

Evidence from the Rhetoric of a Primary Witness

Two principles of historical investigation I hold to be self-evident: first, self-definition takes precedence over the testimony of secondary witnesses; and second, evidence closest to the time, place, and subject outweighs later retrospective material.

In the Absence of Self-Assertion

With regard to the first principle, we have no indisputable, self-assertive text from the first-century figure variously called “James the Just,” “James of Jerusalem,” and “James the brother of the Lord.” The authenticity of the New Testament epistle written under the name “James” is so seriously disputed as to render it merely ancillary to the project of rediscovering the historical James.¹

1. See the arguments in Werner Georg Kümmel, *Introduction to the New Testament*, rev. ed., trans. Howard Clark Kee (Nashville: Abingdon, 1975), 405–7, 411–14, against the probability that the epistle of James was written by the James found in the letters of Paul; similarly, Martin Dibelius, *A Commentary on the Epistle of James*, revised by Heinrich Greeven, trans. Michael

James, like so many other people of his time, may not have learned to write. Twenty-first-century literate people should not hold that against him. “In agrarian societies,” such as that of first-century Palestine, “2–4 percent of the population was literate. In industrial societies 2–4 percent are not.”² If James hailed from a village in rural Galilee, as generally believed, the likelihood that he would write a compelling tract in Greek is small. (By all accounts Jesus did not write anything either.) What, then, of the epistle of James? The author-redactor probably aimed at representing the historical James some years after his death in an effort to correct a law-free gospel presumed to be the brainchild of the historical Paul. More on the significance of the epistle of James will follow in chapter 4.

History that followed James was less than kind to him: Paul’s successful mission to the non-Jewish nations, James’s untimely death in Jerusalem in 62 CE,³ the destruction of Jerusalem-and-temple in

- A. Williams, *Hermeneia* (Philadelphia: Fortress Press, 1975), 11–21. James D. Tabor, *The Jesus Dynasty: The Hidden History of Jesus, His Royal Family and the Birth of Christianity* (New York: Simon and Schuster, 2006), 273–74, dismisses the arguments against the authenticity of the epistle of James and treats it as coming directly from James of Jerusalem, the brother of Jesus. He does the same with the epistle of Jude. It too is genuine, according to Tabor, coming directly from another brother of Jesus, written in “the last decades of the first century” (*ibid.*, 277). Tabor’s nonanalytical, noncritical approach to the epistle of James lacks credibility. The same judgment applies to Richard Bauckham, *Jude and the Relatives of Jesus in the Early Church* (London: T & T Clark International, 2004), 3.
2. Bruce J. Malina and Richard L. Rohrbaugh, *Social Science Commentary on the Synoptic Gospels*, 2nd ed. (Minneapolis: Fortress Press, 2003), 7. Cf. Alan R. Millard, “Literacy in the Time of Jesus,” *BAR* (July/August 2003): 36–39, accessed July 23, 2013. <http://members.bib-arch.org/publication.asp?PubID=BSBA&Volume=29&Issue=4&ArticleID=4>. “Some who could read were not necessarily able to write” (39).
 3. The date is deduced from references to events associated with Ananus and Albinus—incoming Roman prefect—in Josephus’s *Ant.* 20.119–200: “[The] younger Ananus . . . took the high priesthood; . . . he was also of the sect of the Sadducees, who are very rigid in judging offenders; . . . when, therefore, Ananus was of this disposition, he thought he had now a proper opportunity [to exercise his authority]. . . . Albinus was but upon the road; so [Ananus] assembled the sanhedrin of judges, and brought before them the brother of Jesus, who was called Christ, whose name was James, and some others; and when he had formed an accusation against them as breakers of the law, he delivered them to be stoned.” *The Works of Josephus: New Updated Edition, Complete and Unabridged*, trans. William Whiston (Peabody: Hendrickson, 1987). Accessed on Accordance Bible Software.

70 CE, and the decimation of the Jerusalem community of Jewish believers in Jesus.⁴ The original role of James of Jerusalem moved into the shadow of the prevailing Christian tradition that honored the triumph of Paul's Christology and mission to non-Jewish people. Witness the reluctance of the dominant Christian church to grant canonical status to a single Jewish-oriented epistle under the name of James. For example, Eusebius listed the epistle under his *Antilegomena*,⁵ while Luther and other Reformers called the epistle of James into question for its emphasis on doing the works of the "royal law" of God combined with personal faith—a Jewish understanding of salvation.⁶ The objection to the epistle of James was tantamount to an objection to the Jewish James of Jerusalem, brother of Jesus.

Who was this James exactly? What was his family connection? What language did he speak? What did he believe and teach? How did he become a leader of a Jewish community of faith in Jesus? What was his relationship to Peter and Paul? How far afield did his influence reach? These and similar questions have generated fresh research resulting in helpful insights into this enigmatic figure.⁷

These questions also call up the second principle noted in the opening paragraph: evidence closest to the time and place of the subject outweighs later, retrospective material. In the absence of undisputed self-assertion from James himself—the first principle—the undisputed letters⁸ of the apostle Paul constitute the most reliable

4. According to Floyd V. Filson, *Pioneers of the Primitive Church* (New York: Abingdon, 1940), 179, "the departure from Jerusalem [to Pella in 66 ce] was the deathblow to Jewish Christianity."

5. Eusebius, *Hist. eccl.* 3.25.3, in *NPNF*, <http://www.ccel.org/ccel/schaff/npnf201.html>, accessed January 10, 2014.

6. See discussion and references in Timothy George, "A Right Strawy Epistle: Reformation Perspectives on James," *Expositor* 83, no. 3 (Summer 1986): 369–82.

7. See especially the research in two volumes of collected essays, in Bruce Chilton and Craig Evans, eds., *The Missions of James, Peter and Paul: Tensions in Early Christianity* (Leiden: Brill, 2005); and Bruce Chilton and Craig Evans, eds., *James the Just and Christian Origins*, *NovTSup* (Leiden: Brill, 1999).

witness to the historical James. This body of literature is the earliest in the New Testament, written in the 50s. Their composition thus was contemporary with the ministry of James in Jerusalem, and in that respect highly valuable in any attempt to determine his status, thought, and ministry. In addition, this witness knew James personally, having conversed with him in Jerusalem. Hence the placement of this chapter at the head of this section regarding James.

Gleanings from the Writings of a Fellow-Believer in Jesus

To my mind, the figures of James and Paul have earned the right to their own place in the history of the nascent Jesus movement. Yet it is not possible to separate them altogether. It was indeed one movement, with a single Christ-figure at the head, but the movement developed along different lines of expression in keeping with the respective missions. My reason for using material from Paul's writings in this chapter on James is strictly historical, not for the purpose of explaining the politics that accompanied the two visions and expressions. Wrapped in the rhetoric of Paul's arguments are five literary snapshots of the historical James of Jerusalem. The present task is to focus these five primary images at the outset, to be supplemented by others from later trajectories cited in the chapters that follow in part I.

A Few Broad Strokes

Paul was a contemporary of James, both men probably born in the early years of the Common Era. Both were born into Jewish families and were thereby members of the covenant God made with Israel as practiced in Second Temple Judaism. Neither of them abandoned

8. Reckoned to be seven: 1 Thessalonians, 1 and 2 Corinthians, Galatians, Philippians, Philemon, Romans.

their birthright or their membership in the covenant by virtue of their commitment to Jesus as Messiah. Any suggestion that Paul rejected his Jewish heritage after his revelation and call (Gal. 1:16) is to misread the rhetoric in his letters, linked as it is with the respective situations that gave rise to their composition and dispatch. The rhetorical texture of Galatians, for example, is quite different from that of Romans, even though the subject matter overlaps: Galatians is silent about Abraham's circumcision, as though he were not circumcised, whereas Romans acknowledges he was indeed circumcised (4:10); Galatians tells the readers they "are not subject to the law" (5:18), while Romans instructs the believers in Jesus that "the just requirement of the law" should be fulfilled in them (8:4; cf. 3:31; 7:12); Galatians refers to James because the argument of that letter aims at convincing the non-Jewish readers not to accept circumcision, a subject intertwined with the figure of James, but Romans makes no explicit mention of James. Simply put, the situation changed from Galatians to Romans, and with that also the rhetorical texture of the arguments.

While he guided the thought and practice of his non-Jewish Christ-followers as appropriate for them, Paul himself maintained his Jewish birthright that made him a member of the elect Jewish people of God, as defined by the law. In his calmer moments of writing, he identified himself "in Christ" as being fully Jewish. "I myself am an Israelite," he states, "a descendant of Abraham, a member of the tribe of Benjamin" (Rom. 11:1). Elsewhere, in a more highly charged rhetoric, he presents himself still as "circumcised on the eighth day, a member of the people of Israel, of the tribe of Benjamin, a Hebrew born of Hebrews; as to the law, a Pharisee; . . . as to righteousness under the law, blameless" (Phil. 3:5). The notion that Paul abandoned his self-identity depicted here, after his acceptance of Jesus Messiah, ignores the implications of his doing so. Did he remove the mark of

circumcision after his call (cf. 1 Cor. 7:18)? Did he deny his place among the people of Israel? Had he become unrighteous with respect to the law? It is hard to imagine Paul answering any one of these with an affirmative. His *nonrhetorical* Jewish self-identity is at issue. One can only imagine how Paul would have identified himself in a noncombative autobiography.

James (perhaps posthumously) earned the title “the Just One” in relation to the Jewish law: he observed the law faithfully. I doubt very much that Paul would welcome the counterlabel “the Unjust One.”⁹ To characterize James as “the righteous,” with any notion that Paul was not, misreads the evidence.¹⁰ The righteousness of God in life and thought was paramount for Paul. As the discussions in part II will illustrate, a more realistic approach would be to acknowledge the two platforms on which these two representatives of the primitive messianic community of Jesus carried out their respective missions.

Paul did not know the historical Jesus, much less follow him as a disciple. Before his revelation and call, Paul must have heard the testimony of James and others; why else would he confess, “I was persecuting the Assembly of God to excess and was aiming to destroy it” (Gal. 1:13, my translation).¹¹ From the perspective of writing to the Galatians, he cites his harsh disciplinary activity as a badge of *dishonor*. Perhaps the offense he observed before his revelation had to do with the preaching of a *crucified* Messiah as deliverer of the people. There is indeed a difficult paradox involved: How could a crucified

9. “Just” translates the Greek adjective δίκαιος, which is otherwise translated “righteous.” The latter is to be preferred, except that James is traditionally referred to in English as “James the Just.”

10. See Robert H. Eisenman, *James the Brother of Jesus: The Key to Unlocking the Secrets of Early Christianity and the Dead Sea Scrolls* (New York: Viking Penguin, 1997), 51, 126, 128, 129, 131, 238, 786. Likewise Tabor, *Jesus Dynasty*, 265: “By the early 50s a.d. Paul had begun to propound a version of his new ‘Christ faith’ that entailed the essential abrogation of the Jewish faith by repudiating the validity of God’s torah revelation and redefining ‘Israel.’”

11. See further in John Painter, “Who Was James?” in *The Brother of Jesus: James the Just and His Mission*, ed. Bruce Chilton and Craig A. Evans (Louisville: Westminster John Knox, 2001), 38.

Messiah also be savior of oppressed people?¹² Another possibility is that James and company critiqued the temple service, as Jesus had done especially during his last week in Jerusalem,¹³ or as the Jewish covenanters at Qumran exhibited in their alternate community life together.¹⁴ Paul at the time, from his urban Diaspora perspective, may not have found the priestly service of the temple in Jerusalem in need of renewal. Whatever his motivation, Paul persecuted those associated with the new Jewish messianic communities of Jesus in Judea, of which James was part.

Paul's revelation and call, about which he writes in Gal. 1:15–16, happened sometime between one and three years after the death of Jesus.¹⁵ His revelatory call, according to his own testimony in Galatians, was “that I might preach [Christ] among the nations,” namely, non-Jewish people. James, by contrast, was based in Jerusalem, the heartland of the covenant people of Israel, and taught a congregation of his own Jewish people gathered there.

Five Early Images of James

We come now to the specific testimony of Paul concerning James. The pieces of information to be gleaned from Paul's letters do not represent a reflective identification of James. They are, instead, embedded within rhetorical polemic by which Paul hopes to

12. By the same token, Paul must have known about the efficacy of the suffering servant songs of Isaiah.

13. Mark 11:15–17; 13:2, and parallels.

14. 1QS 8:5–9: “then shall the party of the Yahad truly be established, . . . a temple for Israel, and—mystery!—a Holy of Holies for Aaron; true witnesses to justice, chosen by God's will to atone for the land and to recompense the wicked their due. They will be ‘the tested wall, the precious cornerstone’ [Isa. 28:16] whose foundations shall neither be shaken nor swayed, a fortress, a Holy of Holies for Aaron, all of them knowing the Covenant of Justice and thereby offering a sweet savor. They shall be a blameless and true house in Israel.”

15. If the three years of Gal. 1:18 is to be added to the fourteen years of 2:1, then the seventeen years leading up to the Jerusalem conference visit—usually dated 49/50 CE—puts the time of Paul's revelation-call at about two years after the death of Jesus. If the three years is part of the fourteen, then the time of his call is five years after the crucifixion.

convince his non-Jewish readers—in Galatia especially—to stay the course he had set for them. The implied readers are not Jewish, and neither should they succumb to pressure to adopt the marks that would identify them as Jewish proselytes: circumcision, food regulations, Sabbath observance, and perhaps other markers. They are related to God’s Jewish Messiah Jesus by faith, and their lives should show forth *that* mark of identity, with all that it entails for life and thought. In brief, Paul is caught up in a religious politics of identity in which he tries to maintain his own Jewish identity in relation to James, while guiding his non-Jewish converts on a path that affirms their full membership in the covenant with Abraham without their becoming proselytes to Judaism, as James might have wished.

I have called Paul’s pieces of information about James *snapshots*, because it seems the readers needed no comprehensive exposé of the person and position of James. Paul’s particular angle on the man is what we have, not a full-blown characterization as in a biography. While the latter may be desirable, we have to be content with five valuable pieces of information textured into two genuine letters, Galatians and 1 Corinthians, from the historical Paul written in the 50s CE.

1. Brother of Jesus

At the top of the list of five I place Paul’s designation of James: “brother of the Lord” (Gal. 1:18–24). Imagine the significance of that family relationship! Jesus and James grew up in the same Jewish household, ate at the same table, attended synagogue service together, listened to the same stories from their parents. They were brothers in a Jewish family living in the village of Nazareth in Galilee for some thirty years, each member sharing their dreams and plans. No one else

in Jesus' circle of associates in ministry could claim such a relationship with him.

The context in which Paul assigns this relational title to James is worth noting. Paul had been in the Transjordan region south of Damascus for a period of time.¹⁶ He had not gone to Jerusalem immediately following his revelation of the risen Jesus, with good reason. His reputation in Judea as a strict disciplinarian of the Jewish believers in Jesus Messiah had preceded him.¹⁷ The Judeans knew Paul was “the one who was persecuting [them] earlier.” With that in mind, his first trip was for the purpose of visiting Cephas¹⁸ alone, not the other apostles, and not the assembled believers. Paul recalls that he “resided with [Cephas] fifteen days.” He may have considered Cephas (otherwise called Peter) an apt mediator between himself and the communities of Jesus Messiah in Jerusalem.

It is in this context of a fifteen-day stay with Peter in Jerusalem that Paul slips in the tantalizing exception clause: “I did not see any of the other apostles, *except James the Lord's brother*” (Gal. 1:19).¹⁹ Did Peter insist that Paul should at least make contact with James? That it would be the politically correct thing to do? Was it during his visit with Peter that Paul learned that James was the brother of Jesus? Or does the exception clause imply that Paul's visit to Jerusalem presupposed contacting James? I think the latter. Paul probably thought of Peter as the one best suited to negotiate an understanding between James and

16. The phrase “after three years,” is ambiguous; it could mean after spending three years in Arabia, or three years after his sojourn in that region.

17. Acts depicts Saul/Paul persecuting the believers in Jerusalem, participating as he did in the stoning of a man called Stephen (Acts 7:60). Other traditions have Saul abusing James on the temple steps, e.g., Pseudoclementine, *Recogn.* 1.70, in *ANF*, vol. 8, accessed online December 12, 2013, <http://www.ccel.org/ccel/schaff/anf08.pdf>.

18. I take Paul's use of the name Cephas, Aramaic for “rock,” to refer to the apostle generally known by his Greek name with the same meaning, Πέτρος (Peter). The two names appear in Paul's letters, but it is highly unlikely that they refer to two different figures. Paul may want to identify this apostle by interchanging the two linguistic names as a way of showing his Palestinian background on the one hand and his mission among Greek-speaking people on the other.

19. Italics added.

his mission in Jerusalem on the one hand, and Paul and his mission to the non-Jewish world on the other. One can only imagine the table conversations Paul had with Peter during his fifteen-day visit. There are simply not enough clues in Paul's text to generate viable imagination farther.

Paul does not use the given name *Jesus* by itself. The title *Christ* or *the Lord* always accompanies *Jesus* in Paul's letters. Sometimes both titles surround the given name: *the Lord Jesus Christ*, or *Christ Jesus our Lord*. At other times Paul identifies Jesus by title only, without using his given name at all. His readers would know Paul well enough to know there is only one being, other than the sovereign God, worthy of the singular title "the Lord." Paul can thus refer to the filial relationship of James with Jesus as "brother of the Lord," and his readers will know who the Lord is.

Paul knew Jesus only as the risen one whose spirit resides in the new communities of faith in Jesus as God's faithful servant for the salvation of all nations. As such Jesus is "the Lord." Paul shows no interest in retrieving the acts and words of the historical Jesus for their own sake, or as an authority for guiding his non-Jewish communities.²⁰ But he does cite the Jewish Scriptures often as authoritative guide for life and thought. For Paul, the singular saving act of Jesus of history that mattered above all was his self-sacrificial act of going willingly to the cross for the sake of others (Gal. 2:20). James, by contrast, was the brother of "the Lord." James could never be on par with *the Lord* that Paul honors. Neither would Paul consider instruction from James equal in authority to the Spirit of *the Lord*. Even so, Paul has to acknowledge that James of Jerusalem is a brother of Jesus. And that family relationship was bound to give James privileged status in the new Jesus-movement.

20. A few sayings of Jesus are discernable in 1 Corinthians (1 Cor. 7:10; 9:14; 11:24–25). Some scholars believe some echoes of Synoptic sayings appear in 1 Thessalonians.

Now comes a quandary that lingers to this day: In what sense was James the *brother* of Jesus? Only in subsequent years of the development of church dogma was the question debated. Given the scope of this chapter, the question could be set aside as not belonging to Paul's understanding of James and Jesus in the first thirty years of the movement of Jesus Messiah. Yet something should be stated in brief about the debates that ensued as the mainline church hammered out creedal confessions in councils about the person and work of Jesus.

The mythology²¹ of the virgin birth of Jesus had already appeared by the end of the first century,²² to be followed in subsequent centuries by the doctrines of the perpetual virginity of Mary and the Immaculate Conception of Mary herself.²³ Roman Catholics especially adopted these views,²⁴ but so also representatives of some Protestant denominations.²⁵ Reformers, such as Martin Luther, did not abandon the idea of the perpetual virginity of Mary. "When . . . the view developed that Mary had not only conceived as a virgin but had remained a virgin, the status of James . . . was significantly

21. By "mythology" I mean the shaping of theological imagination using historical parameters to do so. "Myth . . . is to be taken seriously, because it reveals a significant if unverifiable, truth—we might say a metaphorical truth" (Henri Frankfort, H. A. Frankfort, John A. Wilson, and Thorkild Jacobsen, *Before Philosophy: The Intellectual Adventure of Ancient Man* [Baltimore: Penguin Books, 1972], 15–16).
22. As the birth narratives of Matthew (1:1–2:23) and Luke (1:1–2:40) attest, written between 75 CE and 100 CE.
23. By which is meant Mary's own conception in her mother's womb, free from original sin. The dogma was set forth definitively on December 8, 1854, by Pope Pius IX.
24. See, for example, the recent book by Armand Puig I. Tàrrach, *Jesus: A Biography* (Waco, TX: Baylor University Press, 2011), 174.
25. J. B. Lightfoot, an Anglican scholar, argued the case for Mary's perpetual virginity in *The Epistle of St. Paul to the Galatians* (1865), Classic Commentary Library (Grand Rapids: Zondervan, 1957), 252–91. Contra Ben Witherington III, in Hershel Shanks and Ben Witherington III, *The Brother of Jesus: The Dramatic Story and Meaning of the First Archaeological Link to Jesus and His Family*, electronic ed. (New York: HarperCollins e-books, 2003), 1551, who says: "Protestants . . . do not accept the doctrine of the perpetual virginity of Mary."

downgraded.”²⁶ Joseph’s celibate state *within his marriage* to Mary became a corollary to the perpetual virginity of Mary.

The end product of this theological tradition, moreover, is that James, the brother of Jesus, must really mean James the cousin of Jesus,²⁷ or James the stepbrother (not half-brother) of Jesus.²⁸ These extrapolations of the later mainline church to set Mary apart from human sexuality—presumably deemed to be sinful—go beyond the realm of historical inquiry. Church dogma about the unique divinity of Jesus cannot be the starting place for doing historical study of Jesus and his family. The theories cited here postdate the earliest evidence available in the letters of Paul. Not once does Paul mention the name of Jesus’ mother, much less the virgin birth of Jesus. If these were well known and treasured beliefs in the earliest community of Jerusalem, one would think Paul would have learned about them during his fifteen-day visit with Peter in Jerusalem, and carried them with him into his mission to bolster his message about Jesus Messiah. The question one must put to Paul, without interference from later, embellished tradition, is this: “What do you mean by ‘brother’ (ἀδελφός)?”

The form he uses, *brother of the Lord*, excludes the metaphorical use. He does, of course, call a member of a congregation *brother*,²⁹ but it is clear that he does not have a biological brother in mind. In that metaphorical sense James would be a brother of Cephas and a brother of Paul. All three believe in the same Lord Jesus. The specificity of

26. Painter, “Who Was James?” 61.

27. Jerome proposed this hypothesis in *Against Helvidius*, accessed online November, 19, 2013, <http://www.newadvent.org/fathers/3007.htm>, 9–17: The brothers and sisters of Jesus were the sons and daughters of Mary’s sister, also called Mary, wife of Clopas (John 19:25), and thus cousins.

28. The view of Epiphanius was that Joseph was married before his marriage to Mary and brought children into his marriage with Mary. In that sense they were the brothers and sisters of Jesus legally, but not biologically. See the discussion in Lightfoot, *Galatians*, 270–86.

29. E.g., Philem. 1, 16, 17, 20.

ἀδελφός in context rules out the metaphorical sense. The supposed relative meaning of ἀδελφός (brother), as in cousin, likewise has little to support it. There is a word ready-made in Greek for cousin, ἀνεψιός. In Col. 4:10 the relationship of a man named Mark to another named Barnabas is said to be ἀνεψιοί, *cousins*, not brothers (ἀδελφοί).³⁰ Furthermore, if Paul knew that James was only a cousin or stepbrother of Jesus, he would probably have made that clear to the Galatians. The more distant relationship would tend to reduce the authority of James, about which the Galatians were apparently aware. Paul probably came to know the family identity of James from Peter during the fifteen-day visit and recognized it for what it was: a biological brother of Jesus. Both were sons of the same mother (if not the same father³¹), whether Paul knew her name or not. It was enough for Paul that Jesus was “born of a woman,” whatever her name (Gal. 4:4).

2. A Principal Apostle

The name “James”—more specifically its Greek and Hebrew equivalents—was well known among Jewish families in the first century. In Matthew’s genealogy of Jesus, for example, the father of Joseph, Mary’s husband, bore this name. The Greek, Ἰάκωβος, is taken over from the Hebrew, יַעֲקֹב, “Jacob,” patriarch of the twelve tribes of Israel. Through a series of linguistic transformations over the years the name came into English as *James*.

One might expect to find a number of Jewish people named Ἰάκωβος (James) in the letters of Paul. But there is only one: the brother of Jesus. This is all the more surprising insofar as the Synoptic

30. ἀνεψιός appears in numerous Greek sources, including Num. 36:11 (lxx); Tob. 7:2; Josephus, *JW* 1.662; *Ant.* 1.290; Philo, *Legat.* 23, 26, 36, 67, 75.

31. Tabor accepts information from the second-century argument of Celsus reported in Origen’s *Contra Celsus* (ca. 177 CE) that Jesus was the illegitimate son of a Roman soldier, Tiberius Julius Abdes Pantera, who got Mary pregnant prior to her marriage to Joseph (*Jesus Dynasty*, 67, 70).