DOES PORNEIA MEAN FORNICATION?  
A CRITIQUE OF BRUCE MALINA

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In an article published in 1972 1), BRUCE MALINA asserted that the New Testament use of \textit{porneia} does not, on the basis of traditional or contemporary usage, mean "pre-betrothal, pre-marital, heterosexual intercourse of a non-cultic or non-commercial nature, i.e., what we call 'fornication' today" (p. 17) 2). The purpose of the present article is to reexamine the conclusion given by MALINA.

MALINA's procedure is to distribute the New Testament \textit{porneia} texts into six categories 3), to relate all of them to commercial or cultic prostitution or to some other form of behavior condemned in Old Testament law (e.g., incest), and to conclude that "what makes a given line of conduct \textit{porneia}, hence unlawful, is that it is expressly prohibited by Torah—both oral and written" (p. 17).


2) It is worth noting that although the question MALINA asks is a very restricted one ("does \textit{porneia} mean fornication?"), his article has been invoked to neutralize New Testament texts whose contents range well beyond the one term \textit{porneia}. For example, RICHARD MCCORMICK, in a critique of the December 29, 1975, Vatican Declaration on Sexual Ethics, faults the document on its use of Scripture to condemn fornication, giving specific reference to MALINA'S article (\textit{National Catholic Reporter}, January 30, 1976, p. 9). The church document in question does, in fact, include in its proof texts that "formally condemn fornication" (1 Cor. v 1; vi 9; vii 2; x 8; Eph. v 5; 1 Tim. i 10; Heb. xiii 3) some that are rather ineptly chosen. But from the fact that all of them use \textit{porneia} it does not follow that none of them have any force, even if MALINA is correct.

3) The six categories are: apocalyptic; sin catalogues; passages aimed at Christian proselytizing or instruction; instruction form similar to that found at Qumran; solutions to concrete problems; and simple references to prostitutes.
Since, MALINA asserts, there is no injunction in the Torah prohibiting pre-betrothal, non-commercial, non-cultic heterosexual intercourse, neither is such behavior covered by the term \textit{porneia} (p. 15) \textsuperscript{4}). It is my contention that MALINA can be faulted at almost every stage of his argumentation (classification of some of the texts in question, conclusions from rabbinic sources, conclusions from the Old Testament, etc.), but it might be useful at the outset to ask explicitly a question that will underline some distinctions that seem to be blurred in MALINA's presentation. Did the New Testament writers, at least some of the time, seek their answers from the Old Testament on its own terms or only as it came to them through rabbinic interpretation? In other words, is the use of the Old Testament by New Testament writers to be understood solely in terms of contemporary Judaism, as MALINA seems to suppose? There are really two areas to ask about here: 1) what did the Old Testament teach in this specific matter of sexual morality? 2) what did the rabbis teach about sexual morality through their interpretation of the Old Testament? A separate question, but a crucial one, is: to what extent would the early Christians make their moral judgments on the basis of what was \textit{unlawful}, whether considered from the Old Testament or the rabbinical point of view?

To take up the last point first. One of the thorniest problems in biblical studies, especially in the area of morality, is that of continuity and discontinuity between the Old Testament and the New Testament \textsuperscript{5}). Undoubtedly much of the Old Testament moral teaching is presupposed as valid for the Christian in the New Testament, but the law or Torah is not taken over uncritically. It may be said that the Old Testament moral teaching is taken over as \textit{content} when it rings true to the Christian's understanding of his calling, but that its claim upon the Christian \textit{as law} is rejected. This approach, so clearly seen in St. Paul, is already present in the teaching of Jesus as depicted by the evangelists \textsuperscript{6}).

\textsuperscript{4}) The one exception he finds to his final assertion is R. Eliezer ben Hyrcanus, and even this man's opinion he understands to be variously interpreted by other rabbis.


\textsuperscript{6}) Thus the Sermon on the Mount includes a series of six antitheses between the teaching of Jesus and that of the old law (Matt. V 21-47); in two cases Jesus goes beyond the old law, but in the last four he simply sets aside the provisions of the Torah. His saying on what does and does not defile effectively invalidates all the provisions of the Jewish dietary law.