

# The Law of Oaths

📖 Matthew 5:33-37

👤 Pastor Jeremy Thomas

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🌐 fbgbible.org

📍 Fredericksburg Bible Church

107 East Austin Street

Fredericksburg, Texas 78624

(830) 997-8834

**Q:** Why does the OT seem lopsided in its severe condemnation of women in adultery versus men?

**A:** First, we should point out that the OT did condemn a man for committing adultery and his sentence was the death penalty. Lev 20:10, "If *there is* a man who commits adultery with another man's wife, one who commits adultery with his friend's wife, the adulterer and the adulteress shall surely be put to death." Both the man and the woman were subject to the death penalty. Therefore there was no lopsidedness in the law due to the act itself. Both faced the same penalty.

The lopsidedness then is not based on the act itself but on something else; namely, the purity of the man's lineage. Glasscock explains, "The idea is that, by committing adultery, a woman has brought another man's seed into a family or clan and thus corrupts the lineage of her husband. A man, however, cannot corrupt his own line by producing offspring with another woman." By doing so he merely started another line that was clearly distinct. Examples of men who fathered several family lines include Abraham, Isaac, Jacob, David and Solomon. "At least part of the guilt of adultery in the ancient world, then, was a matter of not maintaining the unquestioned purity of the family line." This, however, did not negate the negative effects of fathering several family lines. Abraham's family through Hagar has had continual conflict with Abraham's family through Sarah as manifested by the Arab-Israeli conflict. Examples could be given from each man who fathered more than one family line. In every case it had negative effects, God will not be mocked.

**Q:** It seems unjust of God to hold the women forced into adultery guilty of adultery in Matt 5:32. How could she who wanted to remain loyal to God, be held guilty by God, when she had no choice in the matter?

**A:** This question carries a hidden presupposition. Anyone see what it is? It presupposes that the woman understood that she was being divorced illegally and therefore carried an illegitimate

certificate of divorce and was being forced to commit adultery in order to survive. She did not presuppose that the divorces were illegal. She presupposed that the divorces were legal and that when her husband divorced her for any cause, that was the Law, and by remarrying she was not committing adultery because she had a legitimate certificate of divorce. Jesus was pointing out that that interpretation of the law was incorrect and therefore that what the scribes and Pharisees had taught was wrong. Therefore what they presupposed were legitimate divorces were actually illegitimate. In light of Jesus' teachings both men and women who had gotten divorces over these issues and remarried would now realize that they were committing adultery. The reason it was adultery was because the first marriages still stood in God's sight. No legitimate basis existed for dissolving the marriage.

Tonight we come to the fourth of the six contrasts that Jesus makes between what 1st century Jews had heard all their lives in the synagogue from the mouths of the scribes and Pharisees and the true meaning of the Mosaic Law. What is the essential contrast? Righteousness! The scribes and the Pharisees had a righteousness, but was it sufficient for the kingdom to come? No. The OT taught that for the kingdom to come one generation of Israel had to display a righteousness in keeping with the true meaning of the Mosaic Law. This is the key to the Sermon on the Mount. The condition for an individual to enter the kingdom was and always will be faith; through faith an individual is justified before God; credited with righteousness. And all who have had faith will enter the kingdom when it comes. But the condition for the kingdom to come is that one generation of Israel learns obedience to God through His word. Only the generation that produces the righteousness that meets God's demands for the kingdom to come will actually see the kingdom come from heaven to earth.

At the time this discourse was given the King was present, the kingdom was 'at hand' and so that generation of Israel had a real opportunity to enter the kingdom being offered. Therefore they had a choice to make; would they continue to follow the righteousness of the scribes and Pharisees or have a change of mind and learn to follow the righteousness of Jesus and His disciples? If they had a change of mind and learned to follow Jesus then the kingdom would come. If not the kingdom offer would be postponed until a generation of Israel meets those demands and only then will the kingdom come. Since we live after the fact then we know that that generation did not repent. Instead, in the main, most Jews ended up following the scribes and Pharisees. Because of that the kingdom offer was postponed, and now Christ is building His Church. The Church is not a kingdom. The Church is a spiritual temple, likened to a building and a bride, but it is not a kingdom. Each member of the Church has citizenship in the kingdom so that when the kingdom comes we will enter the kingdom. But the kingdom has not come in any sense. The kingdom can only come when one generation of Israel learns loyalty to God and has a righteousness that surpasses the scribes and Pharisees. In Matt 5:21-48 Jesus is teaching His disciples the difference between Pharisaic righteousness and the righteousness that the nation needs

so they would be well-trained to go out to the nation and teach this righteousness to the nation as well as display its true characteristics. Essentially this is the meaning of the formula, "You have heard it said...but I say to you..."

What was the righteousness of the scribes and Pharisees? How would we describe it? As external. For example, in the first contrast, what did they teach the Law meant where it said, "Do not commit murder?" Don't commit the physical act of murder. Did the Law include that? Yes. But did the Law teach more than that? Yes. The Law was to penetrate the internal heart so that the individual learned to quickly reconcile with others, thus cutting off the development of anger and bitterness and malice in the heart since those attitudes underlie murder. If they followed this teaching, and I believe it is possible, then that would be the kind of righteousness Jesus was looking for in that generation. In the second contrast, what did they teach the Law meant where it said, "Do not commit adultery?" Don't commit the physical act of adultery. Did the Law include that? Yes. But did the intent of the Law go further than that? Absolutely. The Law was to penetrate the heart so that the individual disciplined himself not to set up stumbling blocks in his heart which led to lusting which is the underlying attitude that results in adultery. If an individual followed this teaching, and I believe that is possible, then that would be the kind of righteousness Jesus was looking for in that generation. Of course, I also think that the only individuals whom this was possible for would already be believers, that is not in view here, that is presupposed here. In the third contrast, what did they teach the Law meant where it said, "If you divorce your wife give her a certificate of divorce?" That you could divorce your wife for *any and every cause* and that was a legal divorce. Did the Law teach that? No. In this case the Law did not teach that. What did the Law teach? That you could divorce your wife for one reason and one reason only, sometimes translated unchastity, fornication or sexual immorality. What does it mean? Some kind of sexual unfaithfulness. Therefore if you divorced your wife on any other basis then it was an illegitimate divorce and God considered the marriage still in existence. Therefore what were you forcing her to do? Commit adultery. Why would she be committing adultery? Because she was not divorced on legitimate grounds and therefore the first marriage still stood in God's sight. And what of the one who married her? He was committing adultery also. So the gross misinterpretations of the scribes and Pharisees were promoting an abundance of adultery in the land of Israel and God was not pleased with them; they needed to repent of this pseudo-righteousness taught by the scribes and Pharisees and bring their lives and attitudes into conformity to the true righteousness of the Law. If that generation did they would enter the kingdom.

Tonight we come to Matt 5:33-37 and the issue here is vows or oaths. This is the fourth contrast. What is a vow or an oath? A vow or oath is *a solemn attestation to the truth of one's words*. So what's the big issue behind a vow? Honesty! Truthfulness! Integrity! When you took an oath you were solemnly testifying to the truthfulness of your words. Did the OT authorize oaths? Yes it did. Did the scribes and the Pharisees

teach the people about oaths? Yes they did. Note verse 33, **Again, you have heard that the ancients were told, 'YOU SHALL NOT MAKE FALSE VOWS, BUT SHALL FULFILL YOUR VOWS TO THE LORD.'** Where is this found in the OT? It's not found directly in the OT. Just like we saw with the prior Law of Divorce in verse 31, what is found here is a summary statement of what the Law taught about the issue of oaths. So we'll need to go back to the Law to actually see what was taught.

Turn to Numbers 30:2. This chapter is all about vows but the general summary of all the vows is given in verse 2, "If a man makes a vow to the LORD, or takes an oath to bind himself with a binding obligation, he shall not violate his word; he shall do according to all that proceeds out of his mouth." What's the overriding emphasis of taking a vow? That it's serious and if you make a vow then you are bound to fulfill each and every word that you spoke. Turn to Deut 23:21 to see more about vows, "When you make a vow to the LORD your God, you shall not delay to pay it, for it would be sin to you, and the LORD your God will surely require it of you. 22However, if you refrain from vowing, it would not be sin in you. 23You shall be careful to perform what goes out from your lips, just as you have voluntarily vowed to the LORD your God, what you have promised." So the vow here is voluntary and if you voluntarily vow something to the Lord then it was required that you fulfill it, or else it was considered sin and sin is the opposite of righteousness. If you didn't make a vow there could be no sin and so it was a serious thing to take a vow and the OT warns about lightly taking a vow because it was not a light issue. Once you made a vow you were bound. For the last one turn to Lev 19:12. This is the one that the scribes and Pharisees keyed in on and the one Jesus is interacting with in Matt 5:33-37. In verse 12 we read, "You shall not swear falsely by My name, so as to profane the name of your God; I am the LORD." It was the expression "by My name" in this verse that the scribes and Pharisees keyed in on and it seems to be the key to the entire pericope in Matt 5:33-37.

So turn back to Matt 5:33-37. From what Lev 19:12 said how do you think the scribes and Pharisees interpreted the taking of oaths. That if you take an oath in the name of God, you must keep that oath. It is the name of God that is the key to binding one to a spoken word. Toussaint says, "The Jewish concept of taking oaths was based on a false interpretation of Leviticus 19:12, "You shall not swear falsely by My name." They thought that any oath, therefore, which did not include the name of God was not binding."<sup>1</sup> So if you didn't invoke God's name then you weren't bound to keep your word. The question is, "Was that really the intent of the Law?" The answer should be obvious. They had distorted the Law. In fact, by saying that any oath that did not invoke the name of God was not binding, what did they set up? An opportunity to take oaths invoking other things in order to deceive people, to lie, under the guise that they were telling the truth!

Notice how Jesus addresses this distortion of the Law in verse 34, **"But I say to you, make no oath at all, either by heaven, for it is the throne of God, 35or by the earth, for it is the footstool of His feet,**

**or by Jerusalem, for it is THE CITY OF THE GREAT KING. 36Nor shall you make an oath by your head, for you cannot make one hair white or black."** What is Jesus saying? How is He meeting their taking of oaths? He's attaching God to the things they were taking oaths in the name of. The scribes and Pharisees took oaths by heaven and they said that wasn't binding because they didn't explicitly use the name of God. They took oaths by the earth all day long and they said that wasn't binding because they didn't invoke the name of God. They took oaths by Jerusalem and said they didn't have to keep those oaths because they didn't use the name of God. As Barbieri says, "If they wanted to be relieved of oaths they had made **by heaven ... by the earth ... by Jerusalem, or by one's own head**, they could argue that since God Himself had not been involved their oaths were not binding."<sup>2</sup> Well, if you could take oaths by those things and yet they were not binding then what had they turned oath taking into? An opportunity to lie under the guise that they were telling the truth! They had turned the Law on its head; turned it into an opportunity for that which it was designed to cut off. Oaths were to demonstrate the honesty, truthfulness and reliability of one's word. They were using it to lie under the pretense of truth!

What has Jesus done here? Let's look a little more carefully. If they said, you can take an oath by heaven and not keep that oath, how did Jesus address that particular oath? By showing that God was attached to heaven. Heaven **is the throne of God**. So if you take an oath by heaven you have invoked the name of God because heaven is the throne of God. Or if you took an oath by the earth then how did Jesus address that? Remind them that God is associated with the earth. The earth **is the footstool of His feet!** So if you took an oath by earth then you have used the name of God because the earth is God's footstool. The same thing for Jerusalem. Constable shows how creative they had become in evading the Law, "Swearing *toward* Jerusalem was binding, but swearing *by* Jerusalem was not."<sup>3</sup> So you could turn 2 degrees away from Jerusalem and swear *by* Jerusalem and that wasn't binding; but if you swore directly toward Jerusalem it was binding. It had been reduced down to the angle you were standing. This was hair splitting but we can't blame them too much, people do the same thing today, it's all how you interpret it as if the plain sense is somehow not plain. They also took oaths by their own head but that wasn't binding because it didn't involve God's name. And that they said was the key, Lev 19:12, if I involve God's name I'm bound; if not I'm free.

That being said, one author says that we can't take oaths by these four things because we don't have authority over these things. Because we lack authority over these things we have no right to invoke these things in our oath taking. Glasscock says, "Jesus used four common objects as examples for oath taking: heaven, earth, Jerusalem, and one's own head. He forbade the swearing of oaths because of man's lack of authority over the area used as the basis for the oath: heaven is the throne of God (v. 34) and thus beyond the reach and control of man; earth (v. 35) is God's footstool and no longer man's kingdom; Jerusalem is the city of the great King and thus not man's; and man's own head is not his personal domain, as he cannot control the laws of God's design." I cite this because there may be

something to it but I think it's much simpler to simply see how short sighted they were to not associate God's name with heaven, with earth, with Jerusalem and the hairs of their own head. The bottom line is that to invoke any of these things was to invoke the name of God and therefore all the oaths they were making by these things were binding, though they considered them not to be. Therefore what was the land full of? Lies! Deceit! The entire purpose of oaths was being undermined by this sleight of speech. And when a Law has been so distorted I think it is safe to say that that Law is as good as dead. Therefore I think Jesus' point here of saying several times that they should not make any oaths, is to say that the Law isn't working and therefore I negate it. This is indeed the closest Jesus gets to abolishing a Law. But I want you to see at the same time that what Jesus says next is designed to preserve the true spirit of the Law.

Verse 37, "**But let your statement be, 'Yes, yes' or 'No, no'; anything beyond these is of evil** or possibly "of the evil one," meaning the devil. What is Jesus saying? He's not saying you have to say **Yes** or **No** twice for something to be binding. That would play right into the word games of the scribes and Pharisees. What that expression means is simply let your **Yes** be yes and let your **No** be no. There is no ambiguity in those terms and so this instruction collides against the ambiguity of the scribes and Pharisees. What is the essence of this instruction? People ought to be so truthful they don't need to take an oath. There should be no need to say "I swear" or "I promise" or "Let's shake on it." And if anything is required beyond simply saying **Yes** or **No** then it betrays the underlying nature of the person speaking. So with this fourth contrast Constable says, "Again Jesus got below the external act to the real issue at stake that had been God's concern from the beginning. The way to dispense with false swearing is to avoid all swearing. Righteous people should not need to confirm their statements with an appeal to a higher authority. Their word should be enough (cf. James 5:2)."<sup>4</sup>

Not surprisingly there were pious Jews who saw the abuses of oath taking among the scribes and Pharisees. One example is the Essene community. This community that produced the Dead Sea Scrolls and lived over by the Dead Sea, was a community of Jewish males that lived in isolation from the Sadducees who they thought corrupted the Temple and from the Pharisees who they thought corrupted the Law. They considered themselves to be the true righteous hope of Israel and they were highly Messianic. Josephus says of the Essenes and their views of oaths, "They are eminent for fidelity, and are the ministers of peace; whatsoever they say also is firmer than an oath; but swearing is avoided by them, and they esteem it worse than perjury;<sup>a</sup> for they say, that he who cannot be believed without [swearing by] God, is already condemned."<sup>5</sup> So they saw the corruption of the Pharisees and rejected their oaths. They, in effect, followed what Jesus said, though they more than likely did not get this practice from Jesus. They probably simply drew this conclusion themselves. Neither did Jesus get his views from the Essenes. I take it they were independent.

But, in any case, if anything was required beyond a simple 'Yes' or 'No' then Jesus says it is **of evil** or more likely in the articulated original "of the evil one." I take it this is a reference to Satan. This is the first time in Matthew that Jesus associates the scribes and Pharisees with Satan but it is a trend which will increasingly become apparent. The difference should be clear, the scribes and Pharisees were of the devil while Jesus and His disciples were of God. To demonstrate that the disciples were of God Toussaint says that Jesus' disciples should "be characterized by simple, unadorned truth at all times. For them there was to be no external guarantee of truthfulness." By application we should be the same. We should not be so filled with deceit that it is necessary to amend our statements by external notes guaranteeing the truthfulness of what we have said. Everything we say should simply be true! When societies are full of needs to guarantee the truthfulness of what is said then it is apparent that Satan is in control of that society. All lies are of the evil one and his handiwork creates a dishonest, deceitful culture. It is no wonder that Jesus says of the scribes and the Pharisees that they are of their father the devil. Their speech was so corrupt that it constantly required such emendations as swearing by heaven or earth or Jerusalem. This violated the spirit of the Law and revealed that they were a leadership that followed Satan. Therefore if Jesus' disciples rejected this practice and simply let their Yes be yes and their No, no, it would be evident that they were not followers of the evil one.

Now, having exegeted the passage there are a few issues we have to deal with as far as modern application. If Jesus said take no oaths at all one is left wondering how to explain certain passages as well as the place of oath's in marriage and a court of law. First, one passage that bothers people is the passage where God took an oath in Gen 15. The author in Hebrews 6:17-18 reflects on that oath saying, "In the same way God, desiring even more to show to the heirs of the promise the unchangeableness of His purpose, interposed with an oath,<sup>18</sup> so that by two unchangeable things in which it is impossible for God to lie, we who have taken refuge would have strong encouragement to take hold of the hope set before us." Why, if we are to take no oaths, did God take an oath? To demonstrate His reliability in history. All behavior must be measured. Often the taking of an oath invoked a curse on the one taking an oath. God's oath taken at the Abrahamic Covenant invoked the curse upon Himself that what happened to the animals being cut in half, happen to Him if He did not keep the Abrahamic Covenant. We can be sure then that God will fulfill the Abrahamic Covenant as spelled out in the terms which He Himself uttered. If He does not then God will be cursed. But since he cannot lie then He will fulfill it. Therefore all oaths taking cannot be wrong and it does not seem Jesus intended to condemn all oath taking. It seems that Jesus is condemning oath taking in a society that has overturned the use of oaths such that they become occasions to lie and deceive. Second, some very conscientious believers have taken Jesus' words to condemn all oath taking, even in a court of law. For example, "Many groups (e.g., Anabaptists, Jehovah's Witnesses) have understood these verses absolutely literally and have therefore refused even to take court oaths. Their zeal to conform to Scripture is commendable, but they have

probably not interpreted the text very well.”<sup>6</sup> Jesus Himself spoke words under oath in his trial by the high priest in Matt 26:63-64. “The high priest stood up and said to Him, “Do You not answer? What is it that these men are testifying against You?” But Jesus kept silent. And the high priest said to Him, “I adjure You” or “I charge you under oath” “by the living God, that You tell us whether You are the Christ, the Son of God.” Jesus said to him, “You have said it yourself; nevertheless I tell you, hereafter you will see THE SON OF MAN SITTING AT THE RIGHT HAND OF POWER, AND COMING UPON THE CLOUDS OF HEAVEN.” Since Jesus affirmed the high priests words under oath it cannot be wrong to take an oath in a court of law. Jesus is not condemning taking an oath under a solemn occasion such as a court of law. Instead he is condemning the scribal and Pharisaic tradition of making false oaths in order to deceive! Third, Jesus is not condemning taking oaths such as vows in a marriage ceremony simply because again, this is a solemn occasion and the gravity of the situation merits the right to take vows.

However, I think the take away from this is that no one should question whether the one taking an oath or vow has a reputation and character of honesty. Such a one should be able to simply be taken ‘at his or her word.’ What’s the point of this pericope? To contrast that generation’s dishonesty and deceit with the kind of generation Jesus was looking for. Jesus’ disciples and that generation should simply be truthful and straightforward in all their dealings. If that generation repented by dropping the corrupt use of oaths and followed Jesus’ teachings then they would enter the kingdom.

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<sup>1</sup> Toussaint, *Behold the King*, p 103.

<sup>2</sup> Louis A. Barbieri, Jr., “Matthew,” in *The Bible Knowledge Commentary: An Exposition of the Scriptures*, ed. J. F. Walvoord and R. B. Zuck, vol. 2 (Wheaton, IL: Victor Books, 1985), 31.

<sup>3</sup> Tom Constable, *Tom Constable’s Expository Notes on the Bible* (Galaxie Software, 2003), Mt 5:33.

<sup>4</sup> Tom Constable, *Tom Constable’s Expository Notes on the Bible* (Galaxie Software, 2003), Mt 5:34.

<sup>a</sup> This practice of the Essenes, in refusing to swear, and esteeming swearing, on ordinary occasions, worse than perjury, is delivered here in general words, as are the parallel injunctions of our Savior, Matt. 6:34; 23:16; and of St. James, 5:12; but all admit to particular exceptions for solemn causes, and on great and necessary occasions. Thus these very Essenes, who here do so zealously avoid swearing, are related in the very next section, to admit none till they take tremendous oaths to perform their several duties to God, and to their neighbor, without supposing they thereby break this rule, Not to swear at all. The case is the same in Christianity, as we learn from the Apostolical Constitutions, which, although they agree with Christ and St. James, in forbidding to swear in general, 5:12; 6:23; yet do they explain it elsewhere, by avoiding to swear falsely, and to swear often and in vain, 2:36; and again by “not swearing at all” but



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withal adding, that “if that cannot be avoided, to swear truly,” 7:3; which abundantly explain to us the nature of the measure of this general injunction.

<sup>5</sup> Flavius Josephus and William Whiston, *The Works of Josephus: Complete and Unabridged* (Peabody: Hendrickson, 1987).

<sup>6</sup> D. A. Carson, “Matthew,” in *The Expositor’s Bible Commentary: Matthew, Mark, Luke*, ed. Frank E. Gaebelein, vol. 8 (Grand Rapids, MI: Zondervan Publishing House, 1984), 154.