word "convicts," as a consequence, appears to be an inappropriate word choice. A more apt description is to say that the Paraclete makes the disciples aware of the accusation against the world, placing the world against the standard of judgement set at the time of Jesus' glorification.

(15:19), are not subject to the accusation since they do not come under judgement but pass from death to life (5:24).

Although verse 9 may be easily explained in causal terms, verse 10 requires manipulation. Indeed, accusing the world of "righteousness," which is usually identified as a virtue, hardly makes sense. One way to solve the dilemma is to assert that the righteousness to which the text refers is Christ's. In such an interpretation Christ's righteousness is a fact concerning which the world must be convinced because Christ has been vindicated in his return to his Father (10b).⁸⁷ This understanding of the verse has a weakness. Specifically, there appears to be an awkward shift from the world being the centre of attention to Christ. While verse 9 is concerned with the *world's* sin, verse 10 focuses on *Christ's* righteousness. Such a shift, according to Carson, destroys the symmetry of the passage's structure.⁸⁸

A solution may be proposed for this conundrum. As the word δικαιοσύνης, or righteousness (verse 10), is employed at no other point in the Gospel, either in relation to Christ or in relation to the world, it must be understood only within its context. Verse 9 states that the world is accused of its sin because it does not believe in Jesus. The world's sin, then, is directly correlated with the world's relationship with Jesus. The same issue of relationship may still be the focus of verse 10. If verse 10 may be construed to mean "the world is accused of misunderstanding Christ's righteousness," then the accusation against the world directly follows upon

⁸⁷This position is held by many. For example, Charles Talbert, 218-219.

⁸⁸Carson, "The Function," 548. Carson offers an original interpretation regarding "righteousness" in verse 10. He avoids the shift between the world's sin and Christ's righteousness by asserting that "righteousness" in this passage is that sort of righteousness that belongs to the world. According to Carson, the word "righteousness" is being used in an ironic sense and may be contrasted with "genuine righteousness" ("The Function," 558). He asserts that the Paraclete convicts the world of its (false) righteousness because (ὅτι) Jesus is going to the Father. During Jesus' earthly ministry, Carson demonstrates, Jesus had exposed to the world the inadequacy of its righteousness. Now that Jesus was going to his Father, the Paraclete would continue in this task ("Function", 562). Further, in light of the context verses 15:26-27 and 16:7 provide, he maintains that the disciples are co-workers with the Paraclete. Together they establish by their witness convicting standards of righteousness. Thus, 10b as a whole "not only provides the reason why the Paraclete will convict the world of its 'righteousness', but frames that reason in such a way as to provide encouragement for the disciples in their witness"("Function," 565). Just as the Paraclete will continue the convicting work of Christ, so too has he been sent to assist and provide encouragement for the disciples in the absence of Christ.

and is related to the world's relationship and understanding of Jesus as indicated in verse 9. In such a reading there is no shift from the world's sin (verse 9) to Christ's righteousness. The issue is the world's misunderstanding just as the prior verse focused upon the world's sin. The ὅτι clause, ὅτι πρὸς τὸν πατέρα ὑπάγω καὶ οὐκέτι θεωρεῖτέ, to be consistent with a causal reading, must indicate why the accusation against the world in this case is necessary. The reason is twofold: because Jesus is going to his Father and because the disciples will no longer see him. These two interconnected reasons are linked with the theme of culpability that is found elsewhere in the Gospel. Verse 9:41 illustrates this theme, "If you were blind, you would not have sin. But now that you say, 'we see,' your sin remains." Had Jesus not come into the world and testified, the world would have remained in ignorance concerning his righteousness and consequently would have been blameless. This same theme also appears in the farewell discourses. 15:22 reads "If I had not come and spoken to them, they would not have sin, but now they have no excuse for their sin." Jesus came into the world and taught the world. Now, however, his task is finished and he is returning to his Father (17:4). His return, as it signals the accomplishment of his work on earth, also indicates that now the earth has no excuse for not recognising Jesus' righteousness. The world has heard Jesus' teachings and seen his signs. The world is now culpable. But what is the role of the disciples in verse 10b? Even as Jesus' return to his Father indicates that his earthly mission has been accomplished and the world is now culpable, so too do the disciples provide testimony that Jesus' mission has been completed thereby rendering the world responsible for its understanding of Jesus. Specifically, the disciples testify that Jesus has indeed risen, *i.e.* has returned to his Father. This reading may be substantiated with reference to the larger context of 10b.

The phrase "and you will no longer see me" of 10b is repeated by Jesus in 16:16, "A little while and you will no longer see me, and again a little while and you will see me." The disciples are confused by this saying (16:17-18) but Jesus, perceiving their confusion, repeats the phrase (16:19) and provides an analogy to

clarify his words (16:20-22). The disciples, like a woman in childbirth, will experience pain at Jesus' departure/death, but just as the labour pains are forgotten when the child is born, so too will the disciples forget their sorrow when Jesus is resurrected. The time when the disciples will not see Jesus is the time of the empty tomb. Their time of rejoicing is the time of Jesus' resurrection appearances (20:19) prior to his ascension. The disciple's testimony concerning the empty tomb and Jesus' resurrection is precisely the testimony that confirms Jesus has indeed gone to his Father and been vindicated.⁸⁹ Thus, on the basis of such testimony, the world can not dismiss the work carried out by Jesus during his earthly ministry. The world is accused of misunderstanding Jesus' righteousness because Jesus has accomplished his mission and returned to his Father, leaving the world responsible for its actions. The disciples, who did not see Jesus at the tomb and now no longer see him certify that Jesus did return to his Father and that the world cannot blithely dismiss his ministry.

Verse 11 is the final appositional statement. The world is "accused of judgement" or more clearly, "of making false judgements," because the ruler of this world has been judged. The ruler of the world is mentioned twice elsewhere in the narrative. In 14:30 Jesus informs the disciples that the ruler of this world is coming, but will have no power over him.⁹⁰ The statement refers to Jesus' upcoming death. While appearing to be a victory won by evil, Jesus' death instead represents the ruler's defeat. Jesus' death is in accordance with God's will not the ruler's command.⁹¹ The second passage in which the ruler of the world is mentioned is 12:31. Jesus, again speaking of his death, says proleptically, "Now is the judgement of this world; now the ruler of this world will be driven out." The cross of Jesus represents the defeat of the ruler of this world. The world is accused of false judgement because (ὅτι) it continues to make judgements in accordance with the

⁸⁹These are the "things that are to come" to which 16:13 refers.

⁹⁰10:17-18.

⁹¹Witherington, 253.

deposed ruler of this world despite the fact that the ruler of the world has been judged.⁹² The perfect tense of the verb here stresses the fact that the decision against the ruler of the world is complete and still holds. Those who persist in false judgement (7:24) as opposed to the judgement of Jesus which is ἀληθινή (true) (8:16) and δίκαια (just) (5:30) set themselves in opposition to Jesus. As a consequence they will share the fate of the ruler of the world, condemnation (5:29; 12:25). With regard to the three appositional statements, the accusation of false judgement is as rooted in the world's disbelief in Christ as are the world's sin (verse 9) and misunderstanding of Christ's righteousness (verse 10). Had the world believed in Christ, it would have already noted that the ruler of the world had been deposed. Belief in Christ would eliminate the need for all three of the accusations in verses 8-11.

Having completed an analysis of 16:8-11 a paraphrase may be constructed as follows:

The Paraclete accuses the world of sin, of misunderstanding Christ's righteousness, and of persisting in false judgement. Of sin, because it does not believe in Christ and hence is self-condemned. Of misunderstanding Christ's righteousness because Christ fulfilled his mission on earth and, as the disciples can confirm, returned to his Father. The world, then, is culpable for its inability to recognise Christ's righteousness. Of judgement because the world persists in false judgement and sets itself in opposition to Christ despite the fact that the ruler of the world has been condemned.

According to these verses the Paraclete, as an aspect of his relationship with the disciples, in addition to testifying for Christ, supporting/leading/guiding the followers who will themselves give testimony, and teaching/reminding the witnesses concerning their testimony, makes the disciples aware of the counter-accusations against the world. In the on-going trial of Jesus, the world disbelieves Jesus, fails to recognise his righteousness, and persists in judging Christ. The Paraclete accuses the world, holding these actions as directly contrary to Jesus' claims and hence contrary to God (15:23; 8:42). The world, as a result of the disciples' Paraclete-guided

⁹²Carson, "The Function," 561, identifies the judgement against Jesus as the supreme example of judgement in accordance with the ruler of the world.

testimony must decide whether it will continue the trial of Christ to its own condemnation, or abandon the trial in favour of belief in Jesus and eternal life.⁹³

In the course of this lengthy exposition regarding the Paraclete, the fact that the Paraclete acts in a legal capacity throughout the farewell discourses has been demonstrated. In accordance with such an understanding, two points may be emphasised. First, the Paraclete as depicted in John's Gospel is comprehensible against the background of Roman rhetoric and trial procedures. As a result, pagan audiences would be able to understand the trial motif both without knowledge of inter-testamental angelology or other Jewish backgrounds and without positing multiple trials to explain the Paraclete's various tasks. A second observation concerns the translation of παράκλητος. As all of the Paraclete's tasks have a correlate in forensic rhetoric, the most appropriate translation is "advocate." No other translation successfully represents and incorporates the various duties executed by John's Paraclete.

C. Summary

Within the structure of the Gospel as a whole, the farewell discourses function as a digression. They interrupt the trial sequence and that portion of the narrative in which proof is offered to illustrate that Jesus is the Son of God. The discourses, however, do not depart completely from the larger theme of Jesus' identity, being cleverly crafted to illustrate that Jesus has an intimate relationship with the Father. That the author of the Gospel, if he is indeed making use of techniques in his narrative comparable to those found in the rhetorical handbooks, has not strayed far from classical rhetoric by employing a farewell motif in a digressive capacity is demonstrated by the fact that Cicero too incorporates a farewell digression in his speech in defence of Milo. Also, as the handbooks do not

⁹³A. A. Trites writes, "After Christ's glorification and exaltation to the Father the lawsuit continues, but Christ is no longer the chief witness who bears witness to the truth through his words and works (5:36; 10:38; 14:10f; 18:37). Now the Holy Spirit, the Advocate, pleads Christ's case and calls John and other human witnesses to substantiate it. The New Testament Concept of Witness (Cambridge: Cambridge University Press, 1977), 114.

prohibit the use of a digression in the midst of the *probatio* portion of an oration and as Cicero himself often places a lengthy digression at that point, the Evangelist is not acting contrary to rhetorical exceptions by placing his farewell discourses in such a position.

One aspect of the farewell discourses that evokes trial imagery of the sort in which a forensic speech might be made is the use of the word "paraclete." While some scholars are reluctant to translate παράκλητος as advocate, a comparison between the activities attributed to the Paraclete in the Gospel and the role of advocates in Roman rhetoric has shown that John's Paraclete and Roman advocates had similar characteristics. Roman advocates, in a way corresponding to that of John's Paraclete, taught and guided witnesses, offered their own testimony, and frequently worked with a number of other advocates during the course of a single case. In addition, the Paraclete's action of preparing the disciples to testify by making them aware of an accusation against the world, echoes a common classical forensic strategy in which a defence lawyer launches an attack against the prosecution.

As the farewell discourses serve in a way similar to that of a classical digression within a section of the Gospel that is analogous with the *Probatio* of forensic speeches, returning to a study of the proof presented for Jesus' identity as the Son of God in 18:1-20:29 is the next task to be undertaken.

CHAPTER 4

Proof Continued (18:1-20:29)

In section 18:1-20:29, the portion of the Gospel that follows the farewell discourses and precedes what might be described as the author's conclusion or peroration in 20:30, the Evangelist shifts the scene and setting of the Gospel drama. Jesus is no longer in the intimate, quiet setting in which he had discoursed with his disciples but rather is found interacting with the wider community (18:3ff). Jesus' return to a more public realm, wherein he is in the sight of his opponents as he had been in the public ministry,¹ indicates that the "digression," as the farewell discourses may be designated by virtue of their function, is at an end. There are also other literary clues that signal to the reader that the "digression" has come to a close. For instance, the name "Judas," appearing at the beginning of the farewell discourses (13:2) and again in 18:2, forms a sort of *inclusio* that alerts the reader of a return to the plot interrupted by, though predicted in, the discourses. Specifically, in 13:2, a narrative comment preceding the description of the last supper, mention is made to the effect that Judas is a traitor. In the discourses proper, Jesus predicts Judas' betrayal and authorises him to do the deed (13:27). At that point, Judas departs or "goes out," ἐξῆλθεν, the only major action/movement by a character explicitly narrated² in the farewell discourses.³ The verb ἐξῆλθεν recurs in 18:1 where Jesus and his remaining disciples "go out" even as had Judas earlier in the evening. Jesus' interaction with his disciples, then, begins with the mention of Judas and Judas' "going out" and ends when Jesus and his disciples themselves "go out" and are

¹See for example 5:16-46.

²While Jesus in 14:31b commands that everyone rise from the table, the disciples' compliance with that command can only be assumed.

³Presumably Jesus' teaching and prayer in 15:1-17:26 occur after the meal, but before the departure from the room. His words are spoken either in the context of a *symposium*, a period of entertainment or discussion following a meal as proposed by Ben Witherington, III, *John's Wisdom* (Louisville: Westminster John Knox, 1995), 232, or during clearing the table in preparation for going on their way (14:31; 18:1).

confronted in the garden by those brought there by Judas-- the Roman soldiers and the agents of the chief priests and Pharisees (18:3,12).

That the portion of the Gospel that functions like a digression is at an end is indicated not only by the verb "to go out" and the presence of Judas with a group of people opposing Jesus, a scene in sharp contrast with the quiet meal Jesus has just enjoyed with his staunchest supporters, but also by narrative links between the arrest sequence and the plot against Jesus formulated in 11:45-53. The connection between 11:47 and the arrest is indicated by mention of the Chief Priests and Pharisees (18:3), parties that had not been named during the course of the farewell discourses. They were, however, involved in both the inception of the plot and the arrest.⁴ In verse 11:47 the Chief Priests and Pharisees had called the meeting of the council at which, upon the advice of Caiaphas (11:49-52), they had planned to put Jesus to death (11:53) to avoid destruction of the Temple by the Romans (11:48). In chapter 18 the name of Caiaphas is reasserted in the text as the reader is made aware by the narrator that the arrest of Jesus is an outgrowth of the council's deliberations (18:14).⁵

An ironic connection between chapter 18 and the plot formulated in 11:45-53 involves the Romans. At the time of his arrest in the garden Jesus is confronted by a group including Roman soldiers⁶ and ὑπηρέτας,⁷ representatives/ officers/ or assistants of the Chief Priests and Pharisees.⁸ Although the presence of

⁴Agents of the Pharisees and Chief Priests had previously been sent to arrest Jesus (7:32) but did not (7:45).

⁵Charles H. Giblin eloquently remarks that the use of the word "Pharisees" integrates the passion narrative with 11:47-53. "Confrontation in John 18:1-27," *Biblica* 65 (1984): 216.

⁶On the implications of the presence of the Roman soldiers for a judicial procedure see F. F. Bruce, "The Trial of Jesus," *Gospel Perspectives*, vol. 1, ed. R. France and D. Wenham (Sheffield: JSOT Press, 1980), 9.

⁷The word ὑπηρέτης is used in the Fourth Gospel not only of the agents of the Pharisees and Chief Priests (7:32,45; 18:3,12,22; 19:6) but also for Jesus' agents or followers in 18:36. Since in 18:36 Jesus indicates that his followers would fight if Jesus' kingdom was of this world, Arthur Droge concludes that Peter's action in 18:10-11 (the severing of the soldier's ear) reveals that Peter is not a ὑπηρέτης, follower of Jesus (*i.e.* that he misunderstands Jesus and that his denial of Jesus is essentially a confession). Only in John 21 is Peter rehabilitated. "The Status of Peter in the Fourth Gospel: A Note on John 18:10-11," *Journal of Biblical Literature* 109 (1990): 310-311.

⁸The presence of the Pharisees at the arrest is unique to the Johannine account. In Luke's gospel Judas is accompanied only by a "crowd," ὄχλος, (22:47) while Matthew and Mark record that in addition to

representatives of the Chief Priests and Pharisees at the arrest of Jesus is not surprising given the fact that they have been plotting against Jesus, the attendance of the Roman soldiers is (18:3,12).⁹ Indeed the Romans were portrayed in 11:48 as a people to be feared in that they had the power to destroy the Temple and nation, not as a group with whom one would associate in a late night escapade. There is irony in the fact that at Jesus' arrest the officials of the Chief Priests and Pharisees are found willingly united with the Romans whom they had confessed they feared. The willingness of the officials to co-operate with the Romans, despite the fact that the Romans could destroy the nation (11:50), is an action that sets into motion not only the death of Jesus for the nation as predicted in 11:51, but also foreshadows the religious establishment's own self-betrayal and submission to their "enemy." The Chief Priests and Jews submit completely to the Romans when they declare that they have no king but the emperor (19:15). In making such an avowal, the Chief Priests repudiate Messianic hope.¹⁰ The collusion that begins with the arrest of Jesus culminates in the confession of fidelity to Caesar in 19:15.

Judas a crowd from the chief priests and elders was present (Matt. 26:47; Mark 14:43). Paul Winter takes the position that the Fourth Evangelist portrays the Pharisees as opponents of Jesus who are present at the arrest because the Fourth Evangelist is projecting controversies with the Pharisees within his own time back into the Gospel narrative. Paul Winter, On the Trial of Jesus, 2d ed., *Studia Judaica* 1 (Berlin and NY: Walter De Gruyter, 1974), 170-171 and n. 18. Also Johannes Beutler makes some remarks concerning the anachronism of the presence of Pharisees rather than elders and scribes in the earlier passage, 11:47. "Two Ways of Gathering: The Plot to Kill Jesus in John 11:47-63," New Testament Studies 40.3 (1994): 401. If indeed John has in mind a meeting of the Sanhedrin in 11:45-57 there is a difficulty with their membership on the Sanhedrin in that the Pharisees were not named as official members of the council. Pharisees, though, might have served in the capacity of elders, etc. See Ernst Bammel, "*Ex illa it aquae de consilium fecerunt...*" in the Trial of Jesus, *Studies in Biblical Theology Second Series* 13 (London: SCM Press, 1970), 20.

⁹Giblin "Confrontations," 217 observes "the presence of Roman soldiers is unheralded by anything earlier in the Fourth Gospel." R. E. Brown comments that the use of a Roman cohort by the Evangelist accords with the Evangelist's interest in showing Jesus' power. Indeed, even the troops are "forced to the ground" before Jesus (18:6). Raymond E. Brown, Death of the Messiah, vol. 1 (NY: Doubleday, 1994), 250-251.

¹⁰The hope for a Messiah is expressed in 4:25; 7:41; 7:26-31. That Jesus was also identified as a hoped for "king" is apparent in 6:15 and 12:13. As Bart Ehrman remarks, "Pilate compels (the Jews) to express their ultimate allegiance" in 19:15. Their allegiance is to Caesar, not to the God of Abraham. Bart D. Ehrman, "Jesus' Trial Before Pilate: John 18:28-19:16," Biblical Theology Bulletin 13.4 (October, 1983): 129.

With the ending of the farewell discourses or “digression,” the author of the Fourth Gospel recounts the trial of Jesus after which he continues to offer evidence concerning Jesus' identity as the Messiah, the Son of God. Further, this evidence is presented in spite of and in direct contrast to the Roman trial at which Jesus is condemned. The various types of proof, *probatio*, concerning Jesus' messiahship presented in this portion of the Gospel will now be examined.

A. *Probatio* Continued: 18:1-20:29.

In order to demonstrate that Jesus was the Messiah, the Son of God, the Fourth Evangelist had employed various modes of proof, both artificial and inartificial during the narrative of Jesus' public ministry. The farewell discourses, while not devoid of evidence, were lacking in several types that had been favoured by the author in the public ministry accounts. For instance, while the farewell discourses included inartificial proof in the form of scriptural proof texts (13:18; 15:25) and hinted at the fact that additional inartificial evidence would be given in the future (15:26-27), the testimony of witnesses and the performance of supernatural events or signs was absent from the discourses themselves. With the arrest of Jesus, an interesting phenomena may be observed with regard to the author's presentation of "proof." Namely, even though the discourses indicated that further proof would be forthcoming, virtually none exists from the period between Jesus' arrest and his crucifixion (19:18). During that span of time Jesus undergoes interrogation before the authorities, yet, in a trial situation where inartificial evidence might be expected, none is presented. There are no witnesses, no scriptural proof texts, and even signs (a type of artificial proof) are missing.

The lack of witnesses is striking in light of verses 18:19-32, a pericope in which Jesus calls for witnesses when he is being questioned about his teaching by the Jewish authorities. No witnesses come forward to verify the nature and content of his teaching during this interrogation despite the fact that Jesus informs his questioners that he had never said anything in secret (18:20) and that his words might

be verified by those who had heard them (18:21).¹¹ The lack of witnesses occurs on both sides of the dispute.¹² Just as no one steps forward to serve as a witness in Jesus' defence so too does no one appear to solidify the case of the accusation.¹³ If the interrogation before Annas is to be described as a "trial," then without witnesses it is a legal farce.¹⁴

As well as there being a singular lack of witnesses from the time of Jesus' arrest to his crucifixion, Jesus himself, in contrast with his actions in the narrative of the public ministry, performs no miraculous events during this portion of his life.¹⁵ Nor do other characters speak of his abilities. To some extent, this reticence concerning the miraculous in the Johannine account diverges a bit from the Synoptics which at least hint of Jesus' supernatural powers during the arrest and trial. For instance, unlike the Lukan account (Luke 22:51), John does not record that Jesus heals the slave whose ear had been sliced off by Peter. According to the Matthean version of the arrest, where Jesus also does not heal the slave, at least mention is made of Jesus' ability to call upon the Father for miracles.¹⁶ The Matthean Jesus

¹¹The fact that no witnesses are called in 18:20-23, despite Jesus' assertion that many had heard his words, has an impact on the way that Simon Peter's denial of discipleship in 18:21 may be understood. During Jesus' interrogation, according to the Fourth Evangelist, two disciples were present in the courtyard--Simon Peter and the "other disciple" through whose agency Simon Peter had gained entry (18:18). Neither of these disciples serve as witnesses in Jesus' behalf even though as a twosome they would fulfil the numerical requirement for offering testimony in accordance with Jewish law. Richard Bauckham, along similar lines, suggests that the other disciple is possibly to serve as a witness at the trial before Annas. R. Bauckham, "The Beloved Disciple as Ideal Author," *ISNT* 49 (1993): 37.

¹²In 18:23 Jesus, after being struck in the face for mentioning the availability of witnesses, remarks "If I have spoken wrongly, testify to the wrong." Andrew T. Lincoln comments on both this verse and the whole sequence of 18:20-23, "In effect he (Jesus) calls for a fair and proper trial. But the episode concludes with no testimony being produced." A. T. Lincoln, "Trials, Plots, and the Narrative of the Fourth Gospel," *ISNT* 15 (1994): 8.

¹³By contrast Matt. 26: 59-63 and Mark 14:55-61 report that witnesses testified, albeit falsely, against Jesus.

¹⁴Nicodemus had previously spoken against judging Jesus without due process (7:51). Brown maintains that the lack of witnesses refutes Bultmann's thesis (*John*, 647) "that John thought of this as a Sanhedrin trial" (*Death*, vol. 1, 412). See note 56 below.

¹⁵Not only does Jesus not perform miracles, but, in contrast with the Synoptic versions (Matt 26:63-68; Mk. 14:61-63; Luke 22:67-71), John's Jesus is never depicted as saying anything to the officials that might be construed as self-testimony. Jesus never offers cryptic comments concerning his identity.

¹⁶The theme of Jesus' ability to perform or request miracles is also present in the mocking of Jesus on the cross, a scene absent from John. In the mocking the leaders acknowledge that Jesus has "saved

fulfilled in 19:16 when Pilate hands Jesus over (παρέδωκεν) to the Chief Priests to be crucified. The irony of the situation is that the failure of Jesus' followers to fight is itself an indication that Christ's activities posed no threat to Pilate or the authorities. Therefore, Jesus was being "handed over" without demonstrable cause. The idea that Jesus had no political ambition with which Pilate could find fault is inherent in both the initial premise and the conclusion of the enthymeme where the assertion is made that Jesus' kingdom is not from this world. Pilate accepts the distinction between a "this worldly" and an "other worldly" kingdom, at least to the extent that he determines Jesus' "kingship" to be harmless. This is exhibited by the fact that three times he finds no case against Jesus (18:38, 19:4, 19:6). In addition, Pilate consistently employs the title "king" in relation to Jesus (18:39, 19:14,15,19)²⁰ as if Jesus' "kingship" was not something about which he felt threatened or troubled.²¹ Certainly Pilate believes that he, as governor, has this "kingly Jesus" in his power, a belief articulated in 19:10.

The difference between Pilate and those who wish Jesus to be crucified is that the Jews and religious authorities do not recognise the distinction between kingship of "this world" and kingship of a "kingdom not from this world." Ultimately, Jesus' opponents assert that Jesus' claims to be king are directly in opposition to the emperor (19:12). At no point during the trial do the Jews distinguish between a king of this world and a king of an other-worldly kingdom. For those seeking Jesus' death, the location of the kingdom was not grounds for consideration in the trial, only the title "king" was of concern. Such an argument as promulgated by the opposition, because it focuses on the literal interpretation of the word "king," has implications for verse 19:15 where the Chief Priests assert that they

²⁰J.D.M. Derrett writes, "It is extraordinary that Pilate three times asserts Jesus to be king of the Jews (19:19-22...) (See 18:39; 19:14,15; not to speak of 19.3)... "Christ, King and Witness," *Biblia e Oriente* 31 (1989): 195.

²¹Thomas Gillespie writes that Jesus' claim that his subjects are not fighting and that his Kingship is not from this world "...is a claim to authority. Pilate takes it as a harmless claim precisely because it is a claim to authority which confesses its inability to exercise effective power." "The Trial of Politics and Religion: John 18:28-19:16," *Ex Auditu* 2 (1986): 71.

have no king but Caesar. If the title "king" is effective regardless of there being a this worldly or other-worldly kingdom, and the Jews have no king but the emperor, then either they must completely deny the existence of an other-worldly kingdom, or they are imputing to Caesar power in both this world and any other. In short, they deny the very God whom they, as priests, have been ordained to serve. The upshot of Jesus' enthymeme in 18:36 is that the Jews do not recognise its first premise because they can not distinguish between a kingdom from this world and one not from this world. Consequently, this enthymeme, as the only admissible evidence offered in Jesus' behalf during the trial, fails to persuade the opposition.

The observation has been made that from the time of Jesus' arrest to his crucifixion the only proof offered in Jesus' defence is the enthymeme in 18:36. That enthymeme, which in itself has as part of its conclusion the assertion that Jesus was being handed over to the Jews, is only meagre evidence in a trial situation. The usual expectation would be for the presentation of a large body of "proof" for the defence. During the interrogation sequence neither Jesus, who refuses to answer Pilate's query "Where are you from?" (19:9), nor his followers, who do not testify, provide evidence to enable Pilate or the Jewish authorities to conclude that either Jesus is or at least claimed to be either a king or the son of God. Thus there is insufficient evidence about Jesus, either as a basis for his condemnation as a blasphemer or for an acquittal resulting from convincing his opponents of the truth of his identity (18:38). This lack of evidence, including a lack of miraculous events, witnesses and scriptural proof texts is replaced in the narrative by a flood of evidence that begins from the moment of Jesus' crucifixion. Witnesses, the miracle of the resurrection and the empty tomb, and scriptural proof texts pepper the narrative. The implication of this technique of presenting evidence after the trial is not to indicate that the proof brought forward after Jesus' death was "too late." Rather, the trial is depicted as ongoing despite the crucifixion by which the opposition had hoped to end Jesus' influence. The various types of evidence for Jesus in 19:19-20:29,

including scriptural proof texts, witnesses, and the miracle of the empty tomb/resurrection, will each be discussed in turn.

Following the account of Jesus' trial, there are a variety of instances where the author employs Scripture as inartificial evidence. One clear example of the scriptural fulfilment motif is the Evangelist's use of Psalm 22:18, a Psalm concerning the righteousness of one who is being persecuted, in verse 19:24. The Psalm, the couplets of which contain poetic parallelism, is here applied to the Romans' appropriation of Jesus' garments.²² Each line of the parallel, the parting of garments and the casting of lots for clothing, rather than being recognised as synonymous, is applied to two distinct actions of the soldiers. By linking Jesus' crucifixion with this Psalm, the author is making the claim that Jesus was indeed righteous in the eyes of God despite his condemnation at the hands of his opposition. Some other incidents in the narrative of Jesus' crucifixion which are said to fulfil Scripture are Jesus' thirst, for which he was given vinegar (Psalm 69, John 19:29)²³ and the assertion that Jesus' unbroken legs and pierced side (19:37) reflect Exodus 12:46 and Zechariah 12:10.²⁴ With these two proof texts, Jesus is linked with the paschal lamb and the "first born," πρωτότοκῳ, the last word of Zech.12:10, for whom the people of Judah will weep.²⁵

Just as scriptural proof texts are once again prevalent from the moment of Jesus' crucifixion, so too do witnesses begin to present evidence after that point in the narrative. The witness motif in this portion of the Gospel includes both evidence

²²In 19:14-16 Pilate hands Jesus to the Jews to be crucified. Verse 19:23 indicates that the soldiers actually carried out the act.

²³The use of Hyssop (more widely attested than the variant 'javelin') may be an implied reference to Ex.12:22 thus calling to mind a parallel between Jesus and the Passover lamb (similarly, 1:29,36). Some exegetes, however, down play the association here. See the discussion in G. Beasley-Murray, *John*, Word Biblical Commentary (Waco, TX: Word Books, 1987): 352. Brian Byron describes the "sacrifice" interpretation of Jesus' death as a later theological development. B. Byron, "The Last Supper a Passover? The Theological Response," *Australian Catholic Record* 70.2 (1993): 233-239.

²⁴The LXX of Zech. 12:10 employs the 1st person pronoun--καὶ ἐπιβλέφονται πρὸς με... In this passage, God is the speaker.

²⁵See also 1:18 where Jesus is described as the μονογενῆς of God. By definition, a μονογενῆς would be a πρωτότοκος.

from one who is explicitly identified as a witness because he offers testimony, μαρτυρία (19:35), and from various characters who fulfil the task of witnesses without being explicitly designated as such. The first character after Christ has been lifted on the cross to give testimony, albeit in the form of documentary evidence, is Pilate.²⁶ The title on the cross (19:19) "Jesus the Nazorean, the King of the Jews" functions in the Fourth Gospel as "documentary evidence" or testimony given in written form. This type of proof was acceptable in Roman court procedures.²⁷ Testimony submitted in written form had to be certified in its own right by witnesses. Such witnesses would affirm, for instance, that the document represented the true and actual words of the one to whom the written testimony was attributed.²⁸ The theory that the author crafted his narrative in a way that permitted the title to be viewed as written testimony is indicated by several means. First, the inscription is attributed to a specific author, Pilate, even as written testimony in a courtroom would be issued by a specific individual.²⁹ Further, the choice of Pilate, the highest ranking official in the land as the person responsible for the title has rhetorical consequences. Roman courts had great respect for the *ethos* of those involved in legal disputes, including those who gave testimony. Individuals with the most unassailable character and who were the most influential and highest ranking members of the community were regarded as ideal witnesses.³⁰ Pilate, as governor

²⁶Derrett writes, "Pilate is a means whereby testimony to God takes place through action." Derrett, however, is speaking not just of the title on the cross, but of the irony of Pilate's use of the phrase "King of the Jews" to refer to Jesus during the interrogation (p. 195).

²⁷Quintilian *Inst. Ort.* 5.7.1. *Ea dicuntur aut per tabulas aut a praesentibus.*

²⁸Quintilian *Inst. Ort.* 5.7.1. Regarding written and oral testimony Justinian records, "The same Emperor (Hadrian) stated the following in a Rescript to Cabinius Maximus: The weight to be attached to the oral evidence of witnesses who are present is one thing, and that of written testimony which is to be read is another. Therefore deliberate carefully whether you desire to retain them, and if you do, allow them their costs" *Digest* 22.5.3.3.

²⁹By contrast, none of the Synoptics indicate who produced the inscription (Mk. 15:25, Luke 23:38; Matt. 27:32).

³⁰Justinian *Digest* 22.5.2 "The rank, the integrity, manners, and the gravity of witnesses must be taken into consideration..." Also 22.5.1 "The employment of witnesses is frequent and necessary, and the testimony of those whose integrity is established should especially be taken." Further, 22.5.3, "The integrity of witnesses should be carefully investigated and in consideration of their personal characteristics, attention should be, in the first place, paid to their rank..."

of the province, is the Gentile who would have the greatest rank and *ethos* in Jerusalem. The choice of employing written evidence from the governor, as a consequence, would play a significant role in persuading an audience as to the author's claims concerning Jesus--that he is "the King of the Jews." As an additional observation, the title, which is written in three different languages, confirms that Pilate's testimony is consistent and intentional. Consistency of testimony was a trait much admired in Roman courtrooms.³¹

Not only consistency of testimony, but also a document's authorship were to be authenticated by witnesses. Quintilian, for instance, speaks of those who are witnesses to a deponent's signature.³² The fact that Pilate himself has authored the document is confirmed during the course of a conversation between himself and the Chief Priests (19:21-22). In that pericope the priests desire that Pilate amend the inscription so it no longer reads "king of the Jews." They prefer that it read, "this man said "I am King of the Jews." In making this request of Pilate, the priests acknowledge that he is the party responsible for the placard.

The request addressed to Pilate acknowledges his authorship, but is ironic in two ways. First, never once in the narrative has Jesus himself said that he was "King of the Jews." The title "king" was always ascribed to him by others. For instance, the crowd identified him as "King of Israel" during the triumphal entry (12:13). Pilate had enquired whether or not Jesus was the King of the Jews (19:33,37)--a query that Jesus, strictly speaking, never directly answered in the affirmative even though kingship of an other-worldly kingdom is implied. Finally, the soldiers mocked Jesus calling him the "King of the Jews (19:3).³³ In essence, while the priests want to turn the ascription of the cross into the charge³⁴ that Jesus claimed to

³¹Quintilian *Inst. Orat.* 5.7.11 and Justinian *Digest* 22.5.2. The triple designation of Jesus as "King of the Jews" echoes Pilate's three earlier comments that he has found no case against Jesus (18:38; 19:4 and 19:6).

³²Quintilian *Inst. Orat.* 5.7.2.

³³See also 6:15.

³⁴Both Matthew and Mark regard the inscription as a "charge" (*αἰτία*).

be King of the Jews, it is a charge that is unfounded according to the Gospel text. A second irony exists in the fact that the Chief Priests, depicted as adversaries of Jesus in a trial concerning Jesus' identity, by their attempt to change the title, serve as witnesses to Pilate's authorship of the inscription, an inscription that constitutes evidence not for their own side, but for those defending the identity of Christ as the Messiah, the King of Israel. Irony aside, Pilate for his part, refuses to change the title at the request of the priests, stating, ὅ γέγραφα, γέγραφα, "What I have written I have written" (19:22). Thus he adds a verbal seal to the "document" in a way analogous to a deponent who would sign and seal a written testimony. The title authored by Pilate,³⁵ consequently, appears to be the first testamentary evidence following the crucifixion in support of Jesus' identity as the King of Israel/Messiah.³⁶

In the Gospel's rendition of post crucifixion events the title on the cross may serve as written testimony from Pilate but other witnesses offer verbal testimony. Beginning with verse 19:35 oral testimony, absent since the public ministry, is once again present in the narrative.³⁷ The fact that the narrator inserts his own testimony at this point in the story by claiming to have been an eyewitness to the piercing of Jesus' side and the flow of blood and water, alerts the reader that the trial of Jesus is

³⁵David Rensberger says of Pilate "Pilate of course is one of those unconscious witnesses in the Fourth Gospel who say more than they know." D. Rensberger, "The Politics of John: The Trial of Jesus in the Fourth Gospel," *JBL* 103.3 (1984): 406. Contrary to Rensberger, I think that the text indicates that Pilate is quite conscious of the content of his witness. Pilate has encountered Jesus and, though not necessarily converted to Jesus' cause (18:33), consistently finds no case against Jesus. Further, he is fearful when the Jews accuse Jesus of claiming to be the Son of God (19:8). All of these things point to at least an openness on the part of Pilate toward Jesus. Ultimately the phrase "What I have written I have written" indicates that Pilate is aware of the implications of his statement on the cross. As Winter observes, Pilate in the Fourth Gospel doesn't state the charge for the death of Jesus but proclaims him to be king. Thus the title is more a prophetic confession than a statement of a crime (Winter, 153-154).

³⁶Helen Bond, who sees Pilate as a harsh and manipulative individual, offers an alternate reading. She maintains that the sign on the cross is an attempt by Pilate to mock the Jewish people and their Messianic hopes. She remarks that the Jews take offence at the mockery, which motivates them to request the alteration of the sign. Such a reading, however, does not have as sharp an ironic flavouring as one in which Pilate, a non-Jew, is in some way able to recognise and testify to the identity of the Messiah while the Jews, whose faith and training should have enabled them to make such an identification, failed to do so. Helen Bond, *Pontius Pilate in History and Interpretation*, SNTS Monograph Series 100 (Cambridge: Cambridge University Press, 1998), 192.

³⁷While Jesus calls for testimony in 18:23, none is forthcoming. See above, pp. 164-165.

not over.³⁸ In addition, the narrator's claim to have seen the blood and water flow from Jesus' side,³⁹ an event that may be described as miraculous,⁴⁰ occurs at a key point in the development of the plot. The description of the piercing of Jesus side, to which he attests, is apparently intended to confirm that Jesus was indeed dead (19:31). Establishing Jesus' death was requisite to substantiate the miracle of the resurrection yet to come in chapter 20.

The idea of "seeing" an event, or being an eye-witness, is a theme developed further in chapter 20. The "seeing" of Jesus in this chapter fulfils Jesus' prediction in the farewell discourses: "A little while and you will no longer see me, and again a little while you will see me" (16:16).⁴¹ In essence, the verb "to see" is used equivocally in this portion of the Gospel, designating either physical sight or one's perception of an event's significance. Chapter 20 begins, as it were, with those who "see" that Jesus is not present in the tomb, and progresses to the point where Thomas "sees" that Jesus is the Lord. Mary is the first to make an observation. She announces to the disciples that Jesus has been taken from the tomb after she has "seen," βλέπει,⁴² that the stone had been removed from the opening (20:1). Simon Peter and the Beloved Disciple both in turn "see" the empty tomb, θεωρεῖ (20:6) εἶδεν (20:8). Subsequent to the disciples' departure Mary remains at the grave where she "sees" θεωρεῖ both two angels and Jesus, whom she mistakes for a gardener (20:12, 14). After recognising Jesus, Mary announces to the disciples that she has ἑώρακα, "seen," the lord (20:18). This phrase will be repeated by the disciples to Thomas after they "see," ἑώρακαμεν, Jesus in the locked house (20:25). The link

³⁸Lincoln asks rhetorically, "So why formulate the Beloved Disciple's confession in terms of witness when the trial of Jesus is over?" p. 10.

³⁹See Lincoln, 9. Also 7:38 and 1 Jn 5:6-8.

⁴⁰Bauckham thinks this is the seventh of the Gospel's signs involving Jesus. Richard Bauckham, "The Beloved Disciple as Ideal Author," *JSNT* 49 (1993): 40. Loren Johns and Douglas Miller, "The Signs as Witnesses in the Fourth Gospel: Re-examining the Evidence," *CBQ* 56.3 (July, 1994): 527 n.23, acknowledge that the event may have been at least viewed as miraculous. See pages 179-180 below regarding the resurrection as the final sign.

⁴¹Also 13:33; 14:19.

⁴²Cf. 9:7,15,25,39.

between the theme of "seeing" and the witness motif was established earlier in the Gospel with the testimony of John the Baptist. John βλέπει, "saw," Jesus (1:29), and "beheld" the Spirit descend on Jesus. He ἑώρακα καὶ μεμαρτύρηκα, saw and testified, (1:34) that Jesus was the Son of God. Since "seeing," as illustrated by John the Baptist who is the Gospel's first witness, is integrally related to testifying, Mary and the disciples may be described as witnesses for the resurrected Jesus.⁴³

Mary's experience with the risen lord is followed soon after by Jesus' appearances to the disciples in 20:19-23 and 20:26-29.⁴⁴ In both pericopes a common feature is that Jesus appears to his followers who are gathered in rooms behind closed doors. Despite this miraculous occurrence, however, the theme of witnessing and of accepting the testimony of witnesses is the predominant focus. The first passage records that the disciples beheld (ἰδόντες) the Lord who showed them his hands and his side (20:20). The demonstration of the wounds served the dual purpose of verifying both Jesus' identity as the one who had been crucified and pierced (19:18; 19:34) and the fact that he had indeed died because he had sustained mortal injury. In essence, the "pierced side" functions as evidence of Christ's post death resurrection. The disciples' response in the face of this evidence is to tell someone else that they have seen the Lord (20:25).⁴⁵ By engaging in the action of telling others what they had seen, the disciples serve as witnesses. The Gospel text, however, never explicitly designates their words as μαρτυρία, testimony. Does this

⁴³See the earlier comments regarding women witnesses in Judaism and Roman law in chapter 2. Also, Pheme Perkins, "I Have Seen the Lord." (John 20:18): Women Witnesses to the Resurrection," *Interpretation* 56 (Jan. 1992): 31-41; Robert G. Maccini, *Her Testimony is True*, JSNTSS 125 (Sheffield: Sheffield Academic Press, 1996), 207ff; Sandra Schneiders, "John 20:11-18: The Encounter of the Easter Jesus," in *What is John?* ed. F. Segovia (Atlanta, GA: Scholar's Press, 1996), 159-161. Within the context of the plot, the disciples may be described as witnesses only after the resurrection. See above p. 85 n. 42.

⁴⁴The usual division of these pericopes is 20:19-23 and 20:24-29. Such a division is based on the characters involved. Specifically, Thomas is not present in 20:19-25, but is in attendance with the disciples in the subsequent verses. Dividing these two related pericopes by character, however, obscures the time element involved. Thomas' assertion that he too requires evidence apparently occurs later on the same evening that Jesus had spoken with the other disciples. The second appearance of Jesus, however, is set a week later (20:26): καὶ μεθ' ἡμέρας ὀκτώ... The author frequently uses the word καὶ with time designations (2:1; 2:13; 7:1) or shifts of scene (9:1).

⁴⁵Compare 20:18.

term apply to their actions? In speaking of "testimony," Donald Miller writes, "The elemental meaning of *martus* is a legal one, where someone who has observed an event, or heard words spoken, or seen the signing of a deed, appears in court to authenticate such. To witness, therefore, is to rehearse what one has seen or heard, to verify the factuality of something."⁴⁶ The disciples, by recounting in 20:25 that they have "seen" the Lord, are eye-witnesses to the resurrection. The term μαρτυρία consequently may be used to describe their comments to Thomas (20:25).

Thomas, who has been absent during the appearance of Jesus to the other disciples, has at his disposal two eye-witness accounts, that of Mary and that of the other disciples. Despite the fact that two witnesses are normally sufficient to establish a fact,⁴⁷ Thomas insists that he personally must both see (ἴδω) and touch Jesus' wounds in order to believe (πιστεύσω). Because of his request, Thomas is often designated as one who doubts and is unable to accept the testimony of others. Often his "inability to believe" is understood to result in a rebuke by the Lord: "Have you believed because you have seen me? Blessed are the ones who have not seen yet have come to believe"(20:29). Actually, from a legal standpoint Thomas' demand is logical. Mary, who said she had seen the Lord, unlike the disciples, had not seen either Jesus' pierced side or the marks of the nails. Thus, while Mary and the disciples represent two separate witness accounts for the resurrection of Christ, the content of the two accounts is slightly different. Thomas is seeking another independent and overlapping witness to corroborate one of the two accounts. A corroboration of verses 19-20 is what is provided by verses 26-27.

The parallels between verses 19-20 and 26-27 are numerous. For instance, in both pericopes the disciples are gathered in the house. The only difference in the second account being that Thomas is present. Also, in both cases the doors to the house are closed or locked. Despite this, both times Jesus "stood in their midst and

⁴⁶Donald G. Miller, "Some Observations on the New Testament Concept of 'Witness,'" *Asbury Theological Journal* 43.1 (1988): 56-57.

⁴⁷*i.e.* Justinian *Digest* 22.5.12.

said (to them) 'Peace be with you'" [ἔστη εἰς τὸ μέσον καὶ λέγει αὐτοῖς, Εἰρήνη ὑμῖν (v.19)/ ἔστη εἰς τὸ μέσον καὶ εἶπεν, Εἰρήνη ὑμῖν (v. 26)]. After this greeting Jesus proceeded to show his hands and side (vv. 20, 27). The primary difference between Jesus' demonstration in the two pericopes is that Thomas was told to touch the wounds. This invitation to touch Jesus represents the climax of the three resurrection appearances, each of which build on and add something to the previous account. Mary sees the Lord and speaks with him, but does not necessarily see or palpate his wounds because she is forbidden to touch him.⁴⁸ At the first closed door appearance the disciples see Jesus, speak with Jesus, and see the specific evidence of his wounds. At the third appearance Thomas sees Jesus, speaks with him and both sees and is invited to touch the wounds. Only at that point is the evidence irrefutable. Three separate groups/individuals have testified to their encounters with the resurrected Jesus and two of those accounts, by their parallelisms and repetitiveness serve to verify each other. Thus the report of the appearance to Thomas is not a superfluous duplication of material present in 20:19-20. It is evidence that illustrates consistency between two of the three witnesses and their accounts of the resurrected Jesus. Corroboration of evidence helps to strengthen arguments in court cases. Only after Jesus' appearances provide both a significant number of witnesses (a minimum of two) and accounts which are consistent (10:19-20 and 26-27) is the proof for Jesus' resurrection unassailable. Only after all the evidence is in does Jesus say "Blessed are they who have not seen and yet come to believe (πιστεύσαντες)." Jesus' comments in verse 29 are not necessarily a rebuke to Thomas. Instead, Jesus had granted Thomas' request from verse 20:25 because another independent and consistent testimony to the resurrection strengthened the argument that Jesus had been resurrected. After the appearance to Thomas, however, no further evidence was required. Those who, unlike Thomas, had not "seen" Jesus could believe on the basis of the evidence already presented.

⁴⁸There is debate as to whether Mary is being prevented from touching/clinging to Jesus, or is being asked to discontinue an action in which she is already engaged. In any case, she is not encouraged to explore Jesus' wounds as is Thomas in the later pericope.

The concept of "belief" found in this pericope occurs elsewhere in the chapter. Therefore, some comments concerning its use are appropriate.

The verb "believe," ἐπίστευσεν, first occurred in 20:8. The context of this verse is that Mary has seen the disrupted tomb and two disciples have run to the burial place to make sure that Jesus' body is indeed missing. After the beloved disciple had entered the tomb, he is said to believe--but believe what? Certainly the context indicates that the subject in which belief is centred is the fact that Jesus' body is not in the tomb. The narrator confirms this reading of the situation by inserting an editorial remark. He states that the disciples at this point did not understand that Jesus must rise from the dead (20:9).⁴⁹ All they know is that Jesus' body is not where it had been buried.⁵⁰

The next occurrence of the verb "to believe" (20:24) is connected with a different understanding of the tomb event, namely that Jesus' body has not been stolen. Rather, he possibly has been resurrected. Thomas asserts in 20:24, after Jesus has already appeared to the other disciples, that he will not "believe," presumably in the resurrection, until he has seen and felt Jesus' hands and side (20:25). What he refuses to believe is not that the body has been misplaced, but that Jesus has risen from the dead. This shift concerning the focus of belief has taken place between the beginning of chapter 20 to the middle. A third use of the verb

⁴⁹The disciples' inability to comprehend Jesus' resurrection is a theme in 16:16ff. Sandra M. Schneiders, in an article concerning the "encounter of the Easter Jesus" (p. 156), asserts that there are two aspects involved in Jesus' death. The first is Jesus' glorification on the cross, the second is the resurrection--"the communication to Jesus' disciples of his pascal glory through his return to them in the Spirit." Schneiders maintains that at the tomb the Beloved Disciple comprehends the glorification--that "Jesus' historical presence among them has ended in his definitive ascent into the presence of God through his glorification on the cross" (p. 158). This reading is not necessarily convincing given verses 20:17-18 where Jesus indicates that he has not yet ascended. I agree with D. A. Carson who writes, "But it is far from clear that John thinks that Jesus' death and exaltation took place at the same instant--any more than he thinks Jesus' death and resurrection took place at the same instant. (cf. v. 1). Nor does he think the resurrection and the ascension took place at the same instant, if we are to judge by the Thomas episode." D. A. Carson, The Gospel According to John Grand Rapids, MI: William B. Eerdmans, 1991), 143-44.

⁵⁰Mary herself confirms this when she confesses to Jesus, mistaking him for a gardener, that she does not know where the body has been taken (20:13).

"believe" occurs in 20:29 and represents a final development of an understanding of Jesus and the significance of his resurrection.

In this third pericope, Thomas, after seeing Jesus' hands and side is instructed not to be disbelieving, ἄπιστος, but believing, πιστός (20:27). His response to this command is to address Jesus as "My Lord and my God." This title is the fourth applied to Jesus since the crucifixion. The other two were Pilate's designation of Jesus on the cross as "king of the Jews " (19:21) and Mary's identification of Jesus as Rabbi (20:16) and Lord (20:13). This fourth ascription represents the strongest confession for it describes Jesus as God.⁵¹ Thomas' confession is important because it represents the first time in the Gospel that a character specifically identifies Jesus as divine. The divinity of Jesus, implied in his claim to be God's son, had been a subject of concern for Jesus' opponents both in the public ministry portion of the Gospel (10:33) and in the trial before Pilate. In this latter setting, a charge was levied that Jesus had claimed to be the son of God (19:7).⁵² Thomas' cry, "my Lord and my God" indicates not only that the Roman trial has not been effective in stopping people from believing in Jesus, one of the goals behind the plot to kill him (11:48),⁵³ but that Jesus' divinity/relation to the Father is the penultimate object of belief. Believing that Jesus' body had disappeared from the tomb (20:8) or that he had been resurrected from the dead (20:26) are merely preparatory stages of belief for the full confession that Jesus is Lord and God (20:29).⁵⁴ Further, belief in Jesus' identity as Lord and God is a belief that Jesus, after hearing Thomas confess it, affirms. Those who believe in Jesus' identity, presumably due to the testimony of

⁵¹Compare with 1:1, the Word was God.

⁵²In 20:17 Jesus instructs Mary to tell his brothers (the disciples) that he is ascending to his Father and their Father. This is the only time Jesus refers to the disciples as being in a familial relationship with the Father. Only after the resurrection does Jesus indicate that such a relationship exists between the believers (disciples) and God. See thesis Appendix p. 203 note 12. This is not to imply that the disciples are divine. Only through belief in Jesus is the power to become children of God granted (1:12-13; 12:36).

⁵³πάντες πιστεύουσιν εἰς αὐτόν.

⁵⁴Compare with the belief of the man born blind (9:38). The man born blind confesses that he believes that Jesus is the Son of Man.

eyewitnesses such as Thomas, without having seen Jesus himself are designated as blessed (20:29). The Gospel as a whole purports to provide the evidence necessary in order that those who have not seen Jesus might πιστεύ(σ)ητε that Jesus is the Christ, the son of God (20:31). The statement of the purpose for which the Gospel has been written (20:30-31) may be compared with a peroration, the final part of a speech. Before addressing the Gospel's closing, however, there are other comments to be made concerning 18:1-20:29. For instance, there is one type of evidence presented by the Evangelist in the post-crucifixion account that has been assumed, but not necessarily addressed in its own right--the evidence provided by supernatural occurrences or miracles.

Although the inartificial evidence provided by Scripture as well as that of witnesses has been discussed, miraculous events also play an integral role in the proof of Christ's identity. The observation has already been made that supernatural occurrences and signs, prevalent during the public ministry, are absent from Jesus' arrest, interrogation and appearance before Pilate. Following the crucifixion, however, miraculous events accompany or are the basis for most of the testimony presented in the text. For instance, one miraculous occurrence is Jesus' ability to appear in a room without seeking entry through the door. The most dramatic post-crucifixion event, however, is the resurrection.

In chapter two the miraculous works of Jesus were discussed in terms of rhetorically persuasive σημεῖα, or signs.⁵⁵ According to the rhetorical handbooks a sign was a type of proof that enabled the jury to make an inference concerning some aspect of the case. One role played by the σημεῖα of Jesus in the public ministry had been to point toward Jesus as the Messiah, the divine son of God. Jesus' resurrection in chapter 20 also represents proof of Jesus' identity and may be described rhetorically as a σημεῖον. Even though the resurrection is not explicitly described as a work or sign, understanding the resurrection as a "sign" akin to Jesus'

⁵⁵Page 120ff.

other miracles in the public ministry is something for which the narrative prepares the reader through the unfolding of the story. This preparation occurs in two ways in particular. First, the word σημεῖον is linked with the concept of Jesus' resurrection in chapter 2:18-22. According to that pericope, after Jesus had driven the money changers from the temple, the Jews asked Jesus, "What sign, σημεῖον, can you show us for doing this?" Jesus' reply appears *non sequitur*. He says, "Destroy this temple and in three days I will raise it up." To clarify this obscure response, the narrator inserts a comment in verse 21 to explain that the temple to which Jesus was referring was his body and that after the resurrection his words both became clear and were remembered by the disciples. Thus, when asked to provide a "sign," Jesus speaks of his forthcoming resurrection. The two concepts of "sign" and "resurrection" are linked.⁵⁶

Witnesses, supernatural events such as the passing through doors, and scriptural proof texts comprise the forms of "evidence" presented by the author in the latter portion of chapters 18:1-20:29. With the presence of such "proof," this portion of John's text functions like the continuation of a *probatio* that has been interrupted by the farewell discourses. These three forms of evidence are similar to that which might be advanced in legal procedures. That "proof," with the exception of the enthymeme in 18:36, was absent from Jesus' interrogation, where it might have been expected, alerts the reader that the judicial examination before Pilate was not the end of the case for Jesus, but merely one event in an ongoing trial.

B. Summary

The portion of the Gospel text that has been under consideration in this chapter has included the arrest and trial of Christ as well as the resurrection events that precede the author's closing comments in the Gospel. Following the farewell discourses, which may be described as a digression, the trial of Jesus, although

⁵⁶The signs in chapters 1-12 are performed by Jesus. Although the possibility exists that the resurrection is accomplished by God, who glorifies Jesus Christ (17:1,5), 10:18 indicates that Jesus himself has the power both to lay down his life and take it up. See below p. 183 n. 6.

containing an enthymeme and a minor fulfilment motif that provide proof for the reader of Jesus' identity or origins, was unconvincing to Jesus' opposition. Once Jesus is crucified, however, scriptural proof texts, witnesses and supernatural actions all are marshalled to evoke the belief that Jesus is Lord and God (20:28). Thus, after the digression-like farewell discourses, this portion of the Gospel functions like a continuation of the *probatio* of a forensic speech. Further, the observation was made that the presentation of a substantial body of evidence *after* Jesus' death signalled to the reader that Jesus' sentence before Pilate did not end the case.⁵⁷ Instead, the arguments being presented for Jesus are part of an ongoing trial. While the case for Jesus' identity might be open ended, encouraging readers of the Gospel to determine for themselves whether or not they will believe the evidence that has been presented even though they may not themselves have seen Jesus (20:29), the Gospel text itself cannot continue indefinitely. As with all books, it must come to a close. The final section of the Gospel, which is akin to the peroration of a speech, will now receive attention.

⁵⁷Whether or not the procedure before Pilate in the Fourth Gospel is actually a "trial" or a mere interrogation has been debated. For recent discussions on this issue see Simon Légasse, The Trial of Jesus (London: SCM Press, 1997), 51 ff. or Alan Watson, The Trial of Jesus (Athens, GA: University of Georgia Press, 1995), 48 & 140. I concur with Brown that whether or not Jesus' appearance before the Sanhedrin was part of a formal Jewish trial, in the Fourth Gospel Pilate appears to accept the decision of the Sanhedrin merely as an accusation. Pilate subsequently proceeds "to try Jesus himself" (Brown, John p. 847).

CHAPTER 5

Closing Statement and Epilogue

According to the precepts of forensic rhetoric, the presentation of proof in a case is followed by a conclusion. These final thoughts, often designated as a peroration or epilogue, may contain as many as four parts. Aristotle identifies the four as disposing the hearer favourably towards oneself as the speaker, amplifying or depreciating various facts, exciting the emotions of the hearer, and recapitulating the arguments and case at hand.¹ Apart from questions of later redactions and additions, verses 20:30-21:25 in their final form are in line with this paradigm. These verses contain a recapitulation of the proof, amplify the love Jesus holds for the disciples in pericopes that “excite the emotions” of the reader, and concludes only after establishing the identity and authority of the author.

The “proof” portion of the Gospel, akin to a *probatio*, climaxed with the death of the defendant, Jesus, who subsequently appeared to the disciples. After an account of his resurrection appearances, which, as demonstrated by Thomas, were able to evoke the statement of belief “my Lord, and my God” even in those who had not seen Jesus (20:29), the defence could close its arguments. Verses 30-31 provide a succinct summary of both the type of evidence presented throughout the case as well as a statement of the thesis to which the proof points.

A summary statement is one characteristic element of the final portion of a speech, the *peroration* or epilogue.² Such a statement generally includes a reiteration of the proof that rebounds to the favour of the party for whom the speech is being given. Designated variously as enumeration or recapitulation, Cicero demonstrates this technique in his speech defending Publio Quinctio. Beginning with paragraph 28.85 and extending to 29.90 Cicero summarises the evidence he has presented. For instance, Cicero reminds his audience,

¹Aristotle *The Art of Rhetoric*, Loeb Classical Library, 3.19.1

²Ibid., 3.19.4.

I have shown how many steps should have been taken before application was made for possession of the goods...I have proved that when Naevius says the recognizances were forfeited, no recognizances had been given at all...and I undertook to make this clear by the evidence of witnesses who were both bound to know the facts and had no reason for lying.³

In a much more abbreviated way, the Evangelist employs verses 30-31 to recall some of the evidence presented during the early portions of his gospel. Specifically, with the phrase “Jesus did many other signs before his/the disciples...” the author reminds his readers both of the signs,⁴ only some of which he selected for his proof,⁵ and of the disciples, who represent the witnesses so prevalent in the Gospel. The signs, including the resurrection,⁶ were not performed in a vacuum, as it were, but before individuals who could testify to the events. Only because of the presence of

³Cicero *Pro Publio Quinctio*, Loeb Classical Library, 28.86.

⁴Some scholars assert that the signs to which the two verses at the conclusion of chapter 20 are referring are only those of chapter 20. Paul Minear, articulates this position concisely in “The Original Functions of John 21” [*JBL* 102 .1 (1985): 87-88]. He points out that while verse 31 does state that many other signs were completed that were not written in the book, the signs of the earlier chapters of the Gospel are not implied at this point. The earlier signs were not necessarily completed in the presence of the disciples and consequently do not meet the criterion of verse 30. By contrast, I maintain that verse 30 refers to the signs of the public ministry as well. For those instances where the disciples are not explicitly mentioned as being present at the “sign,” such as for the sign at the wedding at Cana, their presence is not ruled out. 2:12, for instance, does at least indicate that the disciples had accompanied Jesus to the city of Cana. See also note 7 below.

⁵Charles Talbert regards this language as conventional, pointing out a parallel with 1 Macc. 9:22. Charles Talbert, *Reading John* (London: SPCK, 1992), 257.

⁶K. Rengstorff asserts that Jesus’ resurrection is not a sign because it is not a work completed by Jesus. Instead, it is an act of resurrection accomplished by God. Thus Rengstorff claims that the signs in 20:30 do not include the passion and resurrection. He writes, “it would also appear that for the Fourth Evangelist there can be no thought of further σημεῖα from Jesus after his arrest.” Rengstorff’s position does not account for the fact that in 2:18-22 the resurrection is identified as a “sign.” K. L. Rengstorff, “σημεῖον,” in *TDNT*, ed. G. Friedrich (Grand Rapids: William B. Eerdmans, 1971), 254. Schnackenburg, in a position similar to that held by Rengstorff, maintains that the word “sign” in 20:30 does not refer to the resurrection narratives on the basis that the apparitions of Jesus are not described as signs by the Evangelist. Rather, they are Christophanies. He does, however, acknowledge that “no doubt the death of Jesus has the significance of a ‘sign’...” R. Schnackenburg, *The Gospel According to St. John*, vol. 1, trans. Kevin Smyth (London and NY: Burns & Oats, Herder & Herder, 1968), 515, 520. D. A. Carson comments that placing a concluding comment concerning the signs at this point in the Gospel rather than at some point in the public ministry, “suggests that the greatest sign of them all is the death, resurrection and exaltation of the incarnate Word, the significance of which has been carefully set forth in the farewell discourse.” D.A. Carson, *The Gospel According to John* (Grand Rapids: William B. Eerdmans, 1991), 661. See pp. 179-180 above regarding the resurrection as a “sign.”

witnesses could the signs be recorded in the book commonly known as the Gospel according to John.⁷

Recounting the proof, or mentioning the kind of proof that was presented, was often accompanied by a restatement, sometimes with a particular colour or slant, of the issue that the jury was to decide. In his defence of Publio Quinctio, a case involving a property and debt dispute, Cicero restates the issue of the case immediately following his recapitulation,

If it had been merely the cause of one party contending with the cause of another party, we felt certain that we could easily prove the justice of ours to anyone; but since the issue was between one mode of life and another, for that reason we thought that we needed you all the more as judge. For the question to be decided is whether the rustic and simple frugality of my client's life can defend itself against luxury and licentiousness, or whether, disgraced and stripped of all that made it honourable, it is to be handed over naked to greed and impudence.⁸

Although less eloquent than Cicero, the Gospel writer also reminds his readers of the subject concerning which they are to believe⁹ or render judgement: that Jesus is the Christ, the Son of God.¹⁰ With regard to the precepts regarding a summary, or recapitulation, then, verses 30-31 echo the dictates of the rhetorical handbooks. Within these verses the author reminds his readers of the types of proof offered and indicates that this proof has as its object the identification of Jesus as the Christ and Son of God.

⁷R. Bauckham observes that all of the signs of the Gospel must have occurred in the presence of the disciples in order for the Beloved Disciple, as author, to serve as a witness to them in his text. For example, only the Beloved Disciple was present for the sign recorded in 19:35. The Beloved Disciple, as author, is the ideal witness. Richard Bauckham, "The Beloved Disciple As Ideal Author," *ISNT* 49 (1993): 38 & 40.

⁸Cicero *Pro Publio Quinctio* 30.92.

⁹The Gospel text contains a controversial variant at this point. One reading is the present subjunctive, usually translated "that you may continue to believe" and the other is the aorist subjunctive which is rendered, "that you may come to believe." Although I agree with Ben Witherington that an evangelical interpretation is likely (*John's Wisdom*, Louisville: Westminster John Knox Press, 1996; 29-31), either reading would accord with a rhetorical goal of seeking to persuade an audience. Whether that persuasion encourages an audience to begin or to continue an action does not lessen the rhetorical force.

¹⁰Carson indicates that the $\text{iv}\alpha$ clause may also be rendered, "that you may believe that the Christ, the Son of God, is Jesus." With this rendering, the point of issue is clearly the identity of Jesus as it would be articulated for those who are not yet Christians (*The Gospel According to John*, 662).

The summary in verses 30-31 is so succinct and apparent that frequently the position is taken that while 30-31 constitute a peroration or closing statement, the verses that follow in chapter 21 may be regarded as additional comments--comments that have been added by a later redactor.¹¹ Questions of the chapter's authenticity aside, the fact that all extant manuscripts include chapter 21 justifies examining this chapter as part of the conclusion of the Gospel in its received form. The subject of such an investigation is whether or not elements of chapter 21 are explicable in terms of the precepts and techniques recommended for perorations. The first concern is to ascertain whether or not ancient speeches evidenced closing statements, similar to 20:30-31, that were followed by additional comments and rhetoric such as that found in chapter 21.

While 20:30-31 might be identified as a summary statement of the proof and an articulation of the author's rhetorical purpose, such statements did not necessarily constitute the entirety of a peroration. As mentioned previously, Aristotle included amplifying other points, focusing on *pathos* or the emotions, and inclining the audience toward the speaker as additional elements appropriate for epilogues. The peroration or epilogues of ancient speeches, therefore, were not necessarily confined to a single statement or two, but often extended for several paragraphs. Cicero's defence of Balbus' citizenship, for instance, contains a peroration that not only recounts the major proof, that Balbus was being charged due to envy of his wealth, but also comments that he was well respected by his friends.¹² Further Cicero's peroration details Balbus' kindness to the orator's own family, recounts the high

¹¹Although the preponderance of opinion may be that chapter 21 is an addition or appendix, there are those who argue for its original authenticity. See for example, the articles by Paul Minear, "The Original Functions of John 21;" Peter F. Ellis, "The Authenticity of John 21." St. Vladimir's Theological Quarterly 36.1/2 (1992): 17-25; and Howard M. Jackson, "Ancient Self-referential Conventions and Their Implications for the Authorship and Integrity of the Gospel of John." Journal of Theological Studies 50.1 (April, 1999): 1-34. Within the context of literary approaches, several scholars have analysed chapter 21 in its present setting. For a concise survey of several prominent literary treatments of chapter 21 see Beverly Roberts Gaventa, "The Archive of Excess: John 21 and the Problem of Narrative Closure," in Exploring the Gospel of John, ed. R. A. Culpepper and C. Black (Louisville, KY: Westminster John Knox Press, 1996), 241-242.

¹²Cicero Pro Balbo, Loeb Classical Library, 26.58 ff.

points of a long friendship with Caesar, and broaches the issue of whether or not revoking the act of citizenship would be an insult to all those others to whom high officials had granted citizenship on similar grounds.

At times the wealth of information that was included in an ancient epilogue or peroration began with a summary statement that looks as if it would suffice for a closing. Cicero's speech in defence of Caelio, although slightly longer than that found in the 20th chapter of the Fourth Gospel, contains such a statement:

I have pleaded my case, gentlemen, and my task is finished. You can now appreciate how great is the responsibility of your judgement, how serious a matter has been entrusted to your decision.. You are inquiring into a question of violence. ...Is it under this law that there is now a demand for the sacrifice of Caelius' youth, not for punishment in the interest of the State, but to satisfy the wanton whims of a woman?¹³

While this statement indicates that Cicero's proof is at a close and calls the judges to make a decision concerning the case, the peroration is by no means at an end.

Cicero immediately begins some completely unconnected remarks since he turns to chastise his opposition for comments about another unrelated case that they must have mentioned during their orations (30.71). Following upon this harangue of his opposition is a detailed account of his client's public career (30.72-32.78), and mention of Caelius' father (32.79). Cicero finally ends the speech with the promise that acquitting Caelius would benefit the state (32:80). Thus, while at first glance Cicero's defence would end naturally with the rhetorical question concerning whether or not his client is to be punished for the whims of a woman, the orator essentially employs this summary statement and rhetorical call for judgement as a transition. Rather than functioning as a conclusion to the speech as a whole, the summary indicates to his audience that he has completed his proof and is now engaged in his peroration.¹⁴ Cicero's comments following his indication that his case is at a close are consequently not an addition, not an appendix, but are rather

¹³Cicero *Pro Caelio*, Loeb Classical Library, 29.70.

¹⁴C. Talbert lists other instances in the Johannine corpus where statements of purpose occur at points prior to the actual end of the documents in which they are contained (*Reading John*, 258).

points he believes are integral to his defence. They are thus worthy of inclusion in his peroration.

As demonstrated by reference to the speeches of Cicero, perorations were often longer than a simple sentence or two and certainly could employ the technique of positioning concluding statements at the beginning as well as the end of the peroration. On this basis, then, the positioning of chapter 21 of the Gospel following the statement of purpose in 20:30-31, does not represent a deviation from the structure of the perorations of forensic speeches. In a manner akin to the peroration in Cicero's defence of Caelio, verses 20:30-31 are a summary that marks the end of the presentation of the proof and the beginning of material that echoes a peroration--a peroration that will extend through chapter 21.¹⁵ What, however, does chapter 21 contribute to the author's defence of Jesus?

According to Cicero, one of the primary elements of a peroration is amplification. Amplification includes, amongst other elements, the introduction of topics that seem important by nature, demonstration of the virtues of love and friendship which arouse the judge to feelings of warmth and generosity toward the defendant, the introduction of wonders, and the expansion of other deserving points.¹⁶ In essence, then, amplification within the peroration provides the orator with an opportunity to introduce topics, facts, stories, events, comments, and such for which there was no opportunity to provide mention within the careful structure of the *probatio*. The Evangelist's accounts of the abundant catch of fish and Jesus' conversation with Peter may be described as elements introduced for purposes of amplification since they enlarge upon themes within the Gospel. As a consequence they reflect the type of material that might be included in a peroration. These stories

¹⁵Beverly Roberts Gaventa describes chapters 20 and 21 of the Gospel as dual endings (pp. 247-278). Within the context of forensic speeches, the identification of 20 and 21 as dual endings is not necessary. Instead, as has been argued above, 20:1-29 is part of the proof akin to a *probatio* while 20:30- 21: 25 is similar to a peroration (epilogue) introduced by a summary statement.

¹⁶Cicero *De Partitione Oratoria*, Loeb Classical Library, 15.52-57.

will now be explicated with an eye toward demonstrating how they provide amplification of themes in ways that would accord with the rhetorical handbooks.

The first story in chapter 21 is that of the abundant catch of fish found in verses 1-14. Although a miraculous event that is designated as the third revelation appearance of Jesus following his resurrection (verse 14),¹⁷ this story does not appear to add significantly to the proof of Jesus' identity presented to Thomas (20:26-29). In fact, the disciples themselves do not dare to ask Jesus concerning his identity because they know the one who is on the shore is the Lord (v. 12). Even Simon Peter, in excitement at identifying Jesus through the murky light of the breaking dawn, jumps out of the boat and heads for the shore to greet Jesus. If this pericope is not to demonstrate Jesus' identity as the Messiah, the Son of God, what is its purpose? I propose that the object of this story is to illustrate Jesus' character. Amplification of the character of the defendant in one's peroration was often employed to encourage the judge or audience to be favourably disposed to one's client. The principal character trait that is demonstrated by Jesus in these verses, is loving friendship.

Aristotle describes those who are loved, *Τίνας φιλοῦσι*, by judges as those who themselves love others. He describes a person who exhibits love as a friend, *φίλος*, who wishes for another things which are believed to be good and procures for the friend as far as lies in his or her power. A friend does good to those held dear and cordially renders for them services.¹⁸ Within verses 4-12 Jesus demonstrates just such a loving friendship for his disciples. After the disciples tell Jesus that they have caught not a single fish in an entire night, Jesus provides for them an abundance of fish (21:6). There are so many fish that they are not able to haul the net into the boat.¹⁹ Then, once upon shore, the disciples find that Jesus continues to provide for

¹⁷In actuality, it is the fourth appearance. Either the appearance to Mary must be discounted because it was not an appearance "before the disciples," or the two closed door appearances, although occurring on separate occasions, must be counted as a unit due to their similarity.

¹⁸Aristotle *Rhetoric* 2.4.1-6.

¹⁹The number 153 is much debated. See the comments by Beasley-Murray, *John*, Word Biblical

them, having started a fire upon which some fish were cooking and having bread ready. This pericope, therefore, demonstrates that Jesus typifies the good friend who willingly, lovingly, and, as befits his status as Messiah, Son of God, very abundantly, provides for his disciples. Indeed, in this pericope Jesus typifies the essence of friendship which is described as, “doing a favour, and doing it unasked, and not making it public after doing it; for then it seems to have been rendered for the sake of the friend, and not for any other reason.”²⁰ The theme of friendship is also continued in the next pericope, a conversation between Peter and Jesus.

In verses 15-19 Peter is asked three times whether or not he loves Jesus.²¹ Each time the disciple replies in the affirmative. This conversation, which echoes Peter’s threefold denial of Jesus, might be considered amplification.²² It provides closure for the story of Peter’s reluctance to identify himself as one of Jesus’ followers (18:15-27).²³ Here one sees his rehabilitation as a disciple. Peter is given the opportunity to become one who is finally able to make a decision to follow Jesus (21:19). Equally, however, the conversation might be considered amplification for what it reveals about Jesus’ character. In particular, just as Peter articulates his love so too does Jesus demonstrate a loving disposition in this exchange.²⁴ One

Commentary (Waco, TX: Word Books, 1987), 401-404, in which some of the theories of the significance of this number are mentioned .

²⁰Aristotle *Rhetoric* 2.4.29.

²¹The variation of the author’s use of ἀγαπάω and φιλέω has occasioned some comment. See K.L. McKay, “Style and Significance in the Language of John 21:15-17,” *Novum Testamentum* 27.4(1995): 319-333. McKay argues that the variation between the two verbs is significant, but does not articulate what that significance might be. I maintain that the variation of the verbs is merely stylistic. See Carson, *The Gospel According to John*, 676-677. For an example of an exposition in which the two words are regarded as having subtle differences see John Marsh, *Saint John* (London: Penguin Books, 1968), 669-671.

²²Cicero remarks that enlargement may be effected by repetition, iteration, the doubling of words, and a gradual rise from lower to higher terms (*De Partitione*, 15.54). Perhaps this is an additional stylistic technique that is at work in this pericope.

²³By contrast, Timothy Wiarda sees no need to link the three questions concerning Peter’s love to Peter’s threefold denial. Rather, he maintains Jesus is concerned with the fact that Peter has abandoned discipleship to return to fishing. The threefold repetition of the question “do you love me” indicates the seriousness of the issue. T. Wiarda, “John 21:1-23: Narrative Unity and Its Implications,” *JSNT* 46 (1992): 65.

²⁴Jesus had stated in 14:21 that he would reveal himself to those who love him and, in turn, are loved by himself and his Father. Thus, Jesus’ appearances to Peter and the other disciples are a fulfilment of

indication of Jesus' love occurs in his attitude toward Peter, one who has betrayed him. Jesus neither castigates Peter nor scorns him. Instead, he simply requires Peter to articulate his feelings three times, a number commensurate with Peter's denial. This clemency on the part of Jesus reflects one of the characteristics ascribed by Aristotle to the loving friend. The Philosopher writes, "And those are liked who...bear no malice and do not cherish the memory of their wrongs, but are easily appeased."²⁵ Another illustration of Jesus' love for Peter is also found in this passage. Jesus, who knows all things, even the depth of Peter's emotion, knows that Peter will suffer a martyr's death.²⁶ Being a true friend, Jesus reveals this to Peter (18-19) before issuing the final invitation for Peter to follow him. There are no hidden costs to following Jesus. Peter is made aware of all the implications of living a life for Jesus.

In addition to Jesus' friendship for Peter, Jesus' loving character is demonstrated in relationship to another group, his flock. Jesus' followers, described in chapter 10 of the public ministry as "sheep," are not to be left unattended. The Evangelist, in accord with the precepts of rhetoric in which amplification is employed in the peroration to "tie up loose ends," takes this opportunity to illustrate the fact that the fate of the believers has not escaped notice. Jesus demonstrates his concern by asking Peter to assume responsibility for the flock. In providing for the "feeding and tending" of his sheep, Jesus embodies yet another characteristic of loving friendship. As Aristotle remarks, the true friend is one who does not leave his adherents in the lurch.²⁷

Employing amplification in the verses that reflect the type of material in a peroration to portray Jesus as a loving friend, a quality Aristotle indicates is much

this prophecy and a demonstration of Jesus' love. The Evangelist does not have Jesus articulate his love for Peter in chapter 21, perhaps to avoid generating confusion between Peter and "the disciple whom Jesus loved" (v. 21:20).

²⁵Aristotle *Rhetoric* 2.4.16-17.

²⁶Regarding Peter's death, which is said to "glorify God," see p. 59 n.86 above.

²⁷Aristotle *Rhetoric* 2.4.26.

admired, would be an astute rhetorical move. Hopefully the portrait of Jesus manifest in chapter 21 would have the effect of evoking positive perceptions of Jesus on the part of the judge or reader of the Fourth Gospel. Indeed, rhetoricians remark, "...When a man is favourably disposed towards one on whom he is passing judgement, he either thinks that the accused has committed no wrong at all or that his offence is trifling..."²⁸ Since the application of such a technique would be completely acceptable in a peroration, one may conclude that verses 20:1-19 are explicable in terms of a parallel with the overall structure of ancient speeches.²⁹

In addition to both amplification, in which the defendant's character might be portrayed to advantage, and the articulation of a summary statement there was another element often included in the peroration. Frequently there might be an indication of the speaker's own *ethos* and authority. Regarding the character of the speaker, a subject Quintilian addresses within his treatment of the peroration, this remark has been made,

Finally *ethos* in all its forms requires the speaker to be a man of good character and courtesy. For it is most important that he should himself possess or be thought to possess those virtues for the possession of which it is his duty, if possible, to commend his client as well, while the excellence of his own character will make his pleading all the more convincing and will be of the utmost service to the cases which he undertakes.³⁰

The last verses of the Gospel contain comments concerning the one who is the source of the Gospel as well as a final closing that forms an *inclusio* with verses 20:10-31.

A person's words and his or her character and authority were linked in the ancient world. Even though much early Jewish literature was anonymous, such as

²⁸Ibid., 2.1.4.

²⁹While the centre of this discussion has been Jesus' character and demonstration of loving friendship, there are a variety of other readings of chapter 21. One focus is the relationship between Peter and John (*i.e.* Wiarda, "John 21"). Another theme is that of discipleship and call. See M. Franzmann and M. Klinger, "The Call Stories of John 1 and John 21," *St. Vladimir's Theological Quarterly* 36.1/2 (1992): 7-15.

³⁰Quintilian *Inst. Orat.* 6.2.18.

Job, in the Hellenistic world everything was or had to be authored³¹ or ascribed to an author. The text of the Fourth Gospel includes an identification of its author as the Beloved Disciple (20-24).³² This disciple,³³ who has spoken with an assumed authority throughout the Gospel now reveals the basis of his authority. It consists in the fact that he was a "witness" to the events (v. 24). The author is the disciple whose character is virtuous enough to enable him to be beloved by Jesus.

Furthermore, he is present at key events such as the unveiling of Jesus' betrayer (13:23-25).³⁴ The idea that authority was linked to one's being a "reliable witness" was articulated by several ancient writers. As Quintilian states, the ideal is to give "the impression not so much that he (the pleader) is a zealous advocate as that he is

³¹Burton Mack, "Under the Shadow of Moses: Authorship and Authority in Hellenistic Judaism," S.B.L. Seminar Papers 21 (1982): 306-309.

³²John Ashton suggests that the actual author has employed the device of pseudonymity. John Ashton, Understanding the Fourth Gospel, (Oxford: Clarendon Press, 1991), 437. The position that the Beloved Disciple is to be identified as the author of the Fourth Gospel rests upon an interpretation of verse 21:24. In that verse the Beloved Disciple, previously mentioned in verses 20-23, is identified as one who has "written these things." The specific "things" to which the verse refers are ambiguous. C. H. Dodd, for instance, asserts that verses 23 and 24 must be read together. In that case, the "things" in question may be only involve the saying of Jesus in 21:22 (or perhaps the sequence beginning either at 20:15 or 20:20) rather than the content of the Gospel as a whole. See C. H. Dodd, "Note on John 21:24," Journal of Theological Studies 4 (1958): 212-213. R. E. Brown observes that Dodd does allow for the possibility that the reference of verse 24 could be the entirety of chapter 21. Such a view is often held by those who regard chapter 21 as an addition to the Gospel. Brown remarks, though, "A more widely held view is that vs. 24 is a type of colophon indicating the writer's outlook upon the authorship (in the broad sense) of the entire Gospel. Verse 25 would imply that the 'these things' of 24 included all the recorded deeds performed by Jesus" (R. E. Brown, John vol. 1, 1124). S. Smalley concurs that v. 24 may refer to the entirety of the Gospel due to the fact that John 21 is closely related to chapters 1-20. Stephen Smalley, John: Evangelist and Interpreter (UK: Paternoster Press, 1978), 81.

³³There are numerous theories as to the identity of the Beloved Disciple. In addition to the disciple John some of the suggestions are (1) Lazarus *i.e.* Mark Stibbe, John (Sheffield: JSOT Press, 1993), 214; F. Filson, "Who was the Beloved Disciple?" IBL 68 (1949): 83-88, (2) John Mark *i.e.* Lewis Johnson, "Who Was the Beloved Disciple?" The Expository Times 77 (1965): 157-58, (3) Matthias *i.e.* Eric L. Titus, "The Identity of the Beloved Disciple," IBL 69 (1950): 323-328. William Kurz suggests that the disciple is not named in order to enable the implied readers to identify themselves with the Beloved Disciple. W. Kurz, "The Beloved Disciple and Implied Readers. A Socio-narratological Approach," Biblical Theology Bulletin 19.3 (July, 1989): 101. Sandra Schneiders concurs that the identity of the Beloved Disciple was deliberately obscured, but adds the idea that Mary Magdalene might be a "possible embodiment" for the role of eye witness behind the Fourth Gospel. Sandra M. Schneiders, "Because of the Woman's' Testimony" Re-examining the Issue of Authorship in the Fourth Gospel, "New Testament Studies 44.4 (October, 1998): 523-26. D. M. Smith writes, "I should say...that I do not know who wrote the Gospel of John and believe that the author, who has none too humble an estimate of the value of his work, has purposefully and successfully concealed his identity." D. M. Smith, "What Have I Learned about the Gospel of John?" in What is John? ed. F. Segovia (Atlanta: Scholars Press, 1996), 218.

³⁴Bauckham, 37.

an absolutely reliable witness."³⁵ In addition to merely giving the impression that one is a reliable witness, one's authority might be derived from having served as an actual or eye-witness to events recounted. This convention was still being followed in later centuries. Procopius of Caesarea in his History of the Wars of Justinian describes himself as an eyewitness to the events he is recording,

The author feels himself especially qualified to write this work for the sole and sufficient reason that, as the confidential advisor of General Belisarius, he was privileged to participate personally in almost all the events in question.³⁶

Similarly, Marcus the Deacon, in the preface to his Life of Porphyrius Bishop of Gaza, extols evidence given not only by eyewitnesses, but also that of second-hand witnesses, in whose company he himself would be ranked. The requirement for admitting the evidence of second hand witnesses? They must have adequate *ethos* and *auctoritas*. He writes:

Considerable instruction may be obtained from the story as told at second-hand, when it is instilled into the souls of readers from minds accurately acquainted with the facts. Though first hand evidence is more credible than second hand evidence, the latter also carries conviction when it is derived from trustworthy authorities.³⁷

The Gospel of John, as reiterated by one of Jesus' closest and beloved disciples, could be said to be derived from a trustworthy source. The truthfulness of this witness is asserted in verse 24b with the phrase, καὶ οἶδαμεν ὅτι ἀληθὴς αὐτοῦ ἡ μαρτυρία ἐστίν, we know that his testimony is true.³⁸ The shift in verse 24 to the first person plural, which has led some to identify verses 24 and 25 as an addition by a hand other than that of the Beloved Disciple,³⁹ may in actuality be an intentional shift on the part of the author. The use of the first person plural, a technique previously employed by the author in 1:14, would serve to involve the readers in the

³⁵Quintilian *Inst. Orat.* 4.1.7.

³⁶Arnold J. Toynbee, trans. Greek Historical Thought (London and Toronto: J. M. Dent and Sons, 1924), 81.

³⁷Ibid., 76.

³⁸Cf. 8:14

³⁹See the survey of scholarly opinion in Beasley-Murray, John, 413-415.

act of testifying. They too, by the end of the Gospel, might affirm the words of the Disciple. In ancient speeches the technique of involving the audience was often employed in the closing sentences of a peroration. The object was either to portray the audience as supporting and affirming the orator as their spokesperson or to indicate that the sentence would have implications for the audience at large. One example is found in Cicero's defence of Ligarius. He says to the judge,

Deeming it therefore more profitable that you yourself should speak rather than that I or anyone else should address you, I will now close, merely reminding you that in granting life to the absent Ligarius you will grant it to all these here present.⁴⁰

Another illustration, this time employing a shift between the first person singular and plural, is found in a speech defending Marcellus. Cicero states,

But, that my speech may conclude even where it began, we all express to you Gaius Caesar, our deepest gratitude... But since it is not necessary that all should stand up to give expression to these sentiments, they at least desire that they should be expressed though me, on whom such expression is especially incumbent; and such action as should fittingly follow upon the restoration of Marcus Marcellus by you...is, I understand, being taken; for I feel that all rejoice at the deliverance not of a single person, but of the community at large.⁴¹

The Evangelist's use of the first person plural involves others in the act of witnessing, testifying, and confirming testimony. Just as there were many other actions of Jesus that are not recorded in the Fourth Gospel, so there are other believers besides the Fourth Evangelist who can, with the assistance of the Holy Spirit, testify to the truth of Jesus' identity.

The Gospel draws to a final close with the words of verse 25. In this verse, which serves as *inclusio* with 20:30, the author mentions a virtually infinite number of Jesus' actions. There are so many actions, that were they all recorded, they would fill more books than there would be room for them in the world.⁴² Thus this ending

⁴⁰Cicero *Pro Ligario*. Loeb Classical Library, 12.38.

⁴¹Cicero *Pro Marcello* 11.33.

⁴²Talbert describes this as a conventional rhetorical flourish similar to that found in Philo's "Posterity of Cain" 43.144 or Iamblichus' "Life of Pythagoras" 35 (*Reading John*, 264).

is really a beginning--leading the reader on a search to discover for him or herself the richness of the legacy of Jesus, the Son of God.⁴³ With this *inclusio* what may be termed as a peroration that extends from 20:30-21:25 is complete. The end of the Gospel, with its summary statement, amplification of Jesus' loving character, and indication of the author's basis of authority, may be identified as reflecting the paradigms for the epilogue or peroration of a classical speech.

⁴³Michael Edwards writes, "...the conclusion of John's Gospel imagines...the blessing of an endless number of books, all derived from a single life...The writer's good fortune is in his subject; at the origin of the world and of words is the Word himself, and the potential infinity of books is a function of the infinite Word. "The World Could Not Contain the Books," in The Bible as Rhetoric, ed. Martin Warner (London: Routledge, 1990), 187.

Conclusion

The Experiment: Results and Implications

This thesis represents an experiment--an experiment in which the Fourth Gospel in its final form¹ was to be analysed for similarities with the precepts of the classical rhetorical handbooks and illuminated at points by reference to Roman law, a plausible task given the Gospel's likely provenance in a Greco-Roman metropolis such as Ephesus. In a cosmopolitan city like Ephesus public rhetorical displays would have been accessible to the author and an audience comprised, at least in part, of Gentiles. Further, in such a centre of Roman provincial administration the author of the Gospel, though not abandoning his Jewish background in the text, might have composed his work in such a way to be comprehensible against the backdrop of the legal context of the Roman provincial milieu in which it was written. Having now completed the exercise of reading the Gospel in light of the rhetorical handbooks and comparing various portions of the author's techniques and structure with passages from Cicero's speeches, one finds some support for the hypothesis that sections of the Gospel function in ways analogous to the basic structural elements of a forensic oration.

Although written in an extended narrative form that was not particularly characteristic of ancient legal speeches, even though at least one of Cicero's extant speeches incorporates a similar use of narrative, the author of the Fourth Gospel employs narrative in situations where the evidence of witnesses and other inartificial proof, usually external to the confines of a spoken oration, might be mentioned for the benefit of his audience. In other aspects, however, John's Gospel appears to reflect the basic structure that typified legal speeches. Generally, a legal speech might contain five elements: a prologue, a statement of the case, the proof, an

¹With the exception of 7:53-8:11, which is not included, or included at other points in some of the ancient manuscripts.

optional digression, and a conclusion or peroration. John's Gospel begins with a lofty prologue as would befit a majestic subject and includes in 1:16-18 what may be identified as an *ipsius causae* statement of the case. After introducing the *ipsius causae* issue of concern, Jesus' messiahship and divine sonship, the author sets out to provide proof of Jesus' identity. Witnesses, signs, scriptural allusions and logical arguments, variously categorised as artificial or inartificial proof, were characteristic of the evidence marshalled to support the author's assertions concerning Jesus' identity. With chapter 13, however, these types of evidence become much more infrequent as the author crafts a farewell that evidences functional similarities with a digression. In this excursus Jesus reveals foreknowledge of his death and seeks to console the disciples. Mention, during this "digression," is also made of the Paraclete. The promised Paraclete also participates in the legal motif of the Gospel as he is described as engaging in a number of tasks, all of which may be identified with the role assigned to legal advocates. Following this departure from the presentation of evidence that characterised the earlier portion of the Gospel, the author returns to the trial of Jesus. During the course of verses 18:1-20:29, the author resumes offering proof of Jesus' identity in the form of testimony and the resurrection appearances. Once Thomas has identified Jesus as his Lord and God, (29:28), the author launches into a series of verses that appear to function in ways similar to a peroration. These verses include a summary statement of purpose, further stories to amplify Jesus' character, and comments concerning the authority of the Beloved Disciple. In essence, the Gospel as a literary whole might be said to reflect functional similarities with the rhetoric and modes of argumentation prevalent in a Greco-Roman metropolis such as Ephesus.

If this view regarding the Gospel's context is plausible, what are some of the implications? Three immediately spring to mind. First, the theory that the Gospel reflects a rhetorical legal structure implies an intentional and careful composition on the part of the author or final redactor. For instance, the farewell discourses, the

placement of which seem awkward when the Gospel is read from the standpoint of other types of literature such as history, are explicable in terms of the rhetorical digression. When seen as a series of chapters that function in a way similar to that of a digression, theories that the farewell discourses are additions by a later redactor or that a relatively untalented author or redactor has switched from the source he was employing to another or even his own words, may be downplayed. In essence, the structural composition and the presentation of the arguments in the Gospel appear to evidence an author who has been exposed to legal rhetoric, whether through formal education or by merely absorbing its precepts from his cultural surroundings.²

Another implication involves the relationship of the Fourth Gospel to the Synoptic Gospels. The distinctiveness of the Fourth Gospel when compared to the other three is readily apparent. Various explanations for the differences have been given. Some posit that the Synoptics are historical and the Fourth Gospel theological, or the other way around. Others account for the differences by describing the four gospels as “theological interpretations of history” thereby allowing the possibility that one interpretation might differ from the others.³ The independence of the tradition upon which John was basing his sources, and observations that the process of redaction might account for the differences are additional explanations.⁴ In light of this thesis, however, another explanation

²Martin Hengel, by contrast, comments, “we may not judge the work of the teacher, who in contrast to Paul or Luke had little or no literary training, by the criteria we would apply to an ancient author versed in rhetoric.” M. Hengel, *The Johannine Question* (London & Philadelphia: SCM Press & Trinity Press International, 1989), 102. Although I assert the author’s familiarity with rhetoric, I do not seek to imply that the evidence of this dissertation supports the assertion that the author had a formal education in that subject. As Clifton Black writes, “...we are no more required to assume that the author of the Fourth Gospel received formal education in rhetoric than we must presuppose the evangelist’s enrolment in the Qumran community to account for similarities in thought between John and the Dead Sea Scrolls. Our only a priori is the undeniable: The authors and readers of the New Testament were situated in a culture whose speech and literature were suffused by the norms and techniques of persuasive discourse.” C. Black, “‘The Words That You Gave to Me I have Given to Them’: The Grandeur of Johannine Rhetoric,” in *Exploring the Gospel of John*, ed. R. A. Culpepper & C. Black (Louisville, KY: Westminster John Knox Press, 1996), 221 & note 9.

³Stephen Barton, “The Believer, the Historian and the Fourth Gospel,” *Theology* 96:772 (July/August, 1993): 300.

⁴Stephen Smalley, *Evangelist & Interpreter* (UK: Paternoster Press, 1978), 243-245.

becomes possible. Some of the differences between John and the Synoptics might simply indicate that the Fourth Gospel has been composed in a way that reflects similarities with the precepts for ancient legal speeches. Thus the differences may be attributed not so much to historicity or theology as structure and mode of argumentation. John's work might be described as a Gospel echoing the form and conventions of a rhetorically persuasive legal speech while the other Gospels may make use of the conventions of history or biography.

The final implication is this: Given the fact that several pericopes were explicated with regard to Roman law, Richard Cassidy appears to be correct in his assertions that the traditional approaches to the Gospel of John may be expanded with new perspectives and material derived from the Roman context.⁵ For instance, within this thesis the ability of the Samaritan woman to testify in Jesus' behalf was supported by the fact that women were permitted to witness in Roman courts. In addition, the fact that both fathers and sons were permitted to offer testimony in particular cases provided insight for Jesus' statements in 8:18. The possibilities of this new approach, however, have yet to be fully explored.⁶

⁵See above, p. 1.

⁶One possible point of exploration with relation to the Fourth Gospel might be found within the realm of Roman inheritance law. In the appendix that follows some brief comments are made which may indicate a possible direction for further study.

APPENDIX

Roman Inheritance Law and John 3:18

At times, scholars have voiced objection that juridical readings of the Fourth Gospel are invalid. Elizabeth Harris, for instance, states that a legal understanding of the Gospel is ill-founded since in the Gospel,

...God acts in love towards the world...by sending the unique Son, which effects a situation of self-inflicted condemnation, or of a passing from death to heavenly life. There can hardly be any comparable legal background from law administered by human beings for such a situation.¹

Harris is concerned with the motif exemplified by John 3:18--"The one who believes in him (the Son) is not condemned, but the one who does not believe is condemned already because he does not believe in the only born Son of God." Contrary to her assertion, however, there is a legal sphere in the realm of first century human affairs that provides an analogy for the situation expressed by verse 3:18: Roman inheritance law. There are two aspects of verse 3:18 that must be considered independently with regard to Roman inheritance law. The first is the relationship between Jesus and God, the second is the relationship of humanity to both Jesus and his Father.

The analogy between Roman inheritance law and the relationship between Jesus and God takes as its starting point, not only the author's own statement of the purpose for writing his book: that the reader might begin or continue to believe that Jesus is "the Christ, the son (υἱός) of God" (20:31), but also the terms "sole descendant" (μονογενής) (1:18)² and "father" (πατήρ) as ascribed to Jesus and God. The relationship between a father and his only born son, was, from a Roman legal perspective, coterminous with that between testator, the one making the will, and his heir. A son, unless expressly disinherited by his father *via* a set formula in

¹E. Harris, Prologue and Gospel: The Theology of the Fourth Evangelist, JSNTSS 107 (Sheffield: Sheffield Academic Press, 1994), 44.

²Please see the discussion regarding the variants for this term that appears in the thesis text, p. 68.

the will itself, automatically inherited an estate, whether named in the will or not.³ Sons and daughters were designated “proper and necessary heirs.” As Gaius, in his juridical textbook indicates, proper and necessary heirs were, for instance, a son or daughter “...provided they were under control of the testator at the time of death.” Jesus Christ, as described in the Gospel of John, meets this criterion. As the “only born son” he is the sole proper and necessary heir. Furthermore, throughout the Gospel Jesus demonstrates that he is “under the control of the testator” to the extent that the testator is the Father/God. Jesus is the one who is sent into the world (3:17) and is given by God (3:16). He is the one who is perfectly obedient to the Father (5:30). He is, then, the sole necessary heir who fulfils this requirement.⁴

To examine the correlation between inheritance law and the relationship extant between God and Jesus is not to imply some sort of “death of God” theology or limit to God’s immortality. On the contrary, in the Fourth Gospel “all things” (1:3) are created by God through Jesus, the Logos incarnate. Thus “all things” constitute the estate and Jesus may be said to be the “heir.” If God is immortal, however, is Jesus’ role as heir null and void? Not necessarily. In Roman law the ability for one designated “heir” to function with authority in relation to the “inheritance” prior to or apart from the death of the testator is articulated in Gaius’ detailed definition of necessary and proper heirs. He writes, “These are called proper heirs because they are family heirs, and even during the lifetime of the parent are to a certain extent considered joint owners of the estate...”⁵ The image of Jesus

³Gaius *Institutes* 2.127 in *The Civil Law*, ed. S. P. Scott (NY: AMS Press, 1973). Olga Tellegen-Couperus indicates that Gaius’ juridical textbook is to be dated about 160 C.E. Gaius, however, includes much earlier material such as elements of the 12 Tables and Julian Laws that were still being observed, albeit sometimes with modifications. Tellegen-Couperus, *A Short History of Roman Law* (London & NY: Routledge, 1993), 100-101.

⁴Despite the ease with which an inheritance paradigm may be applied to the Gospel of John, however, it must be acknowledged that the word κληρονόμος, heir, does not occur in the text. Regardless of this fact, the role of “heir” is coterminous with the designation “only son.” Even in the *Controversiae* of Seneca the Elder (2.1.1) the term *unicus filius* is employed rather than *heres*. That an *unicus filius* is an *heres* is assumed. The word “heir” is not required. Therefore, there is no bar to positing a relationship between the father/son dynamic of the Fourth Gospel and inheritance law.

⁵Gaius *Institutes* 2.156.

as the heir of the Father/God and, to an extent, a joint owner in the estate, provides insight for several pericopes. For instance, an inheritance paradigm in which Jesus is the sole heir/co-owner of all that is God's illuminates the authority Jesus exercises in relation to all things within the heavenly⁶ and earthly realms. This authority includes the raising of the dead (5:21) and the ability to judge (5:22). Furthermore, participating fully in the estate as joint owner is dependant on the heir's intimate relationship with the father. It entails executing the stewardship of the property exactly in accordance with the father's dictates, lest the son be disinherited.⁷ To that extent a son or heir was merely an extension of the father. Within such a context one may see the logic in the fact that Jesus can simultaneously assert that he provides the way to the Father (15.6), that the Father is greater than himself (14;28), and that the Father dwells in him (14:10).

While the paradigm of Roman inheritance law elucidates the relationship between Jesus and the Father,⁸ it is possible to question the role assigned to humanity in such a scheme. After all, believers are identified in the prologue as τέκνα θεοῦ (children of God), a power granted to humanity by the true light (1:12).⁹ Should those children also be designated heirs? They are after all, Christ's own and part of

⁶For example, he has authority to prepare dwelling places in his Father's house (14:2).

⁷The disinheritance of a son for acting independently of his father or father's will is a persistent theme in the *Controversiae*. i.e. 1.4, 1.6, 1.8, 2.1, 3.2, 3.3, 3.4, 4.5, 5.2, 5.4... The concept of "agency" i.e. that Jesus is God's agent and hence speaks the words of the sender is not incompatible with an inheritance understanding of the Gospel. As P. Borgen points out, the fact that the agent of the Father is the son adds a personal element to the agency motif. P. Borgen, "God's Agent in the Fourth Gospel" in *Religions in Antiquity*, ed., Jacob Neusner, Studies in the History of Religions 14 (Leiden: Brill, 1968), 139. Further, A. E. Harvey states in regard to agency, a "...son's interests would be likely to coincide with his father's if he were also the heir to his father's estate, so, in the sphere of religion, the most reliable agent God could have would be his own son." A E Harvey, *Jesus on Trial* (London: SPCK, 1976), 89-90. See also Harvey's article "Christ as Agent" in *The Glory of Christ in the New Testament*, ed. L. D. Hurst & N.T. Wright (Oxford: Clarendon Press, 1987), 237-250. For agency in regard to other New Testament passages see J. D. Derrett, *Law in the New Testament* (London: Darton, Longman and Todd, 1970), 52-54 and 306. Sjeff Van Tilborg comments that with regard to the citizens of Ephesus, the practice of sending legations of imperial heirs in the name of their fathers would have been recognisable. He remarks that Agrippa, Gaius Caesar, Tiberius and Germanicus had all been sent to re-establish and confirm the power of Rome in Asia. Sjeff Van Tilborg, *Reading John in Ephesus*, Supplements to *Novum Testamentum* 83 (Leiden: E. J. Brill, 1996), 55.

⁸See pages 109-110 of this thesis regarding the admissibility of testimony from witnesses who are family members in inheritance law.

⁹12:36 & 20:17. Also, 11:52 where all of Israel holds this title.

the estate. Furthermore, there is another difficulty in discerning humanity's role in a divine father/son inheritance understanding of the Gospel. Namely, belief or disbelief in Christ serving as the determining factor that results, in Harris' words, in a ... "situation of self-inflicted condemnation, or a passing from death to heavenly life." How does humanity's role of self-condemnation/reward dovetail with inheritance law--a law wherein the primary concern is a father/heir relationship? A solution to this bipartite dilemma regarding the role of humanity in an inheritance paradigm may be found by reference to additional Roman inheritance legislation.

First, although the role of heir is reserved exclusively for Jesus, humanity, according to 1:12, benefits from the estate as well. The closest correlate in Roman law is that of a legatee receiving a portion of the estate, a legacy.¹⁰ The distinction between Jesus as heir and mortals as legatees is connected to laws of consanguinity. Jesus alone is born, μονογενής of the father. He is the son, υἱός of God.¹¹ In accordance with Roman law there might be multiple beneficiaries of a will, *i.e.* both Jesus and believers may benefit, but only blood relatives were "necessarily and properly" designated heirs.¹² Thus, while both humans and Jesus are in relationship

¹⁰Although there may be a main heir, there may be multiple beneficiaries, both slave and free, named in a will. For instance, an heir may inherit a slave, but the slave may himself be a legatee, receiving some token from the estate.

¹¹1:14, 1:49, 3:16. 3:35.

¹²Adopted sons might also serve as heirs. Boismard asserts that humans are children (sons) of God by adoption, having been transformed through Christ the son into the image of Christ. M.E. Boismard, *Le Prologue de Saint Jean, Lectio Divina 11*. (Paris: éditions du Cerf, 1953), 163. Believers, as portrayed in the early portions of the Gospel, do not appear to have been "adopted." Humans are not identified as "sons" of God until 20:17 where God is referred to as their father and Jesus himself calls them his "brothers." The filial relationship prior to the resurrection is for Jesus alone. Only after the resurrection has been accomplished may believers begin to participate in a new, fuller, relationship with God. Before that event, in the single instance where humans themselves are bold to make the claim that God is their father (8:41), Jesus categorically rejects their affirmation, asserting that their real father is not God but the devil (8:4). After the resurrection, by contrast, Jesus identifies a familial relationship that exists between the believers and God. The believers do not make this claim for themselves, it is uttered only by the risen Christ. In this respect as legatees, the human (disciples') portion of the estate for believing in Jesus Christ is not only eternal life, but designation as sons of God. See further, 12:36 where becoming "children of light" is contingent on belief in Jesus--the light (vs. 35). Gail R. O'Day, who focuses on 12:20-36 with reference to atonement theory and reconciliation, asserts that the Fourth Gospel posits "relationship as a serious theological category." She writes, "The decision to believe is the decision to become a partner in that relationship, to become a member of a community which is bound to God and Jesus as they are bound to one another, and whose relationship to one another is an extension of the God/Jesus relationship." O'Day, "Johannine Theology as

with God, only Jesus is heir. Humanity must fill the role of legatees and believe in Jesus if they are to benefit from the estate.

With regard to the second difficulty, that humans are in a “situation of self-condemnation/reward” dependant on whether they believe in Jesus or not, inheritance law may also be instructive. In legal understandings, the heir was the executor (administrator) of the estate. Those who were named in the will as legatees or beneficiaries were required to receive their bequest from the heir.¹³ Those who refused to acknowledge the heir and ask his consent prior to entering upon their portion of the estate were prohibited from obtaining it.¹⁴ Furthermore, the interdict *Quod legatorum* specified that anything taken from an estate without the consent of the heir must be returned to the heir.¹⁵ In essence, recognising the designated heir results in receiving one’s portion of the estate. Failure to recognise the heir results in the legatee going away empty handed. It is a “situation of self-inflicted condemnation/reward.” Thus, this scheme is analogous to the situation articulated in John. Those who believe in Jesus are not condemned, “but those who do not believe are condemned already, because they have not believed in the name of the only Son of God” (3:18, NRSV). Jesus is the heir. Those who acknowledge that fact receive eternal life (17:2); those who do not acknowledge Jesus as the Christ, the Son of God, are judged (12:48) and thus forfeit the legacy.

Sectarian Theology” in *What is John?* ed. F. Segovia (Atlanta, GA: Scholars Press, 1996), 203.

¹³Gaius *Institutes*, 2.200; 2.213; 2.214.

¹⁴“Where two articles are bequeathed, and one of them is taken with the consent of the heir and the other without it, the result will be that one of them can be recovered, and the other cannot.” Justinian *Digest* 43.3.1.12.

¹⁵Justinian *Digest* 43.3.1.2.

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