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CHAPTER I

INTRODUCTION

In 1936 C. H. Dodd wrote his famous book on the preaching of the apostolic church.¹ In it he argued that there was a definite pattern to the preaching of the apostles, which he sought to explain in terms of the kerygma. Dodd's book was widely acclaimed and exercised an immense influence on New Testament scholarship. However, it had the unfortunate effect of magnifying the term kerygma at the expense of other equally important words which the New Testament uses to describe the Christian message. It is this danger to which E. G. Selwyn points in the *Festschrift* for C. H. Dodd:

I sometimes wonder whether the term κήρυγμα has not been worked too hard, and whether the word μαρτυρία and its cognates would not better describe the primitive and indispensable core of the Christian message. At any rate, if we examine the comparative occurrences in the New Testament of the two sets of terms, we find that the occurrences of the verbs alone which speak of 'witness' considerably outnumber the occurrences of κηρύσσειν, while the occurrences of the noun μαρτυρία outnumber those of the noun κήρυγμα by more than six to one. There is nothing here which will make C. H. Dodd's *The Apostolic Preaching and Its Developments* less important than it was when it first appeared. But there is room for another monograph on the Apostolic testimony.²

In fact, F. L. Fisher thinks that 'a thorough study of witnessing would necessitate a study of the whole Bible'.³ The present work is an attempt to fill this need.

To begin this study, however, is to confront a fundamental difference in scholarly opinion about the development and use of the idea of witness in the New Testament. On the one hand, there are some writers who believe that the idea of witness is by

¹ C. H. Dodd, *The Apostolic Preaching and Its Developments* (London, 1936).

² E. G. Selwyn, 'Eschatology in I Peter', *The Background of the New Testament and Its Eschatology*, eds. W. D. Davies and D. Daube (Cambridge, 1956), p. 395.

³ F. L. Fisher, 'Witness, Testimony', *Baker's Dictionary of Theology*, ed. E. F. Harrison (Grand Rapids, 1960), p. 555. On the whole range of problems connected with testimony see E. Castelli *et al.*, *La Testimonianza* (Padua: CEDAM- Casa Editrice Dott., 1972).

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no means a dead metaphor in the New Testament. ‘The term “witness” expresses somewhat more strongly [than κηρύσσειν] the opposition to the foolishness, the obstinacy, and unbelief of a world that will not put its trust in Christ. The term “witness” suggests something of the atmosphere of a trial, a lawsuit between Christ and the world, in which the apostles are witnesses.’¹ The same general position is held by Robert V. Moss, Jr:

Like other terms as ‘judge’ and ‘justification’ in biblical language, the term ‘witness’ has been borrowed from the language of the law-court by the teachers and writers of ancient Israel and the early church. The term of course appears in its legal sense in both the Old Testament and the New Testament, where witnesses are called to appear for testimony in a court of law, but its most significant use is to be found in its metaphorical extension to the calling of Israel and the church to serve as ‘witnesses’ for God in the world... the term ‘witness’ retains something of its original juridical meaning and Israel and the church are regarded as God’s witnesses.²

On the other hand, there are exegetes who have held that witnessing was inseparably related to suffering for the Christian *martys*.³

This latter approach has arisen partly from the fact that the English word ‘martyr’ comes from the Greek word *martys*, and partly from the close relation that developed in the early church between the two ideas.⁴ Here some remarks of R. P. Casey are pertinent:

¹ J. H. Bavinck, *An Introduction to the Science of Missions* (Philadelphia, 1961), p. 66. Cf. T. Preiss, *Life in Christ* (London, 1954), pp. 9–34.

² R. V. Moss, Jr, ‘The witnessing church in the New Testament’, *TAL*, 3 (1960), 262. Cf. S. de Dietrich, “‘You are my witnesses’”, *Int*, 8 (1954), 273–9. D. Dunn Wilson, ‘The biblical background of *martys* and its derivatives with special reference to the New Testament’, M.A. thesis, University of Birmingham, England, 1958.

³ Cf. H.-W. Surkau, *Martyrien in jüdischer und frühchristlicher Zeit* (Göttingen, 1998), H. von Campenhausen, *Die Idee des Martyriums in der alten Kirche* (Göttingen, 1936), and literature cited in Arndt-Gingrich, p. 495. J. M. Boice, *Witness and Revelation in the Gospel of John* (Grand Rapids, 1970), p. 16, provides a useful summary of the debate about the witness terminology from Kattenbusch (1903) to Brox (1961).

⁴ Cf. G. Fitzer, ‘Der Begriff des *Martys* im Judentum und Urchristentum’, Inaugural Dissertation, University of Breslau, 1929; T. W. Manson, ‘Martyrs and martyrdom’, *BJRL*, 39 (1957), 463–84; W. H. C. Frend,

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In orienting investigation to this point, it has not been sufficiently recognized that the transition from 'witness' to 'martyr' represents only one development of meaning, and that several others, instead of contributing directly to what later became the standard usage, ran parallel courses which were briefer but which possess considerable independent interest for the history of early Christian thought. All of these developments begin with a metaphorical application of the legal term, but all do not converge at the point where *μάρτυς* first clearly and unmistakably signifies a witness who died for Christianity.¹

It is our purpose to explore these developments as fully as possible in order to determine their significance for the New Testament concept of witness. The use of witnesses in the Old Testament will also be examined in detail.

To commence our study, however, some consideration must be given to the use of *μάρτυς* and its cognates in secular Greek, noting the legal situations in which they are employed. Attention will also be directed to the use of witnesses and evidence in non-legal situations, and to witnesses to convictions.

Martyrdom and Persecution in the Early Church (Oxford, 1965), pp. 1–103; J. Downing, 'Jesus and martyrdom', *JTS*, N.S. 14 (1963), 279–93, and T. E. Pollard, 'Martyrdom and resurrection in the New Testament', *BJRL*, 55 (1972), 240–51 – all of whom trace the roots of Jewish and Christian theologies of martyrdom back to the Maccabean revolt.

¹ R. P. Casey, 'Appended note on *martys*', *BC*, v, 31.

CHAPTER 2

THE WITNESS TERMINOLOGY OF SECULAR GREEK

THE USE OF WITNESSES IN HOMER

To understand the New Testament concept of witness it is necessary to study the vocabulary of witness in secular Greek, and also to look at the places where the idea may be found though the word itself is absent. This approach can be pursued with real profit, provided one constantly bears in mind James Barr's justifiable criticism of the linguistic fallacies frequently practised by philologists and theologians.¹

First, attention may be directed to the famous trial scene depicted on the Shield of Achilles (*Iliad*, xviii.497–508). Here justice is a community affair, and one finds a real parallel to the Old Testament concept of justice in the gate. The elders in both cases are entitled to speak and take sides, and their function is to arbitrate disputes with a view to the welfare of the community.² Here judges and witnesses are not really differentiated; the ἵστωρ is both the one who helps a man to justice and the one who decides the case. His function as a daysman or arbitrator is not unlike the Old Testament *go'el* who takes the side of the litigant in a lawsuit. The Homeric passage sheds light on the place of the community in settling disputes in the ancient world, and the importance of legal procedure for the preservation of community life.

In Homer μάρτυρες are not mentioned in disputes involving arbitration. While the word μάρτυρή appears in the *Odyssey*, it is not used in the technical sense of a witness in a lawsuit (*Odyssey*, xi.325). Occasionally, the word μάρτυρος is used of those familiar with some event or situation (*Iliad*, i.338; ii.302), but they are not summoned either as formal or general witnesses.

¹ J. Barr, *The Semantics of Biblical Language* (Oxford, 1961).

² W. Leaf, ed., *The Iliad* (London, 1907), pp. 311–14, who compares the Homeric trial scene with the ancient judicial proceeding known to Roman law as the 'Legis Actio Sacramenti'.

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THE USE OF WITNESSES IN DEMOSTHENES,
 ARISTOPHANES, ETC.¹

According to Bonner–Smith, witnesses first appear in Hesiod,² and are certainly used in Athens before the time of Solon.³ In the orators the litigant is generally represented as summoning his opponent with at least two witnesses (Isaeus, III.19).⁴ In emergencies, however, a man might have to rely on those present to give testimony on his behalf (Aristophanes, *Clouds*, 494–6). The difficulty would arise when a vital matter depended on the testimony of a man who for some reason might not wish to testify; under such conditions, testimony could be demanded (Isaeus, IX.18). If the person had no knowledge of the matter, he could make a formal denial under oath (Aristophanes, *Ecclesiazusae*, 1026; Elephantine Papyri, XXXIV.1). On the other hand, if the person failed to appear to give testimony, legal action could be taken against him (Demosthenes, XLIX.19).

The only citizens competent to serve as witnesses in Greek courts were adult males. According to Demosthenes (XL.58), parties to a suit were not competent in their own cases. Certain types of information could be given in a speech without direct confirmation (Demosthenes, IV.23–4; XXVII.40). Sometimes a man could find no supporting witnesses, so he had to go to court simply with his speech (Isocrates, XXI; Antiphon, I). Such unconfirmed statements were sometimes believed (Demosthenes, XLIII.9–10, 30); in this respect Greek legal procedure differed from its Hebrew counterpart. Occasionally the advocate himself might be a witness (Isaeus, XII.4; Aeschines, II.170, 184).

Another type of corroboration to which Athenian speakers appeal is the knowledge of the dicasts. Naturally the dicasts could be called upon as confirmatory witnesses only in matters

¹ For full details see R. J. Bonner and G. E. Smith, *The Administration of Justice from Homer to Aristotle* (2 vols., Chicago, 1938). On legal terms in Greek and Latin literature see C. D. Buck, *A Dictionary of Selected Synonyms in the Principal Indo-European Languages* (London, 1949), pp. 1419–61.

² Bonner–Smith, *op. cit.*, I, 49.

³ *Ibid.* I, 173ff. For a useful collection of the Attic orators see R. C. Jebb, *Selections from the Attic Orators* (London, 1888).

⁴ Unlike the OT, however, only one witness was required (Aristophanes, *Clouds* 1218; *Wasps* 1408, 1416), and occasionally witnesses were entirely absent (Isocrates XXI).

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of public knowledge (Demosthenes, XXI.18). The force of such arguments was to remind the court of the public evidence which was favourable to the accused.

Hearsay evidence was strictly forbidden in Athenian courts (Demosthenes, LVIII.4);¹ the only exception to this occurred when the person who knew the facts was either dead or ineligible.² Otherwise, the witness must confine himself to matters of which he had personal knowledge (Demosthenes, XLVI.6).

On the other hand, the evidence of persons unable to attend court could be taken in writing before witnesses, and they in turn could later attest the statement of the original witness by means of an affidavit (Aeschines, II.19; Demosthenes, XLVI.7). The evidence was not taken by an official appointed by the court, for it was the task of the litigant who desired the evidence.

Certain people were incompetent in Greek courts. Women were not allowed as witnesses; the same was true of minors (except in homicide cases),³ though on reaching majority they could testify on what they had known as minors.⁴ The testimony of slaves was inadmissible except when given under torture,⁵ and the evidence of interested parties was frowned upon (Demosthenes, XL.58). The failure of a party to appear in court or to give his testimony was sufficient evidence for a verdict (Lycurgus, I.17; Demosthenes, XXXI.81; Lysias, VI.24; XII.7).⁶

In ancient Greece it was considered important to plead a cause effectively (Xenophon, *Memorabilia*, IV.8.1). In Athens a whole class of professional speech-writers developed to supply litigants with clever speeches. These paid special attention to the grounds on which the credibility of a witness could be attacked, such as: (1) by showing that his accounts of the matter in question were inconsistent (Demosthenes, XXIV.II.18ff., 46), (2) by proving conclusively that his evidence was false (Isocrates, XVIII.53ff.), (3) by demonstrating that the witness was guilty of offences which discredited his testimony (Demosthenes, LIV.31-7).

¹ Bonner-Smith, *The Administration of Justice* II, 130ff.

² *Ibid.* ³ *Ibid.* II, 221ff.

⁴ J. H. Lipsius, M. H. Meier and G. F. Schömann, *Das Attische Recht und Rechtsverfahren* (Leipzig, 1905-15), p. 874, note 32.

⁵ Bonner-Smith, *The Administration of Justice*, II, 223ff.

⁶ However, if the verdict went against a man by default, he could appeal. Cf. Lipsius, *op. cit.*, pp. 973ff.

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THE USE OF WITNESSES IN ARISTOTLE

The Art of Rhetoric has much to say about witnesses and evidence.¹ Aristotle distinguishes between ‘technical’ and ‘non-technical’ proofs (I.xv.1; cf. I.ii.2). The former are arrived at by careful skill, and it is with this category that forensic oratory is concerned. The latter include all those immediate means of proof which ‘have not been furnished by ourselves but were already in existence’ (I.ii.2).

Aristotle breaks down this group into five subdivisions: laws, witnesses, covenants, oaths and tortures.

Aristotle recognizes two kinds of witnesses – ancient and recent. ‘By ancient I mean the poets and men of repute whose judgments are known to all’, thereby including in this category both the interpreters of oracles for the future and proverbs. On the other hand, ‘by recent witnesses I mean all well-known persons who have given a decision on any point, for their decisions are useful to those who are arguing about similar cases’. In addition, recent witnesses may include ‘those who share the risk of the trial, if they should be held to be perjurers’.

After stating the arguments in regard to testimony, the author concludes: ‘The evidence of witnesses may refer either to ourselves or to our antagonist, and either to fact or to character. Plainly, then, one can never be at a loss for serviceable testimony.’ In other words, Aristotle has carefully distinguished between μαρτυρία περὶ τοῦ πράγματος and μαρτυρία περὶ τοῦ ἥθους. While Aristotle surely intended both to be legally admissible evidence, the point of his distinction is that those who are competent to give evidence about the occurrence of a fact are not therefore competent to give evidence about its quality. This is the task of the νομοί or the μάρτυρες παλαιοί.

The Art of Rhetoric reminds us of the frequently unprincipled way in which witnesses were used. The rhetorical art sought to influence the judge or jury not simply with scientific evidence, but ‘with gesture... the arrangement of words used... and the inflexions of the voice’.² Often resorting to deception and pseudo-

¹ Aristotle, *The ‘Art’ of Rhetoric*, LCL (London, 1926), I.xv.13–18 (xv.1431b), pp. 155–9.

² Quintilian, LCL (London, 1921), I, 171; I.x.22. Cf. Cicero, *De Oratore* II.xxvii.116.

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logic, it played upon the emotions, seeking compassion, sometimes ridiculing the opponent. Naturally testimonies also played a part, for a testimony served to illustrate an argument proved before by means of logic. Thus when some probability of guilt could be reached, false witnesses could easily be found to illustrate and demonstrate the make-believe truth of a charge. Other considerations worked in the same direction. Though witnesses were questioned by the man who called them, they were not cross-examined by the advocate for the opposite side, nor were they tested for trustworthiness.

Under these circumstances it is clear that the evidential value of testimony in Greek courts of law was relatively low. By training witnesses to act as practising rhetoricians, the Greeks lost confidence in their integrity and credibility. Then, too, there was no special adherence to the formal principle of establishing everything at the mouth of two or three witnesses. In both of these respects Greek legal procedure differed markedly from that of the Old and New Testaments, where witnesses were considered valuable in establishing the facts and where at least two were required to prove a case.

THE USE OF Μάρτυς IN LEGAL CONTEXTS

With this background it is now fitting that some consideration should be given to the word itself. The Greek word that is translated by 'witness' is μάρτυς and with it belong three other words of the same derivation: to witness – μαρτυρεῖν; the act or content of witnessing – μαρτυρία; the testimony or proof (in an objective sense) – μαρτύριον.¹ All of these words are found in classical literature, and all are used in the New Testament, sometimes in a legal context, sometimes in a legal metaphor.

The common use of μάρτυς in secular Greek sheds considerable light upon the New Testament's use of the same word.²

¹ S. de Dietrich, "You are my witnesses", *Int.* 8 (1954), 273; cf. R. Asting, *Die Verkündigung des Wortes im Urchristentum* (Stuttgart, 1939), pp. 526ff.

² Cf. the Greek lexicons, esp. those of Liddell-Scott-Jones, Moulton and Milligan, Arndt and Gingrich.

THE USE OF Μάρτυς IN LEGAL CONTEXTS

Fortunately, there seems to be no semantic problem about rendering μάρτυς into English, for the word contains no special problems or obscurities. While its usage is varied, its meaning appears to be straightforward, regular and intelligible. Essentially one can only repeat here what has already been learned.¹ Therefore, it is sufficient to determine the basic meaning of the word and to note its application to various types of situations and circumstances. For the actual proof texts in the Greek literature attention may be directed to the general survey of the evidence in Kittel's *Theologisches Wörterbuch*, now available in English.²

Μάρτυς is originally a juridical term applied to a witness in a court of law.³ In order to qualify and be called as a witness, a special kind of knowledge is presupposed on the part of the witness. On the basis of this first-hand knowledge he can testify concerning disputed circumstances and events. So men present at the time of an occurrence and able to give an eye- or ear-witness account of what happened are frequently called upon to state what they have seen or heard. In other words, μάρτυς is used of one who has direct knowledge or experience of certain persons, events or circumstances and is therefore in a position to speak out and does so.⁴ He may appear as a witness in a lawsuit, in which case he bears witness for or against someone, or as a witness in a number of different circumstances connected with the business of law.

Witnesses are often required to attest documents,⁵ but even here witness is a by-product of the lawcourt, since their function is to attest the document in a lawcourt should the need arise. The Greek inscriptions and especially the papyri supply nume-

¹ For a useful summary of recent discussion on the witness terminology see J. M. Boice, *Witness and Revelation in the Gospel of John*, pp. 165–7.

² H. Strathmann, 'Μάρτυς', *TWNT*, IV, 477–520 and *TDNT*, IV, 474–514.

³ Cf. Lipsius, *Das Attische Recht und Rechtsverfahren*, pp. 871–88, *et passim*.

⁴ F. Kattenbusch, 'Die martyrtitel', *ZNW*, 4 (1903), 111, gives a similar definition. Cf. also Lipsius, *op. cit.*, p. 885.

⁵ E. Leisi, *Der Zeuge im Attischen Recht* (Frauenfeld, 1908), pp. 142–56, discusses three kinds of witnesses: (1) gods used as witnesses in oaths, (2) witnesses in legal transactions, (3) witnesses in important acts concerning lawsuits. He cites an interesting example from Demosthenes (XLVIII.11) involving all three types in the attestation of a contract.

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rous examples of witnesses to contracts, agreements and the like.¹ In the case of contracts, first of all there are the terms of the contract, followed by a formal conclusion such as ἡ συγγραφὴ κυρία. The term μάρτυρες then leads to the signature of the document in question. This general procedure is found in contracts concerning the buying of slaves,² loan contracts³ and lease contracts.⁴ In some cases the illustration takes the form of a double contract involving six witnesses.⁵

Similarly, in the case of wills, the basic Greek procedure remains unchanged, and the number of witnesses (six) is that required for an ordinary contract.⁶ Usually an accurate personal description of the witness with all his characteristic scars, birthmarks, and the type of hair, etc., accompanies the listing of the witnesses.⁷

Witnesses often appear also in public records. So the Delphic records concerning sacred slave liberation regularly close with the phrase μάρτυρες οἱ ἑρεῖς καὶ οἱ ἰδιῶται or a similar one (*Corpus Inscriptionum Graecarum*, I.1699, 1702–6).

In other words, a man may appear as a witness in a lawsuit or in a considerable number and variety of activities connected with the law. In these circumstances μαρτυρεῖν means ‘to be a witness’, ‘to appear as a witness’, originally in the sense of ‘to testify to something in a court of law’, and μαρτυρία has first of all an abstract meaning – ‘the bearing of a witness’ and then it also comes to designate the witness itself.

¹ Cf. V. A. Tcherikover and A. Fuks, *Corpus Papyrorum Judaicarum* (3 vols., Cambridge, Mass., 1957ff.), who cite μάρτυρες in the following papyri: I.6.18 (pp. 118ff.); xviii.12.29 (pp. 148ff.); xxii.14.34 (pp. 158ff.); xxiv.23 (pp. 164ff.); xxv.20 (pp. 167f.). All examples are from Vol. I.

² Cf. P. L. H. Vincent, ‘La Palestine dans les papyrus ptolémaïques de Gerza’, *RB*, 29 (1920), 182f.; W. L. Westermann, ‘Slave transfer: deed of sale with affidavit of vendor’, *Aeg*, 13 (1933), 229ff.

³ Cf. Friedrich Preisige and Friedrich Bilabel, *Sammelbuch griechischer Urkunden aus Ägypten* (5 vols., Berlin, 1915–50), III.6709.6.

⁴ *Ibid.* III.6759.18.

⁵ *Ibid.* v.7532.22ff.

⁶ Cf. J. P. Mahaffy, *Cunningham Memoirs, No. 8, The Flinders Petrie Papyri* (Dublin, 1891), pp. 55ff., I.19.30.

⁷ Strathmann, *TDNT*, IV, 476 and *TWNT*, IV, 479.