

THE SCRUPULOUS PRIEST AND THE GOOD SAMARITAN: JESUS' PARABOLIC INTERPRETATION OF THE LAW OF MOSES¹

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The parable of the Good Samaritan presents Jesus' distinctive interpretation of the Torah in parabolic form. When it confronts a priest with a dead or dying man, it sets up an unusual, halakhically debatable situation, since the commandment that a priest avoid contracting corpse-impurity conflicts with the commandment to love the neighbour. One commandment must take precedence. Jesus' Jewish contemporaries would have disagreed as to how the priest should behave, but the general halakhic principle which the parable suggests – that the love commandment should always override others in cases of conflict – seems to be unparalleled.

The parable of the Good Samaritan is unique among the Gospel parables² in the kind of setting which the evangelist, Luke, gives it. Jesus tells it in the course of conversation with a lawyer, a professional interpreter of the Torah, and in answer to a question the lawyer puts to him about the interpretation of one of the commandments. The question, 'Who is my neighbour?', meaning, 'Who is the neighbour whom the commandment obliges me to love?', is a question about the correct interpretation of the commandment. It is tantamount to asking: To precisely what circumstances does the commandment apply? In what circumstances should I identify someone as the neighbour whom the commandment requires me to love? It is a question typical of Jewish halakhic discussion. So Jesus is here represented by Luke as engaged in the kind of discussion about the correct interpretation of the law which was a normal feature of discussion among religious teachers in

¹ This article is the T. W. Manson Memorial Lecture for 1996, given in the University of Manchester on 24 October 1996.

² As has often been pointed out, the Good Samaritan is an example story, rather than a parable in the usual sense, but Luke appears to classify example stories as parables (Luke 12.16; 18.9). Comparison with the way rabbinic example stories (*ma'asim*) are sometimes used to crystallize legal problems could be fruitful, though it cannot be attempted here.

first-century Judaism. There are, of course, other passages of the Gospels in which Jesus enters such debates, in his own way, but only in this passage does a parable function to propound or to illustrate an interpretation of the law of Moses.³ Jesus, I shall be suggesting, is here offering his own distinctive interpretation of the law of Moses in parabolic form.

Of course, it is debatable whether the Lukan setting of the parable is original. As we shall see, the parable itself would have unmistakably raised issues of legal interpretation for a first-century Jewish hearer, and it is very plausibly understood as offering interpretation of the commandment to love the neighbour. A good case can therefore be made for the view that the Lukan setting at least dramatizes the kind of context of legal debate to which the parable was originally addressed. It is surprising how few even of those exegetes who take the Lukan setting seriously in interpreting the parable give adequate weight to the concern with halakhah which the Lukan setting makes it explicit that the parable addresses. In what follows I shall expound the halakhic concern of the parable in three stages, considering (1) the situation in which the parable places the priest; (2) what Jesus' Jewish contemporaries might have thought of the priest's behaviour; and (3) the role of the Samaritan.

I

The lawyer has asked, in effect: To precisely what circumstances does the commandment to love one's neighbour apply? In what circumstances should I identify someone as the neighbour whom the commandment requires me to love?⁴ In response the parable sets up a test-case situation: a priest travelling down the road from Jerusalem to Jericho comes across a man lying half-dead. Should the priest in these circumstances obey the commandment? In these circumstances are the priest and the wounded man defined by the commandment as neighbours, so that the priest should act as neighbour to the man? Or in these circumstances does the commandment to love one's neighbour not apply, because the priest's

³ Cf. B. Witherington, *Jesus the Sage: The Pilgrimage of Wisdom* (Edinburgh: T. & T. Clark, 1994) 160: 'Halachic questions do not arise at all in the narrative *meshalim*.' In his own discussion of the Good Samaritan, he comes close to recognizing that the Lukan setting of the parable (which he considers redactional) makes it an exception to this rule, but fails to see how precisely the parable itself raises and confronts an halakhic issue (193–5).

⁴ The lawyer asks the question, 'wishing to justify himself' (10.29). As a professional interpreter of the law, he cannot let Jesus get away with simply citing commandments. Commandments need interpretation if one is to know how to obey them.

obligation to another commandment of the Torah should take precedence?

The point is that when the parable confronts the priest with a man lying half-dead on the road, it sets up an halakhic issue, which any first-century Jew alert to halakhic issues would readily have recognized as one. The situation is one in which two commandments might seem to apply: one forbids the priest to contract impurity by contact with a dead body, while the other requires the priest to show neighbourly love to the wounded man. The priest's obligation, as a priest, to avoid contracting corpse-impurity conflicts with the obligation he shares with any Israelite to assist a fellow-Israelite in desperate need of help. In such a situation the legal question is: which commandment overrides the other? Does the love commandment apply here, defining the priest and the wounded man as neighbours? Or does the purity law take precedence? Commentators who refuse to acknowledge that a purity issue is at stake because purity is not specifically mentioned in the parable⁵ have failed to enter imaginatively the first-century Jewish world, in which confronting a priest with a dying man on a deserted road could scarcely fail to raise the issue of corpse-defilement for any informed hearer.

In approaching the dying man, the priest risks corpse-defilement: the impurity that results from contact with a corpse. There are two possible ways of construing the precise situation, from the priest's point of view, depending on how the priest perceives the condition of the man the parable calls half-dead. If the man is clearly still alive, then for the priest to help him would be to run the risk of the man dying while in contact with the priest, who would thus contract corpse-impurity. Alternatively, as I think more likely, the man is unconscious and the priest cannot tell whether he is dead or alive without coming up close. He cannot get close enough to tell without risking defilement from the corpse if that is what it turns out to be. This is because, in first-century Jewish thought about such matters, corpse-impurity travels vertically through the air. If any part of the priest's body were to be above any part of a corpse, he would contract impurity.⁶ That this situation is the one

⁵ E.g. J. Nolland, *Luke 9:21–18:34* (WBC 35B; Dallas: Word Books, 1993) 593.

⁶ The principle that corpse-impurity can be contracted by 'overhanging' or 'overshadowing' is well attested in the Mishna. The translation of *לְרֵג* in English translations of the Mishna as 'to overshadow' has misled some scholars into supposing that impurity is communicated when the shadow of a person or object falls on the corpse (or when the shadow of the corpse falls on a person or object) (e.g. B. R. McCane, 'Is a Corpse Contagious? Early Jewish and Christian Attitudes toward the Dead', *SBSLP* 1992, 383; P. W. van der Horst, 'Der Schatten in hellenistischen Volksglauben', in *Studies in Hellenistic Religion* [ed. M. J. Vermasseren; Leiden:

envisaged by the parable seems likely because it explains why the priest passes by on the other side. Since he cannot be sure whether the man is dead or alive, he keeps his distance, since coming too close to a corpse defiles. But in any case, it is clear that the priest cannot help the man without a serious risk of contracting corpse-impurity.

What the commentators have failed to see is how carefully and ingeniously the parable constructs a situation in which observance of a purity law conflicts with the duty of neighbourly love, thus posing the issue: which should take precedence? Contrary to what some scholars seem to assume, it is not at all easy to construct such a situation. Despite the importance of purity laws in first-century Judaism, conflict between purity laws and love of neighbour would not commonly arise. This is mainly because the biblical purity laws themselves do not for the most part require people not to contract impurity, but rather instruct them on what to do when they do contract it, frequently unavoidably. For all except priests and Nazirites, attending to the dying and burying the dead are duties. Even the tendency, in late Second-Temple times, for lay people to avoid contracting impurity in some cases, such as by not walking over graves, would not have posed an issue in the situation envisaged by the parable. It is extremely unlikely that anyone would have thought a lay Israelite under any obligation to avoid the risk of defilement in such a situation. The view of some of the commentators, that the Samaritan in the parable ignores the purity rules which apply to him as well as to the priest,⁷ is quite

Brill, 1979] 34–5). While this view coheres with ancient ideas about the shadow (see van der Horst, *op. cit.*; *idem*, 'Shadow', *ABD* 5, 1148–50; and cf. Acts 5.15), it appears to be mistaken. לַתֵּנָה has nothing to do with shadows, but is used in the Mishna as the verb related to לַתֵּנָה, 'tent'. The principle has been deduced from Num 19.14, according to which a corpse in a tent infects everyone in the tent. Just as the roof of the tent intercepts and conveys the airborne corpse-impurity as it travels upwards, so does a person or object located above a corpse (see H. K. Harrington, *The Impurity Systems of Qumran and the Rabbis* [SBLDS 143; Atlanta: Scholars, 1993] 160). That this principle was already recognized in the late Second-Temple period can be inferred from the fact that it was thought possible to contract corpse-impurity by walking over graves (Josephus *Ant.* 18.38; Matt 23.27; Luke 11.44).

⁷ E.g. J. A. Fitzmyer, *The Gospel according to Luke X–XXIV* (AB 28A; New York: Doubleday, 1985) 884: 'The regulations on defilement from contact with a dead body were also to be found in the Samaritan Pentateuch, but they did not hinder the Samaritan of the story from being motivated by his own pity and kindness, which enabled him to transcend such restrictions.' Fitzmyer's remarkably careless treatment of legal issues is also illustrated by his reference, on the same page, to 'the heartless, perhaps Law-inspired insouciance of two representatives of the official Jewish cult, who otherwise would have been expected by their roles and heritage to deal with the 'purification' of physically afflicted persons (see the role of the 'priest' in Leviticus 12, 13, 15).' I do not understand what relevance the last point is supposed to have to the story. A wounded or dying man is not impure and does not need purifying, while a corpse, which is impure, cannot be purified.

mistaken. The Samaritan has no obligation to avoid corpse impurity – not, of course, because he is a Samaritan, but because he is not a priest. The issue of deciding a conflict of legal obligation is posed for the priest by the parable specifically because he is a priest.

The point is that the Torah explicitly forbids a priest to contract corpse-impurity, except at the death of his nearest kin (Lev 21.1–3). Some commentators on the parable suppose that the priest would be concerned about defilement only because it would prevent him from ministering in the temple, and some argue that since he is travelling from Jerusalem to Jericho, not *vice versa*, and so apparently on his way home after a period of duty in the temple, defilement would not concern him.⁸ In fact, corpse-impurity would still have practical consequences, since he would be unable to eat priestly food during his week of purification (Lev 22.3–7). But the *consequences* of contracting corpse-impurity are not here the point.⁹ In this case, the terms of the commandment are absolute. The priest is required to avoid corpse-impurity at all times, irrespective of whether he is due to minister in the temple. He is not explicitly required to avoid any other type of impurity, but he is this. Only the Nazirite is in the same position (Num 6.6–7). So by putting precisely a priest in a situation where he can help a man in great need only by risking precisely corpse-impurity, and by making it, moreover, a situation where the priest is the only person who can help (since there is no lay person present to undertake the duty), the parable carefully constructs an unusual case in which obligation to a biblical purity law conflicts with obligation to help someone in great need. The parable features a priest not in order to satirize or to attack the priesthood, nor to appeal to the alleged anti-clericalism of a first-century Jewish audience¹⁰ (for which there is no evidence¹¹), but because this situation in which

⁸ E.g. C. W. Hedrick, *Parables as Poetic Fictions* (Peabody: Hendrickson, 1994) 105–6.

⁹ They may be for the Levite in the parable, but we do not know whether Levites in this period were considered bound by the same purity laws as the priests.

¹⁰ E.g. E. Linnemann, *Parables of Jesus* (tr. J. Sturdy; London: SPCK, 1966) 53.

¹¹ The evidence for such anti-clericalism is confined to attacks on the Jerusalem priestly aristocracy who ran the Temple and were widely regarded as corrupt (R. Bauckham, 'Jesus' Demonstration in the Temple', in *Law and Religion: Essays on the Place of the Law in Israel and Early Christianity* [ed. B. Lindars; Cambridge: James Clarke, 1988] 79–81). There is no reason to suppose that the priest in the parable belongs to this small élite of aristocratic priestly families, and the Levite certainly does not belong to it. That there was a clear distinction in social and economic status between the Jerusalem priestly aristocracy and the ordinary priests, who lived alongside and probably at much the same economic level as their peasant neighbours, is clear from Josephus (*Ant.* 20.181, 207), but is frequently ignored by writers who treat the priesthood generally as a privileged caste (e.g. J. Maier, 'Self-Definition,

precisely a priest risks precisely corpse-impurity is the one which is needed in order to pose an unequivocal case of conflict between a purity law and the love of neighbour.

If the parable's audience judges that the priest ought to have helped the wounded man, that in this instance the commandment to love the neighbour takes precedence over a purity law, the implication is not, of course, that purity laws are invalid or can be ignored at will. Cases in which laws of the Torah are in potential conflict and one must be given precedence over another are inevitable and not infrequently arise in Jewish halakhah. A simple and familiar example is: Should one circumcise a male child on the eighth day, as the law commands, if the eighth day is a Sabbath? Resolving such cases by deciding which law takes precedence in no way implies that a law is invalid or can be ignored. It is a necessary task in the interpretation of the law. The parable is thus inviting its audience to make an halakhic judgment. Its purpose, however, is probably not just to resolve the specific case which the priest confronts. Rather, by posing an unusual but very clear case where a biblical purity law conflicts with the law of neighbourly love, and by implying that the latter should take precedence, the parable proposes a general principle: that the law of neighbourly love is the key commandment which overrides even other biblical commandments in cases of conflict. Since purity was one of the dominant halakhic concerns of the time, the general principle can be presented especially pointedly by means of a case where the love commandment must override even a priest's special purity obligation.

II

Now we are in a position to ask the question: What would first-century Jews with some knowledge of halakhah have thought of the priest's behaviour? Only by asking this question can we attempt to see how Jesus' interpretation of the law of Moses in this parable might have fitted into the halakhic debates of his time. In principle there are three possibilities: (1) All Jews who had thought about such matters would think the priest obeyed the law correctly by avoiding the risk of corpse-defilement. (2) All Jews who had

Prestige, and Status of Priests Towards the End of the Second Temple Period', *BTB* 23 [1993] 139–51). Hence B. B. Scott, *Hear Then the Parable* (Minneapolis: Fortress, 1989) 197, is quite misleading when he speaks of 'the upperclass status of the priest and the Levite' in our parable, and of 'the anticlericalism of the audience'.

thought about such matters would think the priest should have helped the wounded man. (3) The issue was debatable. Unfortunately, there is no direct evidence from the Second-Temple period which enables us to decide between those possibilities.

However, we need not despair, since the issue can be illuminated by drawing on comparative material both from the Second-Temple period and from later rabbinic discussions. Our use of rabbinic material must, of course, be cautious. We cannot assume without argument that any rabbinic text preserves Jewish legal opinions from the Second-Temple period. On the other hand, what the halakhic texts from Qumran, along with other legal material from the Second-Temple period, show us is a clear continuity in the kind of legal discussion in which Jewish scholars and teachers engaged from the Hasmonean period through to the early rabbinic period. From 4QMMT to the Mishna the agenda of topics and issues, and the kind of halakhic thinking with which they were debated and decided, remained in many respects the same. This means that, while the rabbinic texts certainly cannot constitute direct evidence of the halakhah of the Second-Temple period, they can contribute to an understanding of the way halakhic issues are likely to have been perceived, debated and decided in that period, while sometimes we may be able to argue that specific rabbinic traditions go back to the pre-70 period.

The rabbinic material with most obvious relevance to the issue posed by the priest's situation in the parable is rabbinic discussion of the so-called *מת מצוה* ('the corpse of obligation'). This is the neglected corpse, which has not been buried and is not likely to be buried by the relatives who would ordinarily have responsibility for its burial. Anyone who finds it has the obligation to bury it. Typically it is a corpse found in the open country by travellers on a journey, since someone dying while travelling away from home is the most likely kind of corpse to remain neglected until found by a stranger. Had the unfortunate man in the parable died, he would have been, for the rabbis, a *מת מצוה*. If the priest in the story thinks he might be dead, then he thinks he might be a *מת מצוה*.

In rabbinic literature there is no dispute that the obligation to bury a *מת מצוה*, thereby contracting corpse impurity, applies even to priests. In fact, according to the Mishna it applies even to the Nazirite and to the high priest, on whom the Torah lays an even stricter purity obligation than on ordinary priests, forbidding them to defile themselves even for their nearest kin (Num 6.7; Lev 21.11). The Mishna has R. Eliezer b. Hyrcanus and the Sages disagreeing over the case of a high priest and a Nazirite who,

travelling together, come upon a *מת מצוה*. Which should bury the corpse? Is it preferable that the high priest avoid defilement or that the Nazirite avoid defilement? (*m. Naz.* 7.1; cf. 6.5). The debate on this highly hypothetical point assumes that it is undebatable that a high priest or a Nazirite travelling alone must bury the *מת מצוה*. So by the time of the Mishna it was evidently well established in rabbinic halakhah that the obligation to bury a *מת מצוה* takes precedence over the law that priests should not contract corpse-impurity.¹² On this view nothing would impede the priest in the parable from helping the man. If he turned out to be dead, the priest is in any case obliged to defile himself in order to bury him.

The *מת מצוה* is not, of course, the issue the parable addresses. Its concern is not the obligation to bury the dead, but the obligation to assist someone in great need. However, if the rabbinic view that the duty of *מת מצוה* obliges even a priest were the usual Jewish view in the time of Jesus, then the behaviour of the priest in the parable would not have been debatable: everyone in a Jewish audience would have agreed that he neglected his duty. Alternatively, if the rabbinic view was the Pharisaic one in the time of Jesus, then it might be that, as Jacob Mann argued, the priest in the parable follows Sadducean halakhah.¹³

That the duty of burying the *מת מצוה* itself goes far back into the Second-Temple period we can be sure. It corresponds to the universal sense of the shame of remaining unburied. The book of Tobit takes for granted Tobit's obligation to bury fellow-Israelites who would otherwise remain unburied (Tob 1.17–19; 2.3–9; 12.12–13). Both Josephus (*C. Ap.* 2.211) and Philo (*Hypoth.* 7.7), in passages which seem to have a common source, list the duty not to leave a corpse unburied in summaries of the laws given by Moses. This evidence shows that the question whether the duty applied

¹² Later rabbinic tradition treats the *מת מצוה* as an exception for which the texts of Lev 21.1–3, 11; Num 6.7 themselves allow (e.g. *b. Naz.* 47b–49a; *b. Meg.* 3b; *b. Zeb.* 100a). In this case, it is not a question of the law being overridden in this instance. However, this exegesis of the texts is very probably a later development, intended to justify already accepted halakhah. In the Mishna (*Naz.* 6.5) the Nazirite's obligation to bury the *מת מצוה* is parallel to his obligation to cut his hair if he contracts skin-disease. The latter is explicitly a case of one law (Lev 14.9) overriding another (Num 6.5) (*m. Naz.* 8.2).

¹³ J. Mann, 'Jesus and the Sadducean Priests: Luke 10.25–37', *JQR* 6 (1915–16) 415–22, followed by Scott, *Hear Then the Parable*, 196–7. Mann assumes both that the later rabbinic exegesis of Lev 21.1–3, 11; Num 6.7, according to which the text itself implies an exception for the *מת מצוה*, was already current in the Second-Temple period as the basis for understanding the obligation of the *מת מצוה* to apply to priests and Nazirites, and also that 'the Sadducees would adhere to the clear wording of the Biblical law' (419) and allow no such exception. Both assumptions are dubious.

even to priests must surely have been raised, but unfortunately it cannot tell us what answers were given to it. All we can say is that, given that the question must have been asked, it would not be at all surprising if there were those in the Second-Temple period who already gave the later rabbinic answer. Indeed, it is hard to see why this answer should have had to wait until after 70 to be advanced and accepted at least by some.

We may make further progress if we put to the rabbis of the Mishna or the rabbis of the Talmuds the question, more directly relevant to the parable: should a priest risk contracting corpse-impurity in order to help a person whose life is in danger? Though the issue is not, so far as I know, posed as such in rabbinic literature, we can be sure that the answer would be yes, since the rabbis treat the duty to save life as a generally overriding consideration. An instance of this, that the duty to save life overrides the Sabbath, will prove illuminating. Not only is this principle clear in the Mishna (*Shabb.* 18.3; *Yoma* 8.6);¹⁴ it can be traced back to the time of the Maccabean revolt, when the Maccabees adopted the policy of fighting in self-defence on the Sabbath (1 Macc 1.41), in contrast to other Jews who refused to violate the Sabbath by using weapons or even by blocking the entrances to the caves in which they had taken shelter (1 Macc 1.35–6; 2 Macc 6.11). Josephus provides evidence that the Maccabees' practice remained the principle of Jewish warfare in later times (*BJ* 1.146). On the other hand, the Damascus Rule apparently shows that the halakhah of the Qumran community did not allow the duty of saving life to override the Sabbath: someone who falls into water on the Sabbath may not be rescued with the use of equipment (a ladder, a rope or an instrument) (CD 11.16–17).¹⁵ On this, as on other points, it seems that the rabbis inherit an approach which differed significantly from that of the Qumran community.¹⁶

We have, of course, a good deal of evidence (including, now, that of 4QMMT) of differences between the Jewish religious parties in the Second-Temple period over the interpretation of purity laws. But although these differences are often between more and less rigorous application of purity concerns, I do not know of a case at

¹⁴ Even if there is doubt whether a person's life is in danger, the duty to save life still overrides the Sabbath.

¹⁵ On this passage, see L. H. Schiffman, *The Halakhah at Qumran* (SJLA 16; Leiden: Brill, 1975) 125–8. Although some have emended the text in order to read it as permission to rescue someone who falls into water, I see no good reason not to accept the most obvious reading. Every other Sabbath rule in this long passage 10.14–12.1 is a prohibition.

¹⁶ For the differences on purity laws, see Harrington, *Impurity Systems*.

all analogous to the one posed by the parable, i.e. a case where a biblical purity law could arguably be overridden by another consideration. The parable interestingly differs from the general run of halakhic purity discussions, in that its concern is not to define purity rules for their own sake, but to define a case where love of neighbour overrides a purity law. The best analogy in the available evidence of halakhic differences in the Second-Temple period seems therefore to be not a case where purity is at stake, but the difference over violating the Sabbath in order to save life.

Thus, though we cannot be sure that the issue posed by the situation of the priest in the parable would have been controversial, we may hazard a reasonable guess that it was. While it is tempting to go further and to suggest that Sadducees and/or Essenes would have approved of the priest's behaviour, while Pharisees would not, this is to step too far beyond the evidence. We should remember that Pharisees often disagreed among themselves (as the rabbinic traditions of debates between the two houses show), and also that most priests were not Sadducees, so that we cannot assume that a Jewish audience would take it for granted that the priest in the story would observe Sadducean halakhah. We should be content with the likelihood that the parable constructs a situation which was halakhically debatable.

From this perspective we may venture a conclusion as to the distinctiveness of the approach to halakhah which the parable advocates. In its implication as to what the priest should have done it probably adopts one Jewish view of the time. But it may be more distinctive in treating as the overriding law, not the obligation to bury a *מת מצוה*, nor the obligation in all circumstances to save life, neither of which are as such commandments of the written Torah, but rather the commandment to love the neighbour, which is both biblical and much broader in scope.

We should note that the love commandment is not here being treated as a general principle which sums up the general intent of the law, as it is in some rabbinic texts: for example, in the statement about Leviticus 19.18 attributed by *Sifra* to R. Aqiva: 'This is the great principle (כלל) of the Torah' (*Sifra Lev 19.18*).¹⁷ This saying identifies the love commandment as a *principle*, different in kind from specific commandments. It would be odd for such a principle to override a commandment. But Jesus' parable treats

¹⁷ On this and parallel passages (*Gen. R 24.7*; *y. Ned. 9.3* [41c]), see R. Neudecker, "And You Shall Love Your Neighbour as Yourself – I Am the Lord" (*Lev 19,18*) in Jewish Interpretation', *Bib 73* (1992) 512–14.

the love commandment, just as the Markan pericope of the two commandments (Mark 12.28–31)¹⁸ also does, as a commandment *comparable* with others, but of such importance that it can override others. The notion that one commandment can override another is unremarkable, but the application of it to a commandment as general in scope as the commandment to love the neighbour seems to be unparalleled outside the Gospels. The parable's strategy, then, is to pose a debatable halakhic issue, not merely in order to judge this particular case, but in order to advance a distinctive and far-reaching halakhic principle: that the commandment to love the neighbour is one of the generally overriding requirements of the Torah.

III

We have jumped ahead to this conclusion without considering how the parable itself proceeds beyond the action of the priest who passes by on the other side. We might have supposed that a parable designed to make the point I have suggested would best have proceeded by introducing a second priest who did stop and help the wounded man. The audience would then be invited to judge which priest obeyed the law correctly: the priest who gave precedence to the obligation to avoid corpse-defilement or the priest who gave precedence to the commandment to love one's neighbour? But this would have made a tediously obvious kind of parable. Moreover, it would not actually have enabled the audience to decide which priest acted correctly. The two possible interpretations of the Torah would simply be illustrated, but the parable itself would in no way propose an interpretation. What the parable we have does is rather different. It engages the audience imaginatively and sympathetically in the plight of the wounded man and in the practical compassion of the third traveller who stops to aid him. This is why the parable opens by describing in some detail the robbers' attack on the man and the state in which they leave him, and it is why the parable concludes not just by telling us that the Samaritan, unlike the priest and the Levite, was moved with compassion and stopped to help, but also by describing at length the careful practical measures which the Samaritan took to help

¹⁸ By contrast, the parallel Matthean pericope (Matt 22.34–40) seems closer to *Sifra Lev* 19.18 and similar rabbinic discussions of the most comprehensive principle of the Torah (e.g. *b. Shabb.* 31a; *b. Ber.* 63a; *b. Mak.* 23b–24a).

the man. By inviting the audience into a situation in which they sympathize with the wounded man's plight and therefore cannot but approve the Samaritan's action, the parable tempts the audience to think that the priest and the Levite should surely have acted as the Samaritan did. The man's need of neighbourly love surely should take precedence over the priest's obligation to avoid corpse-defilement. The parable does not *argue* the precedence of the love commandment over the purity law, but it invites the audience through imaginative engagement to take that view.

Why then is the third traveller a Samaritan? The sequence of the three might have been: priest, Levite, lay Israelite. The priest is obligated by the Torah to avoid corpse-impurity at all times. The Levite is not clearly obligated in the same way in the Torah, and unfortunately we do not know whether in this period Levites were considered to be bound by the same purity laws as priests. Perhaps the Levite is an ambiguous figure in this respect, or one whose obligation to avoid corpse-defilement would be thought less strict than the priest's. In any case, the Levite functions as a transition to the third figure, who as a layman is not obliged by Torah to avoid corpse-defilement, only to be cleansed from corpse-impurity should he, for good reason, contract it. Few if any of the parable's audience would have thought a lay Israelite in this situation faced a conflict of obligation. His function in the parable is not to resolve the conflict differently, but to illustrate what obedience to the commandment to love one's neighbour actually requires.

But why a Samaritan? The first point to notice is that the appearance of a Samaritan confirms that the issue in the parable is one of correct obedience to the law of Moses. The point is not that the Samaritan acts out of spontaneous compassion *rather than* in obedience to the law. The Samaritan acknowledges the same Torah¹⁹ as the Jew and is obligated to obey its commandments just as any Jew is. In helping the wounded man he is obeying the commandment. His compassion is not some kind of alternative to legalism; it is what the commandment to love one's neighbour requires of him. He illustrates what it means to obey this commandment in this situation. It is therefore crucial not to read the Samaritan as though he were a Gentile. A Gentile has no place in a parable which addresses an halakhic issue about the correct interpretation of the law of Moses, since Gentiles in general acknowledge no obligation to the law of Moses. But a Samaritan

¹⁹ Of course, with some textual differences.

can feature in such a parable because a Samaritan acknowledges and claims to obey the Mosaic law.

But, once again, why a Samaritan, rather than any other sort of lay Israelite obliged to obey the law of Moses? The point is surely that, in the eyes of a Jewish audience, the Samaritans, of all groups who acknowledge the law of Moses, are the least likely to keep it correctly. However much a Jewish audience might have disagreed among themselves about the interpretation of the Torah, they would probably have agreed that Samaritans certainly do not interpret and obey it correctly. So the Samaritan in the parable is the least likely exemplar of proper obedience to the law of Moses. Unlike a Gentile, he is obligated to it and claims to obey it, but of all who so claim he is, for Jews, the least likely to illustrate correct obedience. So the Samaritan in the parable has shock value.

But we can probably be a little more specific. Apart from the parable of the Pharisee and the publican, which is located in the temple (Luke 18.10), the parable of the Good Samaritan is the only parable to be geographically located. It is located on the road from Jerusalem, where the Temple was, to Jericho, where many priests lived,²⁰ a road much travelled by priests and Levites travelling to and from the Temple. Though not mentioned explicitly, the Temple would loom in the background to the narrative as heard by any Jewish hearer. The juxtaposition of a priest, a Levite and a Samaritan would therefore bring inevitably to mind the fact that it was the Temple which separated Jews from Samaritans. This first great schism in Judaism hinged on the disagreement as to the divinely ordained site of the Temple: mount Zion or mount Gerizim? Jewish-Samaritan friction and conflict in the pre-70 period usually featured the issue of the Temple, as Luke's Gospel itself illustrates only a chapter previously: a Samaritan village refuses hospitality to Jesus and his disciples because they were travelling to Jerusalem to the Temple (9.52–3). Jewish pilgrims to the Temple could also, as we know from Josephus (*Ant.* 20.118–22; *BJ* 2.232–3), encounter more violent hostility in Samaria. So when a Samaritan enters the story the parable tells, a Jewish audience could not fail to think of the issue of the Temple which divided Jews from Samaritans.

The Samaritan acknowledges the Torah and claims to obey it, but because he worships in the wrong Temple, not in the Temple to which Jews supposed the Torah to refer, the Samaritan in fact

²⁰ Cf. J. Schwartz, 'On Priests and Jericho in the Second Temple Period', *JQR* 79 (1988) 23–48.

disobeys a great deal of the Torah, in Jewish eyes. For this, as probably also for other reasons of misinterpretation of Torah, Samaritans in Jewish eyes were constantly impure. Since corpse-impurity can be cleansed only with the ashes of the red heifer administered by the priests in the Jerusalem Temple, the Samaritan must, in fact, be contaminated with the corpse-impurity he could not (like any Jew) have avoided contracting in his lifetime, but could not (like Jews) have removed in the proper way. Thus the Samaritan in the parable is the Israelite who, even though he notoriously misinterprets the Torah with regard to Temple and purity, nevertheless exemplifies the correct interpretation of the commandment to love one's neighbour.

Thus the parable's contrast between the priest, on the one hand, and the Samaritan, on the other, makes emphatic the implicit assertion of the superiority of the love commandment over purity laws. The priest, by giving precedence to his obligation to avoid corpse-defilement, disregards the duty to have compassion on his neighbour. He chooses to disregard the love commandment because he opts to obey the purity law. On the other hand, the Samaritan, even though he disobeys purity laws, implements the more important requirement of the Torah in an exemplary fashion. He does not, as the priest would, have to disregard a purity law in order to have compassion on the wounded man. But his disobedience to purity laws is conspicuously overlooked in the parable's enlisting of the audience's approval of him. The third traveller in the story could have been a lay Israelite who scrupulously obeyed purity laws and also acted with compassion for the wounded man, but the Samaritan, who notoriously misinterpreted purity laws and thereby, in Jewish eyes, failed to obey them, illustrates the overriding importance of the love commandment in a more arresting, not to say shocking form.

In conclusion, we should first be clear what the parable does not do. It does not satirize or attack the Jewish religious establishment or the priesthood (nor are these two the same thing). It is not opposing priests, but uses a priest to pose a legal issue. Nor does the parable contrast the legalism of the priest and the Levite with the Samaritan's freedom from law. The issue is how the law should be interpreted and therefore obeyed. Finally, the parable is not about a restrictive or a non-restrictive understanding of the neighbour. The question is not which groups are covered by the term neighbour (do Samaritans count?), but in what circumstances should one act towards another as neighbour to neighbour, with the neighbourly love the commandment requires.

What the parable does do is enter the discussion of interpretation of the Torah in which Jesus' contemporaries as Jewish religious teachers were constantly engaged. In a context in which it was normal for Jewish teachers to disagree, the parable advances a highly distinctive approach to halakhah. It does so by engaging the hearers' imaginative sympathies in such a way that they are persuaded to see the love commandment as having absolute priority in such a situation. Confronted with someone in desperate need, the obligation to act as neighbour to neighbour, with practical compassion, always applies. No other consideration, even another commandment of the Torah, can take precedence. From this particular case the tendency of the parable is towards a general halakhic principle, so far as we know novel: that the commandment to love the neighbour is a commandment of such importance that it must always override others in cases of conflict. Moreover, by stressing the superiority of the love commandment specifically to purity laws, the parable tends to downgrade, while not necessarily invalidating, purity concerns, in rather striking contrast to the emphasis on them in much Second-Temple halakhah. If the parable is an authentic parable of Jesus, it is a prime example of Jesus engaged in what every Jewish teacher did – interpreting the law of Moses – and advancing a distinctive interpretative approach.