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JANE SCHABERG, RAYMOND E. BROWN,  
AND THE PROBLEM OF THE ILLEGITIMACY OF JESUS

*Frank Reilly*

Jane Schaberg's *The Illegitimacy of Jesus* was published in 1987, fifteen years after Raymond E. Brown's "The Problem of the Virginal Conception of Jesus."<sup>1</sup> Brown's essay was his inaugural professorial lecture at Union Theological Seminary in New York, where Schaberg later did her graduate studies. Brown used his lecture to issue a challenge; Schaberg responded with a challenging proposal.

According to Brown, the problem of the virginal conception is its historicity. Matthew (1:18–25) and Luke (1:26–38) definitely assert it, he said, but they do so only in their infancy narratives and with obviously "high" theological intent. The question is, where did they get the idea? On the one hand, there is no known evidence of "an exact parallel . . . in the material available to Christians" from world religions, Greek mythology, or Hellenistic Judaism that might have led them to it. On the other hand, the "indecently early" birth of Jesus and the nonfatherhood of Joseph, highlighted in Matthew, are supported by "traces of the rumor" of illegitimacy in Mark 6:3 and John 8:41 and give evidence of a need to deal with a charge that might be "as old as Christianity itself." Brown concluded that "the totality of the scientifically controllable evidence leaves an unresolved problem" and asked for an "honest, ecumenical discussion" of it. But he also challenged any Christians who considered the virginal conception a theologoumenon, a bit of historicized theology, to explain how they would avoid facing the "very unpleasant alternative" of adulterous conception by Mary during the period of her betrothal to Joseph.<sup>2</sup>

According to Schaberg, that dilemma exists only for someone who thinks

<sup>1</sup>Jane Schaberg, *The Illegitimacy of Jesus: A Feminist Theological Interpretation of the Infancy Narratives* (San Francisco: Harper & Row, 1987); Raymond E. Brown, "The Problem of the Virginal Conception of Jesus," *Theological Studies* 33 (1972): 3–34, also published, with a few changes, in Brown, *The Virginal Conception and Bodily Resurrection of Jesus* (New York: Paulist, 1973). All citations in this article will be from *Theological Studies*.

<sup>2</sup> Brown, "Problem of the Virginal Conception," 23–33, esp. 23 ff.

that Matthew and Luke were talking about a virginal conception. Both evangelists, she maintained, inherited a historical tradition of illegitimate conception; intend their readers to understand that the conception of Jesus followed the seduction or, more probably, the rape of Mary; and communicate the theological message that God, siding with the wronged woman, has made her child the Son of God.

The substance of the debate between Brown and Schaberg is their exegesis of the conception texts. Brown argued for the virginal conception reading in his massive commentary on the infancy narratives, *The Birth of the Messiah*; Schaberg acknowledged his influence and dealt with his work as she developed her radically opposed position in *The Illegitimacy of Jesus*.<sup>3</sup> He replied to her arguments in the second edition of *The Birth of the Messiah*; she briefly responded to his criticism of her work on Matthew in the pages of this journal.<sup>4</sup>

Theirs is a classic conflict between teacher and student. It also is a defining confrontation between patriarchal and feminist biblical scholarship. For Brown, seeing himself as a faithful and obedient Roman Catholic was the most important thing. The problem of the virginal conception, as he understood it, included its status as “a doctrine infallibly taught by the ordinary magisterium,” that is, as a constant and universal teaching of the Catholic hierarchy. So he offered his 1971 inaugural lecture as a contribution to a post-Vatican II Catholic debate about the limits of infallibility and the possibility of change in the meaning of infallible teaching.<sup>5</sup> Five years later he wrote that “for many of us” the infallibility of the teaching is “an important, even a deciding factor,” but he also noted that the doctrine is not primarily a biological statement. The question to be resolved, he said, is the relationship between the doctrine and its “biological presupposition.”<sup>6</sup> Then, in 1981, he wrote that he “personally” did not think the meaning intended by a biblical writer could be contradictory to that intended by the church; and he rejected as “modernism in the classic sense”—as a denial of any real content to doctrine—any openness to a historical-critical judgment “that Jesus was conceived normally.”<sup>7</sup>

For Schaberg, also a Roman Catholic, “reading as a woman”—which a few years later she called “reading with a feminist consciousness”—was the most

<sup>3</sup> Raymond E. Brown, *The Birth of the Messiah: A Commentary on the Infancy Narratives in Matthew and Luke* (Garden City, NY: Doubleday, 1977); Schaberg, *Illegitimacy of Jesus*, 1, 201n2. The note makes special mention of five works, three of which were written by Brown and a fourth for which he was a team member and editor. The fifth was by Joseph Fitzmyer.

<sup>4</sup> Raymond E. Brown, *The Birth of the Messiah: A Commentary on the Infancy Narratives in the Gospels of Matthew and Luke*, new updated ed., Anchor Bible Reference Library (Garden City, NY: Doubleday, 1993), hereafter cited as *Birth of the Messiah II*; Jane Schaberg, “Feminist Interpretations of the Infancy Narratives,” *Journal of Feminist Studies in Religion* 13 (1997): 58–60.

<sup>5</sup> Brown, “Problem of the Virginal Conception,” 9–13.

<sup>6</sup> Brown, *Birth of the Messiah*, 529.

<sup>7</sup> Raymond E. Brown, *The Critical Meaning of the Bible* (New York: Paulist, 1981), 41.

important thing. This made her a “resistant” reader of the androcentric and patriarchal text, and especially of any story that involves a woman but is told from a male perspective. She was attentive to silences in the text, listening for the voices of women, seeking out what men might miss, aiming at “a more comprehensive perspective, a compelling reading, a human reading.”<sup>8</sup>

Such a reading, she insisted, required an acceptance of human sexuality. A few pages into *The Illegitimacy of Jesus*, she mused that virginal conception might be both a male and a female fantasy.<sup>9</sup> In the last pages she noted that her view of the conception accounts was not clearly contradictory to Catholic doctrine but added that she considered the doctrine “a distortion and a mask.”<sup>10</sup> Years later she told the Jesus Seminar that for her the virginal conception was a deeply antisexual notion that made no human or theological sense. Even if it is “in the text” of the infancy narratives, she said, she could not believe that it is historical. She did not even want it to be, “[w]hich means,” she wrote, “that I have . . . no need to defend or fear a church that thinks of it as such.”<sup>11</sup>

The work of both Brown and Schaberg generated a wide range of responses. The “Catholic Right” hounded Brown throughout his life. “Moderates,” rallying to his defense, routinely praised his integration of scholarship and ecclesiastical loyalty. *The Birth of the Messiah* became a basic reference for almost everyone who wrote about the infancy narratives. But a surprising number of reviewers were unimpressed by Brown’s arguments for historicity;<sup>12</sup> and some well-known Catholic theologians who wrote after him and subscribed to the “theologoumenon theory” seemed to think that his work contributed to their conclusions.<sup>13</sup> The ecumenical team that produced *Mary in the New Testament*, which included Brown as one of its members and editors, agreed that

<sup>8</sup> Schaberg, *Illegitimacy of Jesus*, 14–19.

<sup>9</sup> *Ibid.*, 10–11.

<sup>10</sup> *Ibid.*, 196–97.

<sup>11</sup> Jane Schaberg, “A Cancelled Father,” *Forum*, n.s., 2, no. 1 (Spring 1999): 61.

<sup>12</sup> Among those not convinced by Brown’s *Virginal Conception and Bodily Resurrection* were B. R. Brinkmann, in *Clergy Review* 59 (1974): 431–35; R. Butterworth, in *Heythrop Journal* 16 (1975): 64–67; Michael Fitzpatrick, in *Louvain Studies* 5 (1975): 92–93; Reginald Fuller, in *Anglican Theological Review* 56 (1974): 362–63; Nicholas Lash, in *Tablet* 227 (November 24, 1973): 1115–16; Michael Ledwith, in *Furrow* 24 (1973): 641–44; Paul Minear, in *Interpretation* 28 (1974): 465–67; Quentin Quesnell, in *National Catholic Reporter* 9 (September 28, 1973): 9; John A. T. Robinson, in *American Ecclesiastical Review* 168 (1974): 353–55; and Lionel Swain, in *Clergy Review* 59 (1974): 439–43. Among those not persuaded by *Birth of the Messiah* were Reginald Fuller, in *Catholic Biblical Quarterly* 40 (1978): 116–20; John L. McKenzie, in *National Catholic Reporter* 14 (December 2, 1977): 10; Robert North, in *Cross Currents* 27 (1978): 464–67; and Gerard Sloyan, in *Interpretation* 33 (1979): 81–84.

<sup>13</sup> Hans Kung, *On Being a Christian*, trans. Edward Quinn (New York: Doubleday, 1976), 453–57 and n92; Richard McBrien, *Catholicism* (Minneapolis: Winston, 1980), 1:513–18; and Edward Schillebeeckx, *Jesus: An Experiment in Christology*, trans. Hubert Hoskins (New York: Seabury, 1979), 553–56 and n5.

the stories were about virginal conception; but they could not locate the “early birth” at the level of history, and they concluded that the decision of individuals to consider the virginal conception historical fact or theologoumenon would depend on their attitude toward church tradition.<sup>14</sup>

Not one of Brown’s reviewers questioned whether the stories were about virginal conception, and hardly any reviewers or later writers mentioned the “very unpleasant alternative.”<sup>15</sup> The notable exception was Monika Hellwig. In a review article, Hellwig raised the question of rape, discussed some of its biblical and theological dimensions, and judged that such a conception seemed both theologically fitting and doctrinally acceptable. Without discussing any exegetical issues, she anticipated some of the considerations that would be addressed by Schaberg almost ten years later.<sup>16</sup> A “virginal conception debate” might have begun with Hellwig, but she quickly backed away from the idea.<sup>17</sup>

Jane Schaberg refused to back away from anything, and she paid dearly for her refusal. *The Illegitimacy of Jesus* made her, perhaps more than Brown, a target of right-wing Catholic invective. She received piles of hate mail, colleagues and administrators at the University of Detroit Mercy distanced themselves from her, Archbishop (now Cardinal) Adam Maida wrote to the Catholics of Detroit in defense of the virginal conception, and her car was set on fire.<sup>18</sup> The Catholic scholarly establishment and popular religious press generally ignored her work. Her presentation to the Jesus Seminar of the case for the illegitimacy tradition did not win group acceptance.<sup>19</sup> However, her reading of the text—though not her reasoning—was popularized by Bishop John Shelby Spong,<sup>20</sup> and references to her book show up everywhere—including on the

<sup>14</sup> Raymond E. Brown et al., eds., *Mary in the New Testament: A Collaborative Assessment by Protestant and Roman Catholic Scholars* (Philadelphia: Fortress; New York: Paulist, 1978), 77–97, 107–43, and 289–92.

<sup>15</sup> John A. T. Robinson, himself open to illegitimacy historically, biblically, and theologically, commented that only Brown’s need to stay within Roman Catholic boundaries made illegitimacy so unpleasant to him. Robert North noted that Brown defended virginal conception chiefly by making the alternative as unacceptable as possible.

<sup>16</sup> Monika Hellwig, “The Dogmatic Implications of the Birth of the Messiah,” *Emmanuel* 84 (1978): 21–24.

<sup>17</sup> In *Understanding Catholicism* (New York: Paulist, 1981), 64–67, Hellwig used the term *illegitimacy* to describe Christ as pure gift of God unearned by human obedience to the law, but she made no reference, then or ever again, to any of the questions raised in her review.

<sup>18</sup> Jane Schaberg, “A Feminist Experience of Historical-Jesus Scholarship,” in *Whose Historical Jesus?* ed. William E. Arnal and Michael Desjardins, *Studies in Christianity and Judaism* 7 (Waterloo, ON: Wilfrid Laurier University Press, 1997), 146–60.

<sup>19</sup> See “The Fall, 1994, Meeting of the Jesus Seminar,” *Fourth R* 7, no. 6 (November–December 1994): 13. The seminar classified her historical explanation as “possible but unreliable. It is not a clear fabrication but lacks supporting evidence.”

<sup>20</sup> John Shelby Spong, *Born of a Woman: A Bishop Rethinks the Birth of Jesus* (San Francisco: HarperCollins, 1992).

Internet, where it is listed in countless syllabi for courses about Jesus, the Christian Testament, and feminist studies.

Schaberg's reviews were mixed. Most noted her knowledge, balance, and exegetical expertise; judgments of her exegetical achievement, however, included everything from enthusiastically positive, to respectful but unconvinced, to resoundingly negative. Several emphasized the consistency of her view with basic biblical thinking about how God acts in the world. Some questioned the helpfulness of her book's title, and others asked whether feminist analysis really influenced her argument. Few found her "feminist agenda" reason to question her position.<sup>21</sup>

Meanwhile, other feminist biblical scholars also were studying the conception stories. These included Janice Capel Anderson, Gail Paterson Corrington, Amy-Jill Levine, Luise Schottroff, and Elaine Wainwright.<sup>22</sup> All were familiar with and, to some degree, influenced by Brown and by *Mary in the New Testament*. Without ruling out historical illegitimacy, all understood the infancy narratives as accounts of virginal conception. Schaberg has examined the views of these other feminists, explaining her disagreements with their readings and responding to some of their disagreements with her. And she has requested a discussion of the strengths in her view and in the views of femi-

<sup>21</sup> Reviewers included Janice Capel Anderson, in *Journal of Religion* 69, no. 2 (1989): 238–39; Lamar Cope, in *Religious Studies Review* 15, no. 2 (April 1989): 158; Richard S. Dietrich, in *Interpretation* 43 (April, 1989): 208; Mary Ann Getty, in *Horizons* 16, no. 2 (Fall 1989): 377–78; Mary Gerhart, in *Commonweal* 115 (November 18, 1988): 636–37; Bruce Malina, in *Biblical Theology Bulletin* 18 (1988): 8–19; Carolyn Osiek, in *Cross Currents* 38, no. 3 (Fall 1988): 360–61; PHEME Perkins, in *America* 158, no. 16 (April 23, 1988): 435–36; Barbara E. Reid, in *Catholic Biblical Quarterly* 52 (1990): 364–65; Mary Schertz, in *Journal of the American Academy of Religion* 60 (1992): 358–61; and Donald Senior, in *Bible Today* 26, no. 4 (July 1988): 253. Osiek and Schertz were the most positive, Perkins by far the most negative.

<sup>22</sup> Janice Capel Anderson, "Mary's Difference: Gender and Patriarchy in the Birth Narratives," *Journal of Religion* 67 (1987): 183–202; Gail Paterson Corrington, *Her Image of Salvation: Female Saviors and Formative Christianity* (Louisville, KY: Westminster/John Knox, 1992), 150–65, 196–98; Amy-Jill Levine, *The Social and Ethnic Dimensions of Matthean Salvation History* (Lewiston, NY: Mellen, 1988), 59–88, and "Matthew," in *The Women's Bible Commentary*, ed. Carol A. Newsom and Sharon H. Ringe (Louisville, KY: Westminster/John Knox, 1992), 252–54; Luise Schottroff, *Let the Oppressed Go Free: Feminist Perspectives on the New Testament*, trans. Anemarie S. Kidder (Louisville, KY: Westminster/John Knox, 1991), 158–67, and *Lydia's Impatient Sisters: A Feminist Social History of Early Christianity*, trans. Barbara Rumscheidt and Martin Rumscheidt (Louisville, KY: Westminster/John Knox, 1995), 177–203, 265–71; and Elaine M. Wainwright, *Toward a Feminist Critical Reading of the Gospel of Matthew* (Berlin: de Gruyter, 1991), 68–76, and "The Gospel of Matthew," in *Searching the Scriptures*, ed. Elisabeth Schüssler Fiorenza (New York: Crossroad, 1994), 2:642–43, and *Shall We Look for Another? A Feminist Rereading of the Matthean Jesus* (Maryknoll, NY: Orbis, 1998), 58–60.

nists about whom she has written: not a debate, she has said, resulting in winners and losers, but a productive ongoing conversation.<sup>23</sup>

The modest nature of Schaberg's request is not surprising. She considers the establishment of certainty about the meaning of a text "virtually an epistemological impossibility," and she is committed to the view that texts are polyvalent.<sup>24</sup> She thinks that all voices should be heard. To a degree, I share those sentiments. But I also share the view of Elisabeth Schüssler Fiorenza that "the number of interpretations that can legitimately be given to a text [is] limited."<sup>25</sup> This hard reality requires testing to assess the probability that a particular idea is in the text, and it is especially important when two readings are mutually exclusive in their meaning and their ethical consequences.

Such is the case with the conception stories. The infancy narratives are introductions to the theologies of their authors,<sup>26</sup> and a reading of the conception as virginal or as violent contributes to very different understandings of those theologies. The historic domination of a patriarchal "virginal conception theology," including its Mariology and Christology, its ideas of God and of human life, has had enormous negative consequences for women. Many feminists reject the virginal conception and the patriarchal theology it represents. Others accept it, but with a feminist interpretation that emphasizes the freedom and independence of Mary. Schaberg has taken a different direction, and the feminist response has been respectful but reserved. Elizabeth Johnson, bringing together various strands of feminist thought, has called Schaberg's reading a powerful idea even if it is in the text only as a suspicion, and she has suggested incorporating it into an inclusive reading that accepts virginal conception as the intended meaning of the text.<sup>27</sup>

But, with the exception of one article focusing on one aspect of the annunciation scene,<sup>28</sup> Schaberg's reading has not been tested against Brown's. And so this essay. My intention is to analyze and evaluate the whole debate between them, testing the probability that the rape of Mary is in the text against the corresponding probability that virginal conception is in it. My immediate

<sup>23</sup> Schaberg, "Feminist Interpretations," 38–48, 61. She also pointed out that none of those feminists who disagreed with her considered certain essential elements in her analysis of Matthew. I would say the same is true for those who disagreed with her reading of Luke.

<sup>24</sup> Schaberg, *Illegitimacy of Jesus*, 7; "Cancelled Father," 57.

<sup>25</sup> Elisabeth Schüssler Fiorenza, "The Ethics of Biblical Interpretation: Decentering Biblical Scholarship," *Journal of Biblical Literature* 107, no. 1 (1988): 14.

<sup>26</sup> Brown, *Birth of the Messiah*, 7–8; Schaberg, *Illegitimacy of Jesus*, 148.

<sup>27</sup> Elizabeth Johnson, *Truly Our Sister: A Theology of Mary in the Communion of Saints* (New York: Continuum, 2003), 229–33.

<sup>28</sup> David T. Landry, "Narrative Logic in the Annunciation to Mary (Luke 1:26–38)," *Journal of Biblical Literature* 114, no. 1 (1995): 65–79. Landry thought that Schaberg better understood the importance of Mary's question than either Brown or Fitzmyer but argued that the angel's answer indicates a virginal conception. Ultimately his reasoning agreed with Brown's.

goal is to advance the discussion that both scholars have requested. My hope is that feminist scholars, both those who accept the virginal conception and those who dismiss it, will enter the discussion, judge the debate for themselves, and consider the appropriateness of developing an “alternative” Mariology and Christology based on the story of the raped woman and her son.<sup>29</sup>

### The Birth of the Messiah

Raymond Brown gave four reasons for holding that Matthew intended to write about a virginal conception in 1:18–25. First, this intention is “clearly implied in the begetting through a Holy Spirit motif.”<sup>30</sup> This begetting is “realistic,” he said, unlike that accomplished in the resurrection and the baptism. The Spirit is not male, however, and the begetting is not sexual, not “a marriage between a deity and a woman” (137). For both Matthew and Luke, the Spirit is “a divine agent” rather than a person—“much less the Third person of the Trinity” (125). Still, having said all this, Brown asked: “But why was the action of the Holy Spirit related to a begetting of the Messiah *on the part of a virgin?*” (his emphasis). He answered that the angelic annunciation to Joseph, paralleling the annunciation to Mary in Luke, follows the narrative pattern of the Hebrew scriptures. That pattern demands an obstacle, and for both evangelists the obstacle was Mary’s virginity (161).

Second, Matthew uses Isaiah 7:14, as found in the Septuagint, in a particular way. The Greek *parthenos*, which usually translates the Hebrew *bētûlâ*, the term for a virgin (147–48 and nn43, 45), is used in the Septuagint to translate the Hebrew *almâ*, meaning a young girl. Brown recognized that Isaiah 7:14 was not intended by its Hebrew author to indicate virginal conception and that the use of *parthenos* in the Septuagint does not give the text that meaning. “For both the MT [Masoretic Text] and the LXX [Septuagint],” he wrote, “the sign offered by Isaiah was not centered on the manner in which the child would be conceived, but in the providential timing whereby a child who would be a sign of God’s presence with his people was to be born precisely when the people’s fortunes had reached their nadir” (149). Matthew inserted the prophecy into the conception scene (144) because it helped him to talk about Jesus as both son of David and Son of God (*Emmanuel*, meaning “God is with us”); and he was able to give it a “Christian use” in which it could be said to foreshadow the “eschatological” event that the narrative had recounted: “the final and once-and-for-all manifestation of God’s presence with us, which is so

<sup>29</sup> Elisabeth Schüssler Fiorenza noted a decade ago, in *Jesus: Miriam’s Child, Sophia’s Prophet* (New York: Continuum, 1994), 168–69, that Schaberg’s reading “has not inspired systematic feminist elaboration.” That statement remains true.

<sup>30</sup> Brown, *Birth of the Messiah*, 118, 141 (hereafter cited in text through this section).



much the work of the Spirit that for the first time in the genealogical record of the Messiah no human begetter can be listed" (153).

Third, in Matthew's preceding genealogy (1:1–17), the inclusion of four women—Tamar, Rahab, Ruth, and "the wife of Uriah"—is significant. Brown rejected the explanation that the women were included as sinners, considering it not clear that Ruth sinned with Boaz, and pointed out that all the women were well regarded in the Judaism of Jesus's day. Even if they had been thought of as sinners, he added, being counted among them would not have helped Mary (71–72 and n23). The women have in common their involvement in irregular or scandalous unions that continue the lineage of the Messiah. The four "showed initiative or played an important role in God's plan and so came to be considered the instrument of God's providence or of His Holy Spirit" (73). Mary shares with them the fact that her pregnancy was scandalous. But the "intervention" of God to bring about the conception of Jesus was greater than that required to conceive the children of the four women, because the obstacle was greater: "the total absence of the father's begetting" rather than "the moral or biological irregularity of the parents" (74).

Finally, Brown said, Matthew's declaration that Joseph had no relations with Mary until after the birth of Jesus stresses her virginity, and with it the virginal conception, thus assuring the fulfillment of the prophecy in Isaiah 7:14 (118, 132).

Brown held that Luke's intention to assert virginal conception in 1:26–38 is demonstrated by four factors in the story: the step-parallelism with which he consistently shows Jesus to be "greater than John"; the question Mary asks the angel, with its objection, "I do not know man"; the angel's answer; and Elizabeth's blessing of Mary. The first of these factors Brown had spelled out in a 1973–74 dialogue with Joseph Fitzmyer, who wrote of the annunciation story that "every detail in it could be understood of a child to be born of Mary in the usual way."<sup>31</sup> Brown replied that step-parallelism required virginal conception, because Luke is careful throughout his narrative to keep John at a lower level than Jesus, and he constructed the story of John's conception to fit that pattern. Conception by a postmenopausal woman, Brown insisted, would not be lower than anything but virginal conception.<sup>32</sup> The argument persuaded Fitzmyer,<sup>33</sup>

<sup>31</sup> Joseph A. Fitzmyer, "The Virginal Conception of Jesus in the New Testament," *Theological Studies* 34 (1973): 565–67.

<sup>32</sup> Raymond E. Brown, "Luke's Description of the Virginal Conception," *Theological Studies* 35 (1974): 360–62.

<sup>33</sup> Joseph A. Fitzmyer, *The Gospel according to Luke: Introduction, Translation, and Notes*, Anchor Bible 28 (Garden City, NY: Doubleday, 1981), 1:338. Cf. Fitzmyer, *To Advance the Gospel: New Testament Studies* (New York: Crossroad, 1981), 61–62.

and in *The Birth of the Messiah* Brown made step-parallelism the cornerstone of his position (247).

Second, regarding Mary's question and objection (1:34), Brown translated *pōs estai touto* as "How can this be?" rather than as "How will this be?" because, as in Matthew, the story follows the structure of the Hebrew scriptures annunciation-of-birth pattern. Mary presents her virginity as an obstacle to the angel's announcement (292–98, 307–8). Brown acknowledged that the objection as Luke presents it, *epei andra ou ginōskō*, uses "the specific *anēr*, 'male, husband,' not the generic *anthrōpos*, 'man'"; nevertheless, he thought it should be translated generically: "because I do not know man." "Luke's intent is wider," said Brown, citing the agreement of this translation with the introduction of Mary as a virgin and pointing out that she is called this twice in 1:27, the second time in an unqualified way. He also held that Mary's statement, spoken in the present tense, "describes a state resultant from a past pattern of behavior." It might be understood, appropriately though not literally, as "I have had no relations with a man" (289). But this raises a question: Why does she not assume that the conception will occur when she is taken to Joseph's home and has relations with him? Brown rejected the traditional explanation that Mary here indicates a will, or even a vow, to remain a virgin (303–5). Instead he adopted the "literary explanation" that her question serves as a vehicle for Luke's Christology, specifically for virginal conception. This explanation, Brown added, is not purely literary; it also reflects pre-Gospel tradition (308–9).

Third, the angel's answer (1:35) speaks of a realistic but nonsexual begetting. The terms *eperchesthai*, "come upon," and *episkiazein*, "overshadow," which some have considered sexual, approximate the language of Pentecost and the transfiguration, but in a literal rather than a figurative way, with a connotation of creation rather than of adoption or of cooperation with any human activity. This child is totally the work of God. The Spirit here is more the creative Spirit of Genesis 1 than the prophetic Spirit that filled John (290, 313–15 and n55).

Finally, Elizabeth blesses Mary for her faith (1:42–45); but "no belief would really be required if Mary were to conceive as any other girl would conceive" (301).

In an appendix about the origins of the idea, Brown again rejected the influence of "non-historical catalysts" (522–24), constructing instead an explanation that included the "historical substratum" of early birth, some theology, and perhaps some apologetics. The early birth, he said, was open to slander and not likely to have been a Christian invention. If it was a publicly known fact, this would have led Jesus's enemies to consider him the illegitimate child of an unfaithful mother. Christians, however, "would have rejected such an explanation, for they had a widespread and firm belief that Jesus was totally free of sin . . . and both Matthew and Luke present his parents as holy and righteous." Thus,

[t]he idea of the virginal conception of God's Son may have resulted from an interplay of many factors: a creedal affirmation (designated or begotten Son of God through the Holy Spirit), stemming from the early preaching, and a theology of sinlessness coming together to interpret the historical fact of conception by Jesus' mother before she came to live with her husband—a mixture leavened perhaps by an ingredient of family tradition. This complicated solution, although it reflects items from the meager evidence we possess, leaves many questions unanswered (e.g., Mary's understanding of all this), and so it remains quite tenuous. (527)

Earlier, without mentioning virginal conception, Brown had hypothesized that Luke filled his infancy narrative, and especially his depiction of Mary, with allusions to Jewish Christian *'anawim*, the “poor ones,” who were said to depend totally on God. Now, completing his argument that Matthew and Luke intend to assert virginal conception, he declared that illegitimacy “would negate the theology that Jesus came from the pious Anawim of Israel” (530; see 350–55).

In another appendix Brown specifically considered “the charge of illegitimacy.” There is no independent evidence outside the infancy narratives, he said, to decide the question. The charge was in circulation during the second century, but it surfaced first in Egypt and might indicate an awareness of the story in Matthew (534–37). Brown had become convinced that Mark 6:3, in which the neighbors call Jesus “son of Mary,” might not indicate an illegitimacy charge. John 8:41, in which “the Jews” say to Jesus, “We are not illegitimate,” he considered more plausible than Mark 6:3, but not a clear and certain reference to biological illegitimacy (537–42).

### The Illegitimacy of Jesus

Jane Schaberg began her study of Matthew with the four women in the genealogy (1:1–17). Rejecting, as did Brown, the view that the women were considered sinners, she agreed with “the direction” of his explanation that the four had engaged in irregular or scandalous sexual behavior. She did not agree, though, that Matthew had God intervene through Mary in “the total absence of the father's begetting.”<sup>34</sup> After a lengthy discussion of their individual stories (22–32), Schaberg concluded that the women have four things in common: they live “outside patriarchal family structures”; suffer because of patriarchalism; engage in activity that could bring about “damage to the social order and their own condemnations”; and are accepted by men who assume the responsibility to protect them, “legitimizing them and their children-to-be.” The women are used by God not through divine intervention but through “divine

<sup>34</sup> Schaberg, *Illegitimacy of Jesus*, 21–22 (hereafter cited in text through this section).

accommodation to human freedom,” in the form of “four special pregnancies . . . the distasteful ones of fruitful women.” All this, she said, Matthew intended his readers to expect in the fifth woman as well (32–34).

Next Schaberg questioned the meaning of a name not included in the genealogy. In Matthew 1:16, the formula changes from “A begot B, B begot C,” which in all other cases named the father as the begetter, to “Jacob begot (*egennēsen*) Joseph, the husband of Mary; of her was begotten (*ex hēs egen-nēthē*) Jesus, called the Christ.” The missing name and the passive verb, she said, indicate virginal conception only for a reader who already has accepted that interpretation of the story in 1:18–25 (34–36). Otherwise they imply that Joseph is not the biological father and suggest either ignorance or suppression of that father’s name (38–39).

Joseph, however, was *a* father of Jesus, because in the story there are “two kinds of human fatherhood: legal (Joseph’s) and physical (the biological father).” It is through Joseph that Jesus is son of Abraham, son of David (39). Matthew 1:18–25 focuses on Joseph as “the engaging central character in the story” (59). The drama implicitly builds on the challenge he faces in light of Deuteronomy 22:23–27, the only passage in the Hebrew scriptures that states what is to be done when a betrothed virgin has been seduced or raped (45). Joseph discovers that his betrothed is pregnant, suspects her of adultery, and weighs his legal obligations and rights. After fifteen pages on the choices open to Joseph within the context of ancient Jewish tradition, including choices concerning a betrothed woman who might have been raped (42–58), Schaberg concluded that by deciding “to divorce her quietly” Joseph ruled out a hearing that would bring shame on Mary and on him: “He chose what amounted to a merciful alternative offered by the Law.” Then the angel gave him an even more merciful, yet Torah-faithful, alternative: the choice to complete the marriage and accept the child. That solution removes the suspicion of adultery but not that of rape (58–60).

In Schaberg’s reading, the end of the story in 1:25, “he did not know her until she brought forth her first-born son,” does not indicate virginal conception; it simply emphasizes “that Joseph could not be this child’s biological father” (62 and n184).

Acknowledging that “virtually no modern critic” thought Matthew 1:18, 20 refers to anything but a virginal conception, Schaberg noted that, nevertheless, hardly anyone thought the phrase “begotten through the Holy Spirit” in itself indicates birth without a human father. That meaning, she said (not citing Brown on this point), depends on seeing the event as eschatological—with perhaps a hint in Matthew of something Genesis-like, of a new creation. She saw no such hint and no other reason to arrive at virginal conception in those verses. Noting that, according to the then-current consensus, there were no biblical or intertestamental parallels that might have influenced the idea of vir-

ginal conception (62–65), Schaberg looked to “the wider Jewish and Christian context,” in which occasional statements “use the metaphor of divine begetting to stress that God’s power is the ultimate source of human life and generation.” Other passages use the same metaphor to indicate conferral of special election, status, and obligations (66). She concluded that Matthew should be read in light of that wider context and should be understood “in a figurative or symbolic, rather than a literal sense.” His story is about “a creative act of God that does not replace human paternity. Sexual and divine begetting are integrated.” Schaberg also thought that Matthew probably intended to say more than that God was involved in this birth as in all others: “Matthew is thinking as well of the communication of a special kind of life or dimension of life from God to Jesus at his conception, of a special relation with God. . . . This begetting constitutes him Son of God in a special sense as the one who sums up in his existence the whole history of Israel from Exodus onwards” (66–67).

Regarding Matthew’s “Christian use” of Isaiah 7:14, “The virgin will be with child and bear a son,” Schaberg agreed with Brown and others that, although the Greek translator almost certainly used *parthenos* to emphasize the physical virginity of the young girl in question, neither the Hebrew nor the Greek originally indicated or gave rise to the idea of virginal conception. She did not think Matthew used the verse to assert something the story did not say, and she speculated that he probably chose it because *parthenos* also appeared in Deuteronomy 22:23–27 of the Septuagint, which he did not quote but which was the background for Joseph’s dilemma. If so, Matthew used the prophecy because it evoked the law concerning the seduction or rape of a betrothed virgin. Here Schaberg noted that Isaiah 7:14, pointing to a virgin who will become pregnant, does not name the biological father; speaks of the child as under God’s protection and given God’s assistance; and challenges the reader to accept the sign of pregnancy and birth, to let go of her own ideas, and to trust God in a terrible time to come. Matthew, she concluded, would have searched the rest of the scriptures in vain for a text that fit his story, but Isaiah 7:14 provided the imagery to describe something “that resisted—and still resists—the theologians’ arts and tools: the siding of God with the endangered woman and child” (68–73).

Schaberg opened her study of Luke with a caveat: “Luke writes, but with far less directness even than Matthew, of an illegitimate conception of Jesus by Mary. Luke permits rather than requires this proposed reading.” Her interpretation, she said, was based on the view that Fitzmyer originally espoused but later gave up, that everything about Luke’s story could be understood as an account of ordinary human conception (82). The persuasiveness of her argument depended on many elements in the story: the introduction of Mary and her question in response to the angelic announcement; the law of Deuteronomy 22:23–27 regarding the seduction or rape of a betrothed virgin, along with

a probable allusion to this in the Magnificat; the step-parallelism by which Luke places Jesus above John the Baptist; the angel's answer to Mary's question; and Mary as "the Virgin Israel" and the representative of the *'anawim*.

Schaberg translated the introduction of Mary in 1:27 (*parthenon emnēst-eumenē andri*) as "a virgin betrothed to a man"; but she pointed out that, depending on the context, *anēr* means either "a man" or "a husband." Then she translated 1:34, Mary's questioning objection to the announcement of the angel: "How will this be, since I do not have sexual relations with a husband?" (*pōs estai touto epei andra ou ginōskō*). This translation of *anēr* in 1:34, she said, is consistent not only with 1:27 but also with 2:36, which describes Anna as "having lived with her husband (*anēr*) seven years from her virginity." It calls attention both to Mary's virginity and to her present marital status as betrothed but not yet taken into Joseph's home.

Schaberg translated the first part of Mary's question, *pōs estai touto*, as "How will this be?" instead of "How can this be?" *Estai*, she said, is open to both senses, so she chose the translation that would avoid prejudicing the argument in favor of some miraculous divine intervention. She translated *epei andra ou ginōskō* literally, in the present tense, as "I do not have sexual relations with a husband" rather than as "I have had no relations with a man." Disagreeing with Brown's translation, although not referring to him by name, Schaberg held that the present tense of the verb does not indicate a present state based on past behavior. It focuses Mary's objection on the present; it tells the reader that Mary expects her pregnancy to come about in the very near future, before she goes to live with Joseph. Luke thus complements Matthew's comment that Joseph did not have relations with Mary during the time of betrothal and perhaps raises "the possibility that the conception will be by someone other than Mary's husband" (84–87).

Schaberg found some slight supporting evidence for her view in Luke's statement that Mary goes to see Elizabeth *meta spoudēs* (1:39), usually translated "in haste" and read as an indication of eagerness or joy. Schaberg considered this to be its meaning in 2:16, in which the shepherds hurry to Bethlehem after the announcement of Jesus's birth. But in the Septuagint and in the Christian Testament, she said, the noun *spoudē*, verb *speudō*, and adverb *spoudaiōs* often have "overtones of terror, alarm, flight, and anxiety." She suspected that is how Luke used *meta spoudēs* of Mary's journey to Elizabeth. But she did not consider the phrase clear in its meaning or an important part of her argument and left it to the reader to judge (89–90).

Moving on to a major part of her argument and citing another observation of Fitzmyer,<sup>35</sup> Schaberg noted that 1:27, introducing Mary as "a virgin betrothed to a man," is verbally close to Deuteronomy 22:23 (91 and n55). This

<sup>35</sup> Fitzmyer, *Gospel according to Luke*, 1:343.

is the first verse of the law that Joseph wrestles with in Matthew. Using it here, she suggested, Luke prepares the reader for the fatherhood of someone other than Joseph and for a story about seduction or rape during the period of betrothal (91–92). She considered this understanding of the verse to be supported by the Magnificat (1:46–55), with its message of liberation and triumphant violence, and with its concentration on the present. By putting the Magnificat on Mary's lips, Luke passed on "the tradition that he received: that she had been violated and made pregnant, but that God had vindicated her, protecting her and her child, even recognizing and causing to be recognized this child as God's Son and Messiah" (95).

Still reflecting on the Magnificat, Schaberg considered especially significant Luke's use of *tapeinōsis* in 1:48. In this verse, she noted, the word usually is translated "low estate" or "humble station," but in the Septuagint it ordinarily means "humiliation." It has this meaning in Deuteronomy 22:24, describing the humiliation of the betrothed virgin, and in Genesis 34:2; Judges 19:24 and 20:5; 2 Kings 13:12, 14, 22, and 32; and Lamentations 5:11. These passages describe the rape of Dinah; the rape of the Levite's concubine; the rape of David's daughter, Tamar; and the rape of the virgins of Judah. So that is how Schaberg chose to translate *tapeinōsis* here, in a verse that most scholars think was inserted into the Magnificat by Luke: "He has looked upon his servant in her humiliation." Its effect, according to Schaberg, is to highlight Mary's situation as "a moral and social degradation" (97–101).

Schaberg concluded her reflections on this point by passing along the suggestion that the Magnificat comes from a group of Jewish Christian *anawim*, the poor and downtrodden who have nobody but God to depend on. Citing Brown, she added that "these suffered physically as well as spiritually"; and then, responding to one of his major concerns, she wrote, "The tradition of illegitimacy does not negate the theology that Jesus came from the pious Anawim, nor does it destroy the images of sanctity and purity with which Luke surrounds Jesus' origins. Rather, Luke uses that theology and those images . . . in order to show that this child and his mother were fully incorporated into Israel" (101 and nn92 and 93).

Schaberg now dealt with what she called "the *main* critical argument" (her emphasis) used recently to support virginal conception: the step-parallelism between John the Baptist and Jesus. She acknowledged Luke's use of that technique but proposed that the superiority of Jesus over John is demonstrated here by "God's overcoming of the deeper humiliation of his [Jesus's] mother" through seduction or rape. This humiliation, she said, was considered worse than barrenness in the biblical tradition, in which it is "never explicitly promised reversal" (101–4). In his annunciation scene, Luke implies Mary's plight but does not name it, and so it has been easy for readers to miss (107–10).

Schaberg considered the angel's answer to Mary's objection, "The Holy

Spirit will come upon you, and the power of the Most High will overshadow you" (1:35), to be similar to the one Jesus gives to Nicodemus in John 3:3–8. It takes a question about biology to the spiritual level. The angel calls on Mary to trust God and accept God's will, without giving her a biological explanation of how the conception will take place (110–12). Instead, she is told that God's dangerous power and presence will protect and deliver her (113–14). Schaberg agreed that the terms "come upon" and "overshadow" are not sexual, and even insisted that Luke is less open to a sexual interpretation than Matthew (117); but she saw this as supporting her understanding of the angel's answer.

It seemed to Schaberg that conception through rape quite possibly contains "echoes of the virgin daughter Zion or Israel passages" in the Hebrew scriptures. Brown, she wrote, had rejected the "virgin Israel" imagery on the grounds that the virgin often is oppressed or violated, often unfaithful. Mary is neither, said he. "My thesis," she responded, "is that in the tradition Luke inherited and wished to transmit Mary *was* oppressed and perhaps violated," but "without the fallenness usually associated with this image" (119–20 and n157, citing Brown, *Birth of the Messiah*, 321).

For Schaberg, this clarified the full significance of what Luke was saying. She understood the "Son of David" and "Son of God" Christologies proclaimed in 1:32 not as competing but as unified. In the notions of "coming" and "overshadowing" she saw not new creation and divine begetting but God's protection, and perhaps empowerment, of this oppressed and violated woman, and the exalted status of her son. With the whole of his Gospel, Schaberg added, Luke explained Jesus the Jew to a largely Gentile Christian audience by presenting him according to "the Greco-Roman superstar paradigm." But, in the infancy narrative, "Luke guarded against an interpretation of Jesus' origin as the result of a *hieros gamos*." The one born of the flesh, who might be thought to bear the curse of his parents, who will be executed as a criminal, who is "unholy in human estimation," is the one who will be declared holy through the coming of the Holy Spirit and the overshadowing power of God (120–27).

Now Schaberg also looked closely at Mary's consent to the will of God in 1:38, "Behold, I am the handmaid (or slave: *doulē*) of the Lord; let it happen to me according to your word," calling it "quite odd in an annunciation narrative" (127). The scene can be read as Mary's commission to be a mother and her acceptance of that commission in faith; but, beyond motherhood, Schaberg added, what Mary accepts is the good news. Perhaps Luke "inherited a positive tradition, which placed Mary in the early church community," and constructed the annunciation scene to include an assertion of her innocence (128–32). But still, Mary's acceptance contains possible echoes of the illegitimacy tradition. Her words evoke the prayer of Jesus before his arrest: "Not my will but yours be done." Luke might have intended to evoke also the struggle that was part of the two commissions and acceptances (133–35). Mary's description



of herself as a *doulē*, a slave, invokes a term that had shock value in Luke's world; in its feminine form it "always and everywhere carries associations . . . of sexual use and abuse." In Judaism the term came to mean complete dependence on and service to God, but it still occasioned scandal. Citing Brown, Schaberg observed that one early Jewish objection to belief in Jesus was that the Messiah could not be born to a concubine (136 and n223, citing *Birth of the Messiah*, 364). Luke, she wrote, depicts Mary as "a victim of forces unknown to her," who consents to her fate in trust and obedience to God (138).

Concluding her study of Luke, Schaberg repeated that she had built on the view that the story can be read as being about conception in the usual way and added that she also had been influenced by Luke's insistence "that Joseph was only thought to be the father of Jesus." She was sure that her reading explains the story at least as well as does virginal conception, but she considered the argument for Luke less persuasive than that for Matthew. Luke, she said, obscured the "illegitimacy" tradition with the annunciation scene, the element of consent, the images of sanctity and holiness, and the "serenity, even triumph of the whole story." His intent was "to convey the 'good news,' power, and respectability of the Christian message" to a Greco-Roman audience. In her estimation he did that so well that he hid the dark side of the story (138–42).

Only now did Schaberg turn to the historical question. Behind Matthew and Luke, she said, most scholars recognize a common tradition—probably oral—that includes a surprising number of elements. Among them are an allusion to Deuteronomy 22:23–27; the illegitimate conception of Jesus during the period of betrothal; the anonymity of the biological father; the fact that Joseph and Mary had not had sexual relations; the involvement of "a higher causality," which means that "the pregnancy is no accident or mistake, but divinely ordained"; and the fulfillment of God's promises to Israel in a time of danger. She also said that "both evangelists want the reader to regard Mary as innocent of co-operation in seduction, that is, adultery." But she could not judge whether Matthew and Luke inherited a common rape tradition or independently corrected a tradition or rumor of seduction and adultery (145–48).

On the basis of these commonalities, Schaberg made her proposal for the development of the illegitimacy tradition. She agreed with Brown that an "early birth" would not have been invented by Christians, because this would have been "potentially damaging information," but she did not believe that the early birth in itself would have been cause for scandal. Premature births, she commented, most likely were common in those times, and in Galilee a suspicion that Joseph and Mary had sex before the completion of their marriage would have meant thinking them guilty of an offense against good taste rather than guilty of a moral failure. To make the suspicion a matter of morality, of sin, there had to be a report of illegitimacy by someone involved. Schaberg hypothesized that such a report came from the family, most likely from Mary or

Jesus's brothers and sisters but not from Joseph. Then it became attached to a defense of Mary's innocence, and even to talk about the work of a holy, rather than unholy, spirit, perhaps coming from the same circles. Anything beyond this, said Schaberg, probably came from circles outside the family: perhaps from some early Christian prophet, female or male, or from a charismatic circle of early Christians, either of whom might have talked about the involvement of the Holy Spirit. The story perhaps was kept quiet but eventually became public, occasioned ridicule and slander, and finally was used by Matthew and Luke (151–56).

Responding to Brown's suggestion that "a widespread and firm belief that Jesus was totally free of sin" played a part in the development of the virginal conception, Schaberg wrote that "Jesus' sinlessness . . . never is explained in the NT by reference to his origins" (241n27). She speculated that the development of the story might have involved charges of Jesus's *spiritual* illegitimacy, and she suggested that John's thoughts about the distinction between begetting by the flesh and begetting by the spirit perhaps were related to such charges (157–58).

### Open and Shut: Brown's Critique of Schaberg

In 1985, aware that *The Illegitimacy of Jesus* soon would be published, Brown commented that "a modern feminist might describe Mary as a victim of male lust and power and thus far from sinning in conceiving Jesus out of wedlock."<sup>36</sup> In 1986 he published an amazing article in *Worship*. Matthew's genealogy, he said, contains the essence of the gospel and proclaims the truth that God works with all kinds of people: "God frequently does not choose the best or the noble or the saintly. . . . Matthew's genealogy is telling us that the story of Jesus Christ contains as many sinners as saints and is written with the crooked lines of liars and betrayers and the immoral, not only with straight lines."<sup>37</sup> Of the women in the genealogy Brown said that "we hear nothing of the saintly patriarchal wives." He wrote that Ruth "literally threw herself at the feet of Boaz," and he called Bathsheba "the victim of David's lust."<sup>38</sup>

Anyone aware of these developments in Brown's thought might have expected that his sympathy would extend to *The Illegitimacy of Jesus*. It did not. When the book was published, he withheld comment. In 1993 he gave his reply.<sup>39</sup>

<sup>36</sup> Raymond E. Brown, *Biblical Exegesis and Church Doctrine* (New York: Paulist, 1985), 36.

<sup>37</sup> Raymond E. Brown, "The Genealogy of Jesus Christ," *Worship* 60 (1986): 486.

<sup>38</sup> *Ibid.*, 488–89.

<sup>39</sup> Brown, *Birth of the Messiah II* (hereafter cited in text through this section). Brown made his comments in a dozen scattered pages. One significant section, 601–3, was omitted from the index.

Brown focused on one thing about the women in Matthew's genealogy, what he called Schaberg's mention of "births marked by illegitimacy." Questioning whether this would be the case for any of them, he answered that David and Bathsheba were married when Solomon was conceived (2 Samuel 11:2-5); that Ruth 4:12 contains a marriage blessing; that there is no reason to think that Rahab and Salmon were not married; and that Tamar was righteous. Matthew's mention of the women, he said, "provides examples of virtue despite contrary appearance!" Noting Schaberg's criticism of him for using the word *intervention* to describe God's involvement in the lives and actions of these women, he acknowledged that he had not chosen the best word. He maintained, though, that by intervention he meant only "divine planning" and God's use of the women's initiative and irregular marital unions to prepare the way for Mary, "'of whom was begotten Jesus, called the Christ,' without the male sexual participation of Joseph" (593-94). Then, turning from Schaberg to some general comments on the genealogy, he spoke of the *Worship* article and the meaning of the genealogy, but with no mention of the women (596).

Judging "the most extraordinary (and the weakest) part of Schaberg's thesis" to be her interpretation of the phrase "begotten through the Holy Spirit" in Matthew 1:18, 20, Brown criticized her use of the terms *figurative* and *symbolic* to describe Matthew's meaning. He asked why, given that the wording Matthew uses to describe the role of Mary—"of whom was begotten"—obviously is literal, the same language used of the Spirit should not be understood the same way. Then he added, "Schaberg's claim that a rapist was Jesus' true father, in my judgment, destroys the theological identity of Jesus intended by Matthew in 1:18-25. Jesus is not the son of an unknown. He is truly *Son of God* through creative generation in the womb of Mary from the Holy Spirit of God" (601; Brown's emphasis).

Brown responded to the suggestion that Matthew used Isaiah 7:14 because the Greek *parthenos* reminded him of Deuteronomy 22:23-27 with a single statement that this hypothesis was "extraordinarily forced" (601). He had nothing more to say.

Now Brown turned his attention to Luke. In a bit more than two pages on the annunciation scene, he discussed several elements in Schaberg's interpretation of the story. He denied that Luke's introduction of Mary as "a virgin betrothed to a man" hints at an act of violence, calling the description "quite neutral in itself" and one that would apply at some time in her life to almost every Jewish woman. He also mentioned that, according to Fitzmyer, whom Schaberg cited as a reference for the idea, Luke often would take a phrase from the Septuagint "without necessarily reproducing the context in which it occurs." "Certainly," he added, "the pious religious context in which Luke presents his picture of the virgin named Mary would not prompt readers to think that he was introducing them to the story of a woman who had lost her virginity

through violation.” He approved of Schaberg’s recognition that the angel’s answer to Mary’s question is a nonsexual statement about God “coming upon” and “overshadowing” Mary; but he wondered how, if it does not indicate that she will be raped, that answer tells Mary how she will conceive the child. Noting that for Schaberg “the passage echoes the Daughter of Zion motif . . . which often portrays a woman oppressed and violated,” he responded in one word: “dubious” (636–37).

Next Brown commented on Schaberg’s view that Luke’s meaning was hidden by his telling of the story. Surely, said Brown, “it is very weak exegetically to contend that an author expressed his central concern so incompetently that his contemporary audience would miss it.” Then he added, “Schaberg may be the first to hold the thesis that Luke knew of *and intended to convey* an illegitimate conception (probably by rape). . . . One should not decry solitary scholarship, but it does leave one open to the suspicion that the proposed insight is in the interpreter’s eye rather than in the author’s intent” (637; Brown’s emphasis).

Turning to material outside the annunciation, Brown addressed one more element in Schaberg’s reading of Luke: her suggestion that perhaps Mary goes to visit Elizabeth with some sense of “anxiety or inner disturbance.” Mary’s haste, he answered, is out of obedience to the omnipotence of God that has been revealed to her; and this is confirmed by the fact that the shepherds, who have not been raped, also hasten to Bethlehem (643).

When he came to the question of historicity, Brown paraphrased Schaberg’s scenario for the development of a pre-Gospel illegitimacy tradition (mistakenly thinking, as many do, that she considered the rape of Mary the most likely *historical* explanation) and made two brief comments aimed at refuting her position. Paul, he said, “scarcely knew” an illegitimacy tradition when he described Jesus as “born under the Law.” Moreover, he asked, in a footnote to that statement, how a seduction tradition could be squared with early Christian “insistence on the sinlessness of Jesus,” or a rape tradition with Mark’s “portrayed presumptions of family claims (Mark 3:31–35) and of family normality (Mark 6:3)” (708n330). Then Brown said his last word on Schaberg’s project: it is highly unlikely that Matthew and Luke independently wrote stories about a seduction or a rape in such a way “that all subsequent commentators until Schaberg misread them to refer to a v.c.” (708).

### **“Extremely Tenuous” Indeed: A Critique of Brown’s Critique**

A close look at Brown’s critique of Schaberg produces startling results. His comments about Matthew’s genealogy were confused from start to finish. Schaberg never spoke of “four births marked by illegitimacy.” What she said was just the opposite, that the androcentric stories in the Hebrew scriptures

portray the men as “legitimizing them [the four women] and their children-to-be.”<sup>40</sup> Brown ignored Schaberg’s main point, that the irregular sexual behavior of the marginalized and suffering women prepares the reader for irregular sexual behavior on the part of a marginalized and suffering Mary. Accepting her criticism of the term *intervention*, which he had employed to describe God’s use of the women’s initiative, and explaining that by this he meant “divine planning,” Brown seemed not to notice that, except for Schaberg’s denial of the virginal conception, her understanding of how God works in the world was the same as his. Pointing out that in Matthew 1:16 the phrase “‘of her was begotten . . .’ is intended to say that Joseph was not the biological father of Jesus,” he unwittingly supported Schaberg’s view that the phrase does not indicate virginal conception and that it might suggest that the name of the biological father either is unknown or has been suppressed. Schaberg argued her position carefully and persuasively; Brown did not dispute the elements in her argument but found a reason—a misunderstanding!—to disagree with her conclusion.

Brown’s criticism of Schaberg’s suggestion that “begotten from the Holy Spirit” should be understood in “a figurative or symbolic, rather than a literal sense” has merit as a comment on one phrase. The wording seems to mean that God was not really involved in the conception of Jesus. But Schaberg did not mean that. She intended only to deny that Matthew 1:18, 20 attributes to God an eschatological creative activity that does not involve a male partner. Brown ignored the six pages in which she discussed and rejected that reading of the text, explained that in the “wider Jewish and Christian context” divine creative action complements rather than replaces human parenthood, and concluded that for Matthew the conception of Jesus involved both. He also ignored her statement that Matthew’s Jesus probably had from the beginning a kind of life, a relation to God, that made him Son of God in a special way.

Only by ignoring all that Schaberg had to say about God’s involvement in the conception could Brown immediately reject what he thought was her idea that a rapist was “Jesus’ true father” on the grounds that this would contradict the “theological identity” of Matthew’s Jesus as Son of God. His concern might seem to be the involvement of a *sinner* in the conception of Jesus (which he had seemed almost ready to accept in the mid-1980s), but that was not his point. He was ruling out *any* human involvement as contradictory to *any* divine involvement.

Brown would have done better not even to make his two-word comment—“extraordinarily forced”—about Schaberg’s suggestion that Matthew used Isaiah 7:14 because of its connection with Deuteronomy 22:23–27. She supported her judgment by pointing out that in its context the prophecy is a challenge to

<sup>40</sup> Schaberg, *Illegitimacy of Jesus*, 33.

trust God in terrible times. Brown also read that as the meaning of the prophecy.<sup>41</sup> She hypothesized only that Matthew used the prophecy because it fit the story, not because he wanted to introduce the novel element of virginal conception. Brown apparently still thought Matthew took a text that has another primary meaning and does not explicitly indicate a virginal conception; attached it to a story that does not explicitly indicate a virginal conception but does raise the question of adultery or rape; and, by combining the two, indicated a virginal conception! *His* position on the use of Isaiah 7:14 is the one that is forced; his criticism of Schaberg is empty.

Arguing that Luke's introduction of Mary as "a virgin betrothed to a man," from Deuteronomy 22:23, means nothing because the phrase itself is neutral and because, according to Fitzmyer, Luke often used phrases without regard to their original context, Brown proved nothing. Fitzmyer's general observation does not determine a priori how Luke used any particular phrase. That determination can be made only by considering the context of any story in which the borrowed phrase appears. One aspect of the context in Luke is the step-parallelism between John the Baptist and Jesus. It is true that after 1973 Fitzmyer was convinced that step-parallelism required virginal conception. But Schaberg accepted Fitzmyer's original position; argued that in the Hebrew scriptures illegitimate pregnancy is considered a worse curse than barrenness; and concluded that for Luke the moral obstacle of conception by rape surpasses the physical obstacle of conception by the barren, postmenopausal Elizabeth. Fitzmyer ignored Schaberg's book and never took a look at either his original position on the conception or the significance of the phrase "a virgin betrothed to a man" in light of Schaberg's work. Brown ignored her contribution to the discussion of step-parallelism that he had begun, and took refuge in an outdated argument from the authority of Fitzmyer.

Brown's assertion that an introduction signaling a rape would not fit the pious religious context assumes that the annunciation scene is piously religious in the usual sense: focused on holiness and prayerfulness to the exclusion of anything shocking or even messy about human life. Schaberg already had written that the scene has a pious aura and had complained that the aura gets in the way of the content. But she had supported her interpretation of the message beneath the aura by referring to several elements in the story: Mary's recitation of the Magnificat, with its mention of her "humiliation" and its message of liberation; Mary's depiction of herself, in 1:38 and again in the Magnificat, as a *doulē*, a female slave; and the fact that the *'anawim*, the poor of Israel, were a religious class with a sociological base in poverty and oppression. Brown never mentioned anything about her thoughts on these subjects, all of

<sup>41</sup> Brown, *Birth of the Messiah*, 149. See earlier discussion.

which—except the fact that Mary herself was oppressed—appeared in *The Birth of the Messiah*.

Brown's observation that, if the angel's answer does not refer to virginal conception, its nonsexual language leaves the question How? unanswered and leaves Mary not knowing how the child will be conceived is true; but it misses the point. If Mary represents the *'anawim*, as Brown and Schaberg agree, the angelic answer says all that need be said. What the *'anawim* needed to hear in time of trouble was that God would be with them. In addition to this, Schaberg's translation of Mary's objection as "I do not know my husband" implies that she probably can guess what is about to happen.

But Brown did not even mention that translation, or Schaberg's understanding of Mary's words as a moral objection based on her status as a betrothed virgin. This is astonishing. The objection is perhaps the most important factor in the annunciation account and in any attempt to judge whether Brown or Schaberg argued his or her position more effectively. Thinking inside the scene, Schaberg appropriately translated both *anēr* and the present tense of *epei andra ou ginōskō*. Brown had consciously translated both against their face value. Schaberg's translation revealed that his was questionable, and he failed to defend or to reconsider it.

Replying with one word, "dubious," to Schaberg's thoughts about "Daughter of Zion" or "virgin daughter" imagery, Brown avoided dealing with the implications of his own ideas. Schaberg had been led to see "echoes" of that imagery by what had made him warn against it: the frequent depiction in the Hebrew scriptures of unfaithful, oppressed, and violated virgins. She offered solid support for the conclusion that Brown was trying to avoid, and he had nothing to say in response.

When he pointed out the haste of the shepherds on the way to Bethlehem as an answer to Schaberg's tentative thought that Mary goes to see Elizabeth because she is terror-stricken, Brown used an argument similar to one that she herself already had resolved. She did not consider this element of the story very important; but if he was going to answer it, he should have dealt with the final reason for her interpretation.

In dismissing Schaberg's reconstruction of a historical, pre-Gospel tradition of illegitimate conception, Brown simply refused to confront the completion of a process he himself had begun. In his 1971 inaugural lecture, he had focused on the historicity of the virginal conception. In *The Birth of the Messiah* he settled for a tentative proposal regarding the historical origins of the idea, basing it on "an indecently early birth." Schaberg based her thoughts on his starting point; his decision to ignore that is inexcusable.

Brown's brief comment that had Paul known that Jesus was illegitimate he never would have spoken of him as "born under the Law," is baffling. For Paul, the Law is in the world because of sin, and Jesus was born under the conditions

that sin entails. This does not indicate purity of origins and does not exclude illegitimate conception. Nobody is more “under the Law” than a bastard. Equally baffling is the answer implied in Brown’s question about whether there would have been “such insistence on the sinlessness of Jesus” if the early Christians knew that Mary had been seduced. As Schaberg had pointed out, the Christian Testament references to the sinlessness of Jesus never are connected to his conception. As for whether Mark would have stressed the “normality” of Jesus’s family if Christians knew that Mary had been raped, Brown did not show that Mark intended to describe Jesus’s family as normal, or explain what normality would have meant in that time and place.

### A Judgment

The outcome of the debate between Schaberg and Brown is clear. She established the high probability—much higher, I think, than she claims—that Matthew and Luke were writing about the seduction or, more likely, rape of Mary. In doing so she severely undermined the probability of Brown’s argument that they were writing about a virginal conception. She did so with knowledge and exegetical expertise, but most of all with fierce determination, unrestrained by ecclesiastical loyalty, to get inside the text. Brown, meanwhile, undermined himself by staying outside the text. Kevin Duffy has observed that because Brown was convinced that no biblical assertion could contradict the teaching of the church, he replied to Schaberg already convinced that she must be wrong and looked for exegetical evidence to support his judgment.<sup>42</sup> Duffy is right. The evidence is painfully obvious in the reasons Brown gave, and in those he did not give, for disagreeing with Schaberg on every major point. But in retrospect it seems equally obvious that from the beginning Brown was committed to defending the virginal conception reading against whatever questions arose—even through his own study. So he refused to follow solid textual evidence that led where he would not go, and he could not handle it when Schaberg went there.

Schaberg’s work, then, should become at last what Brown’s once was: the necessary reference for all who would study the problem of the virginal conception. And that provides a challenging opportunity for feminist scholars of religion. The time has come for an organized discussion of the subject, perhaps including all feminist readings but focusing on Schaberg’s, and for publication of a report on the process and its conclusions. The outcome of such a discussion and the content of such a publication cannot be predicted, but they might involve the development of a more realistic, and more hopeful, Mariology and

<sup>42</sup> Kevin Duffy, “The Ecclesiastical Hermeneutic of Raymond E. Brown,” *Heythrop Journal* 39 (1998): 45.



Christology than either the patriarchal or the feminist elaborations of virginal conception theology are able to offer to a suffering world.

I think it important at this point to acknowledge my own involvement in the virginal conception debate. Raymond E. Brown started me thinking about the possible illegitimacy of Jesus when I was his student at St. Mary's Seminary, in Baltimore, in the early 1960s.<sup>43</sup> In his effort to dismiss Schaberg, Brown remarked several times that she apparently was the only one ever to interpret the texts as she did. He was wrong about that, but he was right to realize that numbers mean something. I would suggest that the remarkable similarities between her work and mine strengthen her reading.<sup>44</sup>

Luise Schottroff, defending the virginal conception reading of the texts, has written powerfully of the “debased” condition of Judea and the “despair” and “degradation” that are the context of the infancy narratives. Elisabeth Schüssler Fiorenza, showing sympathy for Jane Schaberg's view that divine causality does not replace human causality, has declared her theological and Christological preference for a Mary who “joins the countless women ravished by soldiers in war and occupation” in “struggling against victimization and for survival and dignity.”<sup>45</sup> My understanding of the story adds to theirs only that Matthew and Luke actually intended to proclaim that during such times as Schottroff describes, and through the horrific experience of one of those young and innocent victims Schüssler Fiorenza longs to support, God has acted to raise up a son, form a people, and save humanity.

<sup>43</sup> The moment I finished reading Brown's inaugural lecture at Union Theological Seminary, I decided that Jesus most probably *was* illegitimate; and I began discussing that probability with college students in 1972. Between 1981 and 1984, working independently of Schaberg, I arrived, for most of the same reasons, at the same interpretation of the texts as she. The article I wrote then was rejected in 1985 by *Horizons* and *Theological Studies*, and it appeared in *Explorations* after publication of Schaberg's *The Illegitimacy of Jesus*. See Frank Reilly, “‘A Very Unpleasant Alternative’: One Response to Raymond E. Brown's Defense of the Virginal Conception,” *Explorations: Journal for Adventurous Thought* 13 (Summer 1988): 79–116.

<sup>44</sup> One difference between Schaberg's reading and mine is that I attributed Matthew's use of Isaiah 7:14 to the resonance of the Greek *parthenos* with the many references in the Hebrew scriptures to virgins who either commit adultery or are victims of oppression, violence, or rape—including rape by soldiers in times of occupation and war. Perhaps, I wrote, Matthew's intention was “to invite the reader into a world of ambiguous meanings: of ‘high’ (and male-determined) ideals, and of the failure and the violation of those ideals in a real world of sin and violence” (*ibid.*, 90). In recent years I have come to think that Matthew used Isaiah 7:14, and Luke used the angel Gabriel and the heavenly host (warlike figures bringing a message of peace), to say that the rape of Mary initiated the terrible events that led to “the rape of Jerusalem” and that the conception of Jesus began the work of the Spirit that led to the birth of Christianity.

<sup>45</sup> Schottroff, *Lydia's Impatient Sisters*, 190–94; Schüssler Fiorenza, *Jesus*, 186–87.