

## **Simon Greenleaf (Part One): Conversion of a Juridical Apologist**

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**Abstract:** Simon Greenleaf's *The Testimony of the Evangelists* is highly esteemed by some apologists. However, his religious background is subject to spurious claims and folkloric tales. Claims from apologists that he was a Jew, sceptic, agnostic or atheist are countered by atheist critics asserting he was a lifelong Episcopalian. These partisan views reflect superficial bibliographical research. Masonic membership, marriage in a Unitarian Church, as well as an inquiry into orthodox Christianity pre-date his tenure at Harvard. *Testimony of the Evangelists* had a long literary gestation which began in 1817, followed by an essay in 1840, culminating in the book. This discussion evaluates folkloric tales and partisan claims about Greenleaf's conversion, which forms a prelude to a sequel essay concerning his juridical apologetic.

Simon Greenleaf (1783-1853) is regarded by evangelicals as a seminal figure in the history of American Christian apologetics.<sup>1</sup> Greenleaf's apologetic prestige is linked to: (a) his professional status, and (b) *The Testimony of the Evangelists* which was released in 1846, revised in 1847, and widely circulated during the nineteenth century.<sup>2</sup> A distinguishing feature of

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<sup>1</sup> Kenneth D. Boa and Robert M. Bowman, *Faith Has Its Reasons*, Colorado Springs: NAV Press, 2001, 161-162. William P. Broughton, *The Historical Development of Legal Apologetics with an emphasis on the Resurrection*, [Maitland, Florida]: Xulon Press, 2009, 57-60. Ross Clifford, *John Warwick Montgomery's Legal Apologetic: An Apologetic for all Seasons*, Bonn: Verlag für Kultur und Wissenschaft, 2004, 22-23. Philip Johnson, "Juridical Apologists 1600-2000AD: A Bio-Bibliographical Essay," *Global Journal of Classical Theology* 3/1 (2002) available at <https://www.globaljournalct.com/508/>. Cf. Craig A. Parton, "Simon Greenleaf," in *The History of Apologetics: A Biographical and Methodological Introduction*, eds. Benjamin K. Forrest, Josh Chatraw and Alister McGrath, Grand Rapids: Zondervan, forthcoming mid-2020.

<sup>2</sup> Simon Greenleaf, *An Examination of The Testimony of the Four Evangelists by the Rules of Evidence Administered in Courts of Justice*, Boston: Charles C. Little and James Brown, 1846. A second and revised edition was published in Great Britain in 1847 by A. Maxwell (London), Hodges and Smith (Dublin), T and J. Clark (Edinburgh). It was re-released as *The Testimony of the Evangelists Examined by the Rules of Evidence Administered in Courts of Justice*, New York: James Cockcroft, 1874. Republished by Frederick D. Linn Company (1881), University of Michigan Library (1899), Soney and Sage (1903), Baker Book House (1965,

*Testimony* is the application of technical legal argument concerning proofs for the resurrection.<sup>3</sup> A renaissance of interest has accompanied publications by John Warwick Montgomery and a generation of his students. His apologetics has prompted critical reflections.<sup>4</sup>

Daniel Blinka dubs him “Harvard’s Evangelist of Evidence” due to Greenleaf’s legal philosophy where Christian faith and jurisprudence are seamlessly interwoven.<sup>5</sup> Elsewhere, Blinka remarked that “Greenleaf’s life and legacy have been quietly influential” and his influence endures “among evangelicals and the legal profession.”<sup>6</sup>

The lack of a critical biography has left fallow soil for folklore to sprout. This discussion evaluates folkloric claims that boast of Greenleaf’s conversion at Harvard. The gist of it is that Greenleaf was an unbelieving Jew, or an agnostic or atheist. Some claim he was a founding father of Harvard Law School. He was scornful of Christianity until one or more students challenged him to investigate the resurrection from a lawyer’s standpoint based on his three-volume textbook, *A Treatise on the Law of Evidence. Testimony* sprang from trying to disprove the resurrection. Critical reflections on this bogus tale are reserved for a later section.

## GREENLEAF AND RELIGIOUS BELIEF

Legitimate doubts about Greenleaf being a converted sceptic were expressed respectively in 2010 and 2018-2019 by two non-Christian lawyers.<sup>7</sup> Their superficial research yielded an

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1967 and 1984), Kregel Publications (1995). The manuscript is in the Simon Greenleaf Papers, Harvard Law School Library Special Collections, see [https://hollisarchives.lib.harvard.edu/repositories/5/archival\\_objects/1807146](https://hollisarchives.lib.harvard.edu/repositories/5/archival_objects/1807146), and accessible via [https://iif.lib.harvard.edu/manifests/view/drs:46295442\\$1i](https://iif.lib.harvard.edu/manifests/view/drs:46295442$1i).

<sup>3</sup> John Warwick Montgomery, “Neglected Apologetic Styles: The Juridical and the Literary,” in *Evangelical Apologetics*, Michael Bauman, David Hall and Robert C. Newman eds. Camp Hill: Christian Publications, 1996, 119-133.

<sup>4</sup> Clifford, *John Warwick Montgomery’s Legal Apologetic*, 22-23, 58-72 and 110ff. Idem, *Leading Lawyers’ Case for the Resurrection*, Edmonton: Canadian Institute for Law, Theology and Public Policy, 1996, 41-55 and 136-143. Nancy J. Kippenham, “Seeking Truth on the Other Side of the Wall: Greenleaf’s Evangelists Meet the Federal Rules, Naturalism, and Judas,” *Liberty University Law Review* 5/1 (2010), 1-46.

<sup>5</sup> Daniel David Blinka, “Harvard’s Evangelist of Evidence: Simon Greenleaf’s Christian Common Sense,” in *Great Christian Jurists in American History*, Daniel L. Driesbach and Mark David Hall eds., Cambridge: Cambridge University Press, 2019, 161-178.

<sup>6</sup> Daniel D. Blinka, “The Roots of the Modern Trial: Greenleaf’s *Testimony* to the Harmony of Christianity, Science, and Law in Antebellum America,” *Journal of the Early Republic* 27 (2007), 293 and 296 [293-334].

<sup>7</sup> “Simon Greenleaf,” *Thoughts from a Sandwich*, (dated October 5, 2010; accessed December 17, 2019) at <http://sandwichesforsale.blogspot.com/2010/10/simon-greenleaf.html>. The author is a legal practitioner. Robert George Miller is a Texas lawyer whose criticism of juridical apologetics includes “Simon Greenleaf -1, Debunking Another Apologetic Fable,” (dated January 4, 2019) in *Bob’s Blog – A Skeptical Lawyer*, available at <https://www.robertgeorgemiller.com/simon-greenleaf-1-debunking-another-apologetic-fable/>. “Simon

erroneous counterclaim that Greenleaf was “a lifelong Episcopalian.”<sup>8</sup> The discussion therefore begins with the religious heritage of the Greenleaf family. America’s Greenleaf families trace their origins to a common ancestor, Edmund Greenleaf, who settled in Newbury, Massachusetts in early 1635. Edmund’s forebears were French Protestant Huguenots. There is no Jewish ancestry.<sup>9</sup>

### **Forebears’ faith**

Simon’s maternal grandfather, Rev. Jonathan Parsons (1705-1776), made a “public profession of his faith in the Gospel” at Yale and became a Congregational Church minister.<sup>10</sup> He became a friend of Rev. George Whitefield (1714-1770) during the Great Awakening revival.<sup>11</sup> At Whitefield’s suggestion he became minister of the First Presbyterian Church in Newburyport, Massachusetts.<sup>12</sup> Parsons married Phoebe Griswold (1716-1770) and she was described:

As a person of much Christian simplicity and integrity. Knowledge in divinity enters deeply into her character, and her acquaintance with church history was truly rare.<sup>13</sup>

The four grandparents were members of the same congregation. Hon. Jonathan Greenleaf (1723-1807) was a member of the Continental Congress when the War of Independence began, and he married Mary Presbury (1723-1807).

He was a religious man from early life—becoming a member of the Church about the time of his marriage in 1744; and he continued to maintain an exemplary Christian character to the close of his life in 1807. For many years he was an elder in the First Presbyterian Church

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Greenleaf – 2, No Perry Mason Moment” (dated January 27, 2019), <https://www.robertgeorgemiller.com/simon-greenleaf-2-no-perry-mason-moment/>; and “Simon Greenleaf -3, Apologists Don’t Apologize” (dated January 27, 2019) <https://www.robertgeorgemiller.com/simon-greenleaf-3-apologists-dont-apologize/> (each instalment accessed January 1, 2020).

<sup>8</sup> The inference is based on evidence from an 1827 Episcopal publication see

<http://sandwichesforsale.blogspot.com/2010/10/simon-greenleaf.html>. In “Debunking Another Apologetic Fable” Miller states, “He was a lifelong Episcopalian who would be appalled and offended by anyone who called him an atheist.”

<sup>9</sup> Jonathan Greenleaf, *A Genealogy of the Greenleaf Family*, New York: Edward O. Jenkins, 1854, 47. Cf. James Edward Greenleaf, *Genealogy of the Greenleaf Family*, Boston: Frank Wood, 1896, 71.

<sup>10</sup> William Buell Sprague, “Jonathan Parsons 1730-1776,” in *Annals of the American Pulpit*, Vol 3, New York: Robert Carter, 1860, 47.

<sup>11</sup> Thomas S. Kidd, *George Whitefield: America’s Spiritual Founding Father*, New Haven: Yale University Press, 2014. Whitefield died in Newburyport before he was scheduled to preach in Parsons’ church.

<sup>12</sup> Sprague, *Annals of the American Pulpit*, 49. Jonathan Greenleaf, *Genealogy*, 56. Mrs E. Vale Smith, *History of Newburyport; From the Earliest Settlement of the Country to the Present Time*, Newburyport, 1854, 347.

<sup>13</sup> James Greenleaf, *Genealogy*, 135.

in Newburyport. In doctrine he was a strict Calvinist, and in practice a consistent Christian. Nothing but absolute necessity kept him from public worship on the Sabbath.<sup>14</sup>

### Religious culture

Both families became related in 1776 when Moses Greenleaf Sr. (1755-1812), the son of Mary and Jonathan, married Lydia (1755-1834), the daughter of Phoebe and Rev. Parsons. Moses Sr. and Lydia had five children: Moses Jr. (1777-1834), Clarina (1779-1841), Ebenezer (1781-1851), Simon, Jonathan (1785-1865).<sup>15</sup>

Moses Sr. served during the War of Independence. In November 1790 he moved to a farm in New Gloucester, Maine. He became a Freemason in St. Peter's Lodge, Newburyport in 1778 and then Master of the mobile military lodge, Washington Lodge no. 10, to which George Washington occasionally attended as "a private brother."<sup>16</sup> A prerequisite for membership in a Masonic lodge is an affirmation that a Supreme Being exists (i.e. the Grand Architect of the Universe) but it is not compulsory to be a member of an organised religion. Jonathan is uncharacteristically silent about his father's faith. Simon drafted notes to accompany his father's military papers with a terse comment that he was "in religion, a Presbyterian."<sup>17</sup>

Lydia upheld her faith. Jonathan's passing observation is that "she had a remarkably self-denying and benevolent spirit."<sup>18</sup> When aged eighty-four she expressed thanks for God's mercies, goodness and providence and attended "the house of God ... with his people."<sup>19</sup>

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<sup>14</sup> Jonathan Greenleaf, *Genealogy*, 94-95.

<sup>15</sup> For Simon's biographical data see *Dictionary of American Biography*, ed. Francis S. Drake, Boston: Houghton, Osgood, 1879, 383. Michael Ariens, "Simon Greenleaf," in *The Yale Biographical Dictionary of American Law*, ed. Roger K. Newman, New Haven; London: Yale University Press, 2009, 234-235. Smith, *History of Newburyport*, 347-348. Charles Warren, *History of the Harvard Law School and of Early Legal Conditions in America*, 2 Vols. New York: Lewis Publishing, 1908, I: 480-543 & II: 1-120. William Willis, *A History of the Law, The Courts and the Lawyers of Maine*, Portland: Bailey & Noyes, 1863, 521-536. Obituaries: "Death of Hon. Simon Greenleaf," *Cambridge Chronicle*, Vol. VIII, No. 41, 8 October 1853, 2. T. H. Safford, "The Distinguished Dead of Mt. Auburn. No. XXXVI. Simon Greenleaf," *The Ladies' Repository* XLII (October 1869): 287-289.

<sup>16</sup> See his letter to Hon. R. P. Dunlap dated June 24, 1852, concerning the Washington Lodge in *The Freemason's Monthly Magazine* [Boston] 13 no. 1 (November 1, 1853), 8-9. Cf. Sidney Hayden, *Washington and his Masonic Compeers*, 5<sup>th</sup> ed, New York: Masonic Publishing, 1866, 52-53.

<sup>17</sup> "Family History" Simon Greenleaf Papers, 1792-1853, Personal Papers, Box 26, Folder 7, available at [https://iif.harvard.edu/manifests/view/drs:46295797\\$1i](https://iif.harvard.edu/manifests/view/drs:46295797$1i). Manuscript dated July 22, 1839 (accessed January 7, 2020).

<sup>18</sup> Jonathan Greenleaf, *Genealogy*, 97.

<sup>19</sup> Lydia Greenleaf, December 6, 1829 to Simon Greenleaf. Simon Greenleaf Papers, 1792-1853. Correspondence. Major Correspondence: Box 1, Folder 10, Greenleaf Family, 1829-1845, (seq. 12 and 13) available at [https://iif.harvard.edu/manifests/view/drs:45583648\\$12i](https://iif.harvard.edu/manifests/view/drs:45583648$12i) (accessed January 18, 2020).

Alfred Konefsky described the adult Simon as an evangelical living in a world of Unitarians.<sup>20</sup> During Greenleaf's life, the religious culture of America's New England region reflected a mix of colonial Puritan theology and the lingering effects of the Great Awakening. Others followed Emanuel Swedenborg's esoteric teaching, such as Theophilus Parsons Jr. (1797-1882) who was Greenleaf's successor as Dane Professor of Law.<sup>21</sup> Many agreed with the anti-clerical attitudes of Thomas Paine, Thomas Jefferson and Voltaire.<sup>22</sup> Unitarian theology was taught by Boston cleric William Emerson (1769-1811), as well as William Ellery Channing (1780-1842), and attracted Theophilus Parsons Sr. (1753-1813), Chief Justice of the Supreme Court of Massachusetts, and Harvard law professor Joseph Story (1779-1845).<sup>23</sup> Unitarians were unorthodox due to their repudiation of the Trinity and deity of Jesus Christ.<sup>24</sup>

### Simon's siblings

Moses Sr's example of Masonic moral self-improvement may have deflected his children from professing faith until adulthood. Three family deaths in 1807 may have goaded reflections on faith. Both paternal grandparents died: Mary (May 10) and Hon. Jonathan Greenleaf (May 24).<sup>25</sup> Clarina's husband, Eleazer Alley Jenks, drowned on July 12. During 1807, Moses Sr's son Jonathan and daughter Clarina, starting from different standpoints, conversed about faith and were

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<sup>20</sup> Alfred S. Konefsky, "Simon Greenleaf, Boston Elites, and the Social Meaning and Construction of the *Charles River Bridge Case*," in *Transformations in American Legal History II: Law, Ideology and Methods—Essays in Honor of Morton Horowitz*, ed. Daniel W. Hamilton, Cambridge: Harvard University Press, 2010, 193.

<sup>21</sup> Swedenborg's influence in the USA see Marguerite Block, *The New Church in the New World*, New York: Octagon, 1968. Theophilus Parsons, *Deus Homo: God-Man*, 2<sup>nd</sup> ed, Chicago: E. B. Meyers and Chandler, 1867. Idem, *The Infinite and the Finite*, Boston: Roberts Brothers, 1872. Idem, *Outlines of the Religion and Philosophy of Swedenborg*, Boston: Roberts Brothers, 1876. See

<sup>22</sup> Christopher Grasso, "Skepticism and American Faith: Infidels, Converts, and Religious Doubts in the early Nineteenth Century," *Journal of the Early Republic*, 22 (2002), 465-508.

<sup>23</sup> Background see Mark A. Noll, *A History of Christianity in the United States and Canada*, 2<sup>nd</sup> ed, Grand Rapids: Eerdmans, 2019, 51-53. Katherine Carté Engel, "Dissent in the Atlantic World, 1787-1830," in *The Oxford History of Dissenting Protestant Traditions Vol 2: The Long Eighteenth Century, c. 1689-c.1828*, ed. Andrew C. Thompson, Oxford: Oxford University Press, 2018, 200-221. Daniel Walker Howe, *The Unitarian Conscience: Harvard Moral Philosophy, 1805-1861*, Cambridge: Harvard University Press, 1970. Theophilus Parsons, *Memoir of Theophilus Parsons, Chief Justice of the Supreme Judicial Court of Massachusetts*, Boston: Ticknor and Fields, 1861, 311-320. On Story's Unitarianism see Blinka, "Roots of Modern Trial," 322.

<sup>24</sup> Howe, *The Unitarian Conscience*. Cf. David Turley, "Religion and Approaches to Reform: Boston Unitarians Versus Evangelicals in the context of the 1820s and 1830s," *American Nineteenth Century History* 10 (2009), 187-209. Walter R. Martin, *The Kingdom of the Cults*, Grand Rapids: Zondervan, 1965, 423-426, sums up evangelical attitudes.

<sup>25</sup> Jonathan Greenleaf, *Genealogy*, 94.

of the same mind. They converted within a few weeks of each other and joined the Congregational church.<sup>26</sup> Both were aged in their twenties and Jonathan later became a cleric.<sup>27</sup>

Ebenezer Greenleaf showed no interest in Christianity until the end of his life:

I cried unto the Lord and he heard the voice of my supplications and withdrew my feet from the paths of the wicked and placed them on the Rock of Salvation ... My race is about run, the lamp of life will soon expire, and I shall soon be reposing in the bosom of God.<sup>28</sup>

Moses Jr. combined youthful scepticism with Masonic membership in the spirit of New England's culture.<sup>29</sup> He eventually affirmed Christian beliefs:

Being of a speculative turn of mind, in early life he was rather sceptical in religion, but he became a serious man many years before his death, regularly maintained family prayer, and was in communion with the Episcopal Church.<sup>30</sup>

### **Simon's conversion**

From the age of seven until he was sixteen, Simon lived with his grandparents in Newburyport. In New Gloucester, he was tutored in the law by Ezekiel Whitman and in 1806 was admitted to the Bar of Cumberland. He was a lawyer and then court reporter in Maine until 1832. He was not a founder of Harvard Law School (established 1817) but served as a law professor from 1833-1848.<sup>31</sup>

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<sup>26</sup> Jonathan Greenleaf letter to Eleren [sic] Jenks, December 24, 1841, Maine State Library Special Collections, Moses Greenleaf Papers 7, and available at [http://digitalmaine.com/moses\\_greenleaf\\_papers/7](http://digitalmaine.com/moses_greenleaf_papers/7) (accessed January 18, 2020). Cf. Jonathan Greenleaf, *Genealogy*, 99.

<sup>27</sup> Jonathan Greenleaf, *Genealogy*, 103.

<sup>28</sup> Ebenezer Greenleaf, letter November 23, 1851, to Simon Greenleaf. Simon Greenleaf Papers, 1792-1853. Correspondence. Major Correspondence: Box 1, Folder 10, Greenleaf Family, 1829-1845, (seq. 76) available at [https://iif.harvard.edu/manifests/view/drs:45583648\\$76i](https://iif.harvard.edu/manifests/view/drs:45583648$76i) (accessed January 18, 2020). Simon's letter of reply, dated December 1, 1851, is held in the Maine State Library Special Collections, Moses Greenleaf Papers 6, and accessible at [http://digitalmaine.com/moses\\_greenleaf\\_papers/6](http://digitalmaine.com/moses_greenleaf_papers/6) (accessed January 18, 2020).

<sup>29</sup> Cf. Grand Lodge report of 1829 co-signed by Moses and Simon in *Boston Masonic Mirror*, (New Series) 1 no 44 (May 1, 1830), 354. Edgar Crosby Smith, *Moses Greenleaf Maine's First Map-Maker: A Biography: with letters unpublished manuscripts and a reprint of Mr Greenleaf's rare paper on Indian place-names*, Bangor: De Burians, 1902, 34.

<sup>30</sup> Jonathan Greenleaf, *Genealogy*, 98.

<sup>31</sup> Daniel R. Coquillette and Bruce A. Kimball, *On the Battlefield of Merit: Harvard Law School, The First Century*, Cambridge and London: Harvard University Press, 2015.

Simon was a God-fearer or theist when he joined the Freemasons in Cumberland Lodge, New Gloucester in 1804. He co-created the Grand Lodge of Maine.<sup>32</sup> He regarded the Masonic oath as requiring Masons to “fear God.”<sup>33</sup> He married Hannah Kingman (1787-1857) on September 18, 1806, at the Unitarian Congregational Church, Bridgewater, officiated by Rev. Zedekiah Sanger (1748-1820).<sup>34</sup> In 1817, Hannah’s sister, Charlotte, married Zedekiah’s son, the Unitarian cleric Rev. Ralph Sanger.<sup>35</sup>

During the second decade of the nineteenth century, Simon became a Christian. His steps toward orthodox faith were likened to the meticulous case-management of a legal file:

The religion of Mr Greenleaf was somewhat peculiar, partaking largely of the character of his mind. He began to think seriously on this subject about the year 1808, while he resided in Grey, although he made no public profession by uniting with any church, until his removal to Portland, in 1818. He was very slow in admitting the peculiarities of what, for distinction’s sake, we term the orthodox faith, examining the ground inch by inch, with as much care as he would the merits of an important law case committed to his management; and when this was done, and he had honestly adopted that faith as his own, which he did, he held it to his dying-day with a tenacity as strong as life itself.<sup>36</sup>

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<sup>32</sup> Cf. *The American Freemason; A Monthly Masonic Magazine*, 2 (1858), 138 & 139. Ralph J. Pollard, *Freemasonry in Maine 1762-1945*, available at [http://www.mainemasonrytoday.com/history/Books/Pollard/pollard\\_grandmasters.htm](http://www.mainemasonrytoday.com/history/Books/Pollard/pollard_grandmasters.htm). (accessed March 17, 2017). Albert G. Mackey, “Simon Greenleaf,” in *Encyclopedia of Freemasonry and its Kindred Sciences*, Vol 2, reprint ed, Loschberg: Jazzybee Verlag, [2017], 245-247.

<sup>33</sup> Simon Greenleaf, *A Brief Inquiry into the Origin and Principles of Freemasonry*, [Maine]: Arthur Shirley, 1820, 23.

<sup>34</sup> Greenleaf’s marriage record is available to subscribers via [www.ancestry.com](http://www.ancestry.com). “Zedekiah Sanger D. D.” in William B. Sprague, *Annals of the American Unitarian Pulpit*, New York: Robert Carter, 1865, 99-105.

<sup>35</sup> A son born in 1827 was named Simon Greenleaf Sanger see records at [www.ancestry.com](http://www.ancestry.com). Correspondence from Ralph Sanger and Charlotte Sanger (nee Kingman) to Simon and Hannah Greenleaf dated April 5, 1831 is in Simon Greenleaf Papers, 1792-1853. Correspondence. Major Correspondence: Box 1, Folder 10, Greenleaf Family, 1829-1845, (seq. 18-20).

<sup>36</sup> Jonathan Greenleaf, *Genealogy*, 100-101.

He became a communicant member at St. Stephen's Protestant Episcopal Church, Portland.<sup>37</sup> Later, he attended Christ Church, Cambridge.<sup>38</sup> He was a director of the Protestant Episcopal Society for the Promotion of Evangelical Knowledge which was dedicated to church reform and eradicating theological error.<sup>39</sup> He joined various para-church bodies and served as an executive officer in several of them.<sup>40</sup>

### **Gestation of an Apologia**

Greenleaf is supposed to have begun writing *Testimony* in order to disprove the resurrection. Theophilus Parsons Jr. observed that Greenleaf's book had a lengthy gestation:

It may be mentioned, as a proof how long this subject had occupied his attention, that it was begun in 1817, when he was confined to his bed by a painful and tedious disease. And it may be farther added, as evidence of the high estimate formed of it where personal feeling could have had no influence, that in 1847 it was republished in England, at the suggestion of the present Archbishop of Canterbury.<sup>41</sup>

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<sup>37</sup> Jonathan's date of 1818 differs from records that Simon was a church warden in Portland from 1816-1831. See *A Book Commemorating the One Hundred and Fiftieth Anniversary of Saint Stephen's Church, Portland, Maine: The First Episcopal Parish Organized in the State of Maine*, Printwell Printing Co, 1913, passim. *One Hundredth Anniversary of the Diocese of Maine, 1820-1920*, Merrymount Press, 1920, 31 and 36. Thomas Brackett Reed, *Centennial Celebration*, Portland: Owen, Strout, 1886, 67 and 266. Cf. *The Gospel Advocate* 3 (April 1823), 130. "Intelligence," *Church Register* 2 (1827), 264. "Maine Convention," *Episcopal Watchman* (February 1831), 319. "Anniversary of the Church Scholarship Society" and "Anniversary of the African Mission School Society," *Episcopal Watchman* (August 1832), 102. *Journal of the Proceedings of the Bishops, Clergy and Laity of the Protestant Episcopal Church in the United States of America*, (1835), 105. William Stephens Perry, *The Churchman's Year Book with Kalendar for the year of Grace 1871*, Hartford: Church Press, 1871, 185. Calvin R. Batchelder, *A History of the Eastern Diocese*, Vol 1, Claremont: Claremont Manufacturing Co, 1876, 88 and 92.

<sup>38</sup> Joseph Breed Berry, *History of the Diocese of Massachusetts, 1810-1872*, Boston: Diocesan Library, Diocese of Massachusetts, 156.

<sup>39</sup> Blinka, "Roots of Modern Trial," 302 and 311-312.

<sup>40</sup> He is listed in various annual reports as a vice-president, president or treasurer. See *Twentieth Annual Report of the American Tract Society*, Boston: Perkins and Marvin, 1834, 3. *Eleventh Annual Report of the Board of Managers of the Prison Discipline Society*, Boston: Perkins and Marvin, 1836, 61. *Annual Report Presented by the Executive Committee of the Bible Society of Massachusetts*, Boston: John Wilson, 1848, 1. Gardner Weld Allen, *The Trustees of Donations for Education in Liberia: A Story of Philanthropic Endeavor 1850-1923*, Boston: Thomas Todd, 1923, 6-13.

<sup>41</sup> Theophilus Parsons "Miscellaneous Intelligence," *The Monthly Law Reporter*, 6 New Series, 5 no 20 (October 1853), 415-416 [413-417].



A precursor essay “The Credibility of the New Testament Writers” was published in 1840.<sup>42</sup> Consider also these foreshadowing remarks from his 1834 inaugural speech as Royall Professor of Law and later paraphrased in *Testimony*:

Christianity founds its claim to our belief upon the weight of the evidence by which it is supported. This evidence is not peculiar to the department of theology; its rules are precisely those by which the law scans the conduct and language of men on all other subjects, even in their daily transactions. This branch of the law is our particular study. It is our constant employment to explore the mazes of falsehood, to detect its doublings, to pierce its thickest veils; to follow and expose its sophistries; to compare, with scrupulous exactness, the testimony of different witnesses, to examine their motives and their interests, to discover truth and separate it from error ... We are therefore required by the strongest motives, — by personal interest, by the ties of kinship and friendship, by the claims of patriotism and philanthropy, to examine, and that not lightly, the evidences on which Christianity challenges our beliefs, and the degree of credit to which they are entitled.<sup>43</sup>

## SURVEY OF FOLKLORE

Folklore emerges from social contexts where tale-tellers respond to social conditions with expectations of gaining control over those conditions.<sup>44</sup> Folklore about past Christian apologists, such as Frank Morison, has the social function of bolstering faith and mobilising influence in the public square.<sup>45</sup> Below are representative examples of boastful folklore about Greenleaf’s conversion.

### Gary Habermas

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<sup>42</sup> Simon Greenleaf, “The Credibility of the New Testament Writers: The Principles of Legal Evidence in their Application to the Historical Parts of the New Testament,” *The Christian Review* 5 no. 20 (December 1840), 568-580.

<sup>43</sup> Simon Greenleaf, *A Discourse Pronounced at the Inauguration of the Author as Royall Professor of Law in Harvard University, August 26, 1834* (Cambridge: James Munroe, 1834), 23-24. Cf. *Testimony of the Evangelists* (1874 ed), vii. The chair was named after Isaac Royall (1719-1781) see Warren, *History of the Harvard Law School*, Vol. I, 281-287.

<sup>44</sup> Cf. Bill Ellis, *Raising the Devil: Satanism, New Religions, and the Media*, Lexington: University Press of Kentucky, 2000. Idem, *Aliens, Ghosts and Cults: Legends We Live*, Jackson: University Press of Mississippi, 2001.

<sup>45</sup> Philip Johnson, “Frank Morison and *Who Moved the Stone?* Advertiser, Novelist, Apologist, Spy,” *Global Journal of Classical Theology* 14/3 (2018), available at <https://www.globaljournalct.com/wp-content/uploads/2018/02/Global-Journal-Vol-14-3-Philip-Johnson-FRANK-MORISON-AND-WHO-MOVED-THE-STONE.pdf>. Contrary to Josh McDowell’s seminar at City Harvest Church, Singapore in March 2019, Morison did not have a doctorate nor was he a “naturalist,” see Daniel Yeap, “The Resurrection of Christ & The Reliability of the Bible: Dr Josh McDowell,” *City News*, (March 18, 2019), available at <https://www.citynews.sg/2019/03/18/the-resurrection-of-christ-the-reliability-of-the-bible-dr-josh-mcdowell/> (accessed December 28, 2019).

Robert Miller traced the story to the 1970s.<sup>46</sup> In an unpublished 1976 doctoral dissertation on Jesus' resurrection, Habermas relied on two sources from Josh McDowell to support these remarks that Greenleaf was "a religious skeptic" who was "challenged by his students to apply the techniques of his legal masterpiece *A Treatise on the Law of Evidence* to the resurrection of Jesus."<sup>47</sup>

## Josh McDowell

The grassroots folklore of Greenleaf's conversion may derive from McDowell's tape-recorded speeches. Greenleaf is cited in *Evidence That Demands A Verdict, More Than A Carpenter, The Resurrection Factor* and *He Walked Among Us* but minus any conversion story.<sup>48</sup> McDowell refers to students challenging Greenleaf in his autobiography *Undaunted*, power-point slides, and a 2012 broadcast on his YouTube channel.<sup>49</sup> "Jesus Christ Fact or Fallacy," may echo his 1970s lectures on the resurrection.<sup>50</sup> He told Lee Strobel:

Have you heard of Dr Simon Greenleaf, who held the Royal [sic] Professorship of Law at Harvard? He was a skeptic, often mocking the Christians in his classes. One day they challenged him to take the three volumes he had written on the laws of legal evidence and apply them to the resurrection. After much persuasion he did that. In the process he became a Christian and went on to write a book about his search. Greenleaf came to the conclusion that the resurrection is one of the best established events in history according to the laws of legal evidence.<sup>51</sup>

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<sup>46</sup> Miller, "No Perry Mason Moment."

<sup>47</sup> Gary R. Habermas, "The Resurrection of Jesus: A Rational Inquiry," PhD dissertation, Michigan State University, 1976, 327. Josh McDowell, *Evidence That Demands A Verdict*, San Bernardino: Campus Crusade, 1972, and an audio-tape lecture "Resurrection: Fact or Fallacy?" distributed by Campus Crusade for Christ.

<sup>48</sup> McDowell, *Evidence*, rev ed, 1979, 91, 191-192, 227, 243-244 and 259. Idem, *More Than A Carpenter*, Wheaton: Tyndale House, 1977, 97. Idem, *The Resurrection Factor*, San Bernardino: Here's Life, 1981, 95 & 111. Idem and Bill Wilson, *He Walked Among Us: Evidence for the Historical Jesus*, San Bernardino: Here's Life, 1988, 122.

<sup>49</sup> Josh McDowell with Cristóbal Krusen, *Undaunted*, Carol Stream: Tyndale, 2012, 117. Legal apologetics is mentioned but minus Greenleaf's conversion in Joe Musser, *Josh: The Excitement of the Unexpected*, San Bernardino: Here's Life, 1981, 39-40, re-released as *A Skeptic's Quest*, Nashville: Thomas Nelson, 1984. "Dr. Simon Greenleaf" slides 207-212 available at [https://www.josh.org/wp-content/uploads/resources-josh\\_talks-evidence\\_for\\_the\\_resurrection-2.pdf](https://www.josh.org/wp-content/uploads/resources-josh_talks-evidence_for_the_resurrection-2.pdf). (accessed January 10, 2020). "Lives Turned Upside Down. Bible: Fact or Fiction?" (January 12, 2012), available at <https://www.youtube.com/watch?v=HW1PdOM-XtA> (accessed December 28, 2019). McDowell referred to him as "Simone" and extemporised, "in fact the joke used to be that he was so persuasive he could take someone who was telling the truth and make them think they're telling a lie." Contra this see *The Monthly Law Reporter* (1853), 416 and "Obituary Notices," 419.

<sup>50</sup> "Jesus Christ Fact or Fallacy" available at <https://www.bethinking.org/did-jesus-rise-from-the-dead/the-resurrection-factor> (accessed January 10, 2020).

<sup>51</sup> Lee Strobel ed. *The NIV Case for Christ Study Bible: Investigating the Evidence for Belief*, Grand Rapids: Zondervan, 2009 <ebook edition> n.p.

## **Barry St. Clair and Lee Strobel**

In 1991, Barry St. Clair stated that Greenleaf considered if the case for the resurrection could be vindicated in court after two students challenged him.<sup>52</sup> Strobel's *Inside the Mind of Unchurched Harry and Mary* states:

Greenleaf scoffed at the resurrection until a student challenged him to check it out for himself. He methodically applied the legal tests of evidence and became convinced that the resurrection was an actual historical event. The Jewish professor then committed his life to Christ.<sup>53</sup>

## **Judah Etinger, Grant Jeffrey, Mark Mittelberg, Scott Sauls**

In *Foolish Faith*, Etinger mentions the student challenge.<sup>54</sup> Grant Jeffrey only refers to a conversion from scepticism.<sup>55</sup> Mark Mittelberg claims Greenleaf was a Jew who was challenged by his students.<sup>56</sup> Scott Sauls describes Greenleaf as a principal founder of Harvard Law School who disdained the resurrection as a fairy-tale for unenlightened fools but his students challenged him.<sup>57</sup>

## **Robert Edwards**

Edwards, a Florida-based lawyer, asserts:

Greenleaf was an agnostic, some say atheist, who believed the resurrection of Jesus Christ was either a hoax or a myth ... He was a principal founder of Harvard Law School ... Challenged by one of his students one day to "consider the evidence" for the Resurrection of Jesus Christ ... Greenleaf converted from Agnosticism to Christianity.<sup>58</sup>

## **Norman Geisler (1932-2019)**

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<sup>52</sup> Barry St. Clair, *Big man on Campus (Hey, who is that man?)*, Wheaton: Victor Books, 1991, 42.

<sup>53</sup> Lee Strobel, *Inside the Mind of Unchurched Harry and Mary*, Grand Rapids: Zondervan, 1993, 38.

<sup>54</sup> Judah Etinger, *Foolish Faith*, Green Forest: Master Books, 2003, available at [http://www.foolishfaith.com/book\\_chap7.asp](http://www.foolishfaith.com/book_chap7.asp).

<sup>55</sup> Grant R. Jeffrey, *Jesus: The Great Debate*, Colorado Springs: Water Brook Press, 2006, 32.

<sup>56</sup> Mark Mittelberg, *Confident Faith: Building a Firm Foundation for your Beliefs*, Carol Stream: Tyndale House Publishing, 2013, 214. Idem, *Choosing Your Faith in a World of Spiritual Options*, Carol Stream: Tyndale House, 2008, 213-214.

<sup>57</sup> Scott Sauls, *Irresistible Faith: Being the Kind of Christian the World Can't Resist*, Nashville: Nelson, 2019, 104. Idem, "Harvard Atheists and Agnostics...Turned Christian?" (dated November 18, 2014) available at <http://scottsauls.com/blog/2014/11/18/harvard-atheists-agnostics-turned-christian/> (accessed December 2, 2019).

<sup>58</sup> Robert R. Edwards, "Is Simon Greenleaf Still Relevant?" Creation Studies Institute, available at [http://www.creationstudies.org/Education/simon\\_greenleaf.html](http://www.creationstudies.org/Education/simon_greenleaf.html) (accessed March 17, 2017).

In some texts, Geisler alluded to Greenleaf's conversion as follows:

When challenged to apply these rules to the New Testament documents, Greenleaf produced a volume (*The Testimony of the Evangelists*) which defends the authenticity of the New Testament. It defends an important link in the overall apologetic argument for Christianity—the trustworthiness of the New Testament witnesses.<sup>59</sup>

In later publications he said that Greenleaf ridiculed Christian belief.<sup>60</sup>

### **Patricia Wilhite-McCartney**

Wilhite-McCartney claims three stages—Jewish, agnostic, convert:

Simon Greenleaf grew up in a Jewish family ... Greenleaf's defiance in deciding to put Christianity on trial proved to be the defining moment for his life and his legacy. Abandoning his religious heritage at an earlier stage in life, Greenleaf considered himself an agnostic. It was that skepticism that led Greenleaf to put his legal acumen to the test. The skilled lawyer decided to disprove Christianity. Specifically, Greenleaf was convinced that he could examine the evidence of the resurrection of Christ as contained in the four Gospels of the New Testament and build a case that would prove the Bible a fallacy ... Artfully, performing the exegesis of the four gospel books, Greenleaf employed every argument he possessed to advocate his intended outcome. However, the one conclusion he failed to evaluate was the transforming effect his work would have on his life. Instead of proving the case, Greenleaf became personally convicted by the weight of the gospel message ... The approach Greenleaf employed in his legal analysis of the Gospels emerged as a new train of thought called apologetics.<sup>61</sup>

### **Periodicals and Websites**

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<sup>59</sup> Norman L. Geisler, "Simon Greenleaf" in *Baker Encyclopedia of Christian Apologetics*, Grand Rapids: Baker, 1999, 298. Cf. Idem, *A Popular Survey of the New Testament*, Grand Rapids: Baker, 2007, 32. Idem and Patrick Zuckerman, *The Apologetics of Jesus*, Grand Rapids: Baker, 2009, 172. Idem and Frank Turek, *I Don't Have Enough Faith to Be an Atheist*, Wheaton: Crossway, 2004, 286.

<sup>60</sup> Idem, "What is Apologetics and Why Do We Need It?" in *The Harvest Handbook of Apologetics*, ed. Joseph M. Holden, Eugene: Harvest, 2018, 24-25.

<sup>61</sup> Patricia Wilhite-McCartney, *Lawyers with Legacies*, Mustang: Tate, 2007, 71, 72 & 73. She is wrong that Greenleaf's work led to the development of apologetics.

*Decision Magazine* and *Charisma News* claimed that Greenleaf tried to disprove the resurrection.<sup>62</sup> Websites repeat the folklore, such as Douglas Linder of the law faculty, University of Missouri-Kansas City: “Greenleaf, one of the principle [sic] founders of the Harvard Law School, originally set out to disprove the biblical testimony concerning the resurrection of Jesus Christ.”<sup>63</sup> Simon Manchester’s broadcast sermon refers to Greenleaf the sceptical Jew.<sup>64</sup> Pre-law student Valeri Cangelosi’s Prezi profile refers to Greenleaf as a Jewish atheist.<sup>65</sup>

## CRITICAL REFLECTIONS

Scholars in theology are expected to hone their skills in library science, but readers are misinformed by lazy researchers.<sup>66</sup> Folklore about Greenleaf is cloaked by unverified data from websites or misleading page references to *Testimony* which lacks any autobiographical passages. An exclusive reliance on Internet search engines to retrieve information, combined with failure to evaluate the sources, functions as a digital loop. The entire bibliography of Cangelosi’s misleading Prezi profile comprises six web sources. Non-academics who primarily rely on social media while ignoring bibliographical reference tools may develop immunity to reflexive criticism.

Vague dates are another feature. Greenleaf resigned as Dane Professor of Law on May 15, 1848.<sup>67</sup> His *Treatise* on evidence comprised three volumes individually published in 1842, 1846 and 1853.<sup>68</sup> This chronology crushes McDowell’s claim that Greenleaf investigated Jesus’ resurrection using “the three volumes he had written on the laws of legal evidence.” Greenleaf could not have been challenged in law classes by a student to use his three-volume text because

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<sup>62</sup> Jerry Pierce, “The Towering Truth of the Resurrection,” *Decision Magazine*, April 10, 2017, available at <https://billygraham.org/decision-magazine/april-2017/towering-truth-resurrection/>. Darrell deVile and Cindy deVile, “7 Pieces of Evidence for the Resurrection,” *Charisma News*, March 25, 2016 available at <https://www.charismanews.com/opinion/56077-7-pieces-of-evidence-for-the-resurrection>.

<sup>63</sup> See <https://famous-trials.com/jesustrial/1051-evangeliststestimony> and <http://law2.umkc.edu/faculty/projects/ftrials/jesus/greenleaf.html> (both accessed January 9, 2020).

<sup>64</sup> Simon Manchester, “Facing up to Disbelief. Part 1. Is Christianity Irrelevant?” (broadcast 28 July 2019 on Sydney’s Hope 103.2 FM), transcript at <https://hope1032.com.au/stories/faith/2019/facing-up-to-disbelief-is-christianity-irrelevant/> (accessed December 14 2019). N.B. muddled transcriptions such as “Mark Middleberg” (i.e. Mittelberg) and Simone Wheel (i.e. Simone Weil).

<sup>65</sup> Valeri Cangelosi, “Simon Greenleaf” (dated November 30, 2017) available at <https://prezi.com/fzltxsue9tr/simon-greenleaf/>. (accessed January 11, 2020). Cf. <https://www.linkedin.com/in/valeri-cangelosi-7108b4182>.

<sup>66</sup> Cf. William B. Badke, *The Survivor’s Guide to Library Research*, Grand Rapids: Zondervan, 1990. Cyril J. Barber, *Introduction to Theological Research*, Chicago: Moody, 1982.

<sup>67</sup> On his resignation see *The Monthly Law Reporter* 11 New Series 1, no 4. (August 1849), 188-191.

<sup>68</sup> Volume 1 published in 1842 in Boston by Charles C. Little and James Brown, and in London by A. Maxwell.

the third volume was released in 1853 five years after he had retired, and *Testimony* was published in 1846.

### Careless Criticism

Ironically, poor bibliographical research is apparent in atheist rebuttals which are weakened by careless statements and dismissive remarks:

1. “All the evidence we have demonstrates that Simon Greenleaf was a lifelong Episcopalian” (a flimsy inference based on an 1827 Episcopal text mentioning Greenleaf; he was only an adult convert).
2. *Treatise* “was written 1844-46” (actual release: 1842, 1846 and 1853).
3. *Testimony* was written in “1847” (first edition was 1846).
4. The 1874 edition of *Testimony* was “edited by Tischendorf” (it merely contains an appendix by Tischendorf; the title page does not credit him as editor).<sup>69</sup>
5. Greenleaf “was one of the founders of Harvard Law School” and “was founding father of the Harvard Law School” (established in 1817).<sup>70</sup>
6. “He was a lifelong Episcopalian who would be appalled and offended by anyone who called him an atheist.”<sup>71</sup>

According to Jonathan Greenleaf, his brother Simon did not convert until he had examined “the ground inch by inch” just like “he would the merits of an important law case.” This dismissive comment is rendered untenable: “He wasn’t convinced by the evidence. He already believed and looked for support.”<sup>72</sup>

### Folklore

Greenleaf’s Harvard conversion is folklore about an influential figure from US legal history.<sup>73</sup> Evangelical social fears about other worldviews may be a critical factor behind this

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<sup>69</sup> Items 1-4 from “Simon Greenleaf” at <http://sandwichesforsale.blogspot.com/2010/10/simon-greenleaf.html>.

<sup>70</sup> Miller, “1846 – Simon Greenleaf, The Testimony of the Evangelists,” December 30, 2018 <https://www.robertgeorgemiller.com/1846-simon-greenleaf-the-testimony-of-the-evangelists/> (accessed January 1, 2020). “Debunking Another Apologetic Fable” at <https://www.robertgeorgemiller.com/simon-greenleaf-1-debunking-another-apologetic-fable/>. Christians make this same incorrect claim, see Show Me One Jew <http://showmeonejew.com/show-me/simon-greenleaf.html> (accessed December 2, 2019), as well as Robert Edwards, Scott Sauls and Douglas Linder mentioned earlier.

<sup>71</sup> Miller, “Debunking Another Apologetic Fable” he footnotes Blinka, “Roots of Modern Trial.” Blinka did not discuss Greenleaf’s conversion, but commented on the web-tale, “The pious Greenleaf would be appalled because neither he nor his evangelical brethren harbored any doubts about their truth [i.e. the gospels]” (296).

<sup>72</sup> “Simon Greenleaf” at <http://sandwichesforsale.blogspot.com/2010/10/simon-greenleaf.html>

<sup>73</sup> My interpretation here combines insights from Ellis, *Aliens, Ghosts and Cults*, as well as Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise on the Sociology of Knowledge*,

folklore. The tale is socially constructed from inside the evangelical subculture with the therapeutic function of bolstering faith. Evangelicals who feel bewildered by, and deeply estranged from, their host culture may express through this folklore what they believe about the way the world should be. America has strayed from its Christian roots, but like Greenleaf it ought to respect the gospel message.<sup>74</sup>

The tale may also be a safety valve for mitigating pent-up anxiety about cognitive threats to faith. Apologists as intellectual gatekeepers interpret rival worldviews and provide reassuring answers. There may be a curious synergy where frequent retelling of Greenleaf folklore is stimulated by New Atheist discourses which mobilises evangelicals to influence the public square.

This folklore accompanies collective self-talk about the folly of unbelief. A great legal expert has investigated evidences for the resurrection. It fuses with a folkloric tale of the student versus professor which cloaks an anti-intellectual anxiety about vulnerable young Christians at university. Greenleaf the unbelieving law professor is juxtaposed with an anonymous Christian student. He experiences a role reversal: the student challenges the professor to learn. The contrast implies that the student is smarter than Greenleaf. He was hoisted on his own petard by the very canons of legal proof that he taught to law students. In Strobel's version, a young student triumphs over the scoffing Jewish sceptic. Strobel omits Greenleaf's Jewishness when describing his prestige as a legal authority but reserves that detail for the conversion punch line.

A conspiratorial outlook may make some nonreflexive and impervious to evidence that *Greenleaf was not converted at Harvard*.<sup>75</sup> Miller insists that the story comprises an "evangelical meme."<sup>76</sup> His interpretation may seem plausible if one adopts a nonreflexive acceptance of Richard Dawkins' concept of memes and mind viruses.<sup>77</sup> However, scholars of folklore are "underwhelmed" by "theoretical and subjective preconceptions" of Dawkins' concept because it

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Harmondsworth: Penguin, 1966. Ron Eyerman and Andrew Jamison, *Social Movements: A Cognitive Approach*, University Park: Pennsylvania State University Press, 1991. Douglas E. Cowan, "Bearing False Witness?" *An Introduction to the Christian Countercult*, Westport: Praeger, 2004.

<sup>74</sup> The myth of Christian America is evaluated in Mark A. Noll, Nathan O. Hatch and George M. Marsden, *The Search for Christian America*, Westchester: Crossway, 1983.

<sup>75</sup> On the conspiracy paradigm see Stephen M. E. Marmura, "Likely and Unlikely Stories: Conspiracy Theories in an Age of Propaganda," *International Journal of Communication* 8 (2014) 2377-2395. Michael Barkun, *A Culture of Conspiracy: Apocalyptic Visions in Contemporary America*, Berkeley: University of California Press, 2003.

<sup>76</sup> Miller, "Debunking Another Apologetic Fable."

<sup>77</sup> Richard Dawkins, *The Selfish Gene*, Oxford: Oxford University Press, 1989 [1976].

overlooks a large body of data.<sup>78</sup> The proper nomenclature for the phenomena is folklore, not meme.

## CONCLUSION

The polarising mutually dismissive speech about Greenleaf from atheists and Christians in social media is unhelpful.<sup>79</sup> Greenleaf was an evangelical Christian for many years *before* he taught law, *but* neither was he a lifelong believer in Christ. Apologists must lift their standards in information retrieval and analysis, as well as reflecting on the social conditions which triggers spurious folklore. The chronology for Greenleaf's actual conversion and the date of his draft manuscript, crushes bogus claims that he was an atheist or agnostic who converted at Harvard. Partisan squabbles by-pass the critical task of understanding the historical context of Greenleaf's apologia. An evaluation of his apologia is reserved for separate discussion.

(End of Part One).

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<sup>78</sup> See Ellis, *Aliens, Ghosts and Cults*, 75-92 for critical commentary.

<sup>79</sup> Cf. reader comments at <http://sandwichesforsale.blogspot.com/2010/10/simon-greenleaf.html>.