



The Letter of James
Bible Study Session 16
James 5:12
“Oath Making”

Study By
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Greek NT

Πρὸ πάντων δέ,
ἀδελφοί μου, μὴ ὀμνύετε
μήτε τὸν οὐρανὸν μήτε
τὴν γῆν μήτε ἄλλον τινὰ
ὄρκον· ἦτω δὲ ὑμῶν τὸ
ναὶ ναὶ καὶ τὸ οὐ οὐ, ἵνα μὴ
ὑπὸ κρίσιν πέσητε.

Gute Nachricht Bibel

Vor allem, meine
Brüder und Schwest-
ern, lasst das Schwören,
wenn ihr irgendetwas
beteuern wollt. Schwört
weder beim Himmel
noch bei der Erde noch
bei sonst etwas. Euer
Ja muss ein Ja sein und
euer Nein ein Nein. Sonst
verfällt ihr dem Gericht
Gottes.

NRSV

Above all, my beloved,
do not swear, either by
heaven or by earth or by
any other oath, but let
your “Yes” be yes and
your “No” be no, so that
you may not fall under
condemnation.

NLT

But most of all, my
brothers and sisters,
never take an oath, by
heaven or earth or any-
thing else. Just say a
simple yes or no, so that
you will not sin and be
condemned for it.

The Study of the Text:¹

Several times in this document James has referred to our speech and speaking as Christians: 1:19-21, 26; 2:3-4, 15-26; 3:1-12; 4: 11-12, 13. In 5:12 the topic of speech surfaces for the last time in the document. Each of these references addresses speech from different perspectives, and this is true in 5:12. In the prior references speech has to do with verbal expression to other people -- the prayer passages in James could be included as speech directed to God -- but in 5:12 the issue is speech to other people that also is directed to God by invoking His approval of this speech.

We live today in a world of written contracts that incorporate our pledge of agreement and truthfulness. The ancient Jewish world utilized written contracts to some extent, but depended more on verbal contracts of agreement and promise.² This stood somewhat in contrast to the surrounding Roman culture that made extensive use of written contracts for most every aspect of formalized agreements between individuals.

Thus James' word in 5:12 is especially targeting a Jewish audience where substantial problems with verbal agreements had arisen by the beginning of the Christian era. Additionally, these words of James strongly echo the words of Jesus recorded by Matthew (5:33-37) a decade or so after the writing of James. Because of their unusual closeness to one another, we will study both texts in parallel to one another.

One side note for modern students of the Bible. What James -- and Jesus -- talk about is the making of oaths, not the use of bad or foul language. The system of terminology in both these passages -- οὐκ ἐπιπορεύσεις, μὴ ὀμόσαι, ὀμώσης, μὴ ὀμνύετε -- has absolutely no connection of the use of foul language at all. For this emphasis one needs to study Eph. 4:29 where foul language is labeled πᾶς λόγος σαπρὸς, *every rotten word*, and 5:4, where it is αἰσχρότης καὶ μωρολογία ἢ εὐτραπέλια, *obscene, silly, and vulgar talk*. In truth, Paul's prohibitions go much further and cover a wider range of foul language than just cussing, as is usually attributed to James and Jesus. Unquestionably such language has no place in the mouth of a Christian whatsoever. But Matt. 5 and James 5 are not addressing this issue at all.

The reason this mistaken understanding has persisted in the English speaking world is because of the double meaning of the English word 'swear'. It can mean 1) to swear an oath (transitive verb usage), or 2) to swear (intransitive verb usage) in the sense of using foul language. Many English language readers of

¹With each study we will ask two basic questions. First, what was the most likely meaning that the first readers of this text understood? This is called the 'historical meaning' of the text. That must be determined, because it becomes the foundation for the second question, "What does the text mean to us today?" For any applicational meaning of the text for modern life to be valid it must grow out of the historical meaning of the text. Otherwise, the perceived meaning becomes false and easily leads to wrong belief.

²We will give some attention to the Talmudic tractate *Shevuoth* which provides a summation of developing Jewish tradition in oath making through the third century AD. For a helpful discussion of the history of Jewish oath making, see "Oath in the Bible," *Jewish Virtual Library* online.

these two passages, when coming across the English word ‘swear’,³ assume meaning two while the biblical text only refers to meaning one. Consequently many sermons and Bible studies falsely assume that James and Jesus were talking about using bad language here, that is, cussing. This mistaken thinking, however, is so deeply ingrained in the English speaking world that many commentators will ‘tip their hats’ to the bad language meaning by hinting that it is implied in the texts, if not directly stated. But this is deceptive interpretation and highly misleading. Ancient Greek, Hebrew, and Aramaic had two entirely different set of terms for oath making on the one hand and foul language on the other. There was no intersection of meaning between these two sets in the ancient languages, unlike modern English.⁴

The positive aspect of promissory language is actually the main point of both James and Jesus. That is, James and Jesus emphatically call upon believers to have impeccable integrity in their promises to other people. In Ephesians, Paul addresses the identical issue in chapter six with the image of a ‘belt of truth’ in the pictorial language of the Roman soldier’s uniform illustrating qualities for Christian living. And we live in a modern world that has lost its senses in being truthful and honest in what it says. Promises to others -- verbal and even in legal written form -- mean little any more.

And unfortunately within church life this cultural degeneration has slipped into the way Christians interact with one another. Consequently, we need to hear James’ -- and Jesus’ -- words to us very greatly.

1. What did the text mean to the first readers?

Background:

Some important background issues will make for much clearer understanding of James’ words. We will probe those in preparation for examining the text itself.

Historical Setting.

External History. In the history of the hand copying of this Greek text through the Middle Ages, a few variations in wording surface in the several thousand existing manuscripts containing this verse. But none of them were considered significant enough to impact the translation of this verse by the editors of *The Greek New Testament* (4th rev. ed.) published by the United Bible Societies.

The text apparatus of *Novum Testamentum Graece* (27th rev. ed) contains a complete listing of the variations and thus enables the reader to know where variations do surface, even though they may not have major impact on the verse.⁵ But clearly these variations do not impact the meaning of the verse, and represent stylistic changes by later scribes.

Again, the adopted reading of the Greek text represents the most likely original wording and thus can

³Another caution here is with the English word ‘curse.’ It also carries a double meaning of 1) bad language, or 2) placing a curse on someone. It is this second meaning that is addressed in the biblical materials:

The English verb “to curse” renders several Hebrew words (‘ārar, qālal, ‘ālā, heḥērîm, nāqab, qābab, bārak [a euphemism, lit. “bless”]), and Greek verbs (kataraoimai, anathematizō, katanathematizō, kataraoimai, katalaleō). The English noun “curse” may render any of the Hebrew nouns ‘alah ḥerem, me’ērāh, and ta’alah, as well as the Greek nouns katarā, epikataratos, anathema, and katathema.

[Douglas Stuart, “Curse” In vol. 1, *The Anchor Yale Bible Dictionary*, ed. David Noel Freedman (New York: Doubleday, 1992), 1218.]

⁴Spanish seems to duplicate the problem of the English word ‘swear’ with the transitive and intransitive use of *jurar*. Transitive usage: te juro que no ha sido culpa mía (oath making); but intransitive usage: jurar en hebreo o arameo (bad language). German avoids this problem with fluchen or beschimpfen (to use bad language) and schwören (to make an oath). French duplicates the problem of Spanish and English with *jurar*: Je jure comme un charretier (I swear like a sailor) but Je jure que je dis la vérité (I swear that I am telling the truth). Its the same grammar issue of intransitive and transitive verb usage, common to English, Spanish, and French.

⁵Jakobus 5,12

* 1 3 2 A Ψ 945. 1739. 2298 al (the sequencing of ἄλλων τινῶ ὄρκων varies in some manuscripts)

| 2 1 3 915 pc

* (Mt 5,37) ο λόγος κ* 1243 al t vg^{cl} syp bo (ὁ λόγος is inserted before ὑμῶν in order to make it conform to Jesus’ words)

* εἰς ὑποκρίσιν P Ψ M (ὑπὸ κρίσιν is replaced by the stronger expression εἰς ὑπόκρισιν)

| txt κ A B 048^{vid}. 945. 1241. 1739 pc latt sy co

[Eberhard Nestle, Erwin Nestle, Kurt Aland et al., *Novum Testamentum Graece*, 27. Aufl., rev. (Stuttgart: Deutsche Bibelstiftung, 1993), 596-97.



be exegeted in full confidence.

Internal History. The background issue here, which only slightly relates to modern society, centers on a Jewish tradition in the ancient world that even was hardly known elsewhere in the Greco-Roman world. This had to do with oath making in every day life. And it was connected to truthfulness in promises and vows made to other people and to God. The first century Jewish world had come to feel the need to guarantee the integrity of their speech by attaching an oath of truthfulness to it.

The making of contracts and the giving of promises in the first century Roman world varied substantially. Integrity in speech was the common problem, however, among these various approaches to making contracts formally and promises informally. When one was dealing with written commercial contracts, wills etc. in the Greco-Roman culture, Roman tradition with its embedded legal structures laid out careful guidelines on how these were to be set up.⁶ But when it came to verbal oaths, Roman society pretty much limited the making of oaths to taking a government office.⁷ For the oath to be valid it had to be sworn in the temple of Jupiter in a formal ceremony. From the limited available data the Greek culture seems also to have limited oath making to very solemn occasions and greatly frowned upon frivolous oath making.⁸ Efforts were made by both Greeks and Romans over the centuries leading up to the Christian era to either limit oath making or else to eliminate it completely. But the need of formal oaths for official occasions led to the limiting of most oath making to these situations.⁹

Among the Jewish people in the first century world, oath making was much more widely practiced in a wide variety of situations, both formal and informal. Consequently, a problem with frivolous oaths existed and was often condemned in different circles. A variety of understandings surface among the Jewish writers, in large part because inside the Old Testament prohibitions of oath making exist along side positive examples of

⁶For a helpful explanation of this see “Three Types of Consensual Contracts in First Century Roman Empire,” *Ancient History* 101.

⁷“In the Roman tradition, oaths were sworn upon *Iuppiter Lapis* or the Jupiter Stone located in the Temple of Jupiter, Capitoline Hill. *Iuppiter Lapis* was held in the Roman Tradition to be an Oath Stone, an aspect of Jupiter is his role as divine law-maker responsible for order and used principally for the investiture of the oath taking of office.

Bailey (1907) states:

We have, for instance, the sacred stone (silex) which was preserved in the temple of Iuppiter on the Capitol, and was brought out to play a prominent part in the ceremony of treaty-making. The fetial, who on that occasion represented the Roman people, at the solemn moment of the oath-taking, struck the sacrificial pig with the silex, saying as he did so, ‘Do thou, Diespiter, strike the Roman people as I strike this pig here to-day, and strike them the more, as thou art greater and stronger.’ Here no doubt the underlying notion is not merely symbolical, but in origin the stone is itself the god, an idea which later religion expressed in the cult-title specially used in this connection, *Iuppiter Lapis*. In Chapter Two: The ‘Antecedents’ of Roman Religion. Source: [2] (accessed: June 24, 2012)

⁸“Walter Burkert has shown that since Lycurgus of Athens (d. 324 BC), who held that ‘it is the oath which holds democracy together’, religion, morality and political organization had been linked by the oath, and the oath and its prerequisite altar had become the basis of both civil and criminal, as well as international law. Burkert, *Greek Religion*, trans. Raffan, Harvard University Press (1985), 250ff.”

[“Oath: Greco-Roman tradition,” wikipedia.org]

⁹“Epictetus., Enchr. 33.5: ‘Avoid an oath, altogether if you can, and if not, then as much as possible under the circumstances’ (ὄρκον παραίτησαι, εἰ μὲν οἶόν τε, εἰς ἅπαν, εἰ δὲ μή, ἐκ τῶν ἐνόητων)” As quoted in Martin Dibelius and Heinrich Greeven, *James: A Commentary on the Epistle of James*, Hermeneia—a Critical and Historical Commentary on the Bible (Philadelphia: Fortress Press, 1976).

“Concern for oaths is found also in the Greek tradition (Epictetus, *Enchiridion* 33:5); the Pythagorean tradition forbade oaths entirely (see Diogenes Laertius, *Lives of Eminent Philosophers* VIII, 22; Jamblichus, *Life of Pythagoras* 9:28).” [Luke Timothy Johnson, vol. 37A, *The Letter of James: A New Translation With Introduction and Commentary*, Anchor Yale Bible (New Haven; London: Yale University Press, 2008), 327.]

¹⁴“When the Gk. states passed under the dominion of Rome, they maintained the oaths by the old deities, but adopted into their formulae, already broadened by the βασιλικὸς ὄρκος, the oath by the genius of the emperor. Along with official and civil oaths the judicial oath takes on particular significance; the judge gives force to his sentence by an oath. For the contesting parties as well as for the judge the oath is a means to find the right. But it was used only when there were no witnesses or proofs. It was usually administered to the defendant, though sometimes also to the plaintiff. In addition the oath was also used at the conclusion of all kinds of legal dealings, particularly in political administration, taxation, and public documents.¹⁴” [*Theological Dictionary of the New Testament*, ed. Gerhard Kittel, Geoffrey W. Bromiley and Gerhard Friedrich, electronic ed. (Grand Rapids, MI: Eerdmans, 1964-), 5:459.]

Israelite leaders making oaths, and even of God swearing an oath.¹⁰

The Essenes who existed by the beginning of the Christian era absolutely forbid the making of oaths (Josephus, *Bell.* 2.135; Philo, *Omn. prob. lib.* 84), with one major exception. A very solemn oath was a part of the initiation ceremony for becoming an Essene (Josephus, *Bell.* 2.139, 142). The Jewish philosopher Philo (20 BC - 50 AD) reflects differing opinions on the matter, but dominantly frowns on excessive oath making.¹¹

It is in the later assembling and codification of Jewish tradition in the Talmud that the greatest details regarding oath making are found. To be sure, the Talmud in written form dates from the third to the fifth centuries of the Christian era, with the Jerusalem Talmud being earlier and the Babylonian Talmud coming at the end of this period. But it reflects the accumulating scribal interpretations beginning with the final fixed formation in the fifth century.

In a more systematic treatment of oaths, the tractate *Shevuoth* lays out four categories of oaths: **1)** An oath whereby a person promises to do either a positive action (to eat) or a negative action (to not eat) (Leviticus 5:4). **2)** A false oath (Exodus 20:7). **3)** A testimonial oath, which is not mentioned directly in the Torah but is exegetically derived from Leviticus 5:1. **4)** An oath which a guardian takes with regards to something deposited in his hands (Leviticus 5:21-22). In the first Mishnah explanation oaths are further subdivided into four categories looking either to past actions or to promises of future actions. A person can swear that something said or done in the past is true or not true; alternatively, that he did / did not do or say something. And he can promise for the future either to do or not to do something. *Shevuoth* closely links oath making with ritual purity indicating the spiritual harm to one making a false oath.

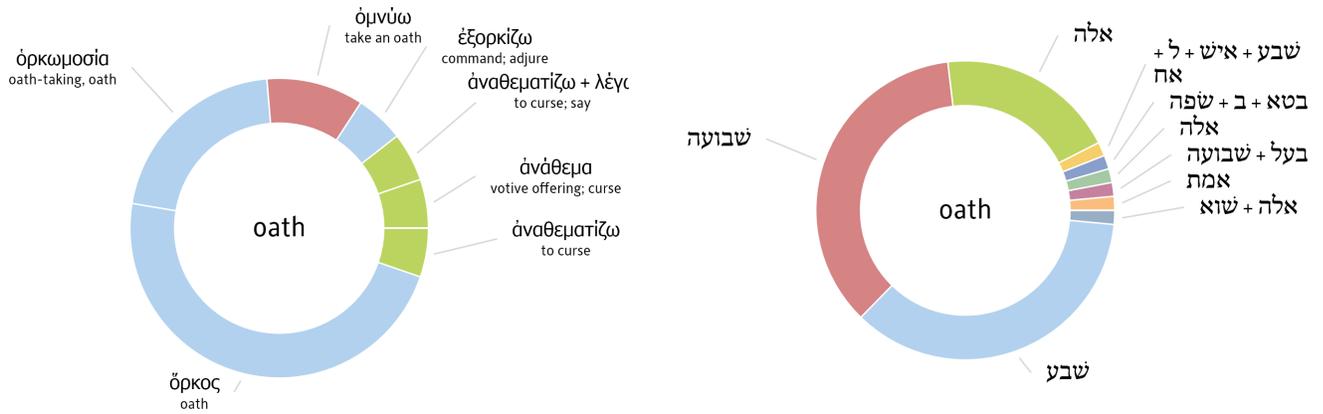
For Jewish individuals both then and now, the seriousness of oath making is closely linked to the

¹⁰“The absolute prohibition is distinctive against the backdrop of Torah, where even Yahweh binds himself by oath (Exod 13:5; Num 14:16; Deut 1:8). Concern is shown for the manner or truth of any oath (see Lev 5:20–24; Num 30:3; Ps 23:22; Ps 23:4; Wis 14:29–30; Sir 23:11; Hos 4:15; Zech 8:17; Mal 3:5; Jer 5:2; see also Philo, Decalogue 84–95; Special Laws 2:2–38).” [Luke Timothy Johnson, vol. 37A, *The Letter of James: A New Translation With Introduction and Commentary*, Anchor Yale Bible (New Haven; London: Yale University Press, 2008), 327.]

¹¹“As is so often the case, we find in Philo instructions on the most diverse nature on this subject. Quite in the spirit of Epictetus, he urges that one should at least avoid oaths as much as possible.⁴⁴ In grandiose style, he asserts the transcendence of God above oaths, and therefore rejects swearing by God himself.⁴⁵ However, in the treatise against frivolous oaths he gives advice regarding the use of rather petty devices in order to avoid the name of God.⁴⁶ Among the substitutes for the divine name in oaths which he mentions, and which were obviously current in his environment, we encounter the practice of swearing by the parts of the cosmos (Spec. leg. 2.5): ‘But also a person may add to his ‘Yes’ or ‘No’ if he wish, not indeed the highest and most venerable and primal cause, but earth, sun, stars, heaven, the whole universe’ (ἀλλὰ καὶ προσπααραλαβέτω τις, εἰ βούλεται, μὴ μέντοι τὸ ἀνοσιώτατο καὶ πρεσβύτατον εὐθὺς αἴτιον, ἀλλὰ γῆν, ἥλιον, ἀστέρων, οὐρανόν, τὸν σύμπαντα κόσμον).” [Martin Dibelius and Heinrich Greeven, *James: A Commentary on the Epistle of James*, Hermeneia—a Critical and Historical Commentary on the Bible (Philadelphia: Fortress Press, 1976), 248-49.]



The first page of the Vilna Edition of the Babylonian Talmud, Tractate Berachot, folio 2a.



extreme seriousness of invoking the name of God as the heart of the oath. By definition, an oath has historically centered on invoking deity or something sacred as the guarantee of truthfulness.¹² This is the same understanding present in the Hebrew¹³ and Greek¹⁴ terminology found in the Bible. This sensitivity motivated alternative patterns that indirectly alluded to God, thus producing the patterns mentioned by both James and Jesus. Evidently connected to this trend was the unofficial thinking that the further away from direct reference to God, the less demand for absolute truthfulness there was in the oath. In other words, these alternative oaths became a deceptive way of lying while at the same time swearing truthfulness through an oath. This is where both James and Jesus come down hard on oath making, because of this abuse of the oath. It puts their teachings very close to the severe condemnation of swearing falsely found in the Old Testament in places such as Lev. 19:12.

καὶ οὐκ ὀμεισθε τῷ ὀνόματί μου ἐπ' ἀδίκῳ καὶ οὐ βεβηλώσετε τὸ ὄνομα τοῦ θεοῦ ὑμῶν· ἐγὼ εἰμι κύριος ὁ θεὸς ὑμῶν.

And you shall not swear falsely by my name, profaning the name of your God: I am the LORD.

By invoking God into a lie, one was committing a serious violation of God's Law among the Jewish people.¹⁵

¹²1. a (1) : a solemn usually formal calling upon God or a god to witness to the truth of what one says or to witness that one sincerely intends to do what one says (2) : a solemn attestation of the truth or inviolability of one's words; b : something (as a promise) corroborated by an oath

2. : an irreverent or careless use of a sacred name; broadly : swearword"

["Oath," *Merriam-Webster Dictionary* online]

¹³There are two terms in Hebrew that mean "oath": 'ala [אלה] and sebu'a [שבע]. The latter, more general term in ancient times meant to enter into a solemn (even magical) relationship with the number seven, although ancient connections are lost. Even so, when Abraham and Abimelech entered into an oath at Beersheba (the well of seven, or the well of the oath), Abraham set aside seven ewe lambs as a witness to the fact that he had dug a well (Gn 21:22–31). The former term 'ala, often translated "oath," properly means "curse." At times the two terms are used together (Nm 5:21; Neh 10:29; Dn 9:11). Any breach of one's undertaking affirmed by an oath would be attended by a curse. The Lord affirmed that he had established a covenant and a curse with Israel—that is, a breach of covenant would be followed by a curse (Dt 29:14ff.)" [Walter A. Elwell and Philip Wesley Comfort, *Tyndale Bible Dictionary*, Tyndale reference library (Wheaton, IL: Tyndale House Publishers, 2001), 967.]

¹⁴For a detailed listing of the Greek NT listings see "Swear, Put Under Oath, Vow" in topics 33.463–33.469 of the Louw-Nida Greek lexicon:

33.463 ὀμνῶ or ὀμνυμι; ὄρκος, ου m; ὄρκωμοσία, ας f: to affirm the truth of a statement by calling on a divine being to execute sanctions against a person if the statement in question is not true (in the case of a deity taking an oath, his divine being is regarded as validating the statement); **33.464 ἐπιορκέω^a:** to swear that one will do something and then not fulfill the promise; **33.465 ἐπιορκέω^b:** to take an oath that something is true, when in reality one knows that it is false; **33.466 ἐπίορκος, ου m:** (derivative of ἐπιορκέω^b 'to swear falsely,' 33.465) one who swears falsely; **33.467 ὀρκίζω; ἐνορκίζω; ἐξορκίζω:** to demand that a person take an oath as to the truth of what is said or as to the certainty that one will carry out the request or command; **33.468 δίδωμι δόξαν τῷ θεῷ:** (an idiom, literally 'to give glory to God') a formula used in placing someone under oath to tell the truth; **33.469 εὐχῆ^b, ἦς f:** a promise to God that one will do something, with the implication that failure to act accordingly will result in divine sanctions against the person in question [Johannes P. Louw and Eugene Albert Nida, vol. 1, *Greek-English Lexicon of the New Testament: Based on Semantic Domains*, electronic ed. of the 2nd edition. (New York: United Bible Societies, 1996), 440-441].

¹⁵Note two expressions of the seriousness of swearing falsely in intertestamental Judaism:

Wisdom 14:29-31. 29 for because they trust in lifeless idols they swear wicked oaths and expect to suffer no harm. 30 But just

Against this ancient backdrop comes the words of James and Jesus. Also important background is how these words of James and Jesus have been interpreted down through the centuries.

Clarification of terms is necessary here for post biblical era oath making.¹⁶ The difference between an oath and a promise is the invoking of something sacred as a guarantee of truthfulness in the oath; a promise does not include the 'swearing.' A vow is in reality a certain type of an oath, and not a synonym of the word oath. Also historically the act of taking an oath, i.e., 'swearing' typically includes the raising of one hand and the placing of the other hand on a sacred object such as the Bible.

Oath making in western society has largely been limited to the ancient Roman and Greek patterns of special, formal situations such as taking office in government, giving testimony in a court etc. It is reserved for solemn occasions.¹⁷ The necessity of taking an 'oath of office' has been a vital part of western societies since before the Middle Ages. And in most western countries, this oath of office requires making a Christian oath.¹⁸ Early variations from this existed in central and northern Europe where ancient religions and religious rites often dominated rather than Christian patterns.¹⁹

penalties will overtake them on two counts: because they thought wrongly about God in devoting themselves to idols, and because in deceit they swore unrighteously through contempt for holiness. 31 For it is not the power of the things by which people swear, but the just penalty for those who sin, that always pursues the transgression of the unrighteous.

Sirach 23:11. The one who swears many oaths is full of iniquity, and the scourge will not leave his house. If he swears in error, his sin remains on him, and if he disregards it, he sins doubly; if he swears a false oath, he will not be justified, for his house will be filled with calamities.

¹⁶“An oath (from Anglo-Saxon *āð*, also called *plight*) is either a statement of fact or a promise calling upon something or someone that the oath maker considers sacred, usually God, as a witness to the binding nature of the promise or the truth of the statement of fact. To swear is to take an oath, to make a solemn vow. Those who conscientiously object to making an oath will often make an affirmation instead.

“The essence of a divine oath is an invocation of divine agency to be a guarantor of the oath taker’s own honesty and integrity in the matter under question. By implication, this invokes divine displeasure if the oath taker fails in their sworn duties. It therefore implies greater care than usual in the act of the performance of one’s duty, such as in testimony to the facts of the matter in a court of law.

“A person taking an oath indicates this in a number of ways. The most usual is the explicit ‘I swear,’ but any statement or promise that includes ‘with * as my witness’ or ‘so help me *,’ with ‘*’ being something or someone the oath-taker holds sacred, is an oath. Many people take an oath by holding in their hand or placing over their head a book of scripture or a sacred object, thus indicating the sacred witness through their action: such an oath is called corporal. However, the chief purpose of such an act is for ceremony or solemnity, and the act does not of itself make an oath.

“In the United States and some other countries, it is customary to raise the right hand while swearing an oath, whether or not the left hand is laid on a Bible or other text. This custom has been explained with reference to medieval practices of branding palms¹. However the practice is referred to in the Old Testament (‘Their mouths speak untruth; their right hands are raised in lying oaths’, Psalm 144:8). In England the common form of court oath is to swear with the right hand on the Bible, though alternatives are available.

“There is confusion between oaths and other statements or promises. The current Olympic Oath, for instance, is really a pledge and not properly an oath since there is only a “promise” and no appeal to a sacred witness. Oaths are also confused with vows, but really, a vow is a special kind of oath.”

[“Oath,” *wikipedia.org*]

¹⁷Included among the more common oaths are 1) oath of office; 2) oath of allegiance; 3) oath of citizenship; 4) oath of military service; 5) juror’s oath; 6) loyalty oath; 7) voter’s oath (only in Vermont in US); 8) Jewish oath (Oath More Judico); 9) Pledge of Allegiance. For an interesting listing see “Category: Oaths,” *wikipedia.org*.

¹⁸“As late as 1880, Charles Bradlaugh was denied a seat as an MP in the Parliament of the United Kingdom as because of his professed atheism he was judged unable to swear the Oath of Allegiance in spite of his proposal to swear the oath as a ‘matter of form.’” [“Oath,” *wikipedia.org*]

¹⁹“Germanic warrior culture was significantly based on oaths of fealty, directly continued into medieval notions of chivalry.

“A prose passage inserted in the *eddic* poem *Helgakviða Hjörvarðssonar* relates: Hedin was coming home alone from the forest one Yule-eve, and found a troll-woman; she rode on a wolf, and had snakes in place of a bridle. She asked Hedin for his company. “Nay,” said he. She said, “Thou shalt pay for this at the bragarfull.” That evening the great vows were taken; the sacred boar was brought in, the men laid their hands thereon, and took their vows at the bragarfull. Hedin vowed that he would have Sváva, Eylimi’s daughter, the beloved of his brother Helgi; then such great grief seized him that he went forth on wild paths southward over the land, and found Helgi, his brother. Such Norse traditions are directly parallel to the ‘bird oaths’ of late medieval France, such as the *voeux du faisan* (oath on the pheasant) or the (fictional) *voeux du paon* (oath on the peacock). Huizinga, *The Autumn of the Middle Ages* (ch. 3); Michel Margue, “Vogelgelübde” am Hof des Fürsten. Ritterliches Integrationsritual zwischen Traditions- und

While the vast majority of Christian groups have accepted the legitimacy of oath making, especially in solemn occasions, some Christian groups have vigorously rejected the legitimacy of all oaths on the basis of their interpretation of Matthew 5:34-37 and James 5:12. Most notably among these are the Quakers and the Mennonites. Added to these is the very fringe group of the Jehovah's Witnesses. During various periods of time the Quakers and Mennonites have suffered severe persecution for refusing to take an oath.²⁰

The United States has written into its Constitution a provision allowing such individuals to make an 'affirmation' rather than an 'oath' in formal setting when oaths are required by law.²¹ The only US president to use this alternative rather than an 'oath of office' has been President Franklin Pierce who served as US president from 1853 to 1857. The 'affirmation' is a formal promise without invoking God or anything sacred to assure the promise. Legal reforms in the late eighteenth century in the United Kingdom provided for an 'affirmation' rather than an oath in formal settings, although not all British magistrates honored this provision until more recent times. In more recent times in the United States the matter of saying the Pledge of Allegiance at public functions, and especially for public school children, has raised controversy. Many US citizens see a demise of patriotism with these refusals, while others see their refusal as an affirmation of patriotic loyalty to a democratic country guaranteeing personal freedoms.

It is against this historical background that we must try to not only understanding the historical meaning of these words of James and Jesus, but also to seek to connect them to modern life as Christians.

Literary:

Genre: The nature of verse twelve is that of basic paraenesis, with a particular Jewish flair in it. It follows a long pattern of Jewish admonition against either frivolous swearing or demanding no oaths at all.²² Intriguing but mostly conjecture is Martin's suggestion (WBC) that James' prohibition may have been occasioned by the Sicarii element of the Zealots, particularly if it was a group of 40 plus Zealots in Jerusalem who swore an oath to kill the apostle Paul (Acts 23:12-15). James' letter was composed within two or three years of this incident described by Luke.

Context: The point of considerable discussion in many commentaries is the literary setting of verse twelve. Many want to see it as the beginning of a formal *Conclusio* to the document as a genuine letter. Consequently in some translations this verse begins a new paragraph that runs to the end of the document. Others, however see it as more connected to what precedes and thus will include this verse in a paragraph

Gegenwartsbezug (14. – 15. Jahrhundert)" ["Oath," *wikipedia.org*]

²⁰"Opposition to oath-taking among some groups of Christian caused many problems for these groups throughout their history. Quakers were frequently imprisoned because of their refusal to swear loyalty oaths. Testifying in court was also difficult; George Fox, Quakers' founder, famously challenged a judge who had asked him to swear, saying that he would do so once the judge could point to any Bible passage where Jesus or his apostles took oaths. (The judge could not, but this did not allow Fox to escape punishment.)" ["Oath," *wikipedia.org*]

²¹For a listing of the oaths of office in different countries of today's world see, "Oath of Office," *wikipedia.org*.

²²"The conclusion drawn is that James is in line with the Old Testament teaching on vows, where the fundamental objection to "false swearing" and oaths is in Lev 19:12; Num 30:3 and amplified by the prophets (Hos 4:2; Jer 5:2; Zech 5:3-4; Mal 3:5) and developed in Israel's wisdom tradition (e.g. Sir 23:9-11: "Do not accustom your mouth to oaths ... the man who swears many oaths will be filled with iniquity"). But this rejection of oaths may have a more nuanced meaning than this. James is usually thought to embody a more primitive form of the prohibition than those in Matthew or that in Justin, *Apol.* 1.16.5: μή ὁμόσητε ὅλωσ ἔστω δέ ὑμῶν τὸ ναὶ ναὶ καὶ τὸ οὐ οὐ. τὸ δέ περισσὸν τούτων ἐκ τοῦ πονηροῦ (cf. Minear, "Yes or No," 7: "each of the three writers was incorporating catechetical materials which were still circulating orally in their several communities"). The historical *Sitz im Leben* of the verse may be traced to the Jerusalem community under James' patronage as he was looked upon as the leader who sought to achieve a *modus vivendi* between his brothers of the messianic faith and the Zealot faction. The chief datum of evidence for this theory is taking of oaths by the revolutionary *sicarii*, according to Josephus (Gross, "Noch einmal," 73-74). This is a more probable suggestion than seeking to relate the Jacobean prohibition of oaths to Essene practice (Josephus, *J. W.* 2.135 [cf. *Ant.* 15.370-72; *IQS* 2.1-18; *CD* 15.8-10], which attributes a pragmatic value to the question: "for they say that he who cannot be believed without [swearing by] God is already condemned"; cf. Michel, "Der Schwur," 189-90; Kutsch, "Der Eid," 495-98). In any case, the objection to oath-taking in this general sense was a commonplace among the rabbis (see Str-B 1.336; Montefiore and Loewe, *Rabbinic Anthology*, nos. 1078, 1087, 1088, 1092, 1394)." [Ralph P. Martin, vol. 48, *James*, Word Biblical Commentary (Dallas: Word, Incorporated, 1998), 199-200.]

beginning with verse seven. A lot of the discussion centers on the significance of the phrase *Πρὸ πάντων*.²³ The first group take it to signal the beginning of an assumed *Conclusio* section in 5:12-20,²⁴ while the latter group assume that it ties verse twelve back to the preceding as the most important item discussed. What both groups choose to ignore is that *Πρὸ πάντων* also can very naturally mean ‘very importantly’ without explicit comparison to anything else. This is clearly the meaning of the exact phrase *πρὸ πάντων* in 1 Pet. 4:8, the only other instance of this expression in the New Testament.

The much more natural understanding is simply to see this axiom being dropped into the document at this point rather randomly. James has consistently done this sort of thing all through the document. Or, probably his editors have done this as they pulled segments of James’ oral preaching together as a collection of what he affirmed to the Christian community in Jerusalem. At a very deep conceptual level, this axiom deals with speaking and possible abuse of it, just as 4:11-12, 3:1-12 et als. have. And these sections have a random location to them as well.

STRUCTURAL OUTLINE OF TEXT

Of James²⁵

PRAESCRIPTIO		1.1
BODY 1-194	1.2-5.20	
Facing Trials	1-15	1.2-12
God and Temptation	16-24	1.13-18
The Word and Piety	25-37	1.19-27
Faith and Partiality	38-55	2.1-13
Faith and Works	56-72	2.14-26
Controlling the Tongue	73-93	3.1-12
True and False Wisdom	94-102	3.13-18
Solving Divisions	103-133	4.1-10
Criticism	134-140	4.11-12
Leaving God Out	141-146	4.13-17
Danger in Wealth	147-161	5.1-6
Persevering under Trial	162-171	5.7-11

²³“Since this verse has no relationship with what precedes or follows,³⁷ nothing can be determined about the significance of the phrase ‘above all’ (*πρὸ πάντων*).” [Martin Dibelius and Heinrich Greeven, *James: A Commentary on the Epistle of James*, Hermeneia—a Critical and Historical Commentary on the Bible (Philadelphia: Fortress Press, 1976), 248.]

“On *πρὸ πάντων*, lit., ‘above all,’ see J. A. Robinson, *St. Paul’s Epistle to the Ephesians* (London: J. Clarke, 1904) 278–79. As evidence of an epistolary style, it could carry the meaning ‘finally,’ in the sense of ‘before I forget’ (so Mussner, 211), though Laws, 219–20, takes it to imply the thought of ‘most importantly.’” [Ralph P. Martin, vol. 48, *James*, Word Biblical Commentary (Dallas: Word, Incorporated, 1998), 199.] The clear error here is that *πρὸ πάντων* here is in no way equal to *Τοῦ λοιποῦ*, ‘concerning the rest,’ in Eph. 6:10, even though the contention is made that it is.

“*πρὸ πάντων* δέ, ‘but especially,’ emphasizing this as even more important than *μὴ στενάζετε*.” [James Hardy Ropes, *A Critical and Exegetical Commentary on the Epistle of St. James*, International Critical Commentary (New York: C. Scribner’s Sons, 1916), 300.] This is very farfetched and hard to justify.

It seems to me that many of these commentators have not done their homework on the origin and background of this phrase *πρὸ πάντων* and have superficially bought into what someone before them asserted without any real proof. [Commentators are quick to do this kind of sloppy research toward the end of a document when fatigue with the writing project is high and they are nearing the end of the allotted number of pages their publisher has given them for writing the commentary.]

²⁴This view requires *πρὸ πάντων* to mean, ‘in conclusion,’ which is completely baseless, lexicography wise. The blatant weakness of this approach is its seeming inability to read James without having on Pauline glasses. The approach is extremely contrived and artificial.

²⁵Taken from Lorin L. Cranford, *A Study Manual of James: Greek Text* (Fort Worth: Scripta Publications, Inc., 1988), 285. **Statements** indicate core thought expressions in the text as a basis for schematizing the rhetorical structure of the text. These are found in the Study Manual and also at the James Study internet site.

Swearing	172-174	5.12
Reaching Out to God	175-193	5.13-18
Reclaiming the Wayward	194	5.19-20

Structure:

The block diagram of the scripture text below in English represents a very literalistic English expression of the original language Greek text in order to preserve as far a possible the grammar structure of the Greek expression, rather than the grammar of the English translation which will always differ from the Greek at certain points.

5.12 Now
 above all,
 my brothers,
172 do not place yourself under any oath,
 neither under heaven,
 nor under earth,
 nor under any other oath;

 rather
173 let your yes be yes
 and
174 --- your no -- no,
 lest you fall under judgment.

The rhetorical structure of this single sentence in the underlying Greek text is simple: a negative command (statement 172) followed by two positive commands (statements 173 and 174). The elliptical nature of statement 172 means that it could be diagramed as four statements, but it seems better to diagram it as one. This is closer to the structure of the underlying Greek text. The nature of the admonition is to avoid making oaths under any circumstance.

The corrective (“rather”) in statements 173 and 174 advocates integrity of speech, especially in regard to affirmations or denials. The warning expressed in the dependent clause is that to do any less is to risk divine displeasure in eschatological judgment.

Exegesis of the Text.

The exegesis of this verse will follow the natural two fold division of this single compound sentence in the Greek text: the prohibition and the alternative.

In addition, careful attention will be paid to Jesus’ words in Matt. 5:33-37,

33 Πάλιν ἠκούσατε ὅτι ἐρρέθη τοῖς ἀρχαίοις· οὐκ ἐπιορκήσεις, ἀποδώσεις δὲ τῷ κυρίῳ τοὺς ὄρκους σου. 34 ἐγὼ δὲ λέγω ὑμῖν μὴ ὀμόσαι ὅλως· μήτε ἐν τῷ οὐρανῷ, ὅτι θρόνος ἐστὶν τοῦ θεοῦ, 35 μήτε ἐν τῇ γῆ, ὅτι ὑποπόδιόν ἐστιν τῶν ποδῶν αὐτοῦ, μήτε εἰς Ἱερουσόλυμα, ὅτι πόλις ἐστὶν τοῦ μεγάλου βασιλέως, 36 μήτε ἐν τῇ κεφαλῇ σου ὀμόσης, ὅτι οὐ δύνασαι μίαν τρίχα λευκὴν ποιῆσαι ἢ μέλαιναν. 37 ἔστω δὲ ὁ λόγος ὑμῶν ναὶ ναί, οὐ οὐ· τὸ δὲ περισσὸν τούτων ἐκ τοῦ πονηροῦ ἐστίν.

33 “Again, you have heard that it was said to those of ancient times, ‘You shall not swear falsely, but carry out the vows you have made to the Lord.’ 34 But I say to you, Do not swear at all, either by heaven, for it is the throne of God, 35 or by the earth, for it is his footstool, or by Jerusalem, for it is the city of the great King. 36 And do not swear by your head, for you cannot make one hair white or black. 37 Let your word be ‘Yes, Yes’ or ‘No, No’; anything more than this comes from the evil one.

The very Jewish character of the words by both James and Jesus is illustrated by the fact that Jesus’ words are only included in the Jewish Christian oriented gospel of Matthew; Luke omits this saying of Jesus in part because he was writing to a dominantly Gentile Christian readership whose experience with oath making was defined by the very limited use of it in Roman society. But both Jesus and James were targeting Jewish

oriented audiences, whose cultural atmosphere and abuse of oath making made this a problem.²⁶

a) The prohibition, v. 12 a.

Πρὸ πάντων δέ, ἀδελφοί μου, μὴ ὀμνύετε μήτε τὸν οὐρανὸν μήτε τὴν γῆν μήτε ἄλλον τινὰ ὄρκον·
Above all, my beloved, do not swear, either by heaven or by earth or by any other oath,

What the introductory expression Πρὸ πάντων underscores is the very high importance to not making oaths in James' perspective. It is not particularly more important than complaining against one another, v. 9, or another other particular prohibition in the document. Instead, Πρὸ πάντων stresses that this is a serious matter that the believer must not neglect or treat lightly. The use of both δέ and ἀδελφοί μου here further distance this axiom from logical connection to 5:7-11. The vocative ἀδελφοί μου takes on distinctiveness from the use of just ἀδελφοί in 5:7, 9, 10 -- something often overlooked by commentators. The ἀδελφοί μου, my brothers, is additionally used at 1:2, 2:1, 14, 3:1, 5:19 to introduce new topics.²⁷

The core admonition is simply μὴ ὀμνύετε, **stop making oaths**. It calls for a halt to this Jewish practice. It compares to the core admonition of Jesus in Matt. 5:34a: ἐγὼ δὲ λέγω ὑμῖν μὴ ὀμόσαι ὅλως, but I say to you, **"Do not swear at all!"** By lifting these two statements out of both their literary context in scripture and by isolating them from the historical atmosphere of the first century, one could conclude with the Quakers and Mennonites that a Christian is not to make an oath under any circumstance. This is the unfortunate pattern over the history of interpretation of these two statements down through the centuries where objection to any making of oaths was given by Christian groups.

But when careful consideration is given to both the literary and historical settings of these two statements a different understanding emerges. The literary context of scripture underscores the legitimacy of oath

²⁶A very interesting survey comes from examining the terminology for oath making. ὀμνύω, the verb used by James occurs 26 times in the NT : Matthew 13x; Mark 2x; Luke 1x; Acts 1x; Hebrews 7x; James 1x; Revelation 1x. In Matthew two discussions account for all but one usage. Jesus declares His opposition to oath making in chapter five (2x) and condemns the Pharisees for their oath making (5x), leaving only Peter's swearing that he did not know Jesus during the Lord's arrest (chap. 26). Not one use in Matthew is positive. Mark records on Herod swearing to Herodias to give her what she wanted for the strip tease dance (6:23) and Peter's oath (14:71); both are negative. Luke's single use in 1:73 is Zechariah's reference to God's oath to Abraham for the Messiah (positive). In Hebrews six of the seven references are to God making an oath, and one in reference to human oath making with something of a definition of oath making (6:16). The single reference in Revelation (10:6) is to an angel making an oath.

The pattern of ten uses of the noun ὄρκος parallels that of the verb: Matthew 3x; Mark 1x; Luke 1x; Acts 1x; Hebrews 2x; James 1x. ὄρκος is used with ὀμνύω regarding Herod in Matthew chapter 14 (2x), and once in Mark 6 referring to Herod's action. Both the noun and the verb are used in Luke one. The two uses in Hebrews six also contain the verb. And then in James 5:12.

Beyond these two terms, ὀμνύω and ὄρκος, ὀρκωμοσία also shows up in reference to an oath four times in Hebrews (chap. 7) with a parallel meaning to ὄρκος. The verb ὀμνυμι is but an alternative spelling of ὀμνύω; this older Attic spelling of ὀμνυμι is used only once in Mark 14:71 as a text variant in some manuscripts: κ A C K N W Δ Θ Ψ f^{1,13} 28, 33, 565, 579, 1241. The majority of mss use ὀμνύω here. The single use of ἐπιορκέω, 'swear falsely,' is used in the oath making discussion of Matt. 5:33. The noun form of this verb, ἐπιορκός, 'perjurer,' is used once and in 1 Tim. 1:10 in a vice list indicating the people making false oaths are excluded from salvation.

The verb ὀρκίζω, to demand to make an oath, is used once by a demon in Mk. 5:7 and Jewish exorcists in Acts 19:13. Both with a hugely negative meaning. A related verb ἐνορκίζω, to demand an oath to do something, is used by Paul in 1 Thess. 5:27 of the Thessalonians that they read his letter to all the house church groups in the city. Another similar verb ἐξορκίζω is used once in Matt. 26:63 by the high priest demanding that Jesus make an oath swearing that He was the Messiah. The idiom δίδωμι δόξαν τῷ θεῷ, to demand by oath that someone tell the truth, is found once in John 9:24 where some Pharisees demanded that the blind man that Jesus healed give God the credit rather than Jesus for his healing under oath.

²⁷James' use of the pastoral oriented vocative forms in the document functions to signal topic shifts in addition to affirming his pastoral concerns for his readers. In the vast majority of instances a new topic is signaled, in the remainder a shift of emphasis inside a topic is indicated.

ἀδελφοί, **brothers**: 4:11; 5:7, 9, 10

ἀδελφοί μου, **my brothers**: 1:2; 2:1, 14; 3:1; 5:12, 19

ἀδελφοί μου ἀγαπητοί, **my beloved brothers**: 1:16, 19; 2:5

Of course there are the few strongly negative vocative forms intended to provoke the readers. In 2:20 ὁ ἄνθρωπε κενέ, *o brainless man*, targets the objector to James insistence of the connection between faith and works. In 4:4 μοιχαλίδες, **you whores**, challenges his readers who are drifting into worldliness. In 4:13, Ἄγε νῦν οἱ λέγοντες targets the Jewish merchant leaving God out of his business plans, just as Ἄγε νῦν οἱ πλοῦσιοι in 5:1 pronounces divine doom on the wealthy. Again these vocative forms either introduce new topics or signal important shifts of emphasis inside a topic.

making in limited fashion. In the Old Testament Abraham enters into oaths with individuals, groups of people and with God in several instances.²⁸ Oaths in treaty agreements played an important role in Israelite history.²⁹ The breaking of an oath meant that the oath became a curse from God upon the individual or group. What is reflected in the Old Testament mirrors to a great extent the patterns of oath making in the ancient near east.³⁰ The Hebrew terminology for oaths is rather extensive in the Old Testament.³¹ Different types of oaths

²⁸“Even so, when Abraham and Abimelech entered into an oath at Beersheba (the well of seven, or the well of the oath), Abraham set aside seven ewe lambs as a witness to the fact that he had dug a well (Gn 21:22–31). The former term, *’ālā*, often translated ‘oath,’ properly means ‘curse.’ At times the two terms are used together (Nm 5:21; Neh 10:29; Dn 9:11). Any breach of one’s undertaking affirmed by an oath would be attended by a curse. The Lord affirmed that he had established a covenant and a curse with Israel, that is, a breach of covenant would be followed by a curse (Dt 29:14).” [Walter A. Elwell and Barry J. Beitzel, *Baker Encyclopedia of the Bible* (Grand Rapids, MI: Baker Book House, 1988), 1573.]

²⁹“An oath was taken to confirm an agreement or, in a political situation, to confirm a treaty. Both in Israel and among its neighbors, God (or the gods) would act as the guarantor(s) of the agreement and his name (or names) was invoked for this purpose. When Jacob and Laban made an agreement, they erected a heap of stones as a witness and declared, ‘The God of Abraham and the God of Nahor, the God of their father, judge between us’ (Gn 31:53). If either party transgressed the terms, it was a heinous sin. For this reason one of the Ten Commandments dealt with empty affirmations: ‘You shall not take the name of the Lord your God in vain; for the Lord will not hold him guiltless who takes his name in vain’ (Ex 20:7). The people of Israel were forbidden to swear their oaths by false gods (Jer 12:16; Am 8:14). To breach an international treaty where the oath was taken in the Lord’s name merited death (Ez 17:16, 17). It was one of the complaints of Hosea that the people of his day swore falsely when they made a covenant (Hos 10:4). Judgment would attend such wanton disregard of the solemnity of an oath. Certain civil situations in Israel called for an oath (Ex 22:10, 11; Lv 5:1; 6:3; Nm 5:11–28). This practice provided a pattern for the Israelite covenantal oath of allegiance between God and his people.” [Walter A. Elwell and Barry J. Beitzel, *Baker Encyclopedia of the Bible* (Grand Rapids, MI: Baker Book House, 1988), 1573.]

³⁰“In Akkadian the oath is usually expressed by the technical term *nišum*, which is associated with *balāṭum*, ‘to live.’ This technical term is used in two ways: (1) *nis’ ilim*, ‘by the life of the god’; (2) *nis’ s’arrim*, ‘by the life of the king.’ This can be interchanged by ‘may the god Šušinak live forever.’ In AmTab 256 the following oath formula occurs: ‘As the king my lord lives, as the king my lord lives, Ayab is not in Pella’ (ANET, p. 486). The repetition stresses the importance of the oath, which may be classified as religious because the Egyptian king was regarded as divine.

“The oath was also used in Mesopotamia in the juridical sphere. The purification oath or ordeal oath played a very important role. The river ordeal is a well-known phenomenon where, e.g., a supposedly unfaithful wife was thrown into the river. If she succeeded in escaping the ordeal, she was purified and declared innocent. In Mesopotamian contracts the oath was not regarded as a necessity and in many instances it was not expected that witnesses would take an oath.

“In Egypt the technical term for oath was *.nh*, ‘to live,’ or its substitute *wh*, as in Mesopotamia. Here also the oath could be taken in the name of the god or the king, e.g., ‘may the god live for me,’ or ‘may the king live for me.’ A person could even take an oath by himself, e.g., ‘may I live.’ In these cases it is understood to mean: ‘may the god live for me if I speak the truth.’

“In both these ancient cultures the danger of an oath was fully realized. There is evidence that in the Late Sumerian Period the oath was refused. In the Third Intermediate Period of Egypt the *Wisdom of Amenemope* (ca 1000 B.C.) warned against the abuse of an oath. Still later the following pronouncement was made: ‘One who is quick to take an oath, will be quick to meet his death.’ Thus a negative reaction to an oath is older than many scholars have suspected.

“The Hittites occasionally used the oath in their vassal treaties. If the oath was broken (*šarra-*), certain curses would come into effect, a general feature of most Ancient Near Eastern oaths. The Hittite military oaths exhibited the same characteristics (from ca 1400 B.C.).

“In the Canaanite-Phoenician world there is a strong resemblance between the oath and the vow (*ndr*). The vow occasionally occurs in Phoenician texts, suggesting that the vow must be regarded as an oath. In the Ugaritic Keret epic Keret makes a vow at the sanctuary of Asherah and Elat that if he acquires a wife, he will pay twice her price in silver and thrice her price in gold. When Keret does not meet his commitment, he becomes fatally ill. It is thus obvious that a curse accompanied the vow if it was broken, as with the oath.”

[*The International Standard Bible Encyclopedia*, Revised, ed. Geoffrey W. Bromiley (Wm. B. Eerdmans, 1988), 3:572.]

³¹“In the OT the stem *šb* in the niphil and hiphil expresses the idea ‘to take an oath,’ ‘to swear,’ or ‘to adjure,’ i.e., cause someone else to take an oath (2 S. 21:17; 1 K. 22:16 par 2 Ch. 18:15; note also the use of the hiphil several times in Canticles for ‘adjure’ as the heroine imposes an oath on the ‘daughters of Jerusalem’; on this oath see also GAZELLE). The noun is *šebū-ā*. This stem occurs 216 times in the OT, demonstrating its importance. Not all its occurrences are associated with taking an oath. Sometimes it is closely linked with the curse. Another formula used to pronounce the oath is *kōh ya-āseh-lekā-ēlōhīm wekōh yōsīp*, ‘may God do to me thus and add thus’ (e.g., 1 S. 3:17). This oath is closely associated with the curse. Another term for the oath is *hālilā*, ‘may it be far from (me to do this or that)’ (cf., e.g., Gen. 44:7, 17; Josh. 24:16; 1 S. 12:23). Still another formula for the oath is *hē-napšekā*, ‘as your soul lives’ (1 S. 17:55). Interesting is the double form of the oath in 2 S. 11:11, the words of Uriah to David: *hayyekā wehē napšekā*, ‘as you live and as your soul lives’ (cf. the example from AmTab 256 cited above). This terminology has

are reflected in the Hebrew scriptures, reflecting middle eastern practices.³² A special form of Hebrew oath making surfaces inside the Old Testament that has particular bearing on the New Testament text. This is the formula with the Hebrew verb שבַּע, *šāba*, where in the Niphil form God is the one doing the swearing.³³

close affinities with that used in Mesopotamia and Egypt. In both these cases the oath is taken by the life of the king (cf. also Gen. 42:15). These formulas are sometimes followed by a negative or positive oath (the negative oath is usually introduced by *im* and the positive oath by *im lō*; see GKC, § 149; TWOT, I, 48f). Another term which can mean both oath and curse is *ālā*. In Lev. 5:1 *ālā*, ‘adjuration,’ refers to an oath or self-curse; one who makes such an oath sins (hāṭā.) if he does not testify as he said he would. The verb *nāḏar*, ‘take a vow,’ closely resembles the meaning ‘take an oath.’ [The International Standard Bible Encyclopedia, Revised, ed. Geoffrey W. Bromiley (Wm. B. Eerdmans, 1988), 3:572.]

³²*A. Conditional* The one who takes the oath can be exempted from it under certain circumstances. In Gen. 24 Abraham instructed his chief servant to fetch a wife for Isaac from Mesopotamia, rather than from the Canaanites. Because of possible difficulties in keeping the oath, Abraham exempted him from it if the woman was unwilling to return with him (Gen. 24:8). In Josh. 2:17 Rahab of Jericho requested the Israelite spies to swear that they should show kindness to her and her family when they conquered the city. The spies agreed on the condition that a scarlet cord should hang outside the window of her house where her whole family was assembled. If not, they would be exempted from their oath.

B. Unconditional This is the most common oath in the OT. In Gen. 47:28–31 the aged Jacob requested Joseph not to bury him in Egypt, but with his fathers. Joseph took this unconditional oath to fulfil his father’s wish and thus was bound by it. (50:5 notes that Joseph kept his oath.)

C. Binding on later generations In Gen. 50:25 Joseph requested that the Israelites carry his bones from Egypt to Canaan for burial. Gen. 50:26 shows that the body of Joseph was embalmed and kept in Egypt until the Exodus, when his bones were taken for burial in Canaan. 2 S. 21:2 and 7 records the oath taken by the Israelites (Josh. 9) to spare the Gibeonites and conclude a vassal treaty with them. Saul, however, had broken this oath and annihilated them, causing a famine to rage during David’s reign. David decided to make amends because of the binding force of the oath in the time of Joshua. The causality of the binding force of the oath is clearly important in this story. A. Malamat (VT, 5 [1955], 1–12) has shown that the same approach existed among the Hittites, where the calamities in the time of Mursilis II were interpreted as punishment for the breach of a treaty concluded by his father Šuppiluliuma with the Egyptians. An oath was clearly regarded as binding on later generations, and if broken required certain reparations. The breaking of an oath, or PERJURY, was regarded as a grave offense (cf. Jer. 7:9). Ps. 24 gives certain characteristics of a pious supplicant, including that he should not commit perjury (v 4). People are warned not to take an oath lightly. If one makes a vow to God, one must not be slow to fulfil it, because it is better not to take a vow than to take it and not fulfil it (Eccl. 5:4ff). This is a remarkable parallel to the story of Keret and to the Egyptian material cited above.

D. Sacred and Profane Oaths It is sometimes difficult to determine whether an oath is profane or sacred, since certain descriptions of the taking of an oath do not mention God. Some scholars have thought that this must be understood, since there could hardly be an oath without indirect reference to the Lord. The one that takes an oath is always obliged to the Lord to keep it. Although this approach might be true for most examples of oath-taking, it is not uniformly so, as the instances where the oath is taken on the life of the king demonstrate (cf., e.g., 1 S. 17:55; 2 S. 11:11).

E. Purification oath This was well known among the Israelites. It could be an oath taken at the sanctuary in the name of God to proclaim a person innocent (Ex. 22:8). To purify him from suspicion of the crime of theft, he had to go to the sanctuary to take an oath that he had not stretched out his hand to his neighbor’s property (cf. also the Code of Hammurabi, §§ 125f, and esp the Laws of Eshnunna, §§ 36f). Another kind of purification oath is the ordeal. In Nu. 5:5ff a woman suspected of adultery was forced to drink a concoction of water and dust and swear that she was innocent of adultery. If she swore falsely, the Lord would cause her thigh to waste away and her abdomen to swell. If she was innocent, this oath would purify her and nothing would happen to her (cf. the discussion above on the ordeal by river in Mesopotamia). It is clear that this oath, performed at the sanctuary in the presence of a priest with the Lord to execute the punishment in case of perjury, is placed in the religious sphere (cf. also 1 K. 8:31f). It was not humanly possible to decide whether the wife was innocent. The same was true of the theft of movable property.”

[The International Standard Bible Encyclopedia, Revised, ed. Geoffrey W. Bromiley (Wm. B. Eerdmans, 1988), 3:573.]

³³*C* The oath is also used theologically, indicated by instances where the Lord is the subject of the verb *šāba* (niphil), ‘swear.’ Nowhere is the Lord subject of the causative (hiphil) form of the verb, since people do not cause the Lord to swear. The formula used with the Lord as subject closely resembles the ordinary oath formula, viz, that one has to take an oath by someone or something. But the Lord takes an oath by Himself (cf. He. 6:13). This is expressed in various ways, e.g., by the preposition *be* (e.g., Gen. 22:16; Ex. 32:13; Jer. 22:5) or by *napšô* (Am. 4:2; Jer. 51:14). The Lord also swore by His holiness (Am. 4:2; Ps. 89:35 [MT 36]), by the pride of Jacob (Am. 8:7), and by His faithfulness (Ps. 89:49 [MT 50]).

“In thirty-four instances God swears concerning the promise of the Holy Land, but elsewhere about the nation, the Davidides (e.g., Ps. 89:4 [MT 5]; 132:11), and the priestly king (Ps. 110:4). In all these cases the oath is taken to benefit people (Isa. 54:9ff; Mic. 7:20; Josh. 21:44; Gen. 22:16ff).

“In a number of cases the oath of the Lord has a threatening character: against Israel (e.g., Nu. 32:10), the city of Jerusalem (Am. 6:8), or the Assyrians (Isa. 14:24ff). It is also directed against individuals or families (1 S. 3:14), or groups such as the women of Israel, all of whom will be punished if they are disobedient.”

Thus if one tries to dismiss the legitimacy of oath making, a sizeable portion of the Old Testament will have to be either denied or eliminated from consideration. But it is the Old Testament background that paves the way for correct understanding of what is going on with oath making in the New Testament. Without that background, the New Testament makes no sense on this topic.

Then one must consider the inclusive picture of oath making found in the New Testament, if these two statements of Jesus and James are to be properly understood. That picture must include the negative statements about oath-making in Matthew 5 and James 5, but it also must include the largely positive statements about oath making in Hebrews, along with the scattered references elsewhere in the New Testament.

In Hebrew chapter six, the focus is mainly on God swearing an oath:

6:13-14. 13 When God made a promise to Abraham, because he had no one greater by whom to **swear**, **he swore** by himself, 14 saying, “I will surely bless you and multiply you.”

13 Τῷ γὰρ Ἀβραὰμ ἐπαγγελιάμενος ὁ θεός, ἐπεὶ κατ’ οὐδενὸς εἶχεν μείζονος **ὀμόσαι**, **ὤμοσεν** καθ’ ἑαυτοῦ 14 λέγων· εἰ μὴν εὐλογῶν εὐλογήσω σε καὶ πληθύνων πληθυνῶ σε·

6:16-18. 16 Human beings, of course, **swear** by someone greater than themselves, and **an oath** given as confirmation puts an end to all dispute. 17 In the same way, when God desired to show even more clearly to the heirs of the promise the unchangeable character of his purpose, **he guaranteed it by an oath**, 18 so that through two unchangeable things, in which it is impossible that God would prove false, we who have taken refuge might be strongly encouraged to seize the hope set before us.

16 ἀνθρωποὶ γὰρ κατὰ τοῦ μείζονος **ὀμνύουσιν**, καὶ πάσης αὐτοῖς ἀντιλογίας πέρασ εἰς βεβαίωσιν ὁ **ὄρκος**· 17 ἐν ᾧ περισσότερον βουλόμενος ὁ θεὸς ἐπιδειξάι τοῖς κληρονόμοις τῆς ἐπαγγελίας τὸ ἀμετάθετον τῆς βουλήs αὐτοῦ **ἐμεσίτευσεν ὄρκω**, 18 ἵνα διὰ δύο πραγμάτων ἀμεταθέτων, ἐν οἷς ἀδύνατον φεῦσασθαι [τὸν] θεόν, ἰσχυρὰν παράκλησιν ἔχωμεν οἱ καταφυγόντες κρατῆσαι τῆς προκειμένηs ἐλπίδος·

The writer views oath making positively when done properly. And God in His oath making sets the example to follow.³⁴ In v. 16 he signals the motivation for oath making: καὶ πάσης αὐτοῖς ἀντιλογίας πέρασ εἰς βεβαίωσιν ὁ ὄρκος. It is a confirmation of the truthfulness and trustworthiness of the promise made with the oath. In verse 17, the writer indicates that God guaranteed His promise by an oath: ἐμεσίτευσεν ὄρκω. In this short discussion the writer is clearly reflecting the Israelite teaching about oath making in the Old Testament.

Then in chapter seven the writer of Hebrews applies these concepts about oath to reflect on Melchizedek becoming a priest forever by God’s oath guaranteeing this promise (vv. 20-22):

20 This was confirmed with **an oath**; for others who became priests took their office without **an oath**, 21 but this one became a priest with **an oath**, because of the one who said to him, “The Lord **has sworn** and will not change his mind, ‘You are a priest forever’ ”— 22 accordingly Jesus has also become the guarantee of a better

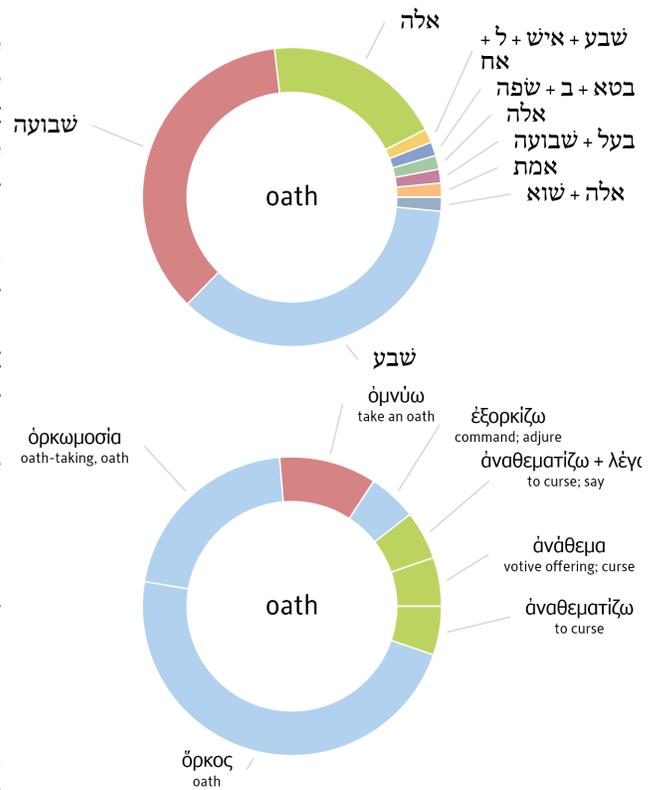
[The International Standard Bible Encyclopedia, Revised, ed. Geoffrey W. Bromiley (Wm. B. Eerdmans, 1988), 3:573-74.]

³⁴Closely connected to this perspective in Hebrews is the positive view of oath making reflected in Luke 1:73 regarding a promise sworn under oath by God:

Luke 1:72-75. 72 Thus he has shown the mercy promised to our ancestors, and has remembered his holy covenant, 73 **the oath that he swore** to our ancestor Abraham, to grant us 74 that we, being rescued from the hands of our enemies, might serve him without fear, 75 in holiness and righteousness before him all our days.

72 ποιῆσαι ἔλεος μετὰ τῶν πατέρων ἡμῶν καὶ μνησθῆναι διαθήκης ἁγίας αὐτοῦ, 73 **ὄρκον ὃν ὤμοσεν** πρὸς Ἀβραὰμ τὸν πατέρα ἡμῶν, τοῦ δοῦναι ἡμῖν 74 ἀφόβως ἐκ χειρὸς ἐχθρῶν ῥυσθέντας λατρεῖν αὐτῷ 75 ἐν ὁσιότητι καὶ δικαιοσύνη ἐνώπιον αὐτοῦ πάσαις ταῖς ἡμέραις ἡμῶν.

Zechariah here celebrates the realization of God’s promise to Abraham in the sending of Christ and also of his son John as the forerunner of Christ. This very positive view of oath making is seen to have a role in the coming of Jesus as the promised Messiah.



covenant.

20 Καὶ καθ' ὅσον οὐ χωρὶς ὀρκωμοσίας· οἱ μὲν γὰρ χωρὶς ὀρκωμοσίας εἰσὶν ἱερεῖς γεγονότες, 21 ὁ δὲ μετὰ ὀρκωμοσίας διὰ τοῦ λέγοντος πρὸς αὐτόν· ὤμοσεν κύριος καὶ οὐ μεταμεληθήσεται· σὺ ἱερεὺς εἰς τὸν αἰῶνα. 22 κατὰ τοσοῦτο [καὶ] κρείττονος διαθήκης γέγονεν ἔγγυος Ἰησοῦς.

The superiority of the priesthood of Melchizedek is largely based on him becoming a priest under oath, whereas the priests serving in temple did not enter the priesthood under oath. And this was an oath made by God Himself to Melchizedek. For the writer of Hebrews this oath based priesthood of Melchizedek is one of the foundations of Jesus as the ultimate high priest of God. Thus an oath plays a vitally important role in the priestly ministry of Jesus.

The remaining scattered references to oath making mostly illustrate bad oaths made by individuals. In Matthew 14 and Mark 6, the promise made by Herod to Herodias after her seductive dance was given with an oath, which Herod quickly regretted making but could not back out of because of having used an oath to make it:

Matt. 14:6-9. 6 But when Herod's birthday came, the daughter of Herodias danced before the company, and she pleased Herod 7 so much that he promised **on oath** to grant her whatever she might ask. 8 Prompted by her mother, she said, "Give me the head of John the Baptist here on a platter." 9 The king was grieved, yet out of regard for **his oaths** and for the guests, he commanded it to be given;

6 Γενεσίους δὲ γενομένοις τοῦ Ἡρώδου ὠρχήσατο ἡ θυγάτηρ τῆς Ἡρωδιάδος ἐν τῷ μέσῳ καὶ ἤρεσεν τῷ Ἡρώδῃ, 7 ὅθεν μεθ' ὄρκου ὠμολόγησεν αὐτῇ δοῦναι ὃ ἐὰν αἰτήσῃται. 8 ἡ δὲ προβιβασθεῖσα ὑπὸ τῆς μητρὸς αὐτῆς· δὸς μοι, φησὶν, ὧδε ἐπὶ πίνακι τὴν κεφαλὴν Ἰωάννου τοῦ βαπτιστοῦ. 9 καὶ λυπηθεὶς ὁ βασιλεὺς διὰ **τοὺς ὄρκους** καὶ τοὺς συνανακειμένους ἐκέλευσεν δοθῆναι,

Mark 6:22-26. 22 When his daughter Herodias came in and danced, she pleased Herod and his guests; and the king said to the girl, "Ask me for whatever you wish, and I will give it." 23 And he **solemnly swore** to her, "Whatever you ask me, I will give you, even half of my kingdom." 24 She went out and said to her mother, "What should I ask for?" She replied, "The head of John the baptizer." 25 Immediately she rushed back to the king and requested, "I want you to give me at once the head of John the Baptist on a platter." 26 The king was deeply grieved; yet out of regard for **his oaths** and for the guests, he did not want to refuse her.

22 καὶ εἰσελθούσης τῆς θυγατρὸς αὐτοῦ Ἡρωδιάδος καὶ ὀρχησαμένης ἤρεσεν τῷ Ἡρώδῃ καὶ τοῖς συνανακειμένοις. εἶπεν ὁ βασιλεὺς τῷ κορασίῳ· αἰτήσον με ὃ ἐὰν θέλῃς, καὶ δώσω σοι. 23 καὶ ὤμοσεν αὐτῇ [πολλὰ] ὃ τι ἐὰν με αἰτήσῃς δώσω σοι ἕως ἡμίσεος τῆς βασιλείας μου. 24 καὶ ἐξελθοῦσα εἶπεν τῇ μητρὶ αὐτῆς· τί αἰτήσωμαι; ἡ δὲ εἶπεν· τὴν κεφαλὴν Ἰωάννου τοῦ βαπτίζοντος. 25 καὶ εἰσελθοῦσα εὐθύς μετὰ σπουδῆς πρὸς τὸν βασιλέα ἠτήσατο λέγουσα· θέλω ἵνα ἐξαυτῆς δῶς μοι ἐπὶ πίνακι τὴν κεφαλὴν Ἰωάννου τοῦ βαπτιστοῦ. 26 καὶ περίλυτος γενόμενος ὁ βασιλεὺς διὰ **τοὺς ὄρκους** καὶ τοὺς ἀνακειμένους οὐκ ἠθέλησεν ἀθετῆσαι αὐτήν·

The emphasis on Herod coming quickly to regret a sworn promise highlights one of the points behind the prohibition of oaths by Jesus and James. They can be done in haste and reflect bad judgment of a situation.

The other bad oath, which in Jewish teaching was far more serious, was made by Peter in his denial of Jesus:

Matthew 26:71-74. 71 When he went out to the porch, another servant-girl saw him, and she said to the bystanders, "This man was with Jesus of Nazareth." 72 Again he denied it with **an oath**, "I do not know the man." 73 After a little while the bystanders came up and said to Peter, "Certainly you are also one of them, for your accent betrays you." 74 Then he began to curse, and **he swore an oath**, "I do not know the man!" At that moment the cock crowed.

71 ἐξελθόντα δὲ εἰς τὸν πυλῶνα εἶδεν αὐτὸν ἄλλη καὶ λέγει τοῖς ἐκεῖ· οὗτος ἦν μετὰ Ἰησοῦ τοῦ Ναζωραίου. 72 καὶ πάλιν ἠρνήσατο μετὰ ὄρκου ὅτι οὐκ οἶδα τὸν ἄνθρωπον. 73 μετὰ μικρὸν δὲ προσελθόντες οἱ ἐστῶτες εἶπον τῷ Πέτρῳ· ἀληθῶς καὶ σὺ ἐξ αὐτῶν εἶ, καὶ γὰρ ἡ λαλιά σου δηλὸν σε ποιεῖ. 74 τότε ἤρξατο καταθεματίζειν καὶ ὀμνύειν ὅτι οὐκ οἶδα τὸν ἄνθρωπον. καὶ εὐθέως ἀλέκτωρ ἐφώνησεν.

Mark 14:69-71. 69 And the servant-girl, on seeing him, began again to say to the bystanders, "This man is one of them." 70 But again he denied it. Then after a little while the bystanders again said to Peter, "Certainly you are one of them; for you are a Galilean." 71 But he began to curse, and **he swore an oath**, "I do not know this man you are talking about."

69 καὶ ἡ παιδίσκη ἰδοῦσα αὐτὸν ἤρξατο πάλιν λέγειν τοῖς παρεστῶσιν ὅτι οὗτος ἐξ αὐτῶν ἐστίν. 70 ὁ δὲ πάλιν ἠρνεῖτο. καὶ μετὰ μικρὸν πάλιν οἱ παρεστῶτες ἔλεγον τῷ Πέτρῳ· ἀληθῶς ἐξ αὐτῶν εἶ, καὶ γὰρ Γαλιλαῖος εἶ. 71 ὁ δὲ ἤρξατο ἀναθεματίζειν καὶ ὀμνύειν ὅτι οὐκ οἶδα τὸν ἄνθρωπον τοῦτον ὃν λέγετε.

Here Peter becomes guilty of falsely swearing, which Jesus alluded to in the Old Testament: Πάλιν ἠκούσατε ὅτι ἐρρέθη τοῖς ἀρχαίοις· **οὐκ ἐπιорκήσεις**, "Again, you have heard that it was said to those of ancient times,

‘You shall not swear falsely,’” (Mt. 5:33a). In a moment of unguarded reaction to potential danger, Peter let his old nature take control and do something he had done regularly in his earlier years before coming to Christ. Guilt overwhelmed him upon realizing what he had done, and in God’s grace he found forgiveness for this action.

The value of these ‘bad’ examples of oath making help illustrate how oath making often functioned in Palestine, over against the rest of the Roman empire.³⁵ Among the Jewish people, swearing a promise to do something (e.g., Heroid) or swearing past action (e.g., Peter) was often done in everyday life, and not just on solemn, official occasions as would be true according to Roman custom. The available data suggests this was common throughout the middle east among the various Semitic people groups. It was to this problem of making frivolous promises or assertions that both James and Jesus spoke against. The example of oath making set by God established a legitimate role for oath making among believers, but with considerable caution to take one’s oath very, very seriously.

From the expansion elements added to the core prohibition in the words of both James and Jesus the basis of this concern rested in getting God involved as guarantor of the promise or assertion. For Jews, this was indeed serious business, and posed serious potential danger to the individual if the promise was broken or the assertion was false. The warnings of the Old Testament against swearing falsely always stood in the background and had the potential of turning a promise into a curse from God. As the second command in the Decalogue clearly asserts, God’s name must in no way ever be treated lightly.³⁶

Out of this evidently came the contemporary pattern delineated by James and Jesus in their prohibition:

James 5:12a:

μή ὀμνύετε μήτε τὸν οὐρανὸν
 μήτε τὴν γῆν
 μήτε ἄλλον τινὰ ὄρκον·

do not swear, either by heaven
 or by earth
 or by any other oath,

Matt. 5:34b-36

μή ὀμόσαι ὅλως· μήτε ἐν τῷ οὐρανῷ,
 ὅτι θρόνος ἐστὶν τοῦ θεοῦ,
 μήτε ἐν τῇ γῆ,
 ὅτι ὑποπόδιόν ἐστὶν τῶν ποδῶν αὐτοῦ,
 μήτε εἰς Ἱεροσόλυμα,
 ὅτι πόλις ἐστὶν τοῦ μεγάλου βασιλέως,
 μήτε ἐν τῇ κεφαλῇ σου ὀμόσης,
 ὅτι οὐ δύνασαι μίαν τρίχα λευκὴν ποιῆσαι ἢ μέλαιναν.
 Do not swear at all, either by heaven,
 for it is the throne of God,
 or by the earth,
 for it is his footstool,
 or by Jerusalem,
 for it is the city of the great King.
 And do not swear by your head,
 for you cannot make one hair white or black.

³⁵One more oath making passage shows up with negative thrust when Jesus appeared before the Sanhedrin. See Matt. 26:63-65.

63 But Jesus was silent. Then the high priest said to him, “I **put you under oath** before the living God, tell us if you are the Messiah, the Son of God.” 64 Jesus said to him, “You have said so. But I tell you, From now on you will see the Son of Man seated at the right hand of Power and coming on the clouds of heaven.”

63 ὁ δὲ Ἰησοῦς ἐσιώπα. καὶ ὁ ἀρχιερεὺς εἶπεν αὐτῷ· **ἐξορκίζω** σε κατὰ τοῦ θεοῦ τοῦ ζῶντος ἵνα ἡμῖν εἴπῃς εἰ σὺ εἶ ὁ χριστὸς ὁ υἱὸς τοῦ θεοῦ. 64 λέγει αὐτῷ ὁ Ἰησοῦς· σὺ εἶπας· πλὴν λέγω ὑμῖν· ἀπ’ ἄρτι ὄψεσθε τὸν υἱὸν τοῦ ἀνθρώπου καθήμενον ἐκ δεξιῶν τῆς δυνάμεως καὶ ἐρχόμενον ἐπὶ τῶν νεφελῶν τοῦ οὐρανοῦ.

Interestingly when placed under oath, Jesus responded truthfully to the high priest. To that point he had refused to say anything.

³⁶**Exodus 20:7.** You shall not make wrongful use of the name of the Lord your God, for the Lord will not acquit anyone who misuses his name.

Deut. 5:11. You shall not make wrongful use of the name of the Lord your God, for the Lord will not acquit anyone who misuses his name.

These specifications of various patterns of oath making all play off the assumption that the more distance between your oath and direct reference to God's name the less binding the oath was. That is, it still maintained the appearance of an oath with a religious 'swear by' element that possessed religious implication. But given the principle of the second commandment about the use of God's name, a diminishing level of risk was assumed with increasing distance from direct reference to God's name. The more direct allusion to God's name (swearing by Heaven) had the greatest risk if the oath was broken or a false assertion was sworn. The safer oath was the second (swearing by earth as God's creation) because it put some distance from God's name directly. James' 'or by any other oath' seems to cover Matthew's swearing by Jerusalem or by one's head. In Matthew's account the ὅτι-clauses define in Jewish terms the amount of distance assumed to be between the oath and God's name. Additionally, the indication is that swearing by Heaven or by Jerusalem had about the same distance, and swearing by the earth and by the head had about the same distance. Another point emphatically made by Jesus in Matthew's account in these ὅτι-clauses is that none of these oaths excludes reference to God and such reference fully obligates one to honoring the oath no matter what. The distances drawn in popular understanding were false and exceedingly dangerous violations of the second commandment -- in Jesus' view point.

Perhaps now it becomes clear that both James and Jesus were speaking to a very Jewish problem in their day that put oath making individuals in danger of turning their oath into a curse from God.³⁷ It posed serious risk of violating the second commandment against flippant use of God's name with the promised repercussions specified in the Decalogue commandment.³⁸ For believers, the far better approach was to avoid

³⁷Very likely this happened in Jerusalem with those who swore an oath to God to not eat or drink until they managed to kill the apostle Paul after his arrest in Jerusalem (Acts 23:12). One wonders how long they went without food when it became clear that God was going to keep Paul alive and not allow them to carry out their promise to kill him. If as some commentators believe these men were a group of sicarii assassins from among the Zealots, it would be interesting to know how they explained away their failed attempt that then justified breaking their oath. Maybe they made an oath (ἀνεθεμάτισαν) distancing God's name that was less binding! But the language of ἀνεθεμάτισαν suggests invoking God's curse of anathema on themselves should they fail to carry out their oath.

³⁸Evidently this became problematic at various times among ancient Jews. Several texts warn against frequent and frivolous swearing. Below is a representative sampling of the many texts:

Jeremiah 5:2. Although they say, "As the LORD lives," yet they swear falsely.

Jeremiah 7:9-10. 9 Will you steal, murder, commit adultery, swear falsely, make offerings to Baal, and go after other gods that you have not known, 10 and then come and stand before me in this house, which is called by my name, and say, "We are safe!"— only to go on doing all these abominations?

Hosea 4:2. Swearing, lying, and murder, and stealing and adultery break out; bloodshed follows bloodshed.

Zechariah 5:3-4. 3 Then he said to me, "This is the curse that goes out over the face of the whole land; for everyone who steals shall be cut off according to the writing on one side, and everyone who swears falsely shall be cut off according to the writing on the other side. 4 I have sent it out, says the LORD of hosts, and it shall enter the house of the thief, and the house of anyone who swears falsely by my name; and it shall abide in that house and consume it, both timber and stones."

Malachi 3:5. Then I will draw near to you for judgment; I will be swift to bear witness against the sorcerers, against the adulterers, against those who swear falsely, against those who oppress the hired workers in their wages, the widow and the orphan, against those who thrust aside the alien, and do not fear me, says the LORD of hosts.

In intertestamental Judaism, this emphasis continued and was even expanded:

Sirach 23:9-11. 9 Do not accustom your mouth to oaths, nor habitually utter the name of the Holy One; 10 for as a servant who is constantly under scrutiny will not lack bruises, so also the person who always swears and utters the Name will never be cleansed from sin. 11 The one who swears many oaths is full of iniquity, and the scourge will not leave his house. If he swears in error, his sin remains on him, and if he disregards it, he sins doubly; if he swears a false oath, he will not be justified, for his house will be filled with calamities.

Philo, Decalogue, 84-87. 84 That being which is the most beautiful, and the most beneficial to human life, and suitable to rational nature, swears not itself, because truth on every point is so innate within him that his bare word is accounted an oath. Next to not swearing at all, the second best thing is to keep one's oath; for by the mere fact of swearing at all, the swearer shows that there is some suspicion of his not being trustworthy. (85) Let a man, therefore, be dilatory, and slow if there is any chance that by delay he may be able to avoid the necessity of taking an oath at all; but if necessity compels him to swear, then he must consider with no superficial attention, every one of the subjects, or parts of the subject, before him; for it is not a matter of slight importance, though from its frequency it is not regarded as it ought to be. (86) For an oath is the calling of God to give his testimony concerning the matters which are in doubt; and it is a most impious thing to invoke God to be witness to a lie.

Come now, if you please, and with your reason look into the mind of the man who is about to swear to a falsehood; and you will see that it is not tranquil, but full of disorder and confusion, accusing itself, and enduring all kinds of insolence and evil speak-

oath making completely in daily life. There were special occasions when it would be appropriate, but flippant oath making was a strong no, no for followers of Jesus. The examples of Peter and Herod should make that point clearly. Two examples of situations deemed appropriate for oaths are found in Paul's writings:

2 Cor. 1:23. *But I call on God as witness against me: it was to spare you that I did not come again to Corinth.*

Ἐγὼ δὲ μάρτυρα τὸν θεὸν ἐπικαλοῦμαι ἐπὶ τὴν ἐμὴν ψυχὴν, ὅτι φειδόμενος ὑμῶν οὐκέτι ἦλθον εἰς Κόρινθον.

Gal. 1:20. *In what I am writing to you, before God, I do not lie! ἃ δὲ γράφω ὑμῖν, ἰδοὺ ἐνώπιον τοῦ θεοῦ ὅτι οὐ ψεύδομαι.*

In both instances, Paul, although writing to a dominantly Gentile Christian readership, appeals to his Jewish heritage -- and to those Jewish Christians in the readership -- with a oath sworn to validate the truthfulness of his assertions. That only two of these show up in all of his letters suggests he made careful use of oaths. And in both these situations his truthfulness was being seriously called into question by opponents both at Corinth and in Galatia.

Careful consideration of both the larger picture and these prohibitions as a part of that larger picture show us clearly that oath making is not something believers should be doing as a part of every day living. There are some occasions when it becomes appropriate, but in those situations it should be taken very seriously. In the modern world oath making tends to be more like the Roman pattern than the Jewish pattern. There are solemn occasions where oaths are important, such as entering a government office position, the military, becoming a formal witness in a court process etc. For the believer these oaths are entirely appropriate and can be sworn by Christians within the framework of the teaching of the New Testament. The one aspect to be especially remembered is the absolute responsibility for truthfulness and honesty in what ever is affirmed or promised under oath. In most western societies swearing an oath will include invoking the name of God as the heart of the oath. Given the sacredness of God's name, and His threat to take severe actions against everyone abusing that name, we should swear an oath very cautiously.

b) The alternative, v. 12b.

ἦτω δὲ ὑμῶν τὸ ναὶ ναὶ καὶ τὸ οὐ οὐ, ἵνα μὴ ὑπὸ κρίσιν πέσητε.

but let your "Yes" be yes and your "No" be no, so that you may not fall under condemnation.

With the prohibition of no oath making given to the Jewish Christians in these texts, there comes an alternative that is appropriate to the follower of Christ. James provides us with one version of it, while Jesus in Matthew 5:37 gives us a slightly different version.

James 5:12b. *but let your "Yes" be yes and your "No" be no, so that you may not fall under condemnation.*

ἦτω δὲ ὑμῶν τὸ ναὶ ναὶ καὶ τὸ οὐ οὐ, ἵνα μὴ ὑπὸ κρίσιν πέσητε.

Matt. 5:37. *Let your word be 'Yes, Yes' or 'No, No'; anything more than this comes from the evil one.*

ἔστω δὲ ὁ λόγος ὑμῶν ναὶ ναί, οὐ οὐ· τὸ δὲ περισσὸν τούτων ἐκ τοῦ πονηροῦ ἐστίν.

The core admonitions are very similar, while the secondary warnings are distinct from one another.

James admonishes us to ἦτω δὲ ὑμῶν τὸ ναὶ ναὶ καὶ τὸ οὐ οὐ, while Jesus wants us to ἔστω δὲ ὁ λόγος ὑμῶν ναὶ ναί, οὐ οὐ. Notice that in the Greek there is but an article, τὸ, difference even though the same verb εἶμι is either ἦτω or ἔστω. The second spelling ἔστω is more first century Koine while ἦτω is an older colloquial form that shows up only in James 5:12 and 1 Cor. 16:22.

Is there some difference in meaning between the ναὶ ναί, οὐ οὐ of Jesus and the τὸ ναὶ ναὶ καὶ τὸ οὐ οὐ of James? A few commentators try to contend that the Matthean Jesus is offering a substitute oath with ναὶ ναί, οὐ οὐ. But this view has not attracted many followers simply because the very Semitic ναὶ ναί, οὐ οὐ, over against the more classical Greek expression in James τὸ ναὶ ναὶ καὶ τὸ οὐ οὐ, can be demonstrated to

ing; (87) for the conscience which dwells in, and never leaves the soul of each individual, not being accustomed to admit into itself any wicked thing, preserves its own nature always such as to hate evil, and to love virtue, being itself at the same time an accuser and a judge; being roused as an accuser it blames, impeaches, and is hostile; and again as a judge it teaches, admonishes, and recommends the accused to change his ways, and if he be able to persuade him, he is with joy reconciled to him, but if he be not able to do so, then he wages an endless and implacable war against him, never quitting him neither by day, nor by night, but pricking him, and inflicting incurable wounds on him, until he destroys his miserable and accursed life.

Philo, The Special Laws, 2. And the first of these other commandments is not to take the name of God in vain; for the word of the virtuous man, says the law, shall be his oath, firm, unchangeable, which cannot lie, founded steadfastly on truth. And even if particular necessities shall compel him to swear, then he should make the witness to his oath the health or happy old age of his father or mother, if they are alive; or their memory, if they are dead. And, indeed, a man's parents are the copies and imitations of divine power, since they have brought people who had no existence into existence.

have the same meaning.³⁹ For an interesting example of the doubled yes and no, see Paul's slightly different use of it in 2 Cor. 1:15-2:4.⁴⁰

What is the common point between James and Jesus? Simply that our declarations and promises should have complete integrity within themselves because they are being spoken by the children of God. They should not need an oath invoking God's name in order to confirm or guarantee them. Jesus' words in Matthew 5:33-37 come as the fourth of six so-called 'antithesis' in the Sermon on the Mount. Consistently in these teachings structured around "you have heard it said...but I say to you" Jesus emphasizes that a disciple in the Kingdom of Heaven as His follower will function out of inward integrity and purity, rather than just on the basis of an externally mandated law. That is, inward spiritual relationship with Christ becomes the source of our outward actions. Externally imposed oaths do not guarantee honesty in speech, as the abusive Jewish practices of falsely swearing in the first century demonstrated. And this even with a horrific warning against it under threat of severe divine reaction and punishment. Honesty and integrity in speech will only happen consistently when inwardly we are in proper relationship with Christ and are fully surrendered to Him. This is the same point that James is driving for in his words as well. Integrity of speech must originate from within.

In making the identical point in Eph. 6:14, the apostle Paul compares truthful speaking as the belt in the Roman soldier's equipment. That is, the belt holds the other pieces of the uniform in place so the soldier can engage in battle effectively. Believers are combating a supernatural enemy and are locked into life and death combat with the Devil. Integrity of speech plays a significant role in being successful over the enemy. Lack of it messes up lots of things and severely weakens our ability to fend off the Devil. Not to mention the loss of witness to a lost world!

The most significant difference between what James says and the words of Jesus come in the secondary segment, the warning against ignoring the admonition. James warns ἵνα μὴ ὑπὸ κρίσιν πέσητε, *lest you fall under judgment*.⁴¹ Jesus, however, warns τὸ δὲ περισσὸν τούτων ἐκ τοῦ πονηροῦ ἐστίν, *anything more than this comes from the evil one* (Mt. 5:37). These ideas were reflected in the teaching of the Essenes, according

³⁹Those who hold to the exclusive originality of James argue that Matthew has taken the prohibition against oaths and made it into a substitute oath, i.e. your strongest affirmation or negation should be the doubled yes or no (as in Mek. Yitro [Bahodesh] 5 [66b]; Sl. Enoch 49:1; 42:9; cf. Dibelius, 249–251; Meyer, 162–163; Marty, 202; Minear; Cantinat, 243–244). This explanation is not necessary, for there is Semitic evidence that the yes-yes, no-no formula means 'let your word be (an outer) yes (which is truly an inner) yes, etc.' (e.g. Sipre Lv. 91b on 19:36; b. B. M. 49a; cf. Kutsch, 206–218; Stählin, 119–120; Mussner, 215–216). If this evidence is accepted there is no essential difference between Matthew and James, who states 'let your yes be (a true) yes and your no (a true) no.' The structural variety would indicate that the saying circulated in more than one form in the church with James having a shorter, more classical form and Matthew a longer, more Semitic one." [Peter H. Davids, *The Epistle of James: A Commentary on the Greek Text*, New International Greek Testament Commentary (Grand Rapids, MI: Eerdmans, 1982), 190.]

⁴⁰2 Cor. 1:15-22. 15 Since I was sure of this, I wanted to come to you first, so that you might have a double favor; 16 I wanted to visit you on my way to Macedonia, and to come back to you from Macedonia and have you send me on to Judea. 17 Was I vacillating when I wanted to do this? **Do I make my plans according to ordinary human standards, ready to say "Yes, yes" and "No, no" at the same time? 18 As surely as God is faithful, our word to you has not been "Yes and No."** 19 For the Son of God, Jesus Christ, whom we proclaimed among you, Silvanus and Timothy and I, was not "Yes and No"; but in him it is always "Yes." 20 For in him every one of God's promises is a "Yes." For this reason it is through him that we say the "Amen," to the glory of God. 21 But it is God who establishes us with you in Christ and has anointed us, 22 by putting his seal on us and giving us his Spirit in our hearts as a first installment.

15 Καὶ ταῦτη τῇ πεποιθήσει ἐβουλόμην πρότερον πρὸς ὑμᾶς ἐλθεῖν, ἵνα δευτέραν χάριν σχῆτε, 16 καὶ δι' ὑμῶν διελθεῖν εἰς Μακεδονίαν καὶ πάλιν ἀπὸ Μακεδονίας ἐλθεῖν πρὸς ὑμᾶς καὶ ὑφ' ὑμῶν προπεμφθῆναι εἰς τὴν Ἰουδαίαν. 17 τοῦτο οὖν βουλόμενος μήτι ἄρα τῇ ἐλαφρίᾳ ἐχρησάμην; **ἢ ἂ βουλευόμεαι κατὰ σάρκα βουλευόμεαι, ἵνα ἢ παρ' ἐμοὶ τὸ ναὶ ναὶ καὶ τὸ οὐ οὐ;** 18 πιστὸς δὲ ὁ θεὸς ὅτι ὁ λόγος ἡμῶν ὁ πρὸς ὑμᾶς οὐκ ἔστιν ναὶ καὶ οὐ. 19 ὁ τοῦ θεοῦ γὰρ υἱὸς Ἰησοῦς Χριστὸς ὁ ἐν ὑμῖν δι' ἡμῶν κηρυχθεὶς, δι' ἐμοῦ καὶ Σιλουανοῦ καὶ Τιμοθέου, οὐκ ἐγένετο ναὶ καὶ οὐ ἀλλὰ ναὶ ἐν αὐτῷ γέγονεν. 20 ὅσαι γὰρ ἐπαγγελίαι θεοῦ, ἐν αὐτῷ τὸ ναὶ· διὸ καὶ δι' αὐτοῦ τὸ ἀμὴν τῷ θεῷ πρὸς δόξαν δι' ἡμῶν. 21 ὁ δὲ βεβαιῶν ἡμᾶς σὺν ὑμῖν εἰς Χριστὸν καὶ χρίσας ἡμᾶς θεός, 22 ὁ καὶ σφραγισάμενος ἡμᾶς καὶ δοὺς τὸν ἄρραβῶνα τοῦ πνεύματος ἐν ταῖς καρδίαις ἡμῶν.

Quite interestingly, in the very next verse, v. 23, Paul swears an oath affirming the reason for his choosing not to come to Corinth as first planned. The τὸ ναὶ ναὶ καὶ τὸ οὐ οὐ in verse 17b is identical to James' expression. The doubled affirmation of yes, yes and no, no was defined as human standards when both yes and no are asserted at the same time. That is, a strong yes is given and also a strong no is given, creating a vacillating kind of answer, ἐχρησάμην.

⁴¹A few very late manuscripts (P Ψ M) have an interesting alternative: ἵνα μὴ εἰς ὑπόκρισιν πέσητε, *lest you fall into hypocrisy*. Two church fathers, Oecumenius and Theophylact, adopt this reading in their teaching of this text. But the weight of evidence is overwhelmingly in favor of the adopted reading.

to Josephus, *Wars of the Jews* 2.135.

(135) They dispense their anger after a just manner, and restrain their passion. 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; a for they say, that he who cannot be believed without [swearing by] God, is already condemned.⁴²

Most likely the previous similar phrase ἵνα μὴ κριθῆτε, *lest you be judged*, in the warning against grumbling in 5:9 influenced James' expression here, ἵνα μὴ ὑπὸ κρίσιν πέσῃτε, *lest you fall under judgment*. James' heavy dependency on Old Testament concepts would point him in the direction of the judgment of God upon those deliberately violating God's will, and especially in regard to an improper use of God's name as in an oath. On the other hand, Jesus in all six antitheses is drawing contrasts between His teaching of the Kingdom and that found in the Old Testament. Thus the natural point of warning τὸ δὲ περισσὸν τούτων ἐκ τοῦ πονηροῦ ἐστίν, *and anything beyond this originates from the Evil One*, would draw the contrast between following His principles and adopting worldly standards under the control of the Devil. Thus the different warnings are very appropriate to the different contexts of their usage. Unquestionably, no contradiction of idea exists between the two. To abuse His name in false oath making clearly originates from the Devil himself.

For James this seems a logical way to bring up the issue of speech for the last time in the document. This axiom underscores the most basic aspect of complete honesty and integrity in all that we speak as believers. Perhaps this is the reason for his beginning Πρὸ πάντων, *above all*.

2. What does the text mean to us today?

Of all the vitally relevant things that James advocates for believers in this document, this emphasis on integrity in speech may be one of the most needed emphases to Christians in today's world. The modern world has pretty much lost its understanding of truthfulness, and spins lies and deceptions as an integral part of daily living.⁴³ Most leaders in modern society lack even the integrity of a Herod who reluctantly complied with the request for the head of John the Baptist in part because of his sworn promise to Herodias (Mt. 14:9). It's no wonder western societies are rapidly coming unglued and tumbling into chaos socially. Unfortunately, Christian leaders more often than not contribute to this problem with their lack of integrity in what they say.

Very paradoxically western society since the Enlightenment has been largely built around the "quest for truth" in the belief that "the truth will set you free." Of course, this horrible twisting of Jesus' words in John 8:32 is redefining Jesus' words completely against what He was saying. The paradox in western culture is that the more we seek for truth and long for it, the more elusive and out of reach it becomes. Part of this free fall into chaos has been produced by philosophical relativism defining truth as subjective and fluid, rather than fixed and absolute. But scientism in its pursuit of a fixed cold, impersonal 'factual' truth is no real answer

⁴²Flavius Josephus and William Whiston, *The Works of Josephus: Complete and Unabridged* (Peabody: Hendrickson, 1987).

16† §135 ὀργῆς ταμίαι δίκαιοι, θυμοῦ καθεκτικοί, πίστεως προστάται, 17† εἰρήνης ὑπουργοί. καὶ πᾶν μὲν τὸ ῥηθὲν ὑπ' αὐτῶν ἰσχυρότερον 1† ὄρκου, τὸ δὲ ὁμνύειν αὐτοῖς περιίσταται χειρὸν τῆς 2† ἐπιτοκίας ὑπολαμβάνοντες· ἤδη γὰρ κατεγνώσθαι φασὶν τὸν ἀπιστούμενον 3† δίχα θεοῦ.

[Flavius Josephus and Benedikt Niese, *Flavii Iosephi Opera Recognovit Benedictvs Niese ...* (Berolini: apvd Weidmannos, 1888-).]

⁴³A very interesting analysis of truthfulness in western society came in the acceptance speech of an honorary doctorate by Father Timothy Radcliffe given to him by the University of St. Thomas Aquinas in the UK on Nov. 15, 2004. Some excerpts of his speech include these observations:

"A few weeks ago, a report was published on the standards of truthfulness in public life in Britain. It emerged that 67% of those questioned did not expect Members of Parliament to tell the truth. The figure for government ministers was even higher, at 70%. Only journalists and estate agents fared worse. Fortunately people's assessment of the truthfulness of the clergy was not included in the survey."

"Onora O'Neill, the Principal of Newnham College, Cambridge has written of a crisis of suspicion. We do not trust that we are being told the truth by politicians, our doctors, business executives, even the clergy and above all by the media. We are drowning in information, but we do not know whom to believe. We suspect that not only do people lie to us, but that they do not even think that it awfully matters, as long as they are not detected. And if they are, they put it down to 'an error of judgment.'"

In his quite interesting acceptance speech, he calls upon the Church to cherish a proper view of truth that helps give credibility to their Gospel witness to the world. It is not the cold scientific truth concept of the Enlightenment. This impersonal concept of truth can be brutally destructive in the way it treats people. Christians must embrace the Truth of God's character and incorporate it into their life and relationships with others. This combines truth with compassion, with forgiveness, and with authentic spirituality.

because of its brutal social implications. Ultimately, biblical Truth is the only answer that will provide a balanced understanding of Truth, since God is truth in its ultimate reality and character.

If there is any understanding coming out of studying James 5:12, it should be that God expects His people to speak in honesty and with integrity. Our speech should match and reflect that of our Heavenly Father! Otherwise, we should not be surprised by severe discipline from our Heavenly Father!

- 1) What does swearing an oath mean to you? How does your idea compare to that of James?

- 2) What are some instances in your life where you are called upon the 'swear by oath' something?

- 3) How seriously should you take oath making as a believer?

- 4) Is telling the truth important to you?

- 5) How credible are your promises to others?