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Paul and the Law: Reflections on Pitfalls in Interpretation

By W. D. Davies

Because of its importance not only in his epistles and in other parts of the New Testament but in the encounter between Roman Catholicism and Protestantism, the treatment of the Law by Paul has been and is one of the most discussed subjects in Christian theology and particularly in New Testament studies. But lawyer readers of this chapter brought up on O. W. Holmes's The Path of the Law will find it difficult to relate its contents with "law" in the customary meanings of the term. They will, for example, pounce upon the fact that the word "legislation" only occurs once and indeed, if they persist in reading, will probably insist that, in all that we have written, we have not pointed to "law" or "laws" in Paul in the strict sense at all but simply to moral teaching and exhortation, just as Professor Daube recently distinguished between the few sayings in the Old Testament urging upon Israelites the desirability of procreation, passages which he regards as exhortatory, and later laws, into which these exhortations developed to make procreation a legal duty. To this charge we plead guilty, but guilty of necessity. The genius of Paul was not in legislation. The passages where he gives specific rules of conduct are very few. They deal with the financial support of preachers of the Gospel (1 Cor. 9:3-18), which Paul justifies in

terms of “human analogies,” *Deuteronomy*, and the practice in the Jewish temple, and they also deal with questions of marriage, slavery, and food consecrated to idols, on which the Apostle refused to follow the legal logic of messianism and “legislated” in very personal terms (1 Cor. 7:1-8:13). That there are, comparatively, so few strictly “legal” discussions in Pauline epistles is highly significant. Of necessity our treatment of the Law in Paul has had to be only tangentially legal but rather has centered in the Apostle’s understanding of the nature of the life “in Christ,” by which all aspects of life, including the legal are, for him, to be informed. This concentration on the new life “in Christ” is of the essence of Paul’s approach to the Law, which comes to be not dismissed by him but transposed to a new key. As will appear, the Apostle related all law to religion. That his challenge to relate religion radically to law and law to religion speaks to our present condition would appear to many, as to ourselves, self-evident. The case for this has recently been stated by Professor H. J. Berman.1 His argument need not be repeated, so persuasive is it. With this introductory warning to lawyers, we proceed with our specific task.

In the context of this paper we mean by “Law” the *Torah* by which religious Jews have sought to live. As Paul understood it, the term *torah* (usually rendered in English by “law” and in Greek by *nomos*) consisted of all the documents to which Christians (but, and this needs to be emphasized, not Paul or any other writers of the New Testament)2 have come to apply the term, “the Old Testament.” In first century Judaism these documents were referred to as the written law, *torah shekathub* or *shebikthab*. Within them, the first five, usually referred to as the Pentateuch, were especially distinguished from the prophetic and hagiographic writings (the *nebi'im* and the *kethubim*) and given an unmistakable prominence as the Law (*hatórah*).3 But alongside this written *torah* there had developed as its application, either in direct dependence upon it (in the form of midrash) or independently of its text (in the form of mishnah), a body

of oral law (torah she belal pe),⁴ which was finally codified around the middle of the second century as The Mishnah.⁵

The term torah, or law, then, for Paul was very comprehensive. At least four aspects of it have to be borne in mind. First, it includes commandments (mitzvot) which are to be obeyed: it is doubtful whether the term torah at any time is completely free of the element of demand, either explicitly or implicitly. Second, it encompasses much that is not legal in the sense of commandment: in particular, in chronologically widely spread documents, it includes the history of the people of Israel as variously interpreted at different stages, the messages of the significant prophets of Israel, and an impressive tradition of wisdom.⁶ Third, as a result of a development going back possibly as early as Deuteronomy in the sixth century B.C., the Torah in its totality had come to be regarded as the Wisdom after the pattern of which and by means of which God created the world (Proverbs 8).⁷ Wisdom, or Torah, came to be regarded not merely as the ground plan which God followed in creating the universe but as his architect. (How far she was personified is debated: the term for this Wisdom, hocmah, like the term Torah itself, is in the feminine gender.) She played a part in creation, as we saw, and she is also peculiarly concerned with revealing the way of life and righteousness to men. She confers truth, righteousness, knowledge, judgment, and justice. She is therefore the means of expressing the Divine activity both in creation and in morality and knowledge, which activity is the creative and the redemptive purpose of God (Proverbs 8:35a, 36b). Fourth, in sum, the term The Torah (The Law) connoted for Paul as a Jew the whole of the revealed will of God in the universe, in nature, and in human society. It is not surprising, therefore, that the term as Paul understood it, indicating the special inheritance of Israel and designed to express the will of God in every detail in which he was immersed, in fact could be taken to indicate a whole cultural tradition which governed his life in its totality. To submit to or to reject the Law was to accept or reject a particular culture or way of life in all its intricate ramifications. It is essential to grasp that The Torah represented

⁴ See S. Lauterbach, Rabbinic Essays (1951).
⁵ The most convenient translation is H. Danby, The Mishnah (1933).
⁶ This aspect of the question has recently been powerfully emphasized in J. A. Sanders, Paul and Palestinian Judaism (1976) [hereinafter cited as Sanders].
⁷ For a bibliography, see W. D. Davies, Paul and Rabbinic Judaism 147-77 (1977) [hereinafter cited as Rabbinic].
for Paul not solely the moral demands of God on the individual Jew but His demand on all His people for a way of life governed by obedience to Him in all spheres. The question of Paul’s relation to the Law, then, is the question of his relation to the whole tradition, indeed the very culture, of the Jewish people among whom he had been born.8

The neglect of the complexity of the role of The Torah in its all-encompassing and ubiquitous character in Paul’s life as a Jew, to which we have referred, has made it easy for interpreters, concentrating on a particular aspect of The Torah to the exclusion of others, to oversimplify his response to it. In this Article, by way of a possible corrective, we shall try to indicate certain considerations that should be operative in any adequate discussion of Paul’s attitude to the Law. We shall do so indirectly, however, by pointing out pitfalls in interpretation which have led to distortion. The pitfalls are indicated in the following subheadings: (1) the interpretation of the Law as simply commandment, (2) the isolation of Paul’s treatment of the Law from his messianic (revolutionary) situation, (3) the failure to recognize variety and change in that treatment, and (4) the neglect of explicit moral demands in the epistles.

Interpretation of the Law as Simply Commandment

First, there has been a tendency to treat torah as if it simply meant mitzvah, commandment. Protestant theologians generally, but especially those in Germany, have often understood torah as commandment and interpreted the Jewish tradition as one requiring obedience to the commandments as the ground of salvation. This diminution of the scope of The Torah to that of mitzvōth, commandments, and of salvation to that of the reward for obedience to them has had momentous historical consequences. The traditional Protestant interpretation of the Pauline polemic against the Law in Judaism and Jewish Christianity will be familiar and need not be repeated here.9 Unfortunately, this interpretation has so colored the minds

8. The struggle in Paul’s breast between the two cultures of Jerusalem and Athens expressed itself in his engagement with the Torah. I have discussed his deliberate and conscious concern with this struggle in a study of the allegory of the two olives in Romans 11:17-24 in the Festschrift for Marcel Simon (M. Philonenko ed. 1977).

9. See the brilliant and massive contribution of Sanders, supra note 6, at 33-59. The true assessment of this work will necessarily be long in coming, but one of its
of Protestants and even Catholics that it has been difficult for them both to give the Law its due place in the corpus of revelation. The doctrine of justification by faith alone, with its corollary of the inadequacy of the Law, has been taken within Protestantism as the clue to Paulinism. The appeal of that doctrine and, to many, its truth is altogether natural and is to be fully recognized. A gospel of grace, of justification by faith alone, cannot but have a powerful attraction for all sorts and conditions of men, because they know the power of sin and the dread of guilt. But neither the religious appeal of that doctrine to our broken humanity, nor indeed the acceptance of it as truth, should be allowed to govern the interpretation of Paul as a historical figure. The traditional picture of Saul of Tarsus as suffering pangs of conscience under the Law has recently been severely criticized and dismissed. It has been urged that the pangs of the introspective conscience are a peculiarity of Western Christendom and therefore alien to Paul and that his agonizing engagement with the Law was concerned not with his personal moral struggle in seeking to obey it but with the relationship between Jews and Gentiles, that is, over the meaning of belonging to the people of God. Such a view is not be be unqualifiedly accepted. The pangs of the introspective conscience or of moral scrupulosity are not confined to Western Christians moulded by the misunderstanding of Paul in St. Augustine and in Luther. Those pangs are universally human; they know no geographic boundaries. Paul too must have known them. Yet to make the personal moral struggle of Paul

contentions, indicated in our text, can certainly not be ignored. Sanders' work is the first deliberately systematic confrontation with the classical Protestant interpretation of Paul, especially as expressed in German scholarship. The question is whether Luther, with whom Sanders does not deal directly, understood Paul at a deeper level than Sanders allows. Luther recognized that, to any sound Christian theology, law is fundamental as the implicate of grace; he realized, as my teacher J. S. Whale writes, "that grace presupposes the sacred moral law by transcending it in forgiveness." Letter from J. S. Whale to W. D. Davies (Jan. 31, 1978). A discussion of the agelong tension between Justice and Mercy, Judgment and Forgiveness, or of the traditional Protestant understanding of Luther's and Paul's concern with this tension is beyond the scope of this Article. See J. Whale, The Protestant Tradition 3-103 (1955). It is important to recognize the distinction between Luther and his epigoni who produced "Lutheranism," a distinction not without a parallel in that between Paul and "Paulinism."


the primary source of his criticism of the Law, understood primarily as commandment, is to ignore the evidence of his own epistles, which does not support the picture of Paul as a Jew tortured by his failure to obey the Law in his pre-Christian or Christian days. Paul refers to himself as blameless under the Law and his own conscience. The references to the division within the self in Romans 7 probably reflect a personal experience but cannot be made normative for the understanding of his life under the Law before Paul encountered Christ. In fact, as we shall see, so far from being an attack on the Law, Romans 7 may be even a defense of it.

But this apart, to confine the meaning of The Torah solely within the dimension of the commandments demanding obedience is to ignore the Jewish understanding of The Torah as containing also the history that was the background of the commandment. For Paul, as for all religious Jews, The Torah evoked not only the demands of God given on Sinai and the tradition which had developed to expound and apply them, but the story that lay behind Sinai and that continued in the history of the people of God that came into being there. And this story, it must be emphasized, pointed always to a grace of God which preceded His demand. The decalogue, for example, is introduced by the words, “I am the Lord your God who brought you forth out of the Land of Egypt, out of the house of bondage” (Exodus 20:1-2). The duties of the decalogue arise out of the deliverance, a deliverance of the unworthy. The precedence of grace over law in Israelite religion persisted, despite its frequent neglect, in Judaism. The ground of obedience in Judaism is gratitude, which has been called “the most ethical of all the emotions.” The Law and the recognition of the need for obedience to it are not the means of salvation for Judaism but the consequences or accompaniment of it. True, the demands of the Law came to be often isolated in Judaism and their covenantal ground in the grace of God to be muted, but the relation of the demands to the grace of God in freeing Israel from Egypt was not severed. The very observance of the Law inevitably recalled the Exodus, and the gift of the Law itself for Jews, because it was not solely commandment, was regarded as an act of grace and a means to grace.

It follows that the opposition of law to grace which has marked so much of Protestantism, grounded as it is in individualism, that is, in the emphasis on the sinner standing alone before the awful demands of God, in terrible isolation, is a distortion of Paul. Here
it is well to note that, although a profundity, Paul was not a peculiarity in the early church. He shared the understanding of the Christian experience which was widespread in that church, and that experience was "covenantal" in character. Early Christians believed that they were living "in the end of the days," in the time of fulfillment. This conviction is to be understood, as is made evident in all the New Testament, in the light of the expectations expressed in the Old Testament and Judaism that at some future date God would act for the salvation of His people. The life, death, and Resurrection of Jesus of Nazareth were the fulfillment of these expectations. The moral aspirations of the Old Testament and Judaism, the Prophets and the Law, were not annulled in the Christian dispensation; they were fulfilled. The early church consciously accepted the moral concern of Israel as it was illumined and completed in the light of the life, death, and Resurrection of Jesus.

This acceptance emerges clearly in that in much of the New Testament the experience of the church was understood as parallel to that of the Jewish people. The emergence of the church was, if not the emergence of a New Israel, at least the entrance of Israel on a new stage of its history. In the creation of the church the Exodus was repeated, as it were. And as a corollary to the experience of a new Exodus, wrought by the life, death, and resurrection of Jesus the Christ, the church understood itself as standing under the new Sinai of a new Moses. This complex of ideas—Exodus, Sinai, Moses—govern, for example, Matthew's presentation of the Sermon

15. See P. Richardson, Israel in the Apostolic Age (1969) [hereinafter cited as Richardson]. According to Richardson, the designation of the Church as "the true Israel" did not occur until the mid-second century in the works of Justin Martyr. Use of the phrase "the new Israel" in referring to the church is not found in the New Testament.
on the Mount\textsuperscript{17} and Mark's\textsuperscript{18} reference to a new teaching, which John in turn presents as a new commandment.\textsuperscript{19}

In its vital contents, then, the moral teaching of primitive Christianity must be understood in relation to the Law which Judaism traced back to Sinai; this relationship is variously expressed, sometimes in terms of reform, sometimes in terms of antithesis, and sometimes in terms of fulfillment.\textsuperscript{20} What is clear is that, in early Christianity, "Law" is bound up with the Christian Gospel, as it was bound up with the message of the Old Testament and Judaism.\textsuperscript{21} To put


19. John 13:34. The context of this new commandment within the Last Supper, which at least has Passover undertones, is important.
20. See Davies, Torah and Dogma, 61 Harv. Theological Rev. 87-105 (1968).
2. See also R. A. Harrisville, The Concept of Newness in the New Testament 46 (1960). For a discussion of the Covenant in Judaism, see the exhaustive study by A. Jaubert, La Notion d'Alliance dans le Judaïsme aux abords de l'ère chrétienne (1963). On the presence of Law in the early church as in the Old Testament, see 2 G. Von Rad, Old Testament Theology 391 (D. M. G. Stalker trans. 1962): "The saving event whereby Israel became Yahweh's is indissolubly bound up with the obligation to obey certain norms which clearly mark which law the chosen people's
this in technical terms, the structure of primitive Christianity is, in some aspects at least, modelled upon, or grows out of, the structure of Judaism. This means that Law is integral to the Gospel of the New Testament as it was to that of the Old. Paul's understanding of the Law also is to be understood against this background. It was the concepts we have indicated that largely governed his references to the New Covenant. Paul's background in early Christianity, no less than in Judaism, demands that we cease to interpret Paul's reaction to the Law solely in individualistic and moralistic terms and recognize that Pauline Christianity is not primarily an antithesis to Law. To respond to this demand is difficult for many reasons. Be-

sphere, particularly at its circumference. The same thing, however, occurs in the early Christian community. From the very beginning it too was conscious of being bound to certain legal norms and it put them into practice unreservedly . . . .” See 1 Corinthians 5:5, 16:22; cf. Acts 8:20; 2 Timothy 2:19. Important sources on this topic are G. Bornkamm, Das Anathema in der urchristliche Abendmahls Theologie, in Das Ende des Gesetzes: Paulus Studien 123 (1952); Käsemann, Sätze Heiligen Rechts in Neuen Testament, 1 New Testament Studies 248 (1955). On the difficulty which Protestants have in doing justice to the Mosaic element in the New Testament, see the brilliant work of F. J. Leenhardt, Two Biblical Faiths: Protestant and Catholic 2 (H. Knight trans. 1964): “Protestants have the greatest difficulty in not underestimating the value of the Mosaic tradition in the corpus of revelation . . . . [T]he Pauline polemic against the threat of Judaism and Judaic Christianity often remains, in the mentality of Protestant readers of the apostle, the sole key to the understanding of the Gospel. What is argued by St. Paul against the Judaic and Judaizing interpretation of the Law is applied by them in the most massive way to the whole structure of the Mosaic faith.” On “Law” in Paul, see the suggestive essay by W.R. Schödel, Pauline Thought: Some Basic Issues, in Transitions in Biblical Scholarship, 263 (J. C. Rylaarsdam ed. 1968).

22. One of the most illuminating developments in Old Testament studies has been the rehabilitation of the Law. Through the work of Alt, Von Rad, Martin Noth, Buber, Zimmerli, Clements, and others, the influence of the covenant tradition with its Law on the prophets has become clear. And just as the prophets have been connected with the Law that preceded them, so Finkelstein, in a brilliant study, has connected them with the Law that followed them in Judaism. The old antithesis of Law and Prophet has been challenged. The prophets are emerging as “teachers.” This has an important bearing on our understanding of Jesus. To place him among the prophets is not to displace him from the role of teacher. See A. Alt, Die Ursprünge des Israelischen Rechts (1934); M. Noth, Die Gesetze im Pentateuch 9-141 (1958); G. von Rad, Das Formgeschichtliche Problem des Hexateuch (1938), reprinted in Gesammelte Studien zum A.T. 9-86 (1958). Walther Zimmerli, in a series of lectures, gives a fascinating account of the theme in scholarship. See The Law and the Prophets: A Study of the Meaning of the Old Testament (1965); on the same topic, see R. E. Clements, Prophecy and Covenant (1965). On the prophets in Judaism, see W. D. Davies, Reflections on Tradition: The Aboth Revisited in Christian History and Interpretation: Studies Presented to John Knox 127 (1967). Martin Buber puts great emphasis on the influence of the Sinai tradition on the prophets. See M. Buber, The Prophetic Faith 24 (1960).
tween us and Paul's treatment of the Law stands the Protestant Reforma-
tion, and Protestant exegetes, as indicated already, have applied
in the most massive way Paul's arguments against the Judaic and
Judaizing interpretation of the Law to the whole structure of the
Mosaic faith. Traditional Protestant exegesis often illumines the
Scriptures, but if often also serves as a barrier to the true understand-
ing of them.

But more important are other general but fundamental factors
that emerged early in the history of the church to lead to a misinter-
pretation of the Apostle. Paul believed that the crucified Jesus was
the Messiah. The interpretation of the significance of such a para-
doxxical Messiah inevitably led to a radical reassessment and criticism
of the messianic ideas of the existing religious and political order.
The revolutionary possibilities of the movement which began with
Jesus of Nazareth cannot be overemphasized. Paul who, compared
with some other Christians, seems to have been soberly conservative
even in his radicalism, contrasts the new order in Christ with the
old order under the Law with a burning vividness. His sharp an-
titheses are familiar. From his earliest epistle on, Paul lashed out
unrestrainedly against certain Jews.

Two factors are pertinent in the consideration of his violent crit-
icism. It fluctuated with the conditions that he faced. We have
no letters of Paul to Jews or to Jewish Christians but only to largely
Gentile churches. But these Christian communities were probably
composed of Jews and of Gentiles who had been attracted to Judaism
through the synagogues. The discussions of Judaism and Jews in
Paul's letters are intramural. They are criticisms of the faith, law,
institutions, and worship of Jews not from without but from within.
Although probably more critical of Judaism than those churches
found by other apostles, the Pauline churches also existed on the
threshold of the synagogue. Rhetorically, in diatribe, Paul can ad-
dress Jews directly even in Romans (2:17; 3:1, 9). The Christian
communities to which he wrote were differentiated by certain ele-
ments—a common meal, apostolic figures, a way of life or discipline,
an awareness of unity in Christ and of living in a new aeon, and a
confession of Jesus as Lord—as were other such communities. But
in the time of Paul this differentiation did not spell separation. The
evidence for the coexistence of early Christians with other Jews with-

in a common heritage need not be repeated here. Did Christianity as a distinct, separate religious movement exist at all before 70 A.D.? Up until then was it not a movement within Judaism in competition with other Jewish movements variously interpreting a common tradition? The term “New Israel” does not appear until the second century, and the very idea of a primitive Christianity before 70 A.D. is probably mistaken: it is a historical myth. Even though Paul can refer in Galatians to ‘Ioudaismos (1:13 f.), his criticisms of the symbols of Judaism no more signify that he had forsaken Judaism than did the bitter attacks of the sectarianists at Qumran against the authorities in Jerusalem signify that they had forsaken it.

This reference to Qumran warns against the common failure to appreciate the multiplicity of ways in which Judaism expressed itself in the early pre-Jamnian period. The weight of scholarly tradition still inclines us to think of Judaism in largely monolithic Pharisaic terms. We read the first century in the light of the later dominant rabbinic Judaism. But Pharisaism itself in the first century was very variegated. The hospitable, comprehensive, theological tolerance and fluidity of Judaism before 70 A.D. allowed various groups to remain within its ambience. Among these were early Christians. Scholem’s work on the seventeenth century Messiah, Sabbatai Svi, offers a parallel. Rabbinic scholars refused to take Sabbatianism seriously as a Jewish phenomenon because they operated with a monolithic conception of Judaism, which could not contain Sabbati-


25. Moreover, the precise translation of the word “‘Ioudaismos” is not clear. It is not so much a reference to Judaism as a religion as to the Jewish way of life. The term is not found in the LXX, the Apocrypha and Pseudepigrapha, except at II Maccabees ii:21, viii-xiv:38 and IV Maccabees iv:26 in the context of loyalty to the Jewish religion as it confronts Hellenistic pressures. Hengel defines it as referring to “both political and genetic association with the Jewish nation and exclusive belief in the one God of Israel, together with observance of the Torah given by him.” See Hengel, Judaism and Hellenism: Studies in their Encounter in Palestine during the Early Hellenistic Period 1-2 (J. Bowden trans. 1974). The term occurs only in Galatians 1:1 in the New Testament. The view of A. Oepke that the term there indicates contempt for a Judaism clearly separated from Christianity must be treated very cautiously. See A. Oepke, Der Brief des Paulus an die Galater 30 (1957); D. Guthrie, Galatians, New Century Bible 67 (1969).
anism. But that movement was an essentially Jewish phenomenon; it arose within Judaism and despite its revolutionary character remained within it, even when it proclaimed the divinity of Sabbatai. The same applies to much Christian understanding of early Christianity. In accepting the Jew, Jesus, as the Messiah, Paul did not think in terms of moving into a new religion but of having found the final expression and intent of the Jewish tradition within which he had been born. For him the gospel was according to the scriptures; it was not an alien importation into Judaism but the true development of it, its highest point, although, in its judgment on the centrality which some Jews had given to a particular interpretation of the Law, it showed a radicalism which amounted to a new creation. Although it had its differentia, the Christian life for Paul was not a non-Jewish phenomenon distinct from and annulling another prior phenomenon, Judaism. Like Sabbatai Svi and Nathan of Gaza in the seventeenth century, he would not have conceived of himself as having ceased to be a Jew (Romans 9:3-11:1) or as having inaugurated a new religion. To make him guilty of totally rejecting the Law of Judaism is to fail to place Paul in his true context, that is, within a Judaism which was not monolithic in character but was a cauldron of opposing views.

Why has the recognition of this simple fact been so difficult and tardy? Apart from the weight of scholarly tradition and conservatism, there are two main reasons, one external and Jewish and the other internal to the churches. First, the external Jewish reason will be explored. The attitude of Jews to Christians who arose among them varied. As Daube pointed out, the assessment of the claims of a messianic movement was difficult. Doubtless the tolerance ascribed to Gamaliel in Acts may not have been typical, but as Hare has shown, the evidence for any very early widespread violent reaction issuing in the persecution of Christians by Jews is not impressive. Most Jews would have been puzzled by Jesus but not necessarily antagonized by him any more than were the seventeenth century


27. D. DAUBE, CIVIL DISOBEDIENCE IN ANTIQUITY 115-16 (1972).

Jews by Sabbatai Svi. It was the defection of many Christians from the national cause in the revolt of the Jewish revolutionaries against Rome in the sixties, the catastrophic Fall of Jerusalem, and the subsequent struggle of the Jews for survival and the preservation of their identity under the Sages at Jamnia, where the Pharisaic leaders gathered after the fall of Jerusalem and gradually established what we call Rabbinic Judaism that sharpened and hardened the lines between Jews who did not and those who did follow Christ. The sociological and psychological processes that induce opposed, though related, groups to define each other over against each other, so that even a community of love can come to define itself in terms of hate for its opponents, have become clearer to us in recent years. These processes have been insufficiently exploited in the examination of the emergence of Christianity as a distinct movement from within Judaism and over against it. At this point we need to listen far more to Weber and Freud. The processes that led to the radical separation of Christians from Jews cannot be traced here. What is especially noteworthy is that that separation was subsequent to Paul's day and must not be read back into his engagement with the religion of his fathers. It was the desperate necessity for Jamnian Judaism to close its own ranks against dissidents and to elevate The Torah as interpreted by the Pharisees still more to be the way of Jewish life and the reaction to these among Christians and Jews that contributed most to the emergence of what we call Christianity as a distinct religion. But Paul predated Jamnia.

This leads us to the second internal reason for the tardy recognition that Paul remained within the ambience of Judaism. Put simply it is this: Paul's letters were composed in the context of a dialogue within Judaism. They were later read outside and over against that context. Context determines content. The gospel itself, whoever preached it, could easily be misunderstood. Paul's peculiar and complex interpretation of it was often confusing.

29. See Sermon, supra note 16, at 256-315, and literature cited therein. The importance of the negative reaction of Jamnian Judaism to the gospel cannot be over-emphasized as a factor contributing to radical separation. The separation is best understood probably less as a break-off by Christians from Jews than as one by Jews from Christians. Both parties bore responsibility for the separation. For example, the favorable presentation of the Samaritans in the New Testament is not unrelated to their disfavor among Jews. For caution regarding Jamnia, see 32 J. P. Lewis, Journal of Bible and Religion 125-32 (1984).

ing his lifetime he had to face this fact. Concentrating on Paul’s insistence that it was not Jews after the flesh who constitute the people of God but those “in Christ” and sometimes coming under pressure from Paul’s opponents, some Gentiles initially understood him to mean that they were now to enjoy the privileges and ways of the Jews, who were no longer the people of God and that they were called upon to observe the Law even more zealously than Jews. Overconversion was a common phenomenon. Other Gentiles, probably more numerous, like many Jews who heard him and to whom he wrote, took Paul to demand a complete rejection of The Torah of Judaism and to invite messianic license. For these Paul spelt the total rejection of Judaism, and as we shall see, he opposed them.

And then after his day, when his letters came to be read by Gentiles who little understood Judaism, the misinterpretation of Paul became almost inevitable. These Gentiles often approached the epistles as outsiders incapable of appreciating their setting within what we may call a family dispute, which could explain both their extreme bitterness and, at times, their fine sensibilities. The disputes over the true interpretation of their common Jewish tradition between Paul and his kinsmen, both those who accepted and those who rejected the new faith, were expressed with intensity, not to say ferocity. As long as they were seen as being intra muros, they remained endurable. But once removed from this setting they took on a radically negative character. They no longer appeared as attempts at the reinterpretation of a shared tradition but as forages in hostility. In time, though the process was not rapid, what was a disruption among Jews came to be spelt out as the denigration and rejection of Judaism and of the people of Israel as a totality. Paul’s criticisms of the Law were intrinsically difficult to understand and, when wrenched from their familial context, as read by Gentiles largely untouched by Judaism, were ascribed a rigid coldness and a clinical, a surgical, and a unified antithetical purpose.

Isolation of the Law from Paul’s Messianic Situation

What has been written has by implication pointed to the second pitfall which must be avoided in the interpretation of Paul’s attitude to the Law: that of isolating it not only from the complexity of the

31. Cf. Richardson, supra note 15, at 1. For example, 1 Clement has been described by some as a document of Judaism despite its Christian elements.
concept of *torah* and from the context of the first century but from the total messianic situation in which Paul believed himself to be standing. It is clear from *Acts* and the Pauline epistles that the Law was the point at which Paul met violent opposition. Because of this it has been easy to regard his criticism of the Law as the ultimate ground for the persecution of the Apostle. Jews did not stumble at his doctrine of a Messiah, even a crucified one; Jewish-Christians also believed in such a one. Judaism was hospitably tolerant of Messianic claimants. But Paul's acceptance of Gentiles as members of the people of God without the observance of the Law passed the possible limits of Jewish tolerance; it was scandalous. But to state the matter this unqualifiedly is misleading. Certainly the immediate cause for Jewish opposition to Paul centered on the Law. But his controversial understanding of the Law was inextricably bound up with the significance which, through his experience on the road to Damascus, he had come to ascribe to Jesus as the Messiah and with the challenge that this had issued to all the fundamental symbols of Jewish life—the Temple, the city, the land, and the Sabbath, as well as the Law. To isolate the criticism of the Law from the total Messianic situation, as Paul conceived it, is both to exaggerate and to emasculate it. That criticism is, in fact, derivative; it is a consequence of the ultimate place which Paul ascribed to Jesus as the Messiah in the purpose of God throughout history.

The Messiahship of Jesus was crucial for Paul. He most frequently referred to Jesus as the Lord and usually used the term "Christ" in such combinations as Christ Jesus, Jesus Christ, and the Lord Jesus Christ, in a personal and not in a titular sense. But he did not therefore empty the term "Christ" of its Messianic connotation, as especially in *Romans* 9:5, probably *Romans* 1:2-4; possibly 1 *Corinthians* 1:23; *Romans* 15:7; and *Galatians* 3:16, 6:2. That Jesus had come to be for Paul the Messiah had momentous consequences which were not annulled by Paul's use of other terms for him. In interpreting Jesus as the Christ, Paul could draw upon long standing categories of thought expressed in words and vivid symbols which the Jewish masses and many Sages, despite the frowns of others, took

32. The best-known example is R. Akiba's considering Bar Kokba to be the Messiah and remaining within the Jewish community.

literally. The content of these symbols gave them immense evocative powers. Their impact on Paul can be traced particularly in several ways. Here we shall be concerned only with their impact on his understanding of the Law.

The immorality and antinomianism of many of the enthusiasts in his churches constituted an embarrassment on two fronts. They drew the criticism of outsiders; “Christian” unruliness could easily be confused with civil disobedience. But more important, they antagonized sober, observing Jews and raised the question of the Law. It is fundamental to recognize that a Messianic movement inevitably had to come to terms with the Law. In dealing with it Paul was no novice but was informed by the apocalyptic-Pharisaic tradition of Judaism. In that tradition, despite the firmly entrenched doctrine that the Law was perfect, unchangeable, and eternal, some expected that Elijah would be a Messianic forerunner who would explain obscurities in the Law that in the Messianic Age or in the Age to Come difficulties in the Law would be explained, that certain enactments would cease to be applicable, and that there would be changes in the commandments concerning things clean and unclean. But more than all this, there are later passages where a New Torah for the Messianic Age is envisaged and others where the Law is to be completely abrogated at that time. As before and after, but especially in the first century when Judaism was more varied than at a later time, the content and character of the one perfect Law was a matter of intense debate. How was it to be interpreted? The answers were many. The Temple Scroll reveals that some circles were even prepared to add to the Law in the name of Yahweh Himself.35 The Dead Sea Sect, awaiting its Messiah, reveals to us a Judaism at boiling point over the question of the Law, demanding total obedience to a particular interpretation of it and expecting new commandments. The Houses of Hillel and Shammi understood the Law so differently that some feared that two Laws might emerge in Israel.36 When


Paul, therefore dealt with the question of the Law in relation to Christ, he was not alone but was part of a world in which the interpretation of Torah for the present and the future was a burning issue. Belief in the advent of the Messiah necessarily brought up acutely the question of the Law. The discussions of it in Paul are integrally related to his belief that in Jesus, crucified but raised from the dead, the Messianic Age had begun. As indicated, it is in two epistles especially that these discussions occur.

In Galatians, Paul speaks of Jesus Christ as having appeared in the fullness of time (1:4) to effect deliverance from “this present evil age” (1:5). The same crucified Jesus who had appeared risen from the dead to Paul had induced him “to die to the Law” (3:18) and wrought deliverance from its curse (3:13). He had introduced the gift of the Spirit, associated in Judaism particularly with the time of the End (3:2, 4:6, 5:6, 16). The promises of God to Abraham were fulfilled “in Christ” (3:16). Paul distinguishes three phases in the history of his people: (1) from Abraham to Moses, a period which he counts as 430 years; (2) from Moses, when the Law was given, to the coming of the one true seed of Abraham, Jesus Christ (Galatians 3:16, 19), in whom the promise to Abraham was fulfilled and faith in whom confers the blessing of being among the sons of God; and (3) a new epoch, introduced by Jesus, of true sonship in liberty (4:3 f., 5:13), a new creation (6:5). This treatment of history in Galatians in terms of the distinction between the promise to Abraham and the Law given to Moses and the culmination of the former in Jesus Christ is Paul's own. It gives an eschatological significance to Jesus of Nazareth from which Paul interpreted the Law. This is the force of the statements in 1 Corinthians 10:11: “For upon us the fulfillment of the ages has come,” and in 2 Corinthians 5:17.

In the epistle to the Romans Paul reveals even more directly how he understood Jesus as Messiah within the history of the people of Israel. He adopts an interpretation of that history not altogether unlike that proposed in the Tanna debe Eliahu, a compilation of the third century A.D. probably containing materials taken from the first century. The passage reads: “The world is to exist six thousand years. In the first two thousand years there was desolation [anarchy]; two thousand years the Torah flourished; and the next two thousand years is the Messianic era.” (Sanhedrin, 97 a/b). Compare this with Paul’s division in Romans 4:15, 5:13, 10:4. He conceives of:
(1) a period from Adam to the giving of the Law; this was lawless, in that during that period, men sinned but transgression was not imputed to them (Romans 4:15, 5:13); (2) a period from Moses to Christ during which the Law reigned and men's sins were imputed as transgressions (4:15); and then (3) a new period inaugurated by Christ in which the writ of the Law no longer ran. Christ is the "end of the Law." This phrase, in Romans 10:4, refers to a false understanding of the Law. But, as earlier in Galatians, where Paul was more categorical and extreme in claiming that Christ by taking upon himself the curse of the Law had delivered us from it, so in Romans 7:6 he writes: "But now, [in Christ] having died to that which held us bound, we are discharged from the Law, to serve God in a new way, the way of the spirit, in contrast to the old way, the way of a written code."

Paul, a Pharisee convinced that Jesus was the Messiah, because of this astounding fact could not but regard the Law in a new light. We cannot connect Paul with any one Jewish doctrine of the place of the Law in the Messianic Age, but his understanding of Jesus Christ in terms of the eschatological expectations of Judaism is unmistakable. This demanded a reorientation amounting to a radical criticism of the Law which led to his persecution at the hands of the Jews. The proximate cause of that persecution, then, his treatment of the Law, points to an ultimate cause, his Christology, which was at its beginning a Messianology. The fact is that given his Jewish view of the Law as the eternal, immutable, perfect revelation of God's will and his experience of it as an all-encompassing cultural world, it was only a Messianic event of revelatory and cosmic significance that could have induced Paul to reassess the Law as he did. To ignore this total messianic context and interpret Paul's response to the Law apart from it, as is often done, is to misinterpret.

Failure to Recognize Variety and Change

The third pitfall to be avoided is that of taking Paul's response to the Law as monolithic, as if it were invariable. The customary procedure of dealing with his epistles has been to gather together references to the Law, to examine them exhaustively but indiscriminately, and finally, to interpret them as a totality to produce what is usually referred to as Paul's attitude to the Law. But, despite the intense labors devoted to this, it is an indulgence in a gross over-
simplification. To establish the variety and changes in Paul's approach to the Law, we shall now look at the way in which he deals with it in various epistles.

Paul and the Galatian Christians

Paul first deals directly with the Law from the point of view of one accepting Jesus as the Christ in Galatians, where he confronts Judaizers, and behind them the Jews. He writes polemically and looks at the Law with the cold eyes of an antagonist. To those who demanded the observance of the Law, he asserts that to be under the Law was to be under a curse (Deuteronomy 27:26; Galatians 3:10) and that because the Law was given later than the promise to Abraham, requiring faith and not works, it was inferior. And it was inferior also because of its origin; it had not come directly from God but had only been mediated by angels and through a human, Moses (Galatians 3:10-20). Moreover the Law was morally weak, unable to give righteousness (3:21). Later in the epistle Paul goes even further. To obey the Law was to submit to the elemental spirits of this evil world of which the Law was one (4:3,9).

True, Paul does allow a temporary, preparatory role for the Law. It served as a tutor (custodian) unto Christ (3:24). Unless Galatians 3:19 (“Why then the law? It was added because of transgressions, until the offspring should come to whom the promise had been made; and it was ordained by angels through an intermediary.”) be taken to imply that sin is revealed by the Law, Paul does not clarify how exactly the Law fulfills this role; he does so later in Romans. He simply states that under the Law, until the coming of Christ, the whole world was prisoner to sin (3:22-23). His recognition of any positive function for the Law is extremely grudging. In any case, now that Christ has come, it is no longer necessary. Those who are “in Christ,” through the spirit of the Son sent into their hearts by God, have achieved a maturity which transcends the tutelage of the Law (4:1ff.). The role of the Law was at best that of a beggarly, passing phenomenon. With the cross of Christ the writ of the Law came to an end (2:21, 3:13,19, 5:11). Paul is at his coarsest in dismissing those who oppose this view (5:12).

Even though it was clear to him that some Christians in Galatia took his emphasis on freedom from the Law as an excuse for license, enthusiasm in the Spirit bringing its own dangers, this did not frighten Paul into a retreat back to the Law. Rather he reaffirmed the sufficiency of the Spirit in Christ to bring forth moral fruit without any guidance from the Law. The emphasis of Paul on freedom is unrestrained; he does not balk at its risk (5:13). Nevertheless even in Galatians he finds a substitute for the Law that he denounced in the law of the Messiah: the bearing of one another’s burdens, or  
agapē
(6:2). It is where he introduces this notion that his epistle becomes warmest. That the term “law” in the phrase “the law of the Messiah” in Galatians 6:2 is not to be radically differentiated from the concept of the command, 
mitzwah, or Torah, as if it means simply principle or norm rather than a demand, appears from the way in which Paul later, in a calmer mood, went on to deal with enthusiasts at Corinth.

Paul and the Corinthian Christians

At Corinth also Paul was opposed by Jewish-Christian opponents who favored the retention of the Law of Moses and by others who were moved by an enthusiasm leading to license which easily accompanies revolutionary Messianism. To counter this, the apostle of liberty was constrained to call for restraint and for a behavior among Christians governed by the example of Paul’s own life (1 Corinthians 4:16, 11:1) and by that of Christ Himself (2 Corinthians 8:9, cf. Philippians 2:4-11). In 1 Corinthians 4:17 Paul refers to his “ways” in Christ, “moral standards expressed to some extent in recognized patterns of behavior . . . which can be taught,” which he urged everywhere in every church. After all his denials of this in Galatians, it emerges that there is a Christian “way,” a Christian “law” for Paul. This way was to be informed by the universal practice of Christian congregations (1 Corinthians 4:17, 11:16, 14:34). So too in 1 Corinthians 6 and 8 the liberty of the Christian is to take consideration of external circumstances. Whereas at Antioch (Galatians 2:11ff.) Paul

38. See note 35 supra.
had not hesitated to ignore the scruples of Peter and others, thus ignoring the claims of the weaker brethren, in 1 Corinthians he himself urges the opposite, consideration for them. In 1 Corinthians 6:12 he qualifies the freedom urged in Galatians; in 1 Corinthians 7:19, while reiterating the principle declared in Galatians 5:6 (6:15), he makes the, for him, astounding statement: “[K]eeping the commandments of God is everything.” Paul is not thinking here of the Mosaic commandments; his exact reference is not clear. What is clear is that he refuses to give unfettered sway to the notion that, because they were in the new creation effectuated by Christ, Christians were free from commandments. And in 2 Corinthians, where however he may have been facing different opponents from those he deals with in 1 Corinthians, he came to recognize the Christian life as a life in covenant, and a covenant always implies demand or Law (2 Corinthians 3). In 2 Corinthians 3:17 he reiterates the principle that, where the Spirit of the Lord is, there is freedom, but he now defines this freedom not as the end of demands but as liberty to conform to Christ, to substitute new loyalties for old. The Christian is to be under the constraint of the love of Christ (2 Corinthians 5:14f.), and this leads him to live no longer for himself. The constraint of Christ’s example constitutes also the ground of Paul’s appeal to the collection for the “poor” of Jerusalem (2 Corinthians 8:8ff.). The constraint of the love of Christ is not a commandment, but it is a modification of unqualified freedom. Paul would have appeared very differently to Christians in Galatia and in Corinth; doubtless he would have been accused by the former of antinomianism and by the latter of disciplinarianism or, at least, incipient legalism.

Paul and the Roman Christians

It is in Romans 6:15-7:6 that the nature of the life “in Christ” is most directly expressed, and it is in the same epistle that Paul presents his further critique of the Mosaic Law. Here, as not in Galatians, Paul is careful to recognize that the Law is “holy, righteous and good” (Romans 7:12,16), that it is spiritual (7:14), that its source is in God (7:22,25; 8:2,7), that it is designed for life (7:10), that it is authoritative (7:19), and that it is among the privileges accorded to Israel (9:4). Elements of the critique offered in Galat-
tians are repeated, but in Romans Paul approaches the Law, not from an external view point as in Galatians, as if it were an object of his dispassionate or clinical theological reflection, but from within, that is, as experienced. From this point of view he finally asserts in 10:4 that Christ is the end of the Law, by which he there means that the attempt to obey the Law as a means of salvation ends in failure. That attempt was mistaken in its understanding of the intent of the Law. But before he reaches that climactic statement, he had earlier given reasons for his conclusions.43

Reiterating that the Law was powerless to effectuate the life that it demanded and promised (Leviticus 18:5), Paul adds to Psalms 143:2 ("against Thee no man on earth can be right") the words "by observance of the Law." Supposed to bring life, the Law was unable to do so (Romans 3:23). In fact, it had the opposite result to that which it intended (7:13), bringing the wrath of God (4:15) and death (1 Corinthians 15:56; Romans 7:9ff.) upon men. And yet, although the Law is the power of Sin (1 Corinthians 15:56), Paul refuses to equate it with Sin (Romans 7:7). Romans 7 may, in fact, be a defense of the Law.

He describes what seems to be his understanding of the condition of all men. The exact reference in Romans 7 has been disputed; it probably describes Paul's own experience as that of all men and describes it in the light of Christ. The Law usually confronts us as prohibition, expressing simply the negative aspect of God's will. It reveals sin to man; it gives man a profound knowledge of sin (3:20). It does this not simply because it incites man to break its prohibitions and thus becomes an occasion (aphormê) of sin (7:5, 8,11), on the principle that "forbidden fruit is sweetest." Man's encounter with the commandment of God uncovers what lies behind all sin, the desire to reject the rightful claim of God upon him. The rebellious character of man in his desire to be free from God's constraint and from the covenant with Him is revealed by the commandment. This is why Paul can say, "Sin indeed was in the world before the Law was given, but sin is not imputed where there is no Law" (5:13). Only with the coming of the Law does man's sin take on the character of open rebellion. "Where there is no Law, there is no transgression" (5:14), "apart from the Law Sin lies dead;

I was once alive apart from the Law, but when the commandment came Sin revived and I died" (7:8b-9a). Thus the Law, intrinsically good, subserves the ends of Sin, which is intrinsically evil but which is, apart from the opportunity provided by the Law, impotent. What was in itself good, the Law, has become a power for evil. Although Sin is in man before he encounters the Law, it is the latter that brings Sin to life by presenting the possibility of transgression and appealing to man's rebelliousness.

But how is it that what was intrinsically good, the Law, has been thus diverted to the service of evil? Earlier in Galatians (4:9f.), Paul had connected the Law with "the elemental spirits of this world," but in Romans he does not mention these. Instead, he connects the weakness of the Law with "the flesh." It was not the Law that was weak but man in his character as made of flesh (sarkinos), that is directed against God. Because Sin dwells in man, he cannot do what is right, although he wills it. The force of evil which Paul calls hamartia, or Sin, making the flesh its base of operations, makes the demand of the Law powerless (Romans 7:13-24) and even claims man.

Paul's treatment of the Law in Galatians, then, differs from that in Romans. In Galatians it is almost unrelievedly pejorative. Was this simply because that epistle offers what was Paul's first serious attempt at dealing with the Law? Or was it owing to an untempered, polemic reaction to Jewish-Christians who had been as extreme as he himself had been? In Galatians Paul's anger is at its white heat against these opponents, who in his view were re-imposing a yoke of bondage upon his churches, unnecessarily now that the Messiah had come, and against those Jews who were urging them on with threats. Had Paul's violent reaction to them, sometimes coarsely expressed, been to no avail? Had his opponents in Galatia prevailed, and, in the light of that failure, was he led to contemplate the possibility that a more conciliatory treatment of the Law might be more effective in explaining his position to the Romans, whose support he cherished as he faced the journey to Jerusalem where a confrontation with Jewish-Christians again awaited him.44 No certain answers are
possible. But, for whatever reason, Paul was not content simply to repeat the passionate words he had written to the Galatians. In Romans he presents a more positive estimate of the Law even while he still strikes against it. A more restrained and subtle Paul emerges. In Galatians he had treated the Law with a clinical, almost impersonal detachment difficult to reconcile with his Pharisaic past. In Romans he is not less critical but more circumspect and sensitive. The subtle variations in his discussion of the Law militate against any simplistic dismissal of his criticisms of it. It will be clear that any single, monolithic interpretation of Paul’s response to the Law is unacceptable.

Neglect of Explicit Moral Demands in the Epistles

We have recognized that there is no one Pauline attitude to the Law. But certain constants, that constitute what could be described as a common pattern, are detectable in Paul’s varied responses to it. The tendency not to do justice to these is also a pitfall in the way of a true understanding. For the sake of clarity, these constants to which we refer are here divided into two categories, the vertical and the horizontal, which in fact are inseparable.

The Vertical Dimension

We have previously connected Paul with the general early Christian understanding or the communal aspect of the Christian life and shall do so again. Here we are more concerned with the more directly personal aspects of life in Christ as it is related to the Torah.

First, quite simply, Paul places the demands of the Torah in the light of Christ. For him, the way of the Law gives place to the Law or way of Christ. The tradition to be followed he now seems to identify with the Living Lord Himself. On grounds which can-


45. See Rabinic, supra note 7; O. Cullmann, Paradosis et Kyrios: Le problème de la tradition dans le paulinisme, I Revue d’histoire et de philosophie religieuses 12 (1950). For a discussion of the “new torah” in later Judaism, see M. Simon, Versus Israel 100 (1948). The best critique of the position advocated in Rabinic, supra, is P. Démann, Moïse et la Loi dans la pensée de Saint Paul, Cahiers Sioniens 239 (1954). It should be recalled that some scholars have found ideas con-
not be repeated here, I have elsewhere urged that Paul understood Jesus as having become the *Torah*, that is, the totality of the revealed will of God. For him the *Torah* became concentrated in the Person of Jesus Christ; its demands are now informed by the *agapē* and, indeed, the very presence of Christ.

But what precisely does this mean? I think that it has three aspects which are exceedingly difficult to hold in proper balance. First, the moral life of Christians bears constant reference to, or is moulded by, the actual life of Jesus of Nazareth, that is, his ministry of forgiveness, judgment, healing, and teaching. Second, the moral teaching has its point of departure not only in the ministry of Jesus but also in his Resurrection. The Resurrection was the ground for the emergence of the primitive community, as a close-knit and self-conscious group. But the Resurrection was also the immediate inspiration of its morality. The Resurrection was not only a triumph of life over death, it was also a triumph of forgiveness over sin. The Resurrection was an expression, perhaps *the* expression of God’s grace in Christ, because the Risen Christ came back to those who had forsaken him and fled or who had slept during his agony. He forgave their failure. The Resurrection as forgiveness emerges clearly in Paul and elsewhere. The Resurrection, which reassembled the scattered disciples to form the church, was founded in the grace of Christ and of God in Christ. It was of a piece with the whole ministry of Jesus, and the morality of the community, like that of his ministry, was to be a morality governed by grace—that is, it was the morality of for-

46. Apart from some such assumption, the preservation of the tradition about the works and deeds of Jesus in the Gospels is difficult to understand. Even granted that much of that tradition is a creation of the primitive community, its attachment to the figure of Jesus is itself significant. Cf. G. Bornkamm, *Jesus of Nazareth* (3d ed., I. McLuskey, F. McLuskey & J. M. Robinson trans. 1960).

47. To connect the Resurrection with morality is not usual. But this is implicit in 1 Corinthians 15:7. It is significant that in 1 Corinthians 15:5 the Risen Lord is said to have appeared first to Cephas who had betrayed Jesus three times and then to the twelve who had all forsaken him and fled. We must assume that Paul knew the tradition about the betrayals. In the fourth gospel, Jesus first appears to Mary Magdalene, whose sins were well known. It is no accident that in the Sermon on the Mount, the Beatitudes, which are the expression of God’s grace, precede the statement of the demands of Jesus, which are thus deliberately set in a context of grace. James T. Cleland deals with the connection between the Resurrection and ethics from another angle. *See Religious Ethic of St. Paul* 196-473 (Feb. 1954) (unpublished Th. D. dissertation, Union Theological Seminary, New York).
given men who had known the Risen Lord as a forgiving Lord and who in gratitude (the most ethical of the emotions) gave themselves to the good life in His name.48

But, third, the mode of the presence of this Risen Lord in the community was that of "the Spirit." There have been attempts to maintain that the Spirit, in the earliest days of the church, had no ethical significance, that it was merely a wonder-working power, mysterious and nonmoral. But these attempts were vain. It was the Spirit that had inspired the greatest teachers of morality, the prophets, who had discerned between the precious and the vile; it was the Spirit that would create a new heart in the new Israel of Ezekiel's vision and inspire the messianic times with counsel, wisdom, and righteousness. And, above all else, the Spirit was the inspirer of the Scriptures. This in itself implied the ethicization of the Spirit, because it was through these that Israel knew the demands made upon it. Through the Resurrection, the Spirit was again experienced.

The coming of the Spirit in primitive Christianity should never be separated from the Resurrection as grace. Like the Resurrection itself, the coming of the Spirit is "an energy of forgiveness." Thus it became the source of morality because gratitude for forgiveness is the ground of Christian being. Love, joy, peace, righteousness, and every victory "in the moral sphere" are the fruit of the Spirit. The enthusiasm of the Spirit, much as it was open to more superficial expressions, found its true fruit in love.49

When, therefore, we say that for Paul the Law had been Christified, we recognize that the earthly ministry of Jesus, the Risen Lord, and the Spirit—inextricably bound together as they are, so that often what was uttered in the Spirit could be ascribed to the earthly Jesus himself—that all these together became the source of the demand under which the early church lived. Christian morality, in short, always has as its point of reference the life, Resurrection, and living Spirit of Jesus Christ. And it is this that determines its manifold dimensions.


49. See Rabbinic, supra note 7, at 215, and references to literature therein. In the Fourth Gospel the Spirit, which is "holy," is to teach and to recall what Jesus had taught. See John 14:25; Galatians 5:22; 1 Corinthians 13; John 14:15-17, 15:9-10, 16:8-11.
To put this geometrically, it was their relation vertically with the Risen Lord, the participation of the early Christians in the experience of being forgiven by the Risen Lord and the Spirit that lent to them a common grace wherein they stood. They had been grasped by him and their response was primarily, through the promptings of this Spirit, to him. All Christian fellowship is rooted in a particular event, immediately in the Resurrection and behind this, in the life and death of Jesus, with which the Resurrection, as we have seen, as an expression of grace, was wholly congruous. The ethic of the community is linked to the understanding of an event—the life, death, and Resurrection of Jesus. In this the church saw the act of God Himself in history.

Now especially in Paul, morality is understood in terms of the appropriation of this event, the recapitulation of it in the life of the believer. To put it in other words, the moral life is a life “in Christ;” it is the living out in daily conduct what it means to have died and risen with Christ. For Paul, morality is inseparable from the life, death, and Resurrection of Jesus. He divided his own life clearly into two parts: first, his life under the Law when he was a Jew, and second, his life in Christ. The two parts were distinctly separated by his experience on the road to Damascus. The act by which a Christian acknowledged his faith and really began to live “in Christ” was baptism. This act symbolized a death to the old life under the Law and a rising to newness of life “in Christ” or “in the Spirit.” By baptism the Christian through faith had died, had risen, and had been justified; he was a new creation. And what was now necessary for him was to become what he was. His moral life is rooted in what he is—a new creation in Christ. Just as we call on each other to “play the man,” so Christians are called upon to “play the Christian,” to be what they are. To use theological jargon, the imperative in Paul is rooted in the indicative. There is a vertical dimension to Christian living, an attachment to the fact of Christ, his life, death, and Resurrection.


51. 2 Corinthians 8:9, 12:1; Philippians 2:5-8; Romans 8:11 and especially 6:1-7:6. On the history of the emphasis on what is generally referred to as the “Indicative-Imperative” motif in Paul, see the excellent appendix entitled A Survey of Nineteenth and Twentieth-Century Interpretations of Pauline Ethics in V. P. Furnish, Theology and Ethics in Paul 242 (1968) [hereinafter cited as Furnish]. Like Furnish, I, too, find the work of Maurice Goguel especially original and provocative. See M. Goguel, The Primitive Church (H. C. Snape trans. 1964).
And so, too, in the Fourth Gospel the life of the Christian man is to reenact the self-giving of God in sending Christ into the world. The “love” which exists between the Father and the Son is to be reproduced in the relationship of the disciples to one another. Here again there is a vertical relationship between the believer and Christ and God which determines his relationship with others.52

But this vertical dimension of morality in the early church has another aspect that is simpler to understand. Not only the imitation of God’s act through dying and rising with Christ, but also the imitation of the Jesus of history (if we may so put it) played a real part in the moral development of the early church. Early Christians looked up to Jesus of Nazareth as a modern educationist would put it, as their “identifying figure.” Part of the reason for the preservation of stories about the life of Jesus, such as we have in the Gospels, Stendahl has objected to connecting the motif of “dying and rising with Christ” with morality, on the grounds that, while the tense of the verbs referring to dying with Christ is in the aorist, that of those referring to rising with Christ is in the future. The matter is discussed in Furnish, supra, at 171. The future tenses in Romans 6:5,8 are important: “We shall be united in his resurrection” and “we shall also live with him.” But, as Furnish also makes clear, the newness of life is associated with the Resurrection. Romans 6:4 reads: “We were buried therefore with him by baptism into death, so that as Christ was raised from the dead by the glory of the Father, we too might walk in the newness of life.” The power of the future life is already at work in the present. The Christian is to walk in the power of that life here and now. Romans 8:4-5; 2 Corinthians 10:2-3; 1 Corinthians 3:3; Romans 13:13; Philippians 3:18. See Furnish, supra, at 214; W. R. Schoedel, Pauline Thought: Some Basic Issues, in TRANSITIONS IN BIBLICAL SCHOLARSHIP 279 n.34 (J. C. Rylaarsdam ed. 1968). On the understanding of the “Indicative-Imperative” relation as not only an individual one, I wholeheartedly agree with Ernest Käsemann. See E. Käsemann, The Righteousness of God in Paul, in NEW TESTAMENT QUESTIONS OF TODAY 175-76 (W. S. Montague & W. F. Bunge trans. 1969). Cf. RABBINIC, supra note 7, at xii.

52. This is brought out in C. H. Dodd, THE INTERPRETATION OF THE FOURTH GOSPEL 418 (1953) in his treatment of the Prayer of Christ in John 17: “We have now to enquire in what precise way this prayer is related to the discourses which preceded it. If we look back on these discourses, we see that they turn upon one central theme—what it means to be united with Christ (with Christ crucified and risen). This theme is treated in a kaleidoscopic variety of aspects. Let us briefly recapitulate a few of them. Jesus washes His disciples’ feet that they may “have part with Him” (meros echeis met emou, xii. 8). They are to be bound together with the agapé which is a reflection, or reproduction, of His (agapé) (xiii. 34). Such agapé is capable of transcending the separation made by death between Christ and His own: His “return” to them is a realization of agapé (xiv. 19-24). After He has passed through death they will be united with Him as branches of the true Vine (xv. 1-9), and the fruit which the branches yield is once again agapé proceeding from the agapé of God revealed in Christ (xv. 8-10).”
was the desire to imitate Jesus in his acts. During his ministry, Jesus had demanded readiness to enter upon his way of suffering; his followers were literally to take up the Cross (Mark 8:34). In the life of the early church, while persecution (walking the way of the Cross literally) was always a possibility, more often Christians were called upon to imitate their Lord, in the witness of the common way; this was less spectacular perhaps but no less arduous than readiness to die—in love, forbearance, patience, and mercy—in messianic grace. Luke's change of Mark 8:34 to 9:23 is significant. The degree to which the imitation of Jesus informed the lives of early Christians has been variously assessed. But it is difficult to deny its presence. Christ is an object of imitation to Paul as Paul expects to be such an object to his own followers (1 Corinthians 11:1). The apostle holds up certain qualities of the historic Jesus that were to be imitated; he points to Jesus who pleased not himself (Romans 15:3) and points to his meekness and gentleness (2 Corinthians 10:1), and he commends liberality through a reminder of him who was rich and became poor (2 Corinthians 8:8-9). The description of love in 1

53. It has been pointed out that Paul and Peter and other figures in the early church were regarded as “models” to be imitated. See J. Wagenmann, Die Stellung des Apostels Paulus Neben Zwolf 52-76 (1926). The Paul of the Pastoralis, who finished his course, was a “model.” John 13 makes clear that specific acts in the life of Jesus were “models;” 13:15 reads, “For I have given you an example, that you should do as I have done to you.” Moody Smith referred me also to John 14:12 where “imitation” of some kind seems to be involved.

54. Stendahl has orally raised the question whether the Cross, as such, was made the ground of an appeal for the moral life in the New Testament. If we exclude all moral considerations from discipleship, such a question might be answered in the negative. If we do not, as is surely more likely, then as Harald Riesenfeld has pointed out, it is significant that discipleship is closely related to the Cross not only in the synoptics but in the Fourth Gospel. Compare Matthew 16:21-27 with John 12:31. See H. Riesenfield, Gospel Tradition (E. M. Rowley & R. A. Kraft trans. 1970). The obedience of Christ in death, Romans 5:19, cf. Philippians 2:8, is an “act of righteousness,” Romans 5:18, and preeminently an expression of God's love. Galatians 2:19, 5:6. Christ crucified becomes “wisdom, righteousness, sanctification, and redemption for us.” 1 Corinthians 1:30-31. God’s love revealed in the Cross forgives, renews, and sustains. 2 Corinthians 5:14. See Furnish, supra note 51, at 168. It is difficult to divorce the appeal to the Cross from an appeal to the good life. Furnish, rightly in my judgment, thinks that Paul's use of the hymn in Philippians 2:5 is at least partly hortatory. However, some have denied that the Cross has moral implications, even in Philippians 2:5. See R. P. Martin, Carmen Christi 68, 84 (1967).

55. See W. P. de Boer, The Imitation of Paul: An Exegetical Study (1962); M. Hengel, Nachfolge und Charisma: Eine exegetisch-religionsgeschichtliche Studie zu Matt. 8:21ff und Jesu Ruf in die Nachfolge 1 n.2 (1968); E. Larsson, Christus als Vorbild 29-47 (1962); E. Löhse, Nachfolge Christi, in 4 Die Re-
Corinthians 13, which is probably based upon the life of Jesus, is, in short, a character sketch of him. There can be little question that for Paul every Christian is pledged to an attempted moral conformity to Christ. This is also true of the Fourth Gospel (John 13) and 1 Peter 2:2. The life of Jesus is a paradigm of the Christian life.

So far we have noted two aspects of the vertical dimensions of Christian morality in the early church: the Christian is raised up with Christ to newness of life and is to live out his resurrection daily, and he looks to Jesus as an object of imitation. There is a third aspect to this vertical dimension. The Christian is taken up into the purpose of God in Christ. To be a believer was to be directed to...
and by Jesus of Nazareth as the Messiah. That is, there is always an eschatological reference to Christian living: the Christian shares in the purpose of God in the salvation revealed in Jesus. This comes out most clearly in Paul's understanding of his call to be an apostle. This meant for him that he was taken up by God's grace to share in the redemptive activity of God now at work through Christ in the church. True, the apostolic consciousness of Paul was more intense than that of most Christians and his calling as the apostle to the Gentiles, perhaps, unique. But the whole community also was called, that is, caught up into the large counsel of God. Christians were delivered from futility; they shared in the work of salvation, including their own, which was inaugurated by Jesus and which was to be completed in the future. In the light of the redemptive purpose revealed in Christ, they made their decisions, they discerned the things that further and that hinder this purpose, and they became fellow workers with God. The life of early Christians was a life born of the grace of God in the Resurrection and sustained by the hope of the End; Christian morality is rooted in a "lively hope," even as it is informed by the earthly Jesus. It is governed by a memory and an anticipation.

The Horizontal Dimension

So far, in describing the moral life of Paul and early Christianity, we have emphasized what we have called its vertical dimension: attachment to the Risen Christ who was one with the Jesus of history, contemplation of him in imitation, and participation in the Divine purpose in him. But like the early Christians, Paul was not exclusively oriented to these individual vertical realities, and early Christian morality contains an horizontal or human, societary dimension; it is the morality of a community born of the grace of the Resurrection. The New Testament knows nothing of solitary religion, and it knows nothing of an individual morality. It points to a community with a life to live. This community was not to luxuriate in grace, absorbed in irrelevant, vertical privileges. As a community of grace, it took practical steps to give expression to grace in its life. How

57. See O. Cullmann, Christ and Time (1962); O. Cullmann, Salvation in History (G. S. Sowers trans. 1967); Furnish rightly emphasizes that all Christian discerning is informed by agapé.

58. This is explicitly expressed in 1 Peter 1:1, but implied throughout the New Testament.
was this achieved? We may summarize the answer to this question under two main headings.

The emphasis on the Christian community. First, there was a constant concern in Paul as among other early Christians for the quality of their common life. This it was that led to the experiment usually referred to as the "communism" of the early chapters of Acts.\(^{59}\) This experiment of having all things common was the natural, spontaneous expression of life in the Spirit with which the neglect of the poor was incompatible. This appears from the naïveté of the experiment. Owners sold their property and handed over the proceeds to the apostles, who administered a common fund from which the needs of the poor were met, presumably in the form of common meals. The contributions to the common pool were voluntary (Acts 5:1-11). The experiment failed, not to be repeated in this form, but it witnessed to the societary or communal morality of the primitive community in its realism and its impracticability. That experiment took place in the light of an absolute demand for love informed by the intensity of the church's experience of forgiveness and, therefore, of grace.

The emphasis on the communal nature of the Christian way persists throughout the New Testament. It is rooted in a communal emphasis found in the ministry of Jesus who gathered the Twelve as the representatives of the new community of Israel to follow him.\(^{60}\) It is probably from this that there developed Paul's "Christ-Mysticism" which issued not in "a flight of the alone to the Alone" but in the building up of the church, the new community.\(^{61}\) Along with rationality\(^{62}\) and the recognition of personal integrity,\(^{63}\) Paul sets forth the

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60. I find no reason to reject the historicity of the Twelve. See J. Wagenmann, *Die Stellung des Apostels Paulus neben den Zwölf* (1926).
61. This is one of the important insights of Albert Schweitzer. See A. Schweitzer, *The Mysticism of Paul the Apostle* 105 (W. Montgomery trans. 1931). But caution is necessary in accepting Schweitzer. See Rabbinic, supra note 7, at 98.
62. Thus knowledge is placed by Paul as the second of the gifts of the Spirit, after wisdom. 1 Corinthians 12:8. The importance of rationality is made clear in 1 Corinthians 14. The necessity of the renewal of the mind is recognized in Romans 12:2. In the Fourth Gospel emphasis on the truth of the witness to Christ is frequent. See, e.g., Fourth Gospel 10:41, 19:35, 21:24. Rationality is included in this truth although it does not exhaust it. Compare 1 Peter 3:15 with 2 Timothy 1:27.
63. Cf. Philemon 15, 16.
building up of the church as the criterion of Christian action. Similarly, in the Johannine literature one finds the love of the brethren as the mark of the church: "If you love not your brother whom you have seen how can you love God whom you have not seen?"

But the same impulse which led to the experiment in communism, the awareness of the horizontal significance of the life in grace, in part at least, led to other developments, which are especially clear in Paul.

The emphasis on specific moral teaching. The Pauline letters appeal to the words of Jesus as authoritative. These words were at least one source from Paul's moral teaching. The extent to which the Pauline letters are reminiscent of the tradition as represented in the synoptics has been insufficiently recognized. The matter has been the subject of acute debate and continues to be so.

Two factors emerge clearly. First, Paul interweaves words of Jesus almost "unconsciously," as it were, into his exhortations, which suggests that these words were "bone of his bone." The following parallels are clear:

**Romans 12:14**
Bless those who persecute you; bless and do not curse them.

**Matthew 5:43**
You have heard that it was said, "You shall love your neighbor and hate your enemy."

**Romans 12:17**
Repay no one evil for evil, but take though for what is noble in the sight of all.

**Matthew 5:39 ff.**
But I say to you, Do not resist one who is evil. But if anyone strikes you on the right cheek, turn to him the other also.

**Romans 13:7**
Pay all of them their dues, taxes to whom taxes are due, revenue to whom revenue is due, respect to whom respect is due, honor to whom honor is due.

**Matthew 22:15-22**
Render therefore to Caesar the things that are Caesar's, and to God the things that are God's. (22:21b)

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64. For Paul, the criterion of love among the brethren is normative. *Romans* 14:21; 1 *Corinthians* 12-14. See also *Ephesians* 4:1-16; H. A. A. Kennedy, *The Theology of the Epistles* 145 (1923).

65. 1 *John* 4:20; *John 17 et passim.*
**Romans 14:13**
Then let us no more pass judgment on one another, but rather decide never to put a stumbling block or hindrance in the way of a brother.

**Romans 14:14**
I know and am persuaded in the Lord Jesus that nothing is unclean in itself; but it is unclean for anyone who thinks it unclean.

**1 Thessalonians 5:2**
For you yourselves know well that the day of the Lord will come like a thief in the night.

**1 Thessalonians 5:13**
and to esteem them very highly because of their work. Be at peace among yourselves.

**1 Thessalonians 5:15**
See that none of you repays evil for evil, but always seek to do good to one another and to all.

**Matthew 18:7**
Woe to the world for temptations to sin! For it is necessary that temptations come, but woe to the man by whom the temptation comes!

**Matthew 15:11**
not what goes into the mouth defiles a man, but what comes out of the mouth, this defiles a man.

**Matthew 24:43-44**
But know this, that if the householder had known in what part of the night the thief was coming, he would have watched and would not have let his house be broken into. Therefore you also must be ready; for the Son of man is coming at an hour you do not expect.

**Mark 9:50**
Salt is good; but if the salt has lost its saltiness, how will you season it? Have salt in yourselves, and be at peace with one another.

**Matthew 5:39-47**
But I say to you, Love your enemies and pray for those who persecute you . . . . (5:44)

In addition to these clear parallels there are many other possible or probable ones.67

Second, there is also clear evidence that there was a collection of sayings of the Lord to which Paul appealed (Acts 20:35; 1 Corinthians 7:10, 9:14, 11:23, 14:37; 1 Thessalonians 4:15-16, and especially 1 Corinthians 7:25). Not only in matters of a legislative char-

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66. I have dealt with Matthew at length in Sermon, supra note 16, at 366-93, where I refer to the crisis character of material from Q and the gemaric character of much in Matthew.

67. See Rabbinic, supra note 7.
acter\textsuperscript{68} does Paul find guidance in the words of Jesus, but also in more personal matters (Romans 7), where possibly his discovery of the supreme importance of intention goes back to Jesus. In 1 Corinthians 7:25 he refers to a word of Christ as a commandment; in two places, once explicitly and once implicitly, he uses the very words “the law of Christ”\textsuperscript{69} where the reference is, in part at least, to the teaching of Jesus. This is no declension on Paul’s part to a primitive legalism but the recognition of the fact that his exalted Lord was never, in his mind, divorced from Jesus, the teacher, that the Spirit is never divorced from the historic teaching of Jesus.

Nevertheless, there is a difference of emphasis in Matthew and Paul as over against the Johannine literature. The words of Jesus appear in both the former over their wide range. But like John they also sum them up in one word, agapē. Thus, the climax of the Sermon on the Mount at Matthew 7:12 is the Golden Rule. And Paul, like John and the synoptics, emphasizes the centrality of “love” (Romans 13:8-10; 1 Corinthians 8:1,13; Colossians 3:14; cf. John 13:34-35; 1 John 3:1, 2:7-10, 4:7-16). The meaning of the word “love” has again to be noted carefully. Partaking more of active good will than of emotion, it can be commanded, as emotions cannot. In 1 John it is used in a down-to-earth manner, involving willingness to share one’s goods (1 John 3:17). For Paul it is the fulfillment of the Law and the principle of cohesion in the Christian community.


\footnotesize{69. The words appear explicitly in Galatians 6:2 and implicitly in Romans 8:2. 1 Corinthians 9:20-22 reads: “To the Jews I became as a Jew, in order to win Jews; to those under the law I became as one under the law—though not being myself under the law—that I might win those under the law. To those outside the law I became as one outside the law—not being without law toward God but under the law of Christ—that I might win those outside the law. To the weak I became weak, that I might win the weak. I have become all things to all men, that I might by all means save some.” Furnish points out that there is only one certain rabbinic reference to “the Law of the Messiah,” that from Midrash Qoheleth 11:8 (52a). But it is surely implied in other passages. See Sermon, supra note 16, at 172. And, in the recently discovered Targum Yerushalmi to the Pentateuch of the Codex Neofiti I of the Vatican Library, the contents of which have been traced by Diez Macho to the second century A.D. at least, Isaiah 11:3 reads, “Behold, the Messiah who is to come shall be one who teaches the Law and will judge in the fear of the Lord.”}

The expression of love is multiple (1 Corinthians 13), but its essential nature is revealed in Christ's dying for men. It is this kind of act that is demanded of those who love.70

The necessity which led to the application of the absolutes of Jesus to life led the church to take over for its own use codal material whether from Hellenism or from Judaism or from both. Most of the letters, Paul's and others' in the New Testament, reveal a two-fold structure. A first part, dealing with "doctrine," is followed by a second, dealing with "ethics." Romans is typical. Chapters 1 through 11 deal with doctrine, 12:1 and following deal with ethics, and are causally connected with chapters 1 to 11. The ethical sections of the various letters reveal a common tradition of catechesis, which may have been used in the instruction of converts, especially at baptism (cf. Romans 12:1; Colossians 3:8-4:12; Ephesians 4:20-6:19; Hebrews 12:1-2; James 1:1-4:10; 1 Peter 1:1-5:14).71 This common tradition must not be regarded as having a fixed pattern, but the similarity in the order and contents of the material in the above sections is too marked to be accidental. The presence in them of the imperative participle (e.g., Romans 2:9-19), a form found, but not common, in Hellenistic Greek but familiar in Hebrew legal documents, suggests that Paul, and other Christian writers, drew upon codal material, such as is found in the Dead Sea Scrolls, Mishnah Demai and Derek Eretz Rabba and Zuta.72 There are also parallels to the tradition in the Hellenistic sources. Paul and others in the Church probably took over much pagan moral convention from the Jewish Diaspora. Whatever the exact source of the materials, the church found it necessary to borrow from non-Christian sources. It not only domesticated the absolutes of Jesus but also took over domestic virtues from the world.73

This brings us to the last aspect of the New Testament's moral teaching with which we shall deal here. That Paul was able to draw


upon moral teaching from Judaism and Hellenism means that there was for him a continuity between the moral awareness of Christians and of the non-Christian world. Wherein did this continuity lie? It lay probably in the doctrine of creation which the early church held. It cannot be overemphasized that creation and redemption are congenial in the New Testament, as indeed in Judaism. The messianic age had cosmic dimension for Judaism. So too in the New Testament the Creator and the Redeemer are one. Paul can find in Christ the wisdom—the creative agent—of God, and John and Hebrews can find in him the Word by which all things were made. For Paul the good life is the truly natural life. Morality is rooted in creation.\textsuperscript{74}

Conclusion

By looking at the historical meaning of the Torah, the historical messianic context, and the theological framework within which Paul worked, we have sought to call in history to readjust the balance of traditional interpretations of his response to the Torah. Such a historical approach, we have recently been reminded, is neither natural nor congenial to lawyers.\textsuperscript{75} They tend to be mainly concerned not with the setting, meaning, or intent of laws in the past but with their import for the present. We are not competent to engage in any depth in a discussion of how far history can be a corrective to the interpretation of law in the present, nor is it necessary here to do so. But in this context a Biblical student who is wholly unsophisticated in the niceties of the study of law but who has found himself made aware of this lack by the demands of his own discipline may perhaps be allowed to express in a very hesitant manner and at the risk of the charge of naivété, some reflections on the significance of Paul for the approach to law today.

First, there is the inescapably religious dimension of Law in Paul. David Daube began a famous and seminal work by issuing a caution against the too calm acceptance of the traditional view propounded by H. S. Maine in Ancient Law that "law was not always distinguished


from religion; and that, originally, all precepts were deemed to be of a religious character.”76 Certainly for Paul the Torah was from God and, to use Daube’s phrases, he would have valued every action “according as it may please or displease God.” The religious ground and character of the demands under which he conceived himself to be called to live both as a Pharisee and as a Christian were for him axiomatic. To move from torah in the sense in which a Jew, Paul, understood it, both before and after he came to believe in Jesus as the Messiah, to law as it usually governs and is understood in modern Western societies requires a leap of imagination.77 The direct transference of Pauline categories to modern legal systems is inadmissible. Both before and after his call, usually, incorrectly called his “conversion,”78 Paul lived within a religious community. Both Judaism and Early Christianity, which before 70 A.D. must not be regarded as a non-Jewish phenomenon,79 sought to pursue a life governed not by the laws of the Roman State, although these also were honored,80 but by their own understanding of the traditional Torah. To both religions the notion of a “legal system” resting its authority on grounds other than the divine will revealed, respectively, in the Torah at Sinai and in Christ, would have been alien. For both, “the law” is a consequence or accompaniment of a preceding religious covenantal commitment. To recognize this is not to ignore the way in which even Biblical laws, as Daube again has pointed out, even in what might be regarded as their most crucial aspects, have drawn upon and, indeed, been formed under the influence of extrareligious categories and events.81 Nevertheless, the history of the emergence and development of Law both in Judaism and Christianity has been overcome by religious doctrine and given a religious cast. For Paul especially, as we have seen, although he made use of pagan catechetical commandments, albeit subtly Christianized, the center of gravity of his understanding of the way to be followed lay in his religious convictions and affirmations.

77. This is peculiarly true with respect to Paul because obedience to the Torah was for him as a Jew not only the guide to and source of the good life for society but the sight of justification before God. On the dangers of confusing morality and Law, see Holmes, The Path of the Law, 10 Harv. L. Rev. 457, 458 (1896-97).
79. See People of Israel, supra note 11.
The reason for enlarging on this undeniable religious character of all law as Paul understood it is to point to the challenge he presents to all concepts of Law that rest their authority outside the divine will. And Paul raises acutely the question of the interrelation between law and religion. Even the laws of the pagan Roman State for him were ordained by God.\(^2\) They were divinely sanctioned laws necessary to prevent men from devouring one another. Like the laws of the written Torah, they are to be obeyed. Paul challenges any legal system that is grounded only in secular, rational, utilitarian considerations or is understood simply as a way of getting things done. Such a system would, indeed, probably be inconceivable to him. It is self-evident that a challenge to relate religion radically to law and law to religions as Paul did speaks to our present condition. The case for this has recently been stated by Professor H. J. Berman. His argument need not be repeated, so persuasive is it.\(^3\) Rather than pursue this general theme here, important as it is, we merely note the challenge indicated and pass on to more specific ways in which Paul confronts us in the realm of law which, as Berman made clear,\(^4\) are indeed even central aspects of the general theme to which we have referred.

Second, the antithesis between Law and grace which governs much Christian and especially Protestant thinking would have been alien to Paul. There is little doubt that for him the Torah was an expression of divine grace.\(^5\) Despite the violent criticisms of the Torah that Paul reiterates in his polemic epistles, always there remained in his gospel a demand. This demand, that of agapé, could be interpreted as even more austere than that of the multitudinous mitzvōth, or commandments, of the Torah. “In Christ” Paul stood under a new Sinai requiring of him a universal agapé such as that called for in the Sermon on the Mount and elsewhere in the New Testament, the infinite demand of “the Law of Christ.” But this did not mean that he was indifferent to those actualities and intricacies

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82. Romans 13:1-6; cf. Mishnah Pirqe Aboth, 3:2; “[Rabbi] Hanna the Prefect of the Priests said: Pray for the peace of the ruling power, since but for the fear of it men would have swallowed up each other alive.”


85. The Torah was given not to the worthy but to the unworthy. See, e.g., Deuteronomy 7:1; 9:4, 6-29. On the criticism of the Law in Paul, see People of Israel, supra note 11; 2 Interpreter’s Dictionary, supra note 13, at 167-78; 3 id. at 89.
of existence that called for careful legal discrimination, refinement, and casuistry. Daube has shown how in dealing with such human problems as marriage Paul stopped short of following the legal logic of his messianic absolutism but squarely faced the social realities of his day. No less than were the Pharisaic sages who had taught him, he too was prepared to make concessions to the complexities of the order of society in which he found himself and to human weakness and sinfulness. He was no fanatic unprepared to bend. Under the constraint of the very Christ whom he had called "the end of the Law," he was ready to be "all things to all men." This required, as we have seen, sensitivity in moral direction. Nor again, convinced as he was of standing in the final messianic period of history and, indeed, of participating in the very inauguration of the "end of the days," the ultimate stage of History, was Paul indifferent to the tradition of his people, moral and otherwise. He was no antinomian; for him the Christian dispensation was the fulfillment and not an annulment of that tradition. Distrust of all law, such as is frequently expressed in our time in the counter culture and elsewhere, and which Protestantism, especially in its Lutheran form, has often fostered, finds no support in Paul.

Notwithstanding the recognition of all of this, to read his epistles is to be radically and inescapably challenged with two questions. The first is what weight should be given to specific rules and laws (mitzvot) such as Paul declared had not been effective for him in the moral, social, and religious life? Paul placed a question mark, if not against these, at least at their side. It is certain that he retained rules and commandments, but they did not play an important, and certainly not an independent, part in his thinking. They indicated for him the direction and quality of life to be aimed at, and as such were necessary, but the dynamic for achieving that quality springs outside them in a recreated life. Into the philosophic and legal discussion raised by this question I am not competent to enter.

86. See D. Daube, Pauline Contributions to a Pluralistic Culture: Re-Creation and Beyond, Jesus and Man's Hope, in Jesus the Hope of the World 223-45 (D. G. Miller & D. Y. Hadidian eds. 1971).
87. On this motif in Rabbinic Law, see D. Daube, Concessions to Sinfulness in Jewish Law, 10 J. of Jewish Studies 1 (1959).
I merely note that in recent studies by G. C. Christie\textsuperscript{89} it is again argued that, if treated as absolutes, all rules and norms and, by implication at least, even specific laws never achieve what they set out to do but tend to become rigid, mechanical, and ossified.

This leads to the more important second question. What is the relation of Law, here used, in a more restricted sense than Torah, for rules of conduct, to tradition? To put this more clearly: how and to what degree should any legal system be influenced, not to say governed, by the accretions of the past? To what extent are our judges only bound by a preexisting body of law which is consistent, determinate, and explicit, and is therefore deemed to deliver them from prejudice? To what extent should inherited precedents, often described as the creative ark of precedent or the accumulated wisdom of the ages, or what Holmes called "the scattered prophecies of the past" or "the oracles of the law," become normative or directive? Continuity with the past is a necessity for the life of any society; it is the ground of any social predictability and the depository of experience. But continuity alone is not enough. It can throttle. Because laws, no less than other aspects of culture, are subject to corruption and manipulation, the precedents of the ancients reflect not only their principles but their prejudices. Precedent, like age, is no guarantee of equity or efficacy. Although the phrase 'law and order' intends implicitly to indicate respect for personal rights, it can become a last refuge of scoundrels.\textsuperscript{90} The early Marxist critique of legal systems is pertinent. Marx and other socialist theorists regarded the traditional Russian legal system, like all existing legal systems, as a cloak for class interest, a device which reflected the claims of the bourgeoisie over the propertyless masses. "The economic

\textsuperscript{89} G. C. Christie, On Laws, Norms and Authority (forthcoming study); Noonan, supra note 75, at 6-14. It is clear that Paul would not have endorsed what has come to be called "situation ethics." He confronted the world with a moral teaching simple in its form but stark and penetrating in its demands. It was not merely the context which informed his response to any moral question. But at the same time the genius of Paul was not in legislation. See Davies, The Relevance of the Moral Teaching of the Early Church, in Neotestamentica et Semitica, Studies in Honour of Matthew Black 30-49 (E. E. Ellis & M. Wilcox eds. 1969).

\textsuperscript{90} Noonan, supra note 75, at 153. He questions the view of Holmes that the "history [of law] is the history of the moral development of our race." Noonan discusses the notion of "development." On the fallibility and corruptibility of the law revealed in much modern political and sociological discussion, see L. Woolf, I An Autobiography of the Years 1880-1904, at 99-100 (1972); J. Griffith, The Politics of the Judiciary (1977); Review, Times Literary Supplement, January 6, 1978, at 11.
structure of society,” wrote Engels, “always forms the real basis from which, in the last analysis, is to be explained the whole superstructure of legal and political institutions as well as the religious, philosophical and other conceptions of each historical period.” And again he wrote, “The jurist imagines that he is operating with a priori principles, whereas they are really only economic reflexes.” The element of truth in these statements, exaggerated as they might be judged to be, is self-evident. Like Engels and Marx, mutatis mutandis, Paul would assert that, like the mind, the law was subject to corruption. But he did not draw the same conclusions from this as did the socialist theorists. They concluded that in the ideal future the law, like the state, should vanish. In the new classless society, in which the proletariat would play a messianic role, property relations would cease to exist, and thus the law and state which were designed to serve these would not be necessary. There would be “a glorious transition to a new order of equality and freedom without law.”

As we have seen, Paul did not succumb to such romantic legal nihilism. He never contemplated an “exodus from the Law.”

On the other hand, by bringing the legal tradition of his fathers before the judgment seat of the agape of Christ, the Apostle did achieve an immense and penetrating simplification of it. To suggest that such a simplification and radicalization as we find in Paul, who was living in the fervor of a messianic situation, in which the end of all things was deemed to be almost immediately at hand, can be applied directly to the vast corpus of laws by which modern societies are governed would be quixotic. Daube taught us almost forty years ago that the point of comparison between Christianity and Judaism and any legal system lies not in the absolute demands that characterized the early Christian movement in its first fine carefree rapture, but in the later legal developments within Christendom that culminated in Canon Law. But granted this, one must ask whether in inherited legal systems, including our own, much has in-

93. The phrase “exodus from the Law” I learned from G. Scholem’s treatment of Sabbatai Svi. Whether Paul, in the very first flush of his call, indulged in such a concept cannot be established or denied. If he did, he soon abandoned it. The question of change and development in Paul is extremely complex.
94. See, e.g., Romans 13:11, 12.
evitably, but no less unfortunately and sometimes tragically, become ossified, depersonalized, encrusted, and corrupted by the interests of those who held power in the past and by their successors in the present.\textsuperscript{95} To insist, and rightly so, that the messianic absolutes do not directly apply to nonmessianic conditions is not a valid reason for conveniently relegating them to a benign neglect or to oblivion. Simply because they are there, as Sir John Hunt expressed it of Mt. Everest, must not these absolutes be allowed to keep the legal system of any Christian society in a state of constant reexamination? Must not the Law itself, in this sense, be in a state of permanent revolution? Is it not constantly necessary to subject “Law” to the burning, penetrating, simplifying light that Paul brought to the Torah of his world?\textsuperscript{96}

In the incomplete list of evils to which, we suggested, established and inherited legal systems tend to fall victim, we included depersonalization. By implication Paul particularly addresses this point. Be-

\textsuperscript{95} One brought up under the British legal system would have to confess—despite its, perhaps rightly, vaunted comparative excellence—that in contemplating many of its laws and many of its victims he would have to echo the famous words of George Borrow, in \textit{Lavengro}, on the reading of the Newgate Lives and Trials: “As I read over the lives of these robbers and pickpockets, strange doubts began to arise in my mind about virtue and crime.”

\textsuperscript{96} Lawyers are sometimes likely to react with impatience to a plea for simplification or a critical stance towards tradition. The legal mind is rightly fearful of plunging into chaos if it leaves the trodden path. And it can understandably be asked how the complexities involved in the settling of disputes of all kinds can be dealt with except through the intricate procedures and safeguards of precedent. Yet the need for simplification is often recognized in what appear to be spontaneous, self-generated corrective steps in the history of law itself. One example, pointed out to me by K. Pye, the Chancellor of Duke University, is the development of equity in England. Arising out of the attempt to seek relief from unreasonable penalties where the remedy at law was inadequate, equity appealed to the conscience of the Chancellor. “By and large equity never became as rigid a system as did the common law, and it retained throughout a substantial place for the exercise of judicial discretion in the light of ‘reason and conscience’” F. James, Jr., \textit{Civil Procedure} 13 (1965). A. Larson referred me to three other examples of the same kind: the development of the concept of “no fault” insurance in workers’ compensation and more recently in the field of automobile insurance, medical malpractice, and increasing accountability by a business for the character of its products. But in each of these examples the tendency has been for the simplification itself (for example, in “no fault” cases) to become increasingly complex. Simplification seems to be a constant necessity even in those areas where it has already been at work. On the inadequacy of simply relying on traditional law, recall the words of Holmes: “It is revolting to have no better reason for a rule of law than that it was laid down in the time of Henry IV. It is still more revolting if the grounds on which it was laid down have long since vanished.” Holmes, \textit{The Path of the Law}, 10 Harv. L. Rev. 457, 469 (1896-97).
cause behind the radical simplification, which is at the same time from another point of view an intensification, to which Paul points, stands what can only be called a personalizing of the approach to Law. Paul confronts the life under the Torah in a Spirit rooted in and indeed identified with a Person, so that he related each situation he confronted to the control of that Person, who as we stated earlier had become the Torah and tradition for him. Here again it has to be emphasized that it would be quixotic to dissolve all legal considerations within an anomie of the Spirit. With typical sober common sense Paul refused to contemplate this. But it is fatally easy within a traditional legal system to descend into a game of rules, to don masks, and to impose masks, so that the personal dimension of those involved in the law are ignored. Paul not only called for a simplification of the rules of Law but also for their subordination to the agapé of Christ. There is more to Law than code; there is attitude. The Epistle to Philemon perhaps best reveals this. There Paul, while recognizing that the runaway slave had to be returned to his owner, urged that he should be treated as a dear brother and not be subjected to severe punishment. Certainly this was not exactly a condemnation of a monstrous legal system. And yet by introducing a purely personal consideration in Christ into the case of Onesimus, Paul had set in motion a concern that, taken with due seriousness, could have eroded slavery. We have already referred to his sensitivity in the question of marriage. Paul was no antinomian, but he demands that the Law, even messianic Law, be interpreted in the interests of persons. The words of John Noonan echo the convoluted epistles of the Apostle Paul because he too would bring even the Law captive to the obedience to Christ which is agapé:

The central problem, I think, of the legal enterprise is the relation of love to power. We can often apply force to those we do not see, but we cannot, I think, love them. Only in the response of person to person can Augustine's sublime fusion be achieved, in which justice is defined as “love serving only the loved.”

97. See RABBINIC, supra note 7, at 147-76. Criticisms of the concept of the New Torah in Paul have centered on the date and authorship of Colossians and on the paucity of references to the words of Jesus in Paul. But the concept is tied up, not only with the words of Jesus used by Paul, but with the totality of his Person; the wisdom Christology of Colossians has its antecedent in 1 Corinthians. For the notion of Christ as himself constituting the living tradition of the early Church, see the seminal study of O. Cullman, Kyrios as Designation for the Oral Tradition concerning Jesus, 3 SCOTTISH J. OF THEOLOGY 180-97 (1950).

98. NOONAN, supra note 75, at xii.
There is one further challenge from Paul. Related to this is an apparently paradoxical condition in which society, perhaps all societies universally, but certainly those in the West, finds itself. On the one hand, under the impact of the amazing developments of modern scientific technology, there is an acute awareness than "new occasions teach new duties" and that "time [often] makes ancient good uncouth." Society is now faced with perplexities and opportunities that are, apparently, new. For these there seems to be no direct guidance from the past. But this awareness of new demands and new possibilities coexists with the sense, born this time of psychological and sociological sophistication and of the brute facts of history, that there are entrenched historical traditions and backgrounds and age-old developments in law, as in other spheres, which hold a dead staying hand over all things. There is a fatalism in law, as part of a wider fatalism, which tends to paralyze the belief in the possibility of radical change: "Plus ça change; plus c'est la même chose." In such a situation Paul is particularly challenging. "Paul’s capacity to recognize change," writes Michael Grant in closing his biography of the Apostle, "was uniquely strong." With the need radically to simplify Law, further words of Grant’s deserve quotation. He continues:

The historian’s characteristic view that everything which happens has evolved from existing historical tendencies and trends would have seemed to him to be disproved by what, in fact, had happened: the redemptive death of Jesus Christ. Whether one agrees with him or not—Jews, for example, do not—that Christ’s death was this total reversal of everything that had taken place hitherto, at all events Paul’s general attitude, insisting that such totally world-changing occurrences can take place, seems plausible, defensible and right in our own day; the years which lie immediately ahead of us are likely to confirm the cogency of Paul’s viewpoint even more insistently.99

Paul assumed that the entrenched and oppressive religious, social, political, and legal structures of his day, what he refers to perhaps as *ta stoicheia tou kosmou*, the elements of this world, can be decisively challenged and transformed. Certain continuities he honored, including continuity in Law, but he did not allow these to strangle the emerging new creation which he had embraced in Christ.

Perhaps it is his daring belief in the possibility of a new beginning—in Law, as in other things—a beginning for him inseparable from Christ, which is Paul’s most challenging legacy to mankind.\footnote{It is only with trepidation that I have ventured to write on tradition and precedent in Law in this concluding section.}

The work of Karl N. Llewellyn enlarged my awareness. \textit{See, e.g.}, K. Llewellyn, \textit{The Common Law Tradition: Deciding Appeals} 62-76 (1960). I am particularly grateful to my colleague Professor G. C. Christie for stimulating conversations and guidance. Any errors in my understanding are not owing to him but to my ignorance. My debt to Professor David Daube I cannot adequately express.