

THEOLOGICAL DICTIONARY
OF THE
NEW TESTAMENT

EDITED BY

GERHARD KITTEL

Translator and Editor

GEOFFREY W. BROMILEY, D. LITT., D. D.

Volume IV

A—N

WM. B. EERDMANS PUBLISHING COMPANY
GRAND RAPIDS, MICHIGAN

MOODY BIBLE INSTITUTE LIBRARY
820 N. LASALLE BLVD.
CHICAGO, IL 60610

His pastoral work in a congregation is retrospectively presented as a special, inwardly motivated cure of souls by means of indefatigable exhortation with a view to correction and amendment (Ac. 20:31). His sharp criticism in letters is simply the corrective word of a father to his children (1 C. 4:14 f.). Similarly a congregation admonishes or corrects whether by its pastors (1 Th. 5:12; τοὺς ... νομοθετοῦντας ὑμᾶς)¹⁶ or by the reciprocal brotherly ministry of the members exercising pastoral oversight with a sense of congregational obligation (1 Th. 5:14; R. 15:14;¹⁶ Col. 3:16).¹⁷ If the ref. in 2 Th. 3:15 is to the correction of the refractory, in 1 Th. 3:10: αἰρετικὸν ἄνθρωπον μετὰ μίαν καὶ δευτέραν νομοθεσίαν παρὰ τοῦ, νομοθεσία is the attempt to make the heretic aware of the falsity of his position, a pastoral attempt to reclaim rather than a disciplinary measure,¹⁸ though there is place for this if the corrective word is of no avail.

The NT understanding of the terms lives on in the post-apost. fathers. Only in Herm. v., 1, 3, 1 f. is there ref. to the paternal duty of νομοθετεῖν. In the vocabulary of the Christian community νομοθετέω, νομοθεσία and νομοθετήσις are common terms for pastoral admonition, for mutual exhortation to amendment of life, repentance and conversion,¹⁹ cf. 1 Cl., 7, 1; 56, 2; Ign. Eph., 3, 1; Herm. v., 2, 4, 3; m., 8, 10; 2 Cl., 17, 2; 19, 2.²⁰ The terms can also apply more specifically to the admonitory sermon preached at divine worship, cf. 2 Cl., 17:3: ἐν τῷ νομοθετεῖσθαι ἡμᾶς ὑπὸ τῶν πρεσβυτέρων, Just. Apol., 67, 4: ὁ προεστὼς διὰ λόγου τὴν νομοθεσίαν ... ποιεῖται.

Behm

νόμος, ἄνομία, ἄνομος, ἔνομος, νομικός,
νόμιμος, νομοθέτης, νομοθεσία, νομο-
θετέω, παρὰνομία, παρὰνομέω

νόμος.

Contents: A. νόμος in the Greek and Hellenistic World: 1. The Meaning of νόμος; 2. The Nature and Development of the Concept in the Greek World; 3. νόμος in Hellenism; 4. The Greek Concept of νόμος and the New Testament. B. The Law in the Old

νομοδιδοσκαλος → II, 159

¹⁵ Cf. on this Dob. Th., ad loc.

¹⁶ Even if the preceding word in the original is not ἀλλήλους but ἄλλους § 33 etc., though cf. syr Orig; so Zn. R. as opposed to Ltzm. R., ad loc., the ref. is to the education or pastoral admonition of Christians.

¹⁷ On the construction, which is less complicated than Loh. Kol., ad loc. supposes, cf. Ew. and Dib. Geibr.

¹⁸ So Joachim Jeremias (NT Deutsch., 93, 1937), ad loc.

¹⁹ → n. 14.

²⁰ There is a singular usage in Herm. v., 3, 5, 4 where the angel admonishes new converts to good works.

νόμος. On A.: In Plat. Leg. Gk. thinking on law and the historical concept find philosophically refined expression. From the rich and only partially preserved lit. περί νόμου one might mention Ps.-Plat. Min.; Ps.-Demosth. Or., 25, 15 ff.; Chrysipp. Fr., 314 ff. (III, 77 ff., v. Arnim); Cic. De legibus; Dio Chrys. Or., 58 (Budé); Stob. Ecl., IV, 115-183; Orph. Hymn., 64. Modern works: U. v. Willamowitz, "Aus Kydathen, Exc. 1: Die Herrschaft des Gesetzes," Phil. 1 (1880), 47 ff.; R. Hirzel, *Themis, Dike u. Verwandtes* (1907), 133 ff.; ΑΓΡΑΦΟΣ ΝΟΜΟΣ in *Abhdl. Sächs. Akad. Wiss.*, 20 (1900), 65 ff.; V. Ehren-

Testament: 1. The Law in Ancient Israel; 2. The Understanding of the Law in the Older Historical Books; 3. The Attitude of the Prophets towards the Law; 4. The Deuteronomic Understanding of the Law; 5. The Understanding of the Law in the Priestly Writing and Related Works; 6. The Law in the Post-Exilic Period; 7. The Meaning of νόμος; 8. νόμος in the LXX. C. The Law in Judaism: 1. The Law in the Pseudepigrapha and Apocrypha; 2. Josephus; 3. Philo; 4. The Law in Rabbinic Judaism. D. The Law in the New Testament: 1. Jesus and the Law in the Synoptic Gospels; 1. The Occurrence of the Word νόμος; 2. Jesus' Negation of the Law; 3. Jesus' Affirmation of the Law; 4. The Interrelation of Negation and Affirmation of the Law. II. The Conflict concerning the Law: 1. The Primitive Community; 2. The Usage of Paul; 3. The Material Understanding of the Law in Paul; III. The Period after the Conflict: 1. Hebrews; 2. James; 3. John's Gospel.

A. νόμος in the Greek and Hellenistic World.

1. The Meaning of νόμος.

a. νόμος belongs etym. to νέμω, "to allot," and thus has the sense of "what is proper," "what is assigned to someone."¹ In ancient times it has a comprehensive range

berg, *D. Rechtsidee im frühen Griechentum* (1921), 103 ff.; W. Jaeger, "D. griech. Staatsethik im Zeitalter d. Plato" (1924), in *Humanistische Reden u. Vortr.* (1937), 96 ff.; *Paideia* (1934), 152 ff.; H. E. Stier, ΝΟΜΟΣ ΒΑΣΙΛΕΥΣ in *Philol.*, 83 (1928), 225 ff.; H. Bogner, "D. griech. Nomos. Die Zersetzung d. griech. Nomos," *Deutsches Volkstum*, 13 (1931), 745 ff.; 854 ff.; M. Mühl, "Unters. z. altorient. u. althell. Gesetzgebung," *Klio Beih.*, 29 (1933), 85 ff.; U. Galli, *Platone e il Nomos* (1937); A. Bill, *La morale et la loi dans la philosophie antique* (1928), esp. 261 ff., where the most important ancient texts are assembled; K. Kerényi, *D. antike Religion* (1940), 77 ff. On B.: A. Alt, "Die Ursprünge d. isrl. Rechts," *SAW phil. hist. Kl.* (1934); J. Begrich, "Die priesterliche Thora," *Werden u. Wesen d. AT*, ed. Volz, Stummer, Hempel (1936), 63 ff.; A. Jepsen, *Untersuchungen zum Bundesbuch* (1927); O. Procksch, *Die Elohimquelle* (1906), 225 ff., 263 ff.; L. Köhler, "Der Dekalog," *ThR* (1929), 161 ff.; G. v. Rad, *Das Gottesvolk im Deuteronomium* (1929); H. H. Schaefer, *Esra d. Schreiber* (1930). On C.: Bousset-Gressin; L. Couard, *Die religiösen u. sittlichen Anschauungen d. altlichen Apokryphen u. Pseudepigr.* (1907); S. Kaatz, *Die mündliche Lehre u. ihr Dogma* (1921/22); M. Löwy, "Die paul. Lehre vom Gesetz," *Monatsschrift f. Geschichte u. Wissenschaft des Judentums* (1903 f.); E. Stein, *Die allegorische Exegese d. Philo aus Alex.* (1929); *Philo u. d. Midrasch* (1931); J. Wohlgemuth, "Das jüdische Religionsgesetz in jüdischer Beleuchtung," *Jahresbericht 1918/19 des Rabbinerseminars Berlin* (1919). On D.: K. Benz, "Die Stellung Jesu zum altlichen Gesetz," *Bibl. Studien*, XIX, 1 (1914); W. Brandt, *Das Gesetz Israels u. d. Gesetz d. Heiden bei Paulus und im Hebräerbrief* (1934); B. H. Branscomb, *Jesus and the Law of Moses* (New York, 1930); R. Bultmann, "Die Bedeutung des geschichtl. Jesus f. d. Theol. d. Paulus," *Glauben u. Verstehen* (1933); Cr.-Kö., s.v.; E. Gräfe, *Die paul. Lehre vom Gesetz*² (1893); A. Har-nack, "Hat Jesus das altliche Gesetz abgeschafft?" *Aus Wissenschaft u. Leben*, II (1911), 225 ff.; J. Herkenrath, *Die Ethik Jesu in ihren Grundzügen* (1926); A. Juncker, *Die Ethik d. Apostels Paulus*, I (1904), II (1919); G. Kittel, "Die Stellung des Jakobus zu Judentum u. Heidenchristentum," *ZNW*, 30 (1931), 145 ff.; E. Lohmeyer, *Grundlagen paul. Theologie*, c. I (1929); O. Michel, *Paulus u. seine Bibel* (1929); A. W. Slaten, "The Qualitative Use of 'Nomos' in the Pauline Epistles," *ATHJ*, XXIII (1919), 213 ff.; E. Brunner, *Der Mensch im Widerspruch* (1937), 150 ff., 532 ff.

¹ Walde-Pok., 2 (1927), 330. Gk. philosophy liked to appeal to this etym. derivation in its interpretation of the concept (Plat. Leg., IV, 714a; Ps.-Plat. Min., 317d; M. Ant., 10, 25; Plat. Quaest. Conv., 2, 10 [II, 644c]). The basic idea behind νέμειν explains why νόμος, in the course of development, is often connected and even equated with → δίκη, δίκαιον, ἴσος (→ II, 179, 13 ff., 182, 26 ff.; Pind. Fr., 215; Plat. Resp., II, 359a; Aristot. Eth. Nic., 5, 2, p. 1129a, 33 f.; Xenoph. Mem., IV, 4, 13; Eur. Phoen., 538), → τρέφειν (Plat. Resp., IX, 587a; Leg., VI, 780d; Philab., 26b; Aristot. Pol., 7, 4, p. 1326a, 30), → λέγειν (→ IV, 79; Plat. Resp., X, 604a; Leg., II, 659d; Chrysipp. Fr., 4 [III, 4, 2 f., v. Arnim]; Plat. Stoic. Rep., I [II, 1033b]; Plot. Enn., III, 2, 4), → νοεῖν (Plat., Leg., XII, 957c; Aristot. Pol., 3, 16, p. 1287a, 32; Plot. Enn., V, 9, 5).

of meaning which embraces any kind of existing or accepted norm, order, custom, usage or tradition. Νόμος is what is valid and in use: τὶ οὖν ἄλλο νόμος εἶη ἐν... ἢ τὰ νομιζόμενα (Ps.-Plat. Min., 313b; cf. Aristoph. Nu., 1185 f.; 1420 ff.; Xenoph. Mem., IV, 4, 19). The concept is religious in origin and plays a main role in the cultus. The connection between νόμος and veneration of the gods finds linguistic expression in the fixed phrase νομιζέειν θεούς (Hdt., I, 131; 4, 59; Aristoph. Nu., 329; 423), i.e., to honour the gods, according to the cultic usage of the *polis*, by participation in (national) worship: ὡς κε πόλις βέζεισι, νόμος δ' ἀρχαῖος ἔριστος (Hes. Fr., 221 [Rzach]), cf. Plat. Crat., 400e: ἐν τοῖς εὐχάτοις νόμος ἐστίν). Marriage, procreation (Plat. Leg., IV, 720e ff.), the erotic life (Plat. Symp., 182a), common meals, gymnastic schools, the use of weapons (Plat. Leg., I, 625c) and esp. the honouring and burial of the dead (Thuc., 2, 35; Eur. Suppl., 563; Isoc. Or., 12, 169) all come under the concept. The establishment and regulation of the Nemean games (Pind. Nem., 10, 28; cf. Isthm., 2, 38) can be described as νόμος no less than a political order and constitution (Pind. Pyth., 2, 86; 10, 70). The gods, too, have νόμοι (Pind. Pyth., 2, 43; Nem., 1, 72; cf. Hes. Theog., 66). This extensive usage is always maintained.

b. As political order developed in Greece, however, the word came into specialised use in the juridical sphere. The legal norm or use becomes consciously stabilised and binding νόμος or law. No distinction is here made between political and absolute law (Heracl. Fr., 114 [I, 176, 5 ff., Diels⁵]; Aesch. Prom., 150 f.; Pind. Fr., 169; Soph. Oed. Tyr., 865). νόμος broadens out into the (divine) law of the world (Plat. Leg., IV, 716a; Callim. Hymn., 5, 100; M. Ant., 7, 9), the law of nature (Plat. Gorg., 483e; Dio Chrys. Or., 58, 5 [Budé]); Porphyry. Abst., 2, 61), the (philosophical) moral law (Epict. Diss., I, 26, 1; Muson., p. 87, 5 ff. [Hense]). c. Only in the 5th cent., as the νόμος came to be written down in individual νόμοι, does the word acquire, in the context of democratic development, the special sense of a "written law," "a fixed expression of legal order and the national constitution in a democratic *polis*" (Aristot. Resp. Ath., 7, 1; Andoc. Myst., 83). The legal definition may be seen in Xenoph. Mem., I, 2, 42 ff.: νόμοι εἶσιν, οὗς τὸ πλεῖθος συνελάθην καὶ δοκιμάσαν ἔγραψε. Νόμος is the compulsory command or order of a state, with punishment for violation (Antiphon. Or., 6, 4; Democ. Fr., 181 [II, 181, 11 ff., Diels⁶]; Ps.-Aristot. Rhet. Al., 2, p. 1422a, 2 ff.). d. When νόμος, as distinct from the divine → φύσις, came to be understood essentially as a human statute (Hippocr. Vict., 1, 11; Diod. S. Excerpta Vaticana, 7, 26 [p. 26, Dindorf]) it could finally become, in the Sophist writers at the end of the 5th cent., a "contract" or "convention" (Aristoph. Av., 755 ff.; esp. in the formula νόμοι/φύσει, Democ. Fr., 9 [II, 139, 10 ff.]; Hippias in Plat. Prot., 337c) — a degenerate sense which has nothing to do with the original meaning of νόμος, e. The basic meaning νόμος = τάξις caused νόμος to become a tt. in music in the sense of "mode of singing," "melody" (Aelcian. Fr., 93, Diehl; Hom. Hymn. Ap., 20; Aesch. Prom., 576). From the time of Plato it became a habit to play on the twofold political and musical sense (Plat. Leg., IV, 722d f; 800a; Archytas Pythagoraeus in Stob. Ecl., IV, 1, 138 [p. 88, 2 ff., Hense]; Max. Tyr., 6, 7).

In relation to Jn. 7:51 and R. 3:19 it is not unimportant that like so many other basic Gk. concepts Νόμος was personified and presented as a divine figure in poetry (Eur. Hec., 799 f.; Plat. Crito., 50a ff.) and later in theology (Procl. in Rem. Publ., II, 307, 20 ff. [Kroll]). In the same connection one might mention the expressions ὁ νόμος συντάσσει, ἀγορεύει, λέγει (Inscr. Magn., 92a, 11; b 16; Plat. Resp., V, 451b; Callim. Hymn., 5, 100).² the description of νόμος as θεοτότης (Hdt., 7, 104), τύραννος (Plat. Prot., 337c), βασιλεύς (Pind. Fr., 169 etc.), and finally even as θεός (Plat. Ep., VIII, 354e;

² So also in the charge against Socrates: ἀδικεῖ Σωκράτης οὗς μὲν ἢ πόλις νομιζει θεοὺς οὐ νομιζών, Xenoph. Mem., I, 1, 1 f. Only in Plat. Apol., 26c ff. does νομιζέειν come to have the intellectual sense "to acknowledge," "to believe" (cf. Aristoph. Nu., 819; Eur. Suppl., 732). Cf. A. Menzel, *Hellenika* (1938), 17 f.; J. Tate, *Class. Rev.*, 51 (1937), 3 ff.

³ Cf. W. Schubart, "Das Gesetz u. der Kaiser in Gr. Urkunden," *Klio*, 30 (1937), 56 ff.

TGF Fr. adesp. 471). In mythical form Dio Chrys. Or., 58, 8 (Budé) extols νόμος as τοῦ Διὸς ὄντως υἱός. As πάρεδρος τοῦ Διὸς (Orph. Fr., 160, Kern), as the daughter of Δικαιοσύνη and Εὐσέβεια (Fr., 159), it appears alongside Δικαιοσύνη in Orphism, which addresses a special hymn to it as a cosmic power (Hymn. Orph., 64, ed. Quandt, 1941).

2. The Nature and Development of the Concept in the Greek World.

As the epitome of what is valid in social dealings νόμος in its unwritten form is first rooted in religion. In the phrases τὰ νομιζόμενα, νομιζέειν θεούς (→ 1024) it constantly maintained its relation to the cultus and to worship of the gods (cf. the Pythagorean precept: ἀθανάτους μὲν πρότα θεούς, νόμος ὡς διάκεινται, τίμα Carmen Aureum, 1 f.; Iamb. Vit. Pyth., 144; Diog. L., 8, 33). Even the written law of the νόμος is still an expression of the will of the deity which holds sway in the city: ὁ μὲν οὖν τὸν νόμον κελεύων ἔρχεται δοκεῖ κελεύειν ἔρχεται τὸν θεὸν καὶ τὸν νοῦν μόνου, Aristot. Pol., 3, 16, p. 1287a, 28 ff., cf. Plat. Leg., IV, 712b. This rootage in the divine sphere, which always persists, gives to the Gk. νόμος concept its characteristic significance and true strength.

This applies particularly to the origin of νόμος. It is of the nature of νόμος to have an author. Either the gods give it: πῶς ἔστιν νόμος εὐρημα μὲν καὶ δῶρον θεῶν, Ps.-Demosth. Or., 25, 16 (cf. Philo Decal., 15; Soph. Ant., 450 ff.; Xenoph. Mem., IV, 4, 19), or it is the work of a great personality, the law-giver: νόμος... ἀγαθῶν καὶ παλαιῶν νομοθετῶν εὐρήματα (Plat. Prot., 326d; cf. Hdt., I, 29; Critias Fr., 25, 5 ff. [II, 386 f., Diels⁵]). This is the man who has special insight either by divine endowment or from within himself (πόλις δὲ ἢ παρὰ θεῶν τυνός ἢ παρὰ τοῦτου τοῦ γνότος ταῦτα λόγον παραλαβούσαν, νόμον θεμένην, Plat. Leg., X, 890d; cf. Polit., 300c. The νόμος is thus a work of supreme skill (Plat. Leg., IV, 712a; Max. Tyr., 6, 7). This does not prevent the mythico-historical legislation of the nation from being directly attributed in many cases to specific gods or to the religious authority of Delphi: τὸν τε Μίνω παρὰ Διὸς δι' ἐνάτου ἔτους λαμβάνειν τοὺς νόμους ἰστοροῦσι φοιτῶντα εἰς τὸ τοῦ Διὸς ἄντρον, τὸν τε αὐτὸ Λυκούργον τὰ νομοθετῶν εἰς Δελαφούς πρὸς τὸν Ἀπόλλωνα συνεχῆς ἀπὸ τὰ παλαιότερα γράφουσι Πλάτων τε καὶ Ἀριστοτέλης καὶ Ἐφορος, ... Ζάλευκον τὸν Λοκρὸν παρὰ τῆς Ἀθηνᾶς τοὺς νόμους λαμβάνειν ἀπονημιονέουσιν. οἱ δὲ τὸ ἀξιόπιστον τῆς παρ' Ἑλλησι νομοθεσίας, ὡς οἶόν τε αὐτοῖς, ἐπαίροντες εἰς τὸ θεῖον... (Cl. Al. Strom., I, 170, 3 with Adnotatio).⁴ When finally the νόμοι came into being in the *polis* by mutual agreement and decision (Xenoph. Mem., I, 2, 42 f.), this was the beginning of their downfall; they soon became mere ψηφίσματα rather than νόμοι (Demosth. Or., 20, 89 ff.).

a. In the earliest period νόμος is a creation and revelation of Zeus βασιλεύς. It is thus anchored in a divine sphere in which there is true belief.

Myth traces back the nomothesia of King Minos (βασιλεύς καὶ νομοθέτης, Plat. Thes., 16 [I, 7]) to his dealings with Zeus (cf. Plat. Leg., I, 624a). The god is the original of the kingly power and wisdom reflected in νόμος. In Hes. Theog., 901 ff. the θεῶν βασιλεύς (886), after defeating the Titans, contracts a marriage with Themis,

⁴ Cf. J. Mewaldt, *Wiener Studien*, 58 (1940), 8 f. In Stoicism God is the wisest and oldest law-giver of the whole world. Dio Chrys. Or., 19, 32 (Budé). This thought is particularly common in Philo: νομοθέτης γὰρ καὶ πηγή νόμου αὐτός (sc. θεός), Sac. AC, 13; Op. Mund., 61; Spec. Leg., I, 279 etc. In the Isis aretology of Kyme the goddess extols herself as a law-giver (W. Peek, *Der Isis hymnos von Andros* [1930], p. 122, 4): ἐγὼ νόμους ἀνθρώποις ἐθέμην καὶ ἐνομοθέτησα ἃ οὐθεὶς δύναται μεταθεῖναι.

from which spring Δίκη, Ειρήνη and Εὐνομία, i.e., true order or good νόμος, ⁵ Pindar Fr., 169 lauds νόμος as ὁ πάντων βασιλεύς θνατῶν τε καὶ θθανάτων who ἔχει δικαιοῦν τὸ βιαιότατον ὑπεράταξ χειρὶ. Here the language and the train of thought both show that νόμος occupies the place of him who is πάντων βασιλεύς (Democr. Fr., 30 [II, 151, 14, Diels⁵]; Hes. Fr., 195 [Rzach], cf. Theog., 923) and who unites power and right in his hand, namely, Zeus, ⁶ Zeus it was who established the νόμος that animals should prey on one another in βίαια but that men should live in accordance with the Δίκη which he gave them. Hes. Op., 276 ff. Κράτει νόμου, i.e., in virtue of the perfection of such a divine norm, of an order of will and a personal sense of right — for all these are inherent in νόμος — the law-giver Solon boasts that he has united βίαια and Δίκη, Fr., 24, 15 f., Diehl.

Growing out of the struggle for right in the order of human life, νόμος is by its very nature righteousness (Δίκη μὲν οὖν νόμου τέλος ἐστίν, Plut. Princ. Inerud., 3 [II, 780e]). → 1023, n. 1. But the Δίκη or αὐδώς expressed in νόμος resides with Zeus, Plat. Prot., 322d; Ael. Arist. Or., 43, 20 (344, Keil). In terms of religious myth, the goddess Dike, obeying the supreme ruler (βασιλεύς, Plut. Exil., 5 [II, 601b]), watches over the θεῖος νόμος, Orph. Fr., 21 (Kern); Plat. Leg., IV, 716a. To late antiquity νόμος is thus connected in a special way with Zeus, → 1024.

In the *polis* established usage is given constitutional form and thus, as the epitome of all legal norms, it becomes law. Along these lines the concept can then come to specific development and mastery. For the state as a theoretical form is itself νόμος for the Greeks: πόλεως εἶναι ψυχὴν τοῦ νόμου (Aristot. of Demosth. in Stob. Ecl., IV, 1, 144 [p. 90, Hense]); ὅπου γὰρ μὴ νόμοι ἔρχουσι, οὐκ ἔστι πολιτεία (Aristot. Pol., 4, 4, p. 1292a, 32). The people must contend for its νόμος as for its wall, Heracl. Fr., 44 (I, 160, 13 f., Diels⁵). It is the reigning power which commands as βασιλεύς or δεσπότης (→ 1030) in the *polis* and, e.g., bids the Spartans either triumph in battle or die, Hdt., 7, 104.

b. In the 6th century the new understanding of the divine world brought a corresponding change in the content of νόμος. It is still connected with deity but the Zeus of an earlier age is now reconstructed as a divine principle. The concept of the cosmos produces the view that νόμος is a reflection of the universe in which the same νόμος rules as in political life. Earthly law is simply a specific instance of divine law in the cosmos: ξὺν νόῳ λέγοντας ἰσχυρίζεσθαι χρὴ τῷ ξυνῷ πάντων, ἔκωσπερ νόμῳ πάσι, καὶ πολλὸ ἰσχυροτέρως, τρέφονται γὰρ πάντες οἱ ἀνθρώποι νόμοι ὑπὸ ἐνὸς τοῦ θεοῦ, κρατεῖ γὰρ τοσοῦτον δόξον ἐθέλει καὶ ἔξαρκεῖ πᾶσι καὶ περιγίνεται, Heracl. Fr., 114 (I, 176, 5 ff., Diels⁵). Man cannot exist without the νόμος of his *polis*, even less so without the νόμος of the cosmos.

The Stoics who followed Heracl. regarded this later as the first mark of their cosmopolitanism, cf. Cleanthes Fr., 537 (I, 121, 34 f., v. Arnim); Dio Chrys. Or., 58, 2 (Budé). In contrast, Heracl. himself advocates rootage in the concrete νόμος πάλεως. Indeed, national law is so powerful a norm (cf. Fr., 44 [I, 160, 13 f., Diels⁵]) that Heracl. understands the universe in terms of it. The νόμος of a *polis* is common (ξυών

⁵ In the early Gk. world kingship and the establishment of εὐνομία are often connected, cf. Hdt., 1, 97 ff.; Plut. Num., 4. Plato takes up this idea when he derives the νόμοι as μιμήματα . . . τῆς ἀληθείας from the βασιλικὴ τέχνη, Polit., 300c/e. ⁶ So K. Kerényi, 78. On the history of this much quoted and expounded saying of Pind. (Hdt., 3, 38; Anonym. Iambi., 6, 1 [II, 402, 28 f., Diels⁵]; Plat. Gorg., 484b; Leg., II, 690b/c; IV, 714c; Chrysipp. Fr., 314 [III, 77, 34 ff., v. Arnim]), cf. H. E. Suter, 225 ff.

or κοινόν, Ps.-Demosth. Or., 25, 15 f.; ⁷ cf. Plat. Crito, 50a; Leg., I, 645a; Plut. Quaest. Conv., II, 10, 2 [II, 644c]). In life κοινὰ νόμον the citizen lives as it were the κοινὸς βίος in contrast to private life. Similarly there is in the cosmos τὸ ξυών πάντων which is explained in terms of the *polis* and its νόμος. It is the divine law of the world which one can grasp with the νοῦς (ξὺν νόῳ) and which must be followed like the λόγος and deity, Fr., 2 (I, 151, 1 ff., Diels⁵). Knowledge here is knowledge of a universal law and at the same time the keeping of this law. Both together are Gk. φρονεῖν, for ξυών ἐστὶ πᾶσι τὸ φρονεῖν, Fr., 113 (I, 176, 4, Diels⁵) and ξυών is the universal law.

c. Greek tragedy tackles for the first time the problem of the νόμος which is against another νόμος (cf. Democr. Fr., 259 [II, 198, 2 ff., Diels⁵]), which is thus ambiguous⁸ and which cannot be kept. In the midst of criticism of the νόμος to many different forms (→ 1028), Sophocles in Antigone causes the νόμος to triumph in both its aspects.⁹ If the law of the state rests originally on divine law, then in the defence of Antigone (450 ff.) an unwritten divine law is set over against the law of the *polis*. Neither Zeus nor Dike, οἱ τοῦδ' ἐν ἀνθρώποισι ὄρισαν νόμους (as we should read, 452), commands Antigone to do what she does, but the ἄγραπτα κάσφαλλή θεῶν νόμιμα (454 f.).¹⁰ Above the law of the state which derives from divine law is another divine law of ancient origin. But when the law which comes from God is no longer reconcilable with God, cleavage arises for the individual, cf. the tragic end of Antigone and Creon's destruction. Nothing is more distinctive of the Greek's understanding of existence than that at the point where he sees that the νόμος is equivocal and cannot be observed, since to keep one νόμος is necessarily to violate another, he never even imagines that it is he himself who absolutely and essentially is incapable of obedience to the law. The contradiction which results in the death of Antigone is for him the eternal, tragic contradiction of a law which comes from God but is no longer reconcilable with God. He traces back the contradiction to deity itself. In general inability to keep the law is no problem to the Greek. When such inability arises, it is given a tragic interpretation. It is not attributed to human sinfulness before the law.¹¹

Out of the contradiction, and supplementing the written law of the *polis*, the ἄγραφοι νόμοι took on greater significance from the 5th century onwards (Thuc., II, 37, 3; Ps.-Aristot. Rhet. Al., 2, p. 1421b, 35 ff.).¹² In detail it is thought of in various ways,

⁷ There is reflected here a tractate Περί Νόμων (cf. M. Pohlenz, NCG, 1924, 19 ff.) in which the various aspects of the traditional view of νόμος are summarised as follows: ἄπειν ὁ τῶν ἀνθρώπων βίος . . . φύσει καὶ νόμοις διοικεῖται. τοῦτων ἡ μὲν φύσις ἐστὶν ἄτακτον καὶ ἀνώμαλον (dissimilar, different) καὶ κατ' ἀνδρ' ἴδιον τοῦ ἔχοντος, οἱ δὲ νόμοι κοινὸν καὶ τεταγμένον καὶ πατρὸς πᾶσι . . . οἱ δὲ νόμοι τοῦ δικαίου καὶ τὸ καλὸν καὶ τὸ συμφέρον βούλονται, καὶ τοῦτο ζητοῦσιν, καὶ ἐπειδὴν εὐρεθῆ, κοινὸν τοῦτο πρόσταγμα ἀπειδείχθη, πᾶσιν ἴσον καὶ ὅμοιον, καὶ τοῦτ' ἐστὶ νόμος. ὁ πᾶσι πειθεσάμι προσήκει διὰ πολλά, καὶ μάλασθ' ὅτι πᾶς ἐστι νόμος εὐρημα μὲν καὶ δῆρον θεῶν, δόγμα δ' ἀνθρώπων φρονίμων, ἐπανόρθωμα δὲ τῶν ἔκουσίων καὶ ἀκουσίτων ἀμαρτημάτων, πόλεως δὲ συνθήκη κοινή, καθ' ἣν πᾶσι προσηκεῖ ξυνοῖς ἐν τῇ πόλει.

⁸ R. Bultmann, "Polis u. Hades in d. Antigone des Sophokles," *Theol. Aufs.* K. Barth zum 50. Geburtstag (1936), 80.

⁹ W. Schadewaldt, "Sophokles' Aias u. Antigone," *Neue Wege zur Antike*, 8 (1929), 114. ¹⁰ These are the same laws as those whose divine origin is proclaimed in Soph. Oed. Tyr., 865 ff.: νόμοι πρόκεινται ὑπίποδες οὐρανὸν δι' αἰθέρα τεκνοθέντες, ὧν Ὀλύμπιος πατήρ μόνος, οὐδὲ νιν θνατὰ φύσις ἀνέρων ἔτικτεν, οὐδὲ μήποτε λάθρα κατακοιμήσῃ μέγας ἐν τοῦτοις θεῶς οὐδὲ γηράσκει.

¹¹ Cf. G. Kittel, *Die Religionsgeschichte u. das Urchristentum* (1932), 118 ff.

¹² Cf. → R. Hürzel, *ΑΓΡΑΦΟΣ ΝΟΜΟΣ*, 29 ff.

as the ancient popular *ἔθος* of this or that *polis* (Diog. L., 3, 86), or more commonly as a natural or divine law valid for all men (Xenoph. Mem., IV, 4, 19 f.; Demosth. Or., 18, 275; 23, 61 and 85; Plat. Resp., VIII, 563d). Hence it is rather obscurely identified partly with the natural law of the Sophists and partly with the cosmic law of the Stoics (Maxim. Tyr., 6, 7). To the main *ἄγραφοι* or *ἱεροὶ νόμοι* which constantly recur in tradition belong not only ritual religious commandments but also ethical and social statutes which Xenoph. Mem., IV, 4, 20 already groups under the title *θεοῦ νόμος*. The most explicit list is to be found in Plut. Lib. Educ., 10 (II, 7c): *δεῖ θεοῦ μὲν σέβασθαι, γονέας δὲ τιμᾶν, πρεσβυτέρους ἀδελφεῖν, νόμους πειθαρχεῖν, ἀρχουσίαν ὑπεῖκεν, φίλους ἀγαπᾶν, πρὸς γυναικᾶς σωφρονεῖν, τέκνων στεργητικούς εἶναι, δούλους μὴ περιυβρίζειν*, cf. Aesch. Eum., 545 ff.; Eur. Fr., 853; Ditt. Syll.², 1268. In keeping with the high regard which these *ἄγραφοι νόμοι* always enjoyed they are described by Plato as *θεσμοὶ πάσης πολιτείας* (Plat. Leg., VII, 973b) and later they can even be regarded as the source of all earthly laws (Archytas in Stob. Ecl., IV, 1, 132 [p. 79, Hense]).

d. In the 5th century the authority of νόμος was shaken. One factor was the learning of other νόμοι in the world. These had already been depicted by Herodot. with some respect and admiration (3, 38). He found in the νόμοι of the peoples their → σοφία and also the breaking of an original σοφία, 1, 196 f.; 7, 102; cf. Heracl. Fr., 114. In the relentless fight for existence, however, the subject soon began to make itself the norm of what is absolutely valid (*ἔγωγε φημι καὶ νόμον γε μὴ σέβειν ἐν τοῖσι δεινοῖς τῶν ἀναγκαίων πλέον*, Eur. Fr., 433; ἀνθρώποι τύραννοι νόμων, Plat. Ep., VIII, 354c).

"Human nature gained mastery over the laws and became stronger than right," affirms Thucydides in the Peloponnesian War (III, 84; cf. 45, 7). Among the Sophists νόμος was put aside theoretically: man is rather set over against → φύσις (ἡ φύσις ἐβούλεθ', ἢ νόμον οὐδὲν μέλει, Eur. Fr., 920). There thus arises a cleft between what is right by law (νόμῳ) and what is right by nature (φύσει), Plat. Gorg., 483a ff.; Leg., X, 889e. For the prescriptions of the law usually come into being arbitrarily, by human convention, Antiphon Fr., 44, Col. 1, 23 ff. (II, 346 f., Diels⁵). Nature, on the other hand, has its own law which even in the sphere of ethics and politics is recognised as a true norm, the νόμος τῆς φύσεως (Callicles in Plat. Gorg., 483e). νόμος is thus anchored in something higher. Instead of a divine sphere in which one believes, however, this is now φύσις, cf. Hippocr. Vict., 1, 11.

But this involves a dedivinised view of nature which is dominated by reciprocal conflict and in which the only rule is that of *πλεονεξία*, Plat. Gorg., 483c f. cf. Leg., IX, 875b. It thus carries with it the destruction not merely of the old political νόμος orientated to society but also necessarily of religion. For belief in the gods stands or falls with respect for νόμος.

Οἱ θεοὶ σθένουσι χῶ κεινῶν κρατῶν Νόμος: νόμῳ γὰρ τοὺς θεοὺς ἡγούμεθα, Eur. Hec., 799 f., cf. Antiphon Or., 6, 4. That is to say, if the gods evade the dominant rule (namely, that all wrong must be expiated, 791 f.), they thereby corrupt their divinity, cf. Eur. Ion., 442 f. They prove their own right to existence by accepting the validity of just νόμος. Hence belief in God and justice rests on the νόμος, cf. Plat. Menex., 237d: *δικην καὶ θεοῦς νομίζειν*. For the Sophists, however, religion is not in tension with νόμος. In the last analysis it is unmasked as a fiction of the law-giver, Critias Fr., 25, 5 ff. (II, 386 f., Diels⁵). The νόμοι are the work of men and are not kept without witnesses. Hence a clever mind invented the gods of retribution as constant observers and guarantors of the laws, esp. against secret infringements.¹³ On this view there

¹³ As against λάθρη ἀμαρτέειν (Fr., 181 [II, 181, 11 ff., Diels⁵]) Democ. demands that νόμος should stand before the soul of man, i.e., that its inner contemplation should be normative for action (τοῦτον νόμον τῆ ψυχῆ καθεστάναι, Fr., 264 [II, 199, 6 ff., Diels⁵]).

are not really any gods: it is just that νόμος demands belief in them (Plat. Leg., X, 889e/890a: *θεοὺς . . . εἶναι πρῶτόν φασιν οἷοι . . . οὐ φύσει, ἀλλὰ τισι νόμοις, καὶ τούτους ἀλλήλῃ, ὅπη ἕκαστοι ἑαυτοῖσι συναμολόγησαν νομοθετοῦμενοι . . . ἀσβείλαι τε ἀνθρώποις ἐμπιπτοῦσι νόμοις, ὡς οὐκ ὄντων θεῶν οἷους ὁ νόμος προστάττει διανοεῖσθαι δεῖν*).

Two conclusions follow. The first is that νόμος can be overthrown only by an attack on religion, since the two are so essentially and fundamentally related. The second is that the crisis of νόμος originates and culminates in the dedivinisation of the world which is the final contribution of the 5th century: *quae religionis eversio 'naturae nomen invenit'* (Lact. Inst., III, 28, 3). This is how Plato saw it. For him rejection of the rule of the laws is equivalent to apostasy from God (Plat. Leg., IV, 701b/c; Ep., VII, 336b; in the myth of the inhabitants of Atlantis we read: *μέχριτιερ ἡ τοῦ θεοῦ φύσις αὐτοῖς ἐξήρκει, κατήκοοι τε ἦσαν τῶν νόμων καὶ πρὸς τὸ συγγενὲς θεῶν φιλοφρόνως εἶχον*, Critias, 120e). For the mode of being and mode of operation of the gods are essentially known (cf. Plat. Leg., XII, 966c) in νόμος (θεοὺς ἡγούμενος εἶναι κατὰ νόμους οὐδεὶς πώποτε οὔτε ἔργον ἀσέβης ἠργάσατο ἐκὼν οὔτε λόγον ἀφῆκεν ἀνομον, *ibid.*, X, 885b, cf. Resp., II, 365e; Leg., X, 904a). νόμος lays down how they are to be worshipped and understood, Plat. Leg., X, 890a/b. The Platonic interrelating of theology and law is simply a philosophical expression of what the fact of *νομίζειν θεοὺς* (→ 1024) implied for the Greek world.

The rescuing of νόμος which Plato attempts rests first on proving the existence of the gods and secondly on the affirmation that νόμος, as a child of νόυς, is related to the soul and is thus also φύσει¹⁴ (Leg., X, 892a ff.): *δεῖ . . . τὸν . . . νομοθέτην . . . τῷ παλαιῷ νόμῳ ἐπικούρου γίνεσθαι λόγῳ ὡς εἰσι θεοὶ . . . καὶ δὴ καὶ νόμῳ αὐτῷ βοηθῆσαι¹⁵ καὶ τέχνη, ὡς ἔστων φύσει ἢ φύσεως οὐχ ἦπτον, εἴπερ νοῦ γέ ἐστι γεννήματα* (Leg., X, 890d). By finally exalting νόμος (Ep., VIII, 354e) to divine rank¹⁶ Plato overcame Sophist criticism of *nomos* at the decisive point.

e. In opposition to the Sophists Socrates' whole thinking on νόμος begins with the very positive content of the *pois*. The νόμος τῆς πόλεως is the norm of his life to such a degree that he not only does not act contrary to the laws but dies because they require it, even though they are unjustly manipulated by men: *προελετο μάλλον τοῖς νόμοις ἐμμένων ἀποθανεῖν ἢ παρανομῶν ζῆν* (Xenoph. Mem., IV, 4, 4). To this conviction of Socrates Plato gave magnificent expression in the Crito when he caused the venerable Νόμοι καὶ τὸ κοινὸν τῆς πόλεως to appear to Socrates in prison in a kind of epiphany. There is a discussion of the

¹⁴ In this connection Plato develops the anti-Sophist concept of an *ἐμφορων φύσις* (cf. the par. passage in Tim., 46d) which is almost the same as his concept of the *ψυχῆ*, Leg., X, 891c ff. On Plato's position regarding law cf. A. Capelle, *Platos Dialog Politikos* (Diss. Hamburg, 1939), 53 ff.

¹⁵ Cf. Plat. Leg., X, 891b; Jambl. Vit. Pyth., 171; 223.
¹⁶ Θεός δὲ ἀνθρώποις σάφροσι νόμος, ἄφροσι δὲ ἡδονή. νόμος and ἡδονή are here the two opposing powers on the divine level. Like Thucydides (II, 53; III, 82, 8), Plato continually advanced ἡδονή as the reason for the decline of νόμος (Leg., IV, 714a; Resp., VIII, 548b; IV, 429c). Life acc. to law is the very opposite of ἡδέως ζῆν (Leg., II, 662c/663a f). The general lawlessness of the Athenian state arose from the cultivation of art, which was too strongly dominated by ἡδονή (Leg., III, 700d/701a). The final result is the disintegration of the νόμος βασιλεύς through the rule of ἡδονή and λῦπη (Resp., X, 607a).

right of the individual to renounce νόμος (Crito, 50a ff.). The νόμοι are here presented as parents to sustain and instruct man, 51c. Man is their ἔκγονος and → δοῦλος, 50e. His relation of dependence to them differs from that to his physical parents. These νόμοι have brothers in Hades (54c), i.e., they are still valid in face of death and beyond.

f. The relation of Socrates to the laws of the state illustrates the significance of νόμος for Greek ethics. Socrates does not distinguish between his pure conscience and degenerate political morality. For the classical Greek world does not speak of personal moral conscience (→ συνείδησις) but of objective knowledge of what is right and wrong.¹⁷ This knowledge takes the form of law. Obedience to law is righteousness: ὁ δίκαιος ἔσται ὅ τε νόμιμος καὶ ὁ ἴσος. τὸ μὲν δίκαιον ἄρα τὸ νόμιμον καὶ τὸ ἴσον, τὸ δ' ἄδικον τὸ παράνομον καὶ ἄνισον (Aristot. Eth. Nic., 5, 1, p. 1129a, 33 ff., cf. Xenoph. Mem., IV, 4, 13 ff.). But all virtues are included in righteousness, → δίκη, II, 179. It is impossible to exhaust in detail the full content of νόμος, which embraces the whole of life (δοκοῦσιν ... τὸ καθόλου μόνον οἱ νόμοι λέγειν, Aristot. Pol., 3, 15, p. 1286a, 9 ff.), though for a more general account cf. Aristot. Eth. Nic., 5, 4, p. 1130a, 18 ff.

The goal of education is thus instruction in the spirit and ethos of the laws: παιδεία μὲν ἔσθ' ἢ παίδων ... ἀγωγὴ πρὸς τὸν ὑπὸ τοῦ νόμου λόγον ὄρθον εἰρημένον, Plat. Leg., II, 659d; τεθράφθαι ἐν ἡβῃ νόμων εἰς πεπαιδευμένους, Plat. Leg., VI, 751c, cf. Prot., 326c/d. Indeed, law itself is an instructor, though in a very different sense from that of Paul in Gl. 3:24: πῶς ἂν ἡμῖν ὁ νόμος αὐτὸς παιδεύσειεν ἱκανῶς (Plat. Leg., VII, 809a, cf. Aristot. Pol., 3, 16, p. 1287b, 25 f.; Archytas Pyth. in Stob. Ecl., IV, 1, 135 [p. 82, 16 f., Hense]).

Obedience to law is carried so far that there can even be ref. to → δουλεύειν τοῖς νόμοις without the disparagement elsewhere implied by the term (Plat. Leg., III, 698c; 700a; IV, 715d, cf. Pl. R., 7:25). This almost paradoxical usage makes it clear that νόμος exercises a dominion.¹⁸ Law rules (νόμοι ἄρχουσιν, Aristot. Pol., 4, 4, p. 1292a, 32, cf. Plat. Leg., IV, 715d). It does so as δεσπότης, τύραννος (Plat. Prot., 337d) or βασιλεὺς (οἱ τῶν πόλεων βασιλεῖς νόμοι, Alcidas in Aristot. Rhet., 3, 3, p. 1406a, 23, cf. Anonym. Iamb., 6, 1 [II, 402, 29, Diels⁵]; Plat. Ep., VIII, 354c: νόμος ... κύριος ἐγένετο βασιλεὺς τῶν ἀνθρώπων). Acc. to Aristot. Eth. Nic., 10, 10, p. 1180a, 17 ff., he who lives acc. to νόμος lives κατὰ τινα νόον καὶ τάξιον ὀρθῶν ἔχουσαν λογόν, i.e., acc. to a spiritually determined order which also has power to enforce itself. νόμος has coercive power (ἀναγκαστικὴν ἔχει δύναμιν, a 21, cf. Antiph. Or., 6, 4). This power goes far beyond that of an individual, e.g., the father, or even the βασιλεὺς etc. Bondage under law makes man a citizen in the *polis* (as later in the cosmos) and differentiates him from the slave, who by nature has no part or lot in the νόμοι (TGF, Fr. adesp., 326), by making him free: *legum* ... *idcirco omnes servi sumus, ut liberi esse possimus* (Cic. Pro Cluent., 53, 146, cf. Plat. Leg., III, 701b; Aristot. Pol., 5, 9, p. 1310a, 34 ff.).

δουλεία is used positively elsewhere only in respect of the gods (esp. Apollo at Delphi), cf. Soph. Oed. Tyr., 410; Eur. Orest., 418; Ion, 309; Plat. Phaed., 85b. To be at the service of the laws is to serve the gods: καλῶς δουλεύσαι ... πρώτων μὲν τοῖς νόμοις, ὡς ταύτην τοῖς θεοῖς οὖσαν δουλείαν (Plat. Leg., VI, 762e, cf. Plat.

¹⁷ "Conscience has no rights in the state, only what is legal. What true conscience will see to be right must be objective, ... not residing only within" (Hegel, *Werke* [Lasson], XIII, 2, 127 [Vorlesungen über die Philosophie der Religion]).

¹⁸ Pittacus is supposed to have answered the question of king Croesus concerning the ἀρχὴ κρείττοισι with a ref. to the νόμοι (Diod. S. Excerpta Vaticana, 7, 27; Diog. L., I, 77).

Ep., VIII, 354e). To be νόμιμος is to be, not merely δίκαιος, but also εὐσεβής (Xenoph. Mem., IV, 6, 2). This seems to be esp. the Delphic piety followed by Socrates (*ibid.*, I, 3, 1; par. IV, 3, 16). Among the many παρρηγιώτατα ascribed to the Delphic Apollo we find the saying: ¹⁹ ἔπου θεῶ· νόμῳ πείθου (Stob. Ecl., III, 1, 173 [p. 125, 5, Hense]). Following God and obeying law are not without inward relationship.²⁰

For the dominion of law and the blessing of the gods guarantee the preservation of the state and the possibility of human life: ἐν ᾧ (sc. πόλει) μὲν γὰρ ἂν ἀρχόμενος ᾧ καὶ ἄκυρος νόμος, φθορὰν ὀρώ τῇ τοιαύτῃ ἐτοιμῇ οὖσαν. ἐν ᾧ δ' ἂν δεσπότης τῶν ἀρχόντων, οἱ δὲ ἄρχοντες δοῦλοι τοῦ νόμου, σωτηρίαν καὶ πάντα ὅσα θεοὶ πόλεσιν ἔδουσαν ἀγαθὰ γιγνόμενα καθορῶ (Plat. Leg., IV, 715d). The soteriological function remained a constant mark of νόμος (cf. Ps.-Plat. Min., 314d; Aristot. Rhet., I, 4, p. 1360a, 19 f.; Dio Chrys. Or., 58, 1 [Budé]; Porphyry Marc., 25; Ep. Arist., 240; Just. Apol., I, 65, 1); ὁ νόμος βούλεται μὲν εὐεργετῆν βίον ἀνθρώπων, But only when one obeys law out of conviction τὴν ἰδίην ἀρετὴν ἐνδείκνυται (Democr. Fr., 248 [II, 194, 18 ff., Diels⁵]). Without νόμος men would inevitably lead a θρηϊον βίος (Plut. Col., 30, 1 [II, 1124d] on the basis of Plat. Leg., IX, 874e).

g. The death of Socrates in obedience to the law Plato regarded as the transition of norm and law from state institutions to the ψυχὴ of Socrates, i.e., to the spirit.

Within the human → ψυχὴ as it manifested itself to the Greeks with Socrates Plato seeks and finds, after the model of medicine, a → κόσμος and a → τάξις. Medicine obviously had no single term for the physical norm; it spoke of health, force, beauty, etc. But Plato has a single term for the κόσμος and τάξις of the soul: νόμος. Plat. Gorg., 504c: ἔμοι γὰρ δοκεῖ ταῖς μὲν τοῦ σώματος τάξεσιν ὄνομα εἶναι υγιεινόν, ἐξ οὗ ἐν αὐτῷ ἡ ὑγίεια γίγνεται καὶ ἡ ἄλλη ἀρετὴ τοῦ σώματος ... ταῖς δὲ τῆς ψυχῆς τάξεσιν καὶ κοσμήσειν νόμιμόν τε καὶ νόμος (cf. Plat. Crit., 53c), ὁδὸν καὶ νόμοι γίνονται καὶ κόσμοι· ταῦτα δ' ἔστιν δικαιοσύνη τε καὶ σωφροσύνη.²¹

Here is the basis of the Republic and the utopian legislation of the Νόμοι (cf. Leg., XII, 960d). Plato's new and inner νόμος is that whose τάξις is controlled by the norm of the ψυχὴ, i.e., δικαιοσύνη and σωφροσύνη.²² This law is newly begotten²³ in Plato from a generally valid principle, i.e., knowledge: νοῦ γέ

¹⁹ Cf. W. H. Roscher, *Philol.*, 59 (1900), 37 f.

²⁰ The Apollonian saying about following God by the way of law was taken up in M. Ant., 7, 31, though expounded in Stoic fashion: ἀκολούθησον θεῷ· ἐκεῖνος (Apollo) μὲν φησιν, ὅτι πάντα νομίστι ...

²¹ Cf. Plat. Phileb., 26b: καὶ ἄλλα δὴ μῦρα ἐπιλείπω λέγων, οἷον μεθ' ὑγιείας κόλλας καὶ λογόν, καὶ ἐν ψυχῇ αἰ πάμπολλα ἔτερα καὶ πάγκαλα ... ἡ θεὸς ... πέρας οὕτε ἡδονῶν οὐδὲν οὕτε πλησιμῶν ἔνδον ἐν αὐτοῖς, νόμον καὶ τάξιν πέρας ἔχοντων ἔθετο· καὶ οὐ μὲν ἀποκναισάται φησὶ αὐτήν, ἐγὼ δὲ τούναντιον ἀποσάσαι λέγω.

²² The converse may be seen in Plat. Leg., V, 728a/b: violation of the laws and contempt for them corrupt the soul.

²³ Cf. Plat. Symp., 209d: τίμιος δὲ παρ' ὑμῖν καὶ Σόλων διὰ τὴν τῶν νόμων γέννησιν. In his use of this image Plato stands in a worthy tradition. Sophocles speaks of the generation of the eternal νόμοι (τεκνοθέντες, Oed. Tyr., 865 ff.) and also of their life (ζῆ, Ant., 457). Their πατήρ is the Olympian, and no θνατὰ φύσις ἀνέρον has borne them (ἔτικτεν, Oed. Tyr., 869 f.). Children (παῖδες) is the word used in Plat. Symp., 209d for the laws which Lycurgus left, and the Νόμοι which appear to Socrates in prison appeal to their brethren in Hades (Plat. Crito, 54c). The τρέφεσθαι of the νόμοι in Heracl. (Fr., 114 [I, 176, 7 f., Diels⁵]) belongs to the same sphere of biological and organic understanding. The influence of Plato's phraseology may be seen when Joseph. (Ant., 4, 319), who never speaks elsewhere of a γεννῶν (→ I, 368) of God, says of the Jewish laws: νόμων οὖς αὐτὸς (sc. God) γεννήσας ἡμῖν ἔδωκεν.

ἔστι γεννηήματα (sc. νόμος and τέχνη) (Plat. Leg., X, 890d; cf. I, 645a/b; IV, 712a). What speaks forth from law is the spirit. In an etymological play on words in which an essential relation may be discerned Plato calls νόμος the τοῦ νοῦ διανομή (Leg., IV, 714a; cf. XII, 967c; II, 674b). In the coercive force of νόμος Aristot. sees embodied the dominion of νοῦς (Eth. Nic., X, 10, p. 1180a, 21: ὁ δὲ νόμος ἀναγκαστικὴν ἔχει δύναμιν, λόγος ὢν ἀπὸ τινοῦ φρονήσεως καὶ νοῦ). He who allows νοῦς to rule in the state constitutes as ruler τὸν θεόν καὶ τὸν νοῦν μόνους (Aristot. Pol., 3, 16, p. 1287a, 28 ff.). With this anchoring in the νοῦς the Greek concept of law again finds absolute validity in philosophical form. For it is herewith linked afresh to the divine world (cf. Plat. Leg., IV, 713a/e).

On the other hand, it is a revolutionary thought, which points to future Hellenism, when the same Plato states for the first time that the ideal is not the dominion of law, which is constantly and necessarily left behind by developments, but the rule of a righteous and kingly figure who possesses true knowledge (τὸ δ' ἄριστον οὐ τοῦ νόμου ἔστιν ἰσχύειν, ἀλλ' ἀνδρα τὸν μετὰ φρονήσεως βασιλικόν ... ὅτι νόμος οὐκ ἂν ποτε δύνατο τὸ τε ἄριστον καὶ τὸ δικαιοτάτον ἀκριβῶς πᾶσιν ἔμα περιλαβῶν τὸ βέλτιστον ἐπιτάττειν, Pol., 294a/b; cf. Plat. Leg., IX, 875c/d). In Aristotle too (Pol., 3, 13, p. 1284a, 3 ff.) the man who towers over all others by reason of his ἀρετή seems to be no longer bound to any law. Not only is he over law; he himself, ὡς περ θεός ἐν ἀνθρώποις (10 f.), is law both for himself and for others (κατὰ δὲ τῶν τοιοῦτων οὐκ ἔστι νόμος· αὐτοὶ γὰρ εἰσι νόμος, 13 f.; cf. Eth. Nic., IV, 14, p. 1128a, 32; Plat. Alex., 52 [I, 694 f.]).

3. νόμος in Hellenism.

a. This philosophical theory became a historical reality in Hellenism. Here νόμος no longer rules as king in the *polis*. The will and person of the βασιλεύς has itself become νόμος (ὁ δὲ νόμος βασιλεύς δόγμα, Dio Chrys. Or., 3, 43 [Budé]; cf. Anaxarch. in Plat. Alex., 52 [I, 694 f.] ὁ δὲ [sc. Alexander] ... ἀνθρώπων νόμον καὶ ψῆγον δεδουκώς, οἷς αὐτὸν προσήκει νόμον εἶναι καὶ ὄρον τῶν δικαίων). The divine king is the new divine source of νόμος, which is linked to him in a special way (αὐτῷ ... τὸν νόμον δὲ συνόντα δεῖ, Themist. Or., 9, p. 123a [Dindorf]; cf. Isoc. Demonax., 36; Isis Hymn of Andros, 4 f. [p. 15, Peek]) and which can sometimes be called expressly → βασιλικὸς νόμος (Ps.-Plat. Min., 317a/c; Ditt. Or., II, 483, 1 [Pergamon]; cf. I, 329, 14; Im. 2:8).²⁴ In keeping with his veneration as εἰκὼν ζωσα (Ditt. Or., I, 90, 3) and ζηλωτῆς τοῦ Διός (Muson., p. 37, 3 f. [Hense]) the king, or even the philosopher himself, is the visible manifestation of eternal law in the cosmos, the νόμος ἔμψυχος (Muson., p. 37, 2 ff.; Archytas Pyth. in Stob. Ecl., IV, 1, 135 [p. 82, 20 f., Hense]; Diotogenes Pyth. in Stob. Ecl., IV, 7, 61 [p. 263, 19 Hense]; Philo Vit. Mos., 2, 4).²⁵

b. In Stoicism, which regards law as a basic concept, the historically developed πολιτικὸς νόμος of the class. period is replaced by cosmic and universal law. The term νόμος no longer applies with any strictness to state laws.²⁶ These have sunk to the level of δόξαι ψευδεῖς: ὁ δὲ νοῦς τὸ τιμωτάτων ἐν ψυχῇ καὶ ἀρχικώτατον,

²⁴ Cf. Eus. De Laude Constantini, 3 (p. 201, 27) of Constantine: εἰς βασιλεύς καὶ ὁ τοῦτοῦ λόγος καὶ νόμος βασιλικὸς εἷς.

²⁵ Cf. E. R. Goodenough, "The Political Philosophy of Hellenistic Kingship," *Yale Class. Studies*, 1 (1928), 55 ff.

²⁶ The νόμος of the *polis* is now simply a comparison. What law is in the state God is for the world, cf. Ps.-Aristot. Mund., 6, p. 400b, 7 ff. (cf. Epict. Diss., I, 12, 7 etc.).

καθόπερ ἐν πόλει νόμος, οὐκ ἐπ' ἀξόνων (axle); then the wooden tablets of law in Athens which were turned on an axle) γεγραμμένους, ... οὐδ' ὑπὸ Σόλωνος ἢ Λυκούργου τεθείς· ἀλλὰ θεὸς μὲν ὁ νομοθέτης, ἀγραφοὺς δὲ ὁ νόμος ... Καὶ μόνος ἂν εἴη οὗτος νόμος· οἱ δὲ ἄλλως, οἱ καλοῦμενοι, δόξα μιν ψευδεῖς ... κατ' ἐκείνους τοὺς νόμους κατ' Ἀριστείδης ἔφρασε ... καὶ Σωκράτης ἀπέθρησκεν, κατὰ δὲ τὸν θεῖον τοῦτον νόμον κατ' Ἀριστείδης δίκαιος ἦν ... καὶ Σωκράτης φιλόσοφος, ἐκείνων τῶν νόμων ἔργον δημοκρατία καὶ δικαιοσύνη ... τούτου τοῦ νόμου ἔργον ἐλευθερία καὶ ἀρετή ... ὑπ' ἐκείνων τῶν νόμων ... ἐκπέμπονται ... οἱ στόλοι ... πολεμεῖται θάλαττα ... ὅπ' οὗτων τῶν νόμων ... εὐνομεῖται πόλις, εἰρήνην ἀγει γῆ καὶ θάλαττα ... ὁ νόμος νόμων προεβύτεροι ... οἷς ὁ μὲν ἕκὼν ὑπορρίπτει ἑαυτὸν, ἐλεύθερος ... καὶ ἀδείης ἐφημέρων νόμων (Max. Tyr., 6, 5 [Hobein]). The individual of the Hell. world can now seek and find the one true and divine νόμος only in the cosmos (cf. Plat. De Exilio, 5 [II, 601b]). For him the world is the state. Here there reigns a single law (ἡ μὲν γὰρ μεγαλόπολις ὅδε ὁ κόσμος ἔστι καὶ μὴ ἄρα χρεῖται πολιτεία καὶ νόμῳ ἐνί, Chrysipp. Fr., 323 [III, 79, 38 f., v. Arnim]; Plat. Alex. Fort. Virt., 1, 6 [II, 329a]; Philo Op. Mund., 143) which, being the foundation of all society, binds even men and gods together (Chrysipp. Fr., 335 [III, 82, 18, v. Arnim]). As general and supreme reason (νόμος εἷς, λόγος κοινὸς πάντων τῶν νοερῶν ζώων, M. Ant., 7, 9) this permeates all nature and determines the moral conduct of men (Chrysipp. Fr., 314 [III, 77, 34 ff., v. Arnim]). The spiritually ultimate basis in the religious sphere, whether νόμος be directly equated with θεός (II, 315, 23, v. Arnim) or deity equated with the unmoved²⁷ but all-moving law of the cosmos (νόμος μὲν γὰρ ἡμῖν ἰσοκλιηθῆς ὁ θεός, Ps.-Aristot. Mund., 6, p. 400b, 28 ff.). Adjustment is made to popular religion by giving the name of Zeus to this cosmic νόμος (ὁ νόμος ὁ κοινός, ὡς περ ἔστιν ὁ ὀρθὸς λόγος, διὰ πάντων ἐρχόμενος, ὁ αὐτὸς ὢν τῷ Διὶ καθηγμένονι τούτῳ τῆς τῶν ὄντων διοικήσεως ὄντι, Zeno Fr., 162 [I, 43, v. Arnim = Diog. L., 7, 88]). In the Cleanthes hymn too (Fr., 537 [I, 121 ff., v. Arnim]) all-powerful Zeus controls the world by νόμος on the one side, but on the other, in the final verses, he is identified with the cosmic order whose magnifying is the supreme code for both men and gods (v. 38 f. [I, 123, 4 f., v. Arnim]). Only the κακοὶ ... οὐτ' ἐσορῶσι²⁸ θεοῦ κοινὸν νόμον, οὗτε κλύουσιν, ᾧ κεν πειθόμενοι σὺν νόῳ (cf. Heracl. Fr., 114) βίον ἐσθλὸν ἔχοιεν (v. 24 f. [I, 122, 20 f., v. Arnim]).

In the strength of the indwelling νοῦς or λόγος man must decide for νόμος and a life commensurate with it (ὁ γὰρ λόγος τοῦ φιλοσόφου νόμος σὺθαίτερος καὶ ἰδὸς ἔστιν, Plat. Stoic. Rep., 1 [II, 1033b]). But in so doing he does not obey an absolute demand which comes from without or from another world. He comes to himself and achieves his freedom (ὄσοι δὲ μετὰ νόμου ζῶσιν ἐλεύθεροι, Chrysipp. Fr., 360 [III, 87, 43 f., v. Arnim], cf. Max. Tyr., 33, 5; M. Ant., 10, 25). To fulfil the law, then, is no basic impossibility. It is that whereto the efforts and destiny of man are directed by nature. Thus the νόμος τῆς φύσεως καὶ τοῦ θεοῦ or the θεῖος νόμος which Epictet. proclaims (Diss., I, 29, 13/19) is in content simply the moral law of philosophy:²⁹ τῆς δ' ὁ νόμος ὁ θεῖος; τὰ ἴδια τηρεῖν, τῶν ἄλλοτριῶν μὴ ἀντιποιεῖσθαι, ἀλλὰ διδομένους μὲν χρῆσθαι, μὴ δίδόμενα δὲ μὴ ποθεῖν, ἀφαιρουμένου δὲ τινοῦ ἀποδιδόναι εὐλύτως καὶ αὐτόθεν (by easy and immediate release), χάριτι εἰδόντα οὐ ἐχρήσατο χρόνου (Diss., II, 16, 28, cf. I, 29, 4). These are for Epictetus οἱ ἐκείθεν ἀπεσταλάμενοι νόμοι (Diss., IV, 3, 11/12) which alone can lead to a happy life. When

²⁷ On the unalterability of law (ἀκρίντος νόμος) cf. Plat. Leg., XII, 960d; Ps.-Plat. Min., 321b; Max. Tyr., 11, 12; Plat. Vit. Lycurg., 29 (I, 57d); Philo Op. Mund., 61; → M. Mühl, 88 ff.

²⁸ It is in keeping with the logical structure of this νόμος that one sees and perceives rather than hears it (cf. Dio Chrys. Or., 63, 5 [v. Arnim]): νόμον δὲ τὸν ἀληθῆ καὶ κώριον καὶ φανερόν ὅστε ὄρωσιν ὅστε ἠγεμόνα ποιούνται τοῦ βίου).

²⁹ Cf. A. Bonhoeffer, "Epiktet u. d. NT," RVV, 10 (1911), 154 f.

the philosopher voluntarily follows them he is ἐλεύθερος... and φιλος θεοῦ (IV, 3, 9). For in so doing he follows God.³⁰ This happens, for instance, when to the saying in Plat. *Aud.*, I (II, 37d): τούτων ἐστὶν τὸ ἐπιθεσθαι θεῷ καὶ τὸ πειθεσθαι λόγῳ, is added Plat. *Ad Principem Ineruditum*, 3, 1 (II, 780c): ὁ νόμος ὁ πάντων βασιλεὺς θνατῶν τε καὶ ἀθανάτων" ὡς ἐφη Πίνδαρος, οὐκ ἐν βιβλίοις ἔξω γεγραμμένος οὐδέ τις ξύλοις, ἀλλ' ἔμψυχος ὢν ἐν αὐτῷ λόγῳ, δεῖ συνοικῶν καὶ παραφιλᾶσθαι καὶ μηδέποτε τὴν ψυχὴν ἕων ἔρημον ἠγεμονίας.

Along with its cosmic extension νόμος thus undergoes on the other side very strong interiorisation. It is now written on the inward parts of man, on the soul (Max. Tyr., 27, 6).³¹ Hence *M. Ant.*, X, 13, 2 can list it with πίστις, αἰδώς, ἀλήθεια, ἀγαθὸς δαίμων as one of the most valuable constituents of man's being.

c. Neo-Platonism added no new features to the Gk. concept of law. In it different basic motifs replaced the constitutive Platonic and Stoic view of this matter. For Plotin. νόμος has only a subordinate role in ethics and the doctrine of the soul. A happy life cannot be allotted to those who have not done what makes them worthy of happiness, Plot. *Enn.*, III, 2, 4. This is the aim of οἱ ἐν τῷ παντὶ νόμοι, III, 2, 8. Plot. sees here the operation of the divine world which keeps man in being by the νόμος of providence, III, 2, 9. Accusation is made against Gnostic teaching that with the divine πρόνοια it undervalues also the legal order of this world (πάντας νόμους τοὺς ἐνταῦθα) and makes a mockery of ἀρετῆ, II, 9, 15. For all wrong is punished, and nothing can evade what is laid down ἐν τῷ παντὶ νόμῳ, III, 2, 4.³² The same applies to all embodiments of the soul.³³ ἀναπόδραστος γὰρ ὁ θεῖος νόμος ὅμοιο ἔχων ἐν ἑαυτῷ τὸ ποιῆσαι τὸ κρῖθην ἤδη, IV, 3, 24. The Neo-Platonic thinker Porphyrios (*Ad Marc.*, 25/27) developed an express doctrine of νόμος in three stages: τρεῖς δὲ νόμοι διακεκριθῶσαν οἶδε: εἰς μὲν ὁ τοῦ θεοῦ, ἕτερος δὲ ὁ τῆς θνητῆς φύσεως, τρίτος δὲ ὁ θετός κατ' ἔθνη καὶ πόλεις... ὁ δ' αὖ θεῖος (sc. νόμος) ὑπὸ μὲν τοῦ νοῦ σωτηρίας ἕνεκα τὰς λογικὰς ψυχὰς... διατάχθη, δι' ἀληθείας δὲ τῶν... πεπραγμένων εὐρίσκειται (25)... ἀγνωστέρα μὲν ψυχῇ δι' ἀφροσύνην καὶ ἀκολλασάν ἀκαθάρατον, ἐκλάμπει δὲ δι' ἀπαθείας καὶ φρονήσεως (26).

d. Late antiquity follows for the most part Orphic Platonic views of νόμος, esp. Plat. *Leg.*, IV, 716a = Orph. *Fr.*, 21 (Kern); *Gorg.*, 523a; *Phaedr.*, 248c; *Tim.*, 41e etc.; but it interprets these in terms of cosmic theology: τὸν δὲ δὴ Νόμον τοῦτον ὅτι θεὸν ἠγεσθαι δεῖ συνοχεῖα τῶν τε εἰμαρμένων νόμων, οὗς ὁ ἐν Τιμαίῳ δημιουργὸς ἐγγράσει τὰς ψυχὰς, καὶ τὸν εἰς πᾶσαν τὴν τοῦ κόσμου πολιτείαν διατεινόντων, ἠκούσαμεν πολὺακίς τῶν τε θεολόγων αὐτῶν ἐξυμνουμένων καὶ τοῦ Πλάτωνος ἐν τε *Γοργίᾳ* καὶ ἐν *Νόμοις*... οἱ μὲν ἀληθεῖς νόμοι τῶν κοσμικῶν εἰσι νόμων εἰκόνες, οἱ δὲ ἡμαρτημένοι νόμοι μὲν, ἀλλ' ἔσκιασγραφήμενοι τινὲς ὄντες ἀποπτώσεως ἐκείνων ὑπάρχουσι, *Procl.* in *Rem Publ.*, II, 307, 20 ff. (Kroll). cf. in *Tim.*, I, 203, 28 f. Along with a creative Νόμος, which is God and πάρεδρος τοῦ Διός (Orph. *Fr.*, 160 [Kern]) ~ πρὸ γὰρ τῶν ἐγκοσμίων ἐστὶν ὁ δημιουργικὸς νόμος τῷ Διὶ πάρεδρεύων καὶ συνδιακοσμῶν αὐτῷ πᾶσαν τὴν ἐν τῷ παντὶ προμηθεῖαν, *Procl.* in *Tim.*, I, 156, 9 ff., cf. Orph. *Fr.*, 159 (Kern) ~ there is a richly integrated system of cosmic νόμοι (*Procl.* in *Tim.*, I, 136, 13 ff.; 397, 22 ff.) which find

³⁰ In *Muson.*, p. 86, 19 ff., Hense, the ideal of the Stoic sage is the law of Zeus: ἀγαθὸν (i.e., φιλόσοφον) εἶναι κελεύει τὸν ἀνθρώπον ὁ νόμος ὁ τοῦ Διός.

³¹ Cf. *Jul. Or.*, 7, p. 209: νόμοι ἐκ τῶν θεῶν ἤμιν ὡσπερ ἐγγραφεῖτες τὰς ψυχὰς (cf. *Pl. R.* 2:15); cf. *Plot. Enn.*, V, 3, 4; *Procl.* in *Rem Publ.*, II, 307, 7 ff. (Kroll).

³² Plotin., links with this the significant assertion: ἐστὶ δὲ οὐ διὰ τὴν ἀταξίαν τάξις οὐδὲ διὰ τὴν ἀνομίαν νόμος, ὡς τις οἶεται, ἵνα γένοιτο ἐκεῖνα διὰ τὰ χεῖρω καὶ ἵνα φαίνοντο... καὶ ὅτι τάξις ἀταξία καὶ διὰ τὸν νόμον καὶ τὸν λόγον, καὶ ὅτι λόγος παρανομία.

³³ Cf. *Plat. Phaedr.*, 248c; *Tim.*, 41e; in *Herm. writings*, cf. *Stob. Ecl.*, I, 49, 49 (p. 418, 6 Hense); I, 49, 69 (p. 463, 23, Hense).

their comprehensive unity in *Adrasteia*: ἡ πάντων ὁμοῦ τῶν νόμων τῶν τε ἐγκοσμίων καὶ ὑπερκοσμίων, τῶν τε εἰμαρμένων καὶ Διῶν (εἰσι γὰρ καὶ Δίῳι νόμοι καὶ Κρόνῳ, θεοὶ τε καὶ ὑπερκόσμοι καὶ ἐγκόσμοι) ἡ πάντων τούτων τὰ μέτρα ἑνάτως ἐν ἑαυτῇ συλλαβούσα καὶ συνέχουσα. αὐτῇ ἐστὶν ἡ θεός 'Αδράστεια (Hermias in *Plat. Phaedr.*, 248c [p. 161, 15 ff., *Couv.*] = *Orph. Fr.*, 105 [Kern]).

4. The Greek Concept of νόμος and the New Testament.

As distinct from the law which comes by revelation the νόμος of the Greeks proceeds from the spirit (νοῦς). Hence genuine law is no mere imperative. It is that wherein a being, or something of intrinsic validity, is discovered and apprehended: ὁ νόμος ἄρα βούλεται τοῦ ὄντος εἶναι ἐξέυρεσις (*Ps.-Plat. Min.*, 315a, cf. *Plat. Polit.*, 300c/e). It is "the ancient, valid and effective order which does not merely issue orders but creates order, which does not merely command, require or prohibit but rules, which evokes as it were its own fulfilment, and which upholds itself, or is upheld, in face of non-fulfilment," *Cr.-Kö.*, 749, 34. In this its essential nature νόμος has something in common with the Greek gods.³⁴ Only thus can one explain the command: δεῖ δὲ καὶ τοὺς νόμους τῆς πατριδος καθάπερ τινὰς θεοὺς δευτέρους συντηρεῖν (Hierocles *Stoicus* in *Stob. Ecl.*, III, 39, 36 [p. 733, 10 f.]). Like the gods, νόμος has supreme and terrible power over all who seek to evade it. Like them, however, it is also encircled by supreme ideality, for it is the only → σωτηρία (→ 1031) for those who are obedient to it (οὐ γὰρ κρείσσον ποτε τῶν νόμων γινώσκειν χρῆ καὶ μελετᾶν, κοῦφα γὰρ δοπιάνα (not much exertion is required) νομίζειν ἰσθῶν τὸδ' ἔχειν, ὁ τι ποτ' ἄρα τὸ δαμιόνιον, τὸ τ' ἐν χρόνῳ μακρῷ νόμιμον αἰὶ φύσει τε πεφυκόσ, Eur. *Ba.*, 890 ff.). It is only natural that the νόμος both of the *polis* and the cosmos should thus be presented continually as God: ὁ γὰρ θεός μέγιστος ἀνθρώπων νόμος (*TGF Fr. adesp.*, 471, cf. *Plat. Ep.*, 8, 354e; *Pind. Fr.*, 169; *Aristot. Pol.*, 3, 16, p. 1287a, 28 ff.; *Procl.* in *Rem Publ.*, II, 307, 20 [Kroll]; *Philodem. Philos. Pietat.*, 11 [II, 315, 23, v. *Armim.*] or mythico-theologically as Zeus: ὁ μὲν Ζεὺς... αὐτός... νόμων... προσβύτατος καὶ τελειότατος (*Plut. Ad Principem Ineruditum*, 4, 2 [II, 781b], cf. *Zeno Fr.*, 162 [I, 43, v. *Armim.*] = *Diog. L.*, 7, 88; → 1024 f.).

With its understanding of the concept of law the Greek world missed the true meaning of law from the NT standpoint. For, to the Greek, law is never that which, rightly understood, crushes him and reduces him to despair by making him aware that he cannot keep it.³⁵ On the contrary, because it no longer has an objective historical νόμος, and philosophy can no longer supply this, later antiquity despairs of law.³⁷

Kleinkecht

³⁴ Cf. *Xenoph. Mem.*, IV, 4, 24: τὸ γὰρ τοὺς νόμους αὐτοὺς τοὺς παραβαίνουσι τὰς τιμωρίας ἔχειν βελτίονος ἢ κατ' ἀνθρώπων νομοθέτου δοκεῖ μοι εἶναι (cf. *Plat. Leg.* IV, 716a; *Plot. Enn.*, IV, 3, 13/24).

³⁵ There is often explicit comparison, e.g., *Aristot. Pol.*, 3, 13, p. 1284a, 10; *Ps.-Aristot. Mund.*, 6, p. 400b, 7 ff.

³⁶ No Gk. could speak of the νόμος τῆς ἀμετρίας as Pl. does in *R.* 7:23 (cf. I C. 15:56). For him the law could not be one of the causes of transgression (ὅστε νόμος τοῦ παρανομεῖν παραίτιος γένοιτο ἂν ὅστε οἱ θεοὶ τοῦ ἀσεβεῖν, *Chrysipp. Fr.*, 1125 [II, 326, 35, v. *Armim.*]).

³⁷ Cf. the pious wish of *Celsus* in *Orig. Cels.*, 8, 72: εἰ γὰρ δὴ οἶδόν τε εἰς ἕνα συμφρονῆσαι νόμον τοὺς τὴν Ἄσταν καὶ Εὐρώπην καὶ Ἀθήνην Ἑλληνας τε καὶ βαρ-

B. The Law in the Old Testament.

1. The Law in Ancient Israel.

Within the total body of legal writing in the OT, literary and form criticism has enabled us to discern the oldest corpora at least to the point of making clear the essential and distinctive features of the Law of ancient Israel.³⁸ Such corpora are to be found esp. in the five-unit sayings (originally 12) concluding with *וַיִּקַּח*,³⁹ the four-unit sayings (originally 12) beginning with *וַיִּקַּח*,⁴⁰ and the historically more solidly grounded Decalogue,⁴¹ which has certainly surrendered formal symmetry for the sake of content, but for this very reason brings out the more sharply the essential features of this ancient legislation.

The historical locus of these laws was the act which regularly took place in the central sanctuary⁴² in renewal and recollection of the covenant between Yahweh and Israel. As regards their origin we are referred to Sinai and what took place there, though it is hard to elucidate this in detail.⁴³

What we have said about the probable locus of these laws in the period of the judges corresponds to, and is illuminated by, the theological setting of these laws in Israel's belief in God. The laws have their place in the doctrine of the covenant.⁴⁴ Yahweh has chosen Israel as His people, and Israel has acknowledged Yahweh as its God. This fundamental OT principle⁴⁵ is the direct basis of these laws. They express the claim of Yahweh to dominion over the whole life of this people which belongs to Him in virtue of His election. The first commandment of the Decalogue expresses this with full clarity.

The laws are not regarded, then, as a fair adjustment of human interests which is then divinely sanctioned. Nor is their observance the achievement which Israel presents to its God in gratitude for the covenant and election. In particular, it is not the achievement which establishes the divine relationship. The laws are in the strictest sense the requirements of the God to whom Israel belongs because He has revealed Himself in the exodus from Egypt and because in all future wars He will show Himself to be the God of this people. Thus the motive for keeping this Law is simply that of obedience in so far as there is any conscious reflection on the question of motivation.

βάρους ἄχρι περὶ πέρτων νενεμημένους. The νόμος of Christ (Just. Dial., 11: αὐτὸν τὸν νόμον καὶ τελευτήτος ὁ Χριστὸς ἔδωκεν) has dissolved both the national νόμος of antiquity and also the Stoic ideal of a single, all-embracing νόμος. Cf. E. Peterson, *Der Monotheismus also politisches Problem* (1935), 62 f.

³⁸ Cf. on what follows esp. Alt, *Die Ursprünge d. isr. Rechts*, 33 ff.

³⁹ Ex. 21:12, 15-17; 22:18 f.; 31:14 f.; Lv. 20:2, 9-16, 27; 24:16; 27:29. In part the original sayings can be reconstituted only by reconstruction. cf. Alt, 45 f.

⁴⁰ Dt. 27:15-26 with minor emendations.

⁴¹ Ex. 20:2 ff.; Dt. 5:6 ff. On the question of the original form cf. L. Köhler, "Der Dekalog," *ThR* (1929), 161 ff.

⁴² Cf. M. Noth, *Das System d. 12 Stämme Israels* (1930). Perhaps the focal object of the cult was the ark in which the laws of the covenant were kept. Cf. P. Volz, *Mose und sein Werk*² (1932), 100 ff.; Galling in RGG³, III, 1449 f.

⁴³ Though those who pronounced these laws were presumably priests (Dt. 31:11; 33:10), tradition pts. to Moses, who was not a priest, as the author of the Ten Commandments. No cogent reason can be advanced against this. Cf. Volz, 20 ff.; Köhler, 178 ff., 184.

⁴⁴ W. Eichrodt, *Theol. d. AT*, 1² (1939), 26 ff.; Volz, 73 f. It may be admitted that the thought of election was not present in the later theological form.

⁴⁵ As against L. Köhler, *Theol. d. AT* (1936), 12.

In detail, the nature of the law is in keeping with this.

a. Its demand is unconditional.

This may be seen in the style of the series of laws, in their harsh severity, in their uncompromising formulation, which weighs the act as such and not the background or special circumstances. It may be seen also in the threatened punishment, which can only be death, i.e., extirpation from the people of God, or the curse, which abandons the culprit to divine destruction when the act is one which cannot be brought to human judgment. It may be seen even more clearly in the fact that this law can be formulated with no mention of punishment for violation and it can take, not the common imperative or jussive form, but that of a simple indicative: "Thou shalt not kill."⁴⁶

b. The form of the commands (or prohibitions) is negative.

Here is fresh confirmation that the theological setting of this Law is the covenant of election. There is not commanded what establishes the relation to Yahweh, but prohibited what destroys it.

c. This does not exclude the persuasive aspect of the commandments.

This may be seen in the way in which the proclamation of the Law seeks to make an impression on the will of the hearer and to make transgression inwardly impossible by recollection of Yahweh's acts. This aspect does not consist, however, in the promise of a reward, for, since the covenant precedes the prohibition, the only reward can be perseverance in this positive relation to Yahweh.⁴⁷ For this reason there is reference to punishment for violation but not to any special reward for fulfilment.

d. Moreover, for all its brevity this Law is comprehensive.

Not merely the cultus but the whole of life stands under this Law. The claim of this God to dominion leaves no neutral zone. Yet developed casuistry is not of the essence of these laws, though more precise catalogues became necessary in the course of time, to some degree as more detailed rulings on the basic prohibitions.⁴⁸

e. Finally, it belongs to the very essence of these laws that they should be addressed to all Israel.

The individual is treated as a member of the people, and the neighbour to whom the Law refers is a compatriot. Similarly, punishment in cases of infringement is a matter for the whole body. Stoning as the prescribed mode of execution allows all to participate (Dt. 13:9 f.), and when a murder is not cleared up the nearest community is under obligation to make atonement (Dt. 21:1 ff.).

To say all this is to indicate already the aim of the Law. It is designed to bind the people and the individual to Yahweh. Hence the commandment: "Thou shalt have no other gods before me." Hence the separation from all magic and sorcery.⁴⁹ But linked with this is also the fashioning of the people as the people of God, and the exclusion of deeds which disrupt the relationship of the members one to another, and which threaten the life of the whole. It should be emphasised, however, that the validity of the commandment does not reside in its social utility, but in the underlying will of the covenant God. Hence the Law seeks to regulate the relation of the covenant people and the individual to the covenant God and to the member of the people belonging to this God, to regulate it on the basis of

⁴⁶ On this whole matter cf. Alt, 37 ff.; Volz, 26.

⁴⁷ E.g., the (perhaps secondary) promise along with the commandment to honour father and mother.

⁴⁸ For details cf. Alt, 49 ff.

⁴⁹ Cf. Volz, 27 ff., 40 ff.

the election of this people by this God, and by the avoidance of things which might destroy or disrupt the relation.⁵⁰

2. The Understanding of the Law in the Older Historical Books.

To the understanding of the Law expressed in the ancient corpora corresponds the interpretation of Israel's history in the so-called J and E source, more particularly as regards the position here assigned to the Law. Though J and E end only with the fulfilment of the promise that Israel should possess the land of Palestine,⁵¹ the climax in both is the giving of the Law. The way is prepared for this by viewing the preceding history from the standpoint of the totally unmerited election of Israel from among the nations. In this respect it is energetically maintained that there are no grounds of election in the people as such.⁵² The history of the gracious dealings of God with a people which is often refractory reaches its climax in the fact that Yahweh reveals Himself to the whole people, constituting Himself its God and the people His people, Ex. 19. This gives the Law its significance as the divine gift which will show the people what conduct accords with its position as God's own people, or what conduct undermines it. The Law is thus a demonstration of grace inasmuch as it shows how the people lives before God because it lives by Him. Because "the redeeming God gives the Law," "obedience is made a proof of faith."⁵³

In content the Law adopted in the history books is that of the ancient corpora and then esp. the Book of the Covenant.⁵⁴ This contains, along with the earliest Israelite material, the practical law of the pre-Israelite population of Palestine. Its main thrust is the seizure and impregnation of the adopted legislation by belief in Yahweh.⁵⁵ An essential pt. is that there is no conscious distinction between law and morality.⁵⁶ The validity of the laws is primarily based on the fact that they are divinely posited, not on their immanent goodness or utility. Naturally God demands what is good, but it is to be done because God demands it.

The Law also includes divine ordinances regulating the cultus. These are understood as statutes by which Yahweh orders the worship to be offered to Him (Ex. 20:24b).⁵⁷ Once again it is not man who decides what form the worship of God should take as though it were a free achievement of his own. The only legitimate worship is that which is based upon, and which consists in recognition of, the fact that God has revealed Himself to the people. The cultic law as these writers recount it may be fragmentary and primitive, but it is perfectly clear that the cultus is basically understood as the gracious divine ordinance by which the people is told how it can and should worship its holy God. But to say this is also to say that law and cultus cannot be differentiated in the understanding of the Law in J and E.

Of a piece with this is the ancient practice of priestly legislation in the narrower

⁵⁰ Cf. the rousing of a national conscience (Ju. 19 f.), Noth, 100 ff., Volz, 500.

⁵¹ Cf. H. Holzinger, *Einführung in d. Hexateuch* (1893), 71 ff.

⁵² No natural grounds (cf. Ishmael and Esau) nor moral (Jacob, the wilderness journey).
⁵³ A. Schlatter, *Einführung in d. Bibel*⁴ (1923), 15.

⁵⁴ The Book of the Covenant (Ex. 21-23) derives from the pre-monarchy Palestinian period, but was for a long time the basis of law. Cf. Procksch, 231 f.; A. Jepsen, *Unter-suchungen zum Bundesbuch* (1927), 96 ff.; Alt, 18, 25 ff.

⁵⁵ Eichrodt, I, 28 ff.; Jepsen, 100 ff.

⁵⁶ To view this as fatal (cf. Jepsen, 102 ff.) is to adopt a modern standpoint of dubious objectivity or relevance. The equation of law and morality derives from the whole concept of God in the OT.

⁵⁷ Cf. the transl. in Kautzsch⁴. The text is not wholly clear.

sense, and the understanding of the Law implicit therein. The essential content of specific priestly direction is the definition of clean and unclean. The main point, however, is that this instruction on what is clean and unclean is given on the commission and as the commandment of Yahweh. The question is, not what has the best effect on the deity, but what does Yahweh Himself declare to be the worship which may be appropriately offered by His people. Nor is the task of the priest confined to differentiating between clean and unclean. At national assemblies he must also declare the Law which has been handed down, and he must keep it safe in the sanctuary. He is also needed when in difficult cases the legal community approaches the sanctuary for the judgment of God,⁵⁸ though this does not mean that the priest discharges a true judicial function. It would be in keeping with this relation between priests and the Law to seek the development of the Book of the Covenant in priestly circles.⁵⁹

All law is the will of Yahweh. It rests on the fact that in history God has given Himself to be the God of this people, and would see this people live as His possession. Since the relation of Yahweh to His people is historical, this understanding of the Law is in no way contradicted if the Law itself arises in the course of history. It is still the Law of God. This finds expression in the fact that all valid law is linked with the revelation of God at Sinai. Hence this is more of a theological than a historical judgment.

3. The Attitude of the Prophets towards the Law.

Prophetic preaching rests on a new encounter with God and on the breaking of this divine reality into the pious, yet ungodly activity of the people. Not a new idea of God, but a new encounter with God, is the essence and basis of prophetic preaching.⁶⁰ This enables us to understand the attitude of the prophets towards the Law. They do not think that they have to tell the people what God requires for the first time. Their preaching of repentance presupposes that man has been told already what is good, and what the Lord his God requires of him (Mi. 6:8). The prophets often formulate the divine will in a new way. They often bring out new features. But they neither have nor do they seek to arouse the sense of posing a hitherto unknown demand. Indeed, prophetic preaching recognises not merely the Law but also its basis. Israel is the divinely chosen people (Am. 2:9; 3:2; Is. 1:2; Hos. 8:13 f.). Violation of the Law is apostasy from Yahweh (Is. 1:27 f.). The prophets always condemn infringements of the commandments (Am. 5:7, 10 ff.; Hos. 5:10; 4:2; Jer. 7:9). Hos. 8:12 expressly presupposes a written law.

Nevertheless, direct ref. to formulated law, e.g., the Decalogue or Book of the Covenant, is comparatively rare (Hos. 4:2; Jer. 7:9). Even when it occurs, it carries no special emphasis. In view of what has been said, this cannot be explained in terms of either ignorance or rejection of the commandments. Hence the explanation may be sought only (1) in a specific prophetic insight into the nature of the Law and (2) in the different aim of prophetic preaching.

As regards the first pt. the prophets were confronted by the fact that appeal to the Law and its letter could be accompanied by the refusal of true obedience and a real lack of love for one's neighbours⁶¹ (Am. 2:6; 8:4 ff.; Jer. 8:8). They thus radicalise the Law, as when Am. simply says: "Hate the evil, and love the good" (5:15). This does not mean that they abandon a narrower standpoint for one which is "purely moral."⁶² It means that they resist attempts to introduce disobedience through gaps in the fence of

⁵⁸ L. Köhler, *D. hbr. Rechtsgemeinde* (Rectoral Address at Zürich, 1931), 13 ff.

⁵⁹ Procksch, 230; Jepsen, 99 f.

⁶⁰ On what follows cf. Eichrodt, I, 185 ff.; K. Marti, *Gesch. d. isr. Religion*⁵ (1907), 184 ff.

⁶¹ Eichrodt, 198 f.; Marti, 184 ff.

⁶² Marti, 189: The good in a general human, international, purely moral sense, as that which is always and everywhere to be regarded as good.

the positive law which is outwardly respected (cf. Hos. 6:6; Mi. 6:8). This radicalising is thus at the same time an interiorising and unifying which coincides with the true purpose of the ancient Law, e.g., the Decalogue. Because the Law is not designed to hamper total obedience to the God who meets His people and the individual in living and directly menacing encounter, the Law is not quoted or used explicitly, though it is recognised to be an institution appointed by Yahweh.

This leads us to the second pt. In face of their direct encounter with God, and in face of the situation of the people as viewed from this standpoint, the prophets could no longer expect salvation from a legal order of life, esp. when Yahweh's will was now understood in this radical fashion. A new possibility arises for Israel only in the free, miraculous and creative act of God for which the prophets look, and it is "only where a new national existence is envisaged beyond the destruction of what has obtained thus far, (that) the divine imperatives, too, acquire a greater stringency." ⁶³ After judgment and restoration Jerusalem will be called the city of right (Is. 1:26); the Gentiles will come to the new Zion to receive $\eta\eta\eta$ (Is. 2:3). The prophetic attitude towards the Law, with its simultaneous affirmation and (tacit) criticism and abolition, can be understood only in terms of direct apprehension by the holiness of God.

Only on this basis, too, can one understand the attitude of the prophets towards the worship of God in the narrower sense of the cultus. ⁶⁴ As the prophets find it, the cultus serves to gloss over disobedience and to manipulate God. Because injustice and lovelessness are combined with this worship, and even justified thereby, the prophets engage in conflict with it (Jer. 7:11; Hos. 4:6; Zeph. 3:4b; Jer. 2:8). Many prophetic sayings seem to go even further and to involve a total rejection of the cultus ⁶⁵ as something which God has not commanded (Am. 5:25; Is. 1:12; Jer. 7:22). They presumably concluded that the worship of the day was beyond remedy. In essence, however, prophetic criticism is not advocating non-cultic worship. The criticism can be properly understood only in terms of a recognition of the unbridgeable cleft between the God who calls His people to account and the supposed veneration of God in worship as the prophets knew it.

4. The Deuteronomic Understanding of the Law.

Dt. contains a definite view of the Law of Yahweh which in the original form of the book ⁶⁶ is consistently worked out on the basis and in development of ancient legal material. The distinctive feature of this view is the urgency with which the requirement is grounded in the act by which God made Israel His people, $\eta\eta\eta$ $\eta\eta$. No less strongly than J and E, D emphasises that the religious and national existence of the people of Israel rests solely and simply in the covenant sworn to the fathers (4:32 ff.; 7:8, 12 ff.; 9:5 etc.). Hence one of the main tasks of the Law is to safeguard the one link between Israel and this God. This explains the passionate battle against the $\eta\eta\eta$ $\eta\eta\eta$ and the fight for the one sanctuary of the one God, 13:7 ff. Another distinctive feature of the Dt. Law is the great earnestness with which it seeks to impart the blessing of the relation with God to the individual member of the people. In D, too, the destiny of the individual is closely linked with that of the whole people. But very strong emphasis is now laid on the just allotment of duties and especially rights to all members of God's people, so that none shall be deprived of God's blessing in this life.

⁶³ Eichrodt, 190.

⁶⁴ On what follows cf. esp. Eichrodt, 193 ff.; E. Kautzsch, *Bibl. Theol. d. AT* (1911), 233 ff.

⁶⁵ Cf. P. Volz, "Die radikale Ablehnung der Kultreligion durch d. altlichen Propheten," *ZSTh* (1937), 63 ff.

⁶⁶ Cf. esp. the parts in which there is address in the sing. On this pt., and the whole section, cf. esp. G. v. Rad, *Das Gottesvolk im Dt.* (1929).

In the light of these general characteristics we may now understand the special features of the Dt. Law in detail.

a. In Dt., too, proclamation of the Law is preaching. It is not a neutral enumeration of legal norms. It is exhortation ⁶⁷ which seeks to encourage cheerful fulfilment in gratitude for God's action. This is implied already in the whole concern of the book. The people is not confronted by a mere code of law. It is set before the living God Himself, who will not let Himself be concealed behind His Law. All instruction concerning the Law is in the first instance instruction concerning God's action. ⁶⁸ The Law gives this history contemporary force. In keeping with this is the tendency towards inwardness manifested in the frequent expression $\eta\eta\eta$ $\eta\eta\eta$ $\eta\eta\eta$ (6:5; 10:12; 26:16 etc.) or in the demand for a close relation to Yahweh (10:20; 30:20). What is to be attained is not just external legality. Inward love of God must be the root of all concrete action.

b. This Law seeks to encompass every field of life, though its main interest is ethical rather than ritual. ⁶⁹ While comprehensive, however, it does not attempt a casuistic regulation of life. It simply indicates the general direction (cf. the relative lack of concern for absolute correctness in the cultic legislation).

c. Dt. has a central interest in the relation to the neighbour, esp. the compatriot. ⁷⁰ The starting-point is the right ordering of God's people, not humanity. The neighbour is no mere object for my fulfilment of the Law; he is truly present as a brother. The word $\eta\eta$ plays a special role in Dt. (15:2 f., 7, 9, 11 f.; 19:18 f. etc.). This means, however, that the obligation to the neighbour is that of love, not of individual commandments. Hence the Law is repeatedly summed up in the law of love (6:5; 7:9; 10:12).

d. Nevertheless, Dt. also seeks to maintain the distance between God and man. Nor does it do this merely in the general sense that the one partner in this covenant is absolutely superior to the other. It also does it concretely by contesting, esp. in cultic regulation, a sub-moral nature worship. In this connection one might mention the rule in 14:24 ff. that cultic gifts can be turned into money, or the insistence in 21:7 f. that forgiveness is by the grace of God rather than expiatory action. Even the centralisation is not an upsurge of magical ideas. It is a restriction of the cultus to the place which God has commanded, and which is holy only for this reason, not intrinsically.

The aim of the Law, then, is the fashioning of the people as God's people and its commitment to God alone — and both on the basis of the historical adoption of this people by this God. This being so, it is only natural that God's blessing should be promised for observance of the Law. For this blessing consists in the full and unhindered enjoyment of what the people is given by its God in its land, just as the curse for despising the Law consists in withdrawal of this gift.

This is perhaps the most profound attempt to understand the OT covenant and to shape life in accordance with it. Similarly, it is in criticism of this attempt that the OT attains to its deepest insight into the nature of the Law. Such criticism is most probably to be found in Jer. 31:31 ff. ⁷¹ This exposition presupposes that Jer. was in sympathy with the Dt. reform and its goals. ⁷² But Jer. finds the weak point of this attempt in the fact of sin, which breaks the undisturbed relation

⁶⁷ Cf. on this H. Breit, *Die Predigt des Deuteronomisten* (1933), 228 etc.

⁶⁸ Cf. O. Weber, *Bibelkunde d. AT*, I (1935), 49.

⁶⁹ Thus v. Rad, 36 draws attention to the fact that ethical interest in the situation of the Levites is stronger than interest in the machinery of the cultus in Jerusalem.

⁷⁰ Here esp. one may see the new conception as compared with the Book of the Covenant, cf. v. Rad, 14 ff.

⁷¹ v. Rad, 98 ff.

⁷² Marti, 182 f., 186 interprets many verses in Jer. in such a way as to make it appear that Dt. was rejected by Jer., but this is in most cases very arbitrary.

between God and His people and which does not allow of its restoration by any law. Only the act of God which creates the whole man anew by putting the Law in his heart, only a new covenant of God, can guarantee the time of salvation. Thus Jer. points to something which is outside OT revelation but is fulfilled in the NT.

5. The Understanding of the Law in the Priestly Writing and Related Works.

In typical distinction from D, P does not attempt to influence the reader pedagogically after the manner of the preacher. He presents his material austere and sternly, "which a dignity which almost repels."⁷³ This is no mere stylistic difference. It is connected with a different view of God. In P to a far greater extent than D the transcendent holiness and absolute supraterritoriality of God are the basis of all theological thinking. Even the distinctive view of the people which is to be found in D does not have the same normativeness in P. P is not dealing merely with Israel. Though the special position of Israel is central, P takes much greater account of the world outside Israel. Yahweh's relation to Israel is viewed not so much from the standpoint of loving election as from that of the establishment of divine order with a view to salvation. It is precisely here that the Law finds in P its theological setting and purpose. The Law protects the purity of divine revelation by safeguarding God's supremacy and transcendence. The more significant is it, then, that P purports to be a historical presentation, not with edificatory or aesthetic intent, but with the aim of demonstrating the validity and binding character of the religious constitution of Israel, and indeed of the world, in God's action and therewith in God's revelation. In so doing P underscores the fact that the transcendent and holy God is not impersonal power, but personal will.

The divine order established by God's creative action tells both individuals and the people how they can and should live without forfeiting their existence by violation of the glory of God as Creator. The people of God's possession is constituted by God's new revelation to Abraham. The promise implicit in the making of the covenant is fulfilled at Sinai. Thus history acc. to P is a manifestation of the ordinances which establish and ensure the salvation of God's people.⁷⁴ There is expressed in the Law the sovereignty of the God of creation and election. The Law lays down how the life of the race, and esp. of Israel, can be consonant with this holy God. The positive Law of P is to be understood in the light of this understanding.

In the tent of revelation — for in P the tabernacle is characteristically the place of manifestation rather than the dwelling-place, Ex. 25:22; Nu. 14:10 — Moses receives ordinances and directions for the people (Ex. 25:22; Nu. 7:89). In the divine will which is revealed here the moral and cultic norms find their higher unity,⁷⁵ for both are witness to the lordship of God, the one as regulation of the relation to the neighbour, the other as a sign of the inner relation with God. This unity is expressed in the fact that Aaron acts only through Moses and at his direction, which is received from God and then passed on by him (Lv. 16; Nu. 17:11 ff.). To be sure, the cult is very important for P,⁷⁶ but it stands within the total revelation of the Law to Moses. Hence, with no

⁷³ Cf. G. v. Rad, *Die Priesterschrift im Hexateuch* (1934), 187; on what follows cf. also Eichrodt, *Theol.*, I, 209 ff.; W. Eichrodt, "Gottes ewiges Reich u. seine Wirklichkeit in d. Gesch. nach altlicher Offenbarung," *ThStKr* (1937), 1.

⁷⁴ v. Rad, *op. cit.*, 188.

⁷⁵ Eichrodt, *Theol.*, I, 228.

⁷⁶ And this seems to increase, as may be seen from a comparison of the two features of the P tradition to which v. Rad draws attention, *op. cit.*, 163.

difference in importance, there stand alongside the cultus the other legal and religious ordinances established and justified by history, and also the moral norms in the narrower sense.

This understanding of the Law, however, does not exclude profound joy, humble and reverent worship, or selfless self-giving. The whole presentation of P bears witness to this, e.g., the creation story in Gn. 1. In this respect it corresponds to the tenor of the Law psalms, e.g., Ps. 19; 119. P is thus very far from what is usually called legalism or nominalism in relation to the NT conflict with Judaism.⁷⁷

The so-called Holiness Code (H) of Lv. 17-26 displays an inner relation to the understanding of the Law in P. Here, too, man finds his supreme dignity in subjection to the will of God. The difference from P is to be found not so much in the emphasis on moral obligation to one's neighbour (Lv. 19:15 ff.; 25:35 ff.) as in the lesser importance attached to the historical validation of laws and institutions, though this is not completely absent (Lv. 18:1 ff.).

6. The Law in the Post-Exilic Period.

The Exile brought a major development in the attitude of Israel towards the Law, and consequently in the understanding of the Law. The threat of the prophets had been carried out. Israel had come under the judgment of Yahweh because of its disobedience to Him. After the return its decisive concern was to do His will. Israel had to obey God's Law to live. The Exile had made this plain.

This did not lead in the first instance to a change in theoretical attitude. In a new way the task of keeping the Law was still a result of election rather than its basis. This is true in the Chronicler's depiction of history and esp. in Ezra. Ezra's work stands or falls with the certainty that the transcendent God has chosen this particular people (Ezr. 9:5 ff.).⁷⁸

Observing the Law does not create the relation to God; it keeps the people in this continuing relation, e.g., 2 Ch. 33:8. In fact, however, the emphasis and concern rest increasingly on the second aspect, so that everything depends on observance of the Law. The transition to the later view of the Law, whereby observance establishes the relation to God, is fluid. The Law takes on increasingly independent significance. It comes to have primary importance as regards the relation to God. Praise of God's deeds in relation to the fathers is increasingly accompanied by independent praise of the Law (cf. the two parts of Ps. 19) as the means which God has given the people to keep itself in His grace.

a. The historical presentation acc. to Dt. and Chronicles is an important stage in the progress of the Law towards a key position in the religious world of Judaism.^{78a} This presentation presupposes a legal norm. Saul is rejected because he violates the commandment of God. All Israel's kings are judged acc. to the Law. The Davidic kingship is guaranteed by God's promise, but concretely it depends on observance of the Law (e.g., 2 Ch. 27 f.). The reconstruction of earlier historical materials in Ju. depicts the period acc. to the schema of sin, punishment calling upon God in distress, God's help through an appointed judge, and then new sin on the part of the people (Ju. 2:11 ff.). This depiction is informed by a zealous spirit of penitence which regards disaster as a righteous punishment for violation of God's will. On the other hand, this standpoint means that the idea of guilt is impossible in respect of periods or individuals who obviously stand under the grace of God. Thus the sin of David and the fall of Solomon

⁷⁷ Cf. v. Rad, *Priesterschrift*, 187, n. 34.

⁷⁸ Cf. Schaefer.

^{78a} G. v. Rad, *Das Geschichtsbild des chronistischen Werks* (1930).

are not mentioned in Chronicles. Nevertheless, this presentation of history does bring home to the people the fact that its continued life is bound up with observance of the Law. The prophets themselves are commended for the Law and made its guardians and heralds (e.g., 2 K. 17:13).

b. The mounting significance of the Law is seen not only in this form of historical writing but also in the fact that the Law becomes increasingly the basis of the whole life of the community.⁷⁹ This is the point and purpose of the work of Ezra (Ezr. 9 f.). But this is also the starting-point for a logical development which will come only later. Bound to the Law, the people of Israel becomes a religious community centred in the Law.⁸⁰ Keeping the Law is the badge of membership of this people. This is naturally of decisive importance in the problem of proselytising, just as proselytising obviously contributes to this inner development.

c. There is a change in the cultus too. That worship should be acc. to the Law becomes so overwhelmingly important⁸¹ that finally it is understood solely, or at least primarily, as a fulfilment of the Law, and it finds not merely its justification but its whole point and purpose as such. This is why Judaism could later survive the loss of the temple without any serious weakening of its religious structure.

d. Finally, the new position of the Law may be seen in the fact that a new class, i.e., that of the scribes, takes over the religious leadership of the people (Ezr. 7:10). If the priest had previously administered the Torah, the study of the Law now became an independent task separable from the priesthood.⁸² In the high estimation of the scribes there is expressed the will of the community to recognise only the authority of the Law, to which all must bow, including the priest.

This does not have to mean⁸³ that casuistry predominates, or that the neighbour as a personal Thou is lost behind the neighbour as an object for my fulfilment of the Law. It does not have to mean that attachment to the Law is exploited as an evasion of obedience and a means of security before God. That it does not have to mean these things is shown by the genuine piety of many psalms which date from this period (Ps. 19; 37; 40; 119). On the other hand, it can mean these things. Indeed, it leads to them with a certain inner logic. This is enough to show how dangerous was this whole development, whose indubitable greatness lies in the fact that to a great extent it did in fact create a readiness for unconditional subjection to God's judgment and Law.

7. The Meaning of תורה.

Of the many words which the OT uses with various nuances for "law,"⁸⁴ תורה is the term which has the most comprehensive sense, which establishes itself most strongly, and which exerts the widest influence through its translation as νόμος in the LXX.

תורה occurs in the HT some 220 times, with sharp differences of meaning. The J

⁷⁹ Cf. E. Würthwein, *Der 'am-ha'arez im AT* (1936), 66.

⁸⁰ Cf. G. Kittel, *Die Religionsgeschichte u. das Utrchristentum* (1932), 69. One part of the wisdom of Prv. is clearly based on this standpoint (cf. Prv. 28.4 ff.), though elsewhere wisdom is a subsidiary movement with little relation to the Law.

⁸¹ Cf. the exclusion of priests from the cultus if they cannot prove for certain their priestly descent (Ezr. 2:62).

⁸² Cf. Eichrodt *Theol.*, I, 214. Is there in 2 Ch. 15:3 a distinction between the Torah and priestly teaching along these lines?

⁸³ Cf. Kautzsch, 352 f.; Schaefer, 3 f.

⁸⁴ Cf. the list in L. Köhler, *Theol. d. AT* (1936), 191 ff.

source does not have it. It occurs very rarely, if at all, in E.⁸⁵ The older prophets use it sparingly though sometimes emphatically. The Deuteronomic history and Dt. bring it into common use in its modern form. It also occurs frequently in the Priestly laws, in the Chronicler and in some psalms.

The etym., even if this were secure, could make no very solid contribution towards an understanding of the term.⁸⁶ The only possibility is to explain the content of תורה in terms of the oldest literary sources and then to work backwards and forwards from this pt. Such passages show that administration of the Torah was the special task of the priest (Hos. 4:6; Zeph. 3:4; Mi. 3:11; cf. also Jer. 18:18; Ez. 7:26; 22:26). On the other hand, Jer. 2:8 seems to imply that the Torah was already administered by others, not priests.

The older prophets also use תורה for the Word of God which comes to them⁸⁷ (Is. 8:16, cf. also v. 20; 30:9 f.; perhaps also 1:10). It should also be noted that some passages in the older prophets use the word תורה for the written commandment of Yahweh, Hos. 8:12 etc. plainly deal with ethical as well as purely ritual questions.

It thus follows that in this period at least תורה had the sense of a divine direction, whether this had come down from an earlier age as the Law preserved and proclaimed by the priest, whether it was now given by the priest (Lam. 2:9; Ez. 7:26; Mal. 2:4 ff.), or whether the divinely commissioned prophet gave it in a specific situation (cf. Is. 30:9). The essential pt. in תורה is not the form but the divine authority. Normally the ref. will be to specific cases decided by Torah,⁸⁸ though תורה can also embrace a greater whole (e.g., Is. 1:10 and later 2:3; Mi. 4:2; Is. 42:4; 51:4, 7). It is obvious, however, that the word Torah as used by the older prophets does not seem to admit of closer material definition, so that legal, cultic, political and other directions can all be described as Torah if they have divine authority. This is in keeping with the basic OT understanding of the Law as outlined above.

Nevertheless, account must also be taken of the fact that in some of the priestly corpora of Lv. and Nu. Torah is a term for the regulation of specific cultic or ritual practices and can sometimes be used as such at the head or the conclusion of a smaller related section.⁸⁹ In such cases the pt. may be that these regulations are part of the greater whole of the Law,⁹⁰ though this might also be a later reflection.

The meaning as thus far ascertained was worked out in two directions at a later period. On the one hand תורה occurs later as a term for the cultic direction of the priest (Hag. 2:11; Mal. 2:6 ff.). It can then take on in Prv. the general sense of instruction.⁹¹ Other strata of this collection know תורה, of course, only in the sense which became customary later (Prv. 28.4, 7, 9; 29:18).

The change in the sense of תורה which was to be decisive for a later age takes place in the Deuteronomic writings. In the basic core of Dt. itself תורה still seems to be used in the older sense (Dt. 17:11; often it is hard to decide, cf. 32:46). The original Dt. would not yet have described itself as the Torah. But this occurs in the later strata

⁸⁵ Ex. 13:9; 16:4; 18:16; 20; 24:12 call for consideration, but they are disputable except perhaps for 18:16, 20. On 16:4 cf. Procksch, 203, n. 2.

⁸⁶ The customary derivation from תר, "to throw," "to cast an oracle," is contested by Begrich, 68 f., 69, n. 1, though he has no explicit alternative to suggest.

⁸⁷ Jer. apparently not. Perhaps the Deuteronomic movement already inclines him to see the other aspect of תורה.

⁸⁸ Köhler, *Theol.*, 194.

⁸⁹ Lv. 6:2, 7, 18; 7:1, 11, 37; 11:46; Nu. 5:29 f. Cf. also Ez. 43:11 ff.

⁹⁰ There is, e.g., תורה נחומה, Nu. 19:2; 31:21, cf. Köhler, 195.

⁹¹ Instruction of the mother (Prv. 1:8; 6:20), or father (4:2), or teaching of the wise (3:1; 7:2). Perhaps Job 22:22 should be quoted in this connection.

and in the Deuteronomic history books (e.g., 2 K. 22:8, 11). There is now ref. to the *חוריה*, the individual provisions of the Law, where previously the plur. *חוריה* had been used.⁹² Dt. itself is *חוקי חוריה*, and when the king has a copy made of this Law, this written Law is *חורה* (Dt. 17:18 f.; Jos. 8:32).

In content the *חורה* in the Deuteronomic writings is in the first instance Dt. itself, which is to be written on stones (Dt. 27:3, 8) and kept in the ark (31:26). In context the ref. could be specifically to the Decalogue (Dt. 4:44), but this is not customary. This *חורה* contains more than laws. Thus it includes also the covenant curse (29; 30). Yahweh can send sicknesses and plagues which are not mentioned in this book of the Law (28:61; Jos. 8:34). The book of the Law also contains the exposition or exhortatory application of the Law (1:5). In many cases, then, "law" is too narrow a rendering. *חורה* often has the general sense of teaching or instruction, cf. 2 Ch. 17:9; 19:10; Neh. 8; it can even mean divine revelation in general, esp. in the Psalms: 1:2; 19:8; 94:12. Nevertheless, the LXX rendering by νόμος is pertinent inasmuch as this Torah is still a *parte potiori* authoritative instruction. Confirmation may be found in the prior Aram. translation of *חורה* by *חורה*, which points in the same direction.⁹³

In the Chronicler and the later psalms this use of Torah does not undergo any fundamental change. But there is a change in content, since the Pentateuch as a whole is now called the Torah.⁹⁴ The chief titles for this Torah are *חורה* (1 Ch. 16:40; 22:12 etc.), *חורה* (2 Ch. 23:18; 30:16 etc.), or a combination of both (2 Ch. 34:14; Ezr. 7:6 etc.), though *חורה* alone is no longer misleading.

8. νόμος in the LXX.

In the LXX νόμος is in the vast majority of cases translated νόμος (some 200 times out of 220). νόμος, however, is even more common than *חורה* (some 240 times). There is an inner shift due to the fact that the LXX νόμος renders the *חורה* of a later stage of development, and the later meaning establishes itself in other cases too. Thus in Is. 8:16, what the prophet passes on to his disciples is in the LXX immediately identified with the Torah in the later sense; it is the epitome of divine teaching and the divine Law. In other passages, too, there is a fuller equation due to the suppression of the older senses of *חורה*. This may be seen particularly in the replacement of the old plur. of *חורה* by the sing. νόμος (e.g., Ex. 16:28; 18:16, 20; Is. 24:5).

The same trend emerges in those instances in which *חורה* is not rendered by νόμος. The change is usually to be explained by the fact that in the Heb. *חורה* bears a sense which does not accord with the main post-exilic meaning of νόμος and *חורה*. This applies to the use of *חורה* in the plur. (in Gn. 26:5; Prv. 3:1; Jer. 26:4 [לפ. 33:4]; Ez. 43:11; 44:5, 24; Hos. 8:12; Jer. 32:23 [לפ. 39:23]).⁹⁵ In such cases the LXX mostly has νόμος, once *αποστολαιο*. Then there are the cases where *חורה* means a direction issued by men, Prv. 1:8; 6:20 (θεσπισμα);⁹⁶ 31:26 (paraphrase). Finally, there are

⁹² Gn. 26:5; Ex. 16:28; Lv. 26:46; Ez. 44:5; Ps. 105:45; also Dt. 33:10 (Begrich, 64, n. 9) and esp. Ex. 18:16, 20. Since many of these verses are later, it may be seen that there is no fixed rule.

⁹³ Schaefer, 44; Ezr. 7:12, 14, 25 f.; Est. 1:8 ff.; 8:13.

⁹⁴ For the Chronicler cf. v. Rad, *Geschichtsbild*, 38 ff. and "Die levitische Predigt in d. Büchern d. Chronik," *Festschrift f. O. Procksch* (1934), 113 ff. It should not be assumed that the present-day Pentateuch is always meant in these writings.

⁹⁵ In some of these verses the MT now has the sing., though this is secondary.

⁹⁶ In Gk. θεσπισμα is a more solemn term than νόμος. But since in Judaism νόμος is the equivalent of *חורה*, there can be no more solemn word than this.

passages in which the ref. is to an individual statute, 2 Ch. 19:10; Ez. 43:12.⁹⁷ It should be noted, however, that the changes in this direction are not in any way consistent. These instances simply indicate the general character of the shift.

The gains made by νόμος outside the sphere of *חורה* do not affect the picture. They consist primarily in the assimilating of the Aram. terms *חורה* (some 14 times) and *חורה* (once) and in the appropriation of many passages which use *חורה* (3 times) or *חורה* (some 12 times). The same is true of many smaller variations which add nothing essential in detail (some 12 times) and in which we often find a vl. in the LXX.

The rendering of *חורה* by νόμος means on the one side that the predominant later view of the Law triumphs and achieves domination. It also means on the other hand that the nuances of *חורה* which supplement the understanding of the Law in terms of teaching, instruction and revelation also pass over to some degree into νόμος. Hence there is an expansion of meaning beyond the boundaries of traditional Gk. usage.⁹⁸

C. The Law in Judaism.

1. The Law in the Pseudepigrapha and Apocrypha.

Though the apocryphal and pseudepigraphical writings do not form a material or linguistic unity, they are firmly connected in respect of the Law. In all of them the Law is the basis.⁹⁹ One part of these works is specifically devoted to the Law, seeking to apply, defend and commend it. Even in the works which have other concerns (esp. the apocalypses), the Law is of decisive significance.

a. Linguistically the abs. δ νόμος is largely dominant not merely in Pal. works like 1 Macc., where νόμος is almost always abs. and in the sing., but also in typically Hell. books like Ep. Ar. (39; 122; 309). But νόμος can also be used without the art. with no discernible distinction of meaning. ἐξέτασαν δὲ νόμον θεοῦ in Bar. 4:12 simply means that they have gone astray from the Torah of God. *σο* Cf. also 1 Macc. 4:42 and esp. Sir., e.g., 19:20, 24; 21:11 etc.

Along with the predominant sense of God's commanding will, however, νόμος can often mean the Pentateuch, of which the Law was felt to be the main part. This may be seen from the twofold formula δ νόμος καὶ οἱ προφηταὶ, 2 Macc. 15:9; Sir. Prol. 1, 8 ff., 24 (cf. already in substance Zech. 7:12), and also from the more precise designation τὸ βιβλίον τῶν νόμων (1 Esdr. 9:45). There can also be ref. to bringing the Law (1 Esdr. 9:39) or having the Law (Ep. Ar., 46) when the book is meant. νόμος also denotes the writing when it is not to be taken as law in the strict sense. Thus 2 Macc. 2:17 f. speaks of the inheritance, the monarchy, the priesthood, the sanctification of the people ἀποδοξάμενοι τὸν νόμον (sc. δ νόμος) αὐτῶν. The deeds of the Shechemites are written in the Law acc. to Jub. 30:12.

Along with the abs. use, and in the same sense, we find fuller expressions like δ νόμος

⁹⁷ These can hardly be simple slips as, e.g., in Is. 42:21, where the LXX presupposes *חורה* for *חורה*; cf. also Job 22:22 (and the opp. in Am. 4:5). In other cases the deviation is hard to explain, e.g., Dt. 17:19; 2 K. 21:8 etc. In Dt. 17:18; Jos. 8:32 the LXX takes the Heb. *חורה* in the technical sense and thus translates τὸ δευτερονόμιον τὸ ὄμοιο. On the relation between νόμος and *חורה* cf. C. H. Dodd, *The Bible and the Greeks* (1935), 25 ff.

⁹⁸ Cf. Bousset-Gressm., 119 ff.

⁹⁹ There can be no question here of a qualitative sense of the use without the art. (→ 1070, 15 f.).

κυρίου (1 Εσδρ. 1:31 etc.), ὁ νόμος τοῦ θεοῦ (3 Μacc. 7:10, 12; Test. R. 3), ὁ νόμος Μωσέως (1 Εσδρ. 8:3; Tob. 6:13 BA; 7:13 BA).

But there are other expressions which do not derive from a direct rendering of the Heb. *תורה*, esp. the plur. οἱ νόμοι. This is obviously an accommodation to Gk. readers or a Gk. form of expression current among the translators, 1 Macc. 10:37; 13:3; additions to Est. 3:13d e; 8:12p; Jdt. 11:12; esp. 2 Macc. 3:10; Jub. *passim*. That this term does in fact betray Gk. influence may be seen from other formulations which are not present in the OT but which remind us strongly of Gk. modes of thought, e.g., ὑπέρ τῶν νόμων καὶ τῆς πατριδος ἀποθνήσκειν, 2 Macc. 8:21; 13:10, 14. Other phrases which are quite untypical of the OT are ὁ πατριδος νόμος (3 Macc. 1:23 etc.), οἱ πάτριοι νόμοι (2 Macc. 6:1, identical here with οἱ τοῦ θεοῦ νόμοι), also νόμος ὑψίστου (Sir. 42:2; 44:20 etc.); ὁ θετος νόμος (Ep. Ar., 3). But these do not involve material change. In particular 2 Macc. with its strong Pharisaic orientation shows no weakening of the Jewish view of the Law in favour of Gk. influences. In the main the specifically OT mode of expression is still present even in writings which are open to the Hellenistic spirit. Thus Ep. Ar. usually has the sing. Only at 111 do we find the plur. for the Jewish Law. At 279 οἱ νόμοι is used in the more general sense.

b. In the material understanding of the Law one may see the same duality as in the usage. The position reached in the post-exilic period is maintained, with some sharpening of the contours, partly through inner development and partly through historical events. Yet new features also arise under intellectual influences from without.

(a) The first pt. to be noted in this whole lit. is the unconditional divine validity of the Law, which is fully accepted even in the Hell. Jewish works.¹⁰¹ In the specifically Palestinian pieces no attempt is made to prove this validity or to engage in apologetic against apostates, though the material of, e.g., 1 Macc. might have suggested this. God's Law is eternally valid; this is part and parcel of its divine origin, Bar. 4:1; Jub. 2:33; 6:14 etc.

Again, the supremacy of the Law over all other religious functions is apparent. The prophets apply the Law (2 Macc. 2:1 ff.; 1 Εσδρ. 8:79 etc.). Temple worship is significant only if it is in strict accordance with the Law (Jub. 49:15; 50:11; Sir. 35:1 ff.; 1 Macc. 4:42 ff.). Indeed, the Law is more important than the temple, and scribal learning more important than priestly action.¹⁰² In the time of the Macc. the different religious groups united in the battle for the Law. The revolt was kindled over a legal question (1 Macc. 1:41 ff.), and it is typical that a strong group very plainly withdrew from the conflict when the pt. at issue became political freedom rather than freedom to keep the Law.¹⁰³

This was the Pharisaic group, composed of men who were determined in all circumstances and irrespective of the consequences to adhere to the Law and to the Law alone. The layman conversant with the Torah becomes increasingly the ideal of the righteous man, cf. the depiction in Sir. 38:24-39:11.¹⁰⁴ The fact of apostasy within and proselytising without led to the insight that the religious orientation of the individual depends, not on his membership of the people, but on his attitude to the Law.

¹⁰¹ If more cautious formulae are sometimes found in Ep. Ar., this is due to the situation rather than the liberal view of the author, e.g., at 31: διὰ τὸ καὶ φιλοσοφώτερον εἶναι καὶ ἀκέραιον τὴν νομοθεσίαν ταύτην, ὡς ἂν ὀσσαν θεῖαν. For the author himself the Law has divine validity prior to any demonstration of its rationality, but not for the Gentile whom he causes to speak.

¹⁰² Cf. L. Couard, *D. rel. u. sittl. Anschauungen d. atlichen Apkr. u. Pseudepigr.* (1907), 141 f.

¹⁰³ Cf. W. Förster, "Der Ursprung d. Pharisäismus," *ZNW*, 34 (1935), 35 ff.

¹⁰⁴ Schaefer, 59, n. 1.

The historical situation of foreign domination and the *diaspora* leads to increased emphasis on those parts of the Law which differentiate the Jew externally from others, e.g., the Sabbath, circumcision, and the rules governing foods. These are at issue in the Maccabean revolt. Apologetic is mostly concerned with them. Historical writings lay particularly strong emphasis on these laws, esp. Jub.¹⁰⁵ The separation of the Jews from other peoples is often regarded, indeed, as the main purpose of the Law.¹⁰⁶

Above all, there is increasing stress on the importance of the Law and its observance for the well-being of the individual and the people. God's acceptance or rejection depends on this observance. The whole history of the people is, so far as possible and more consistently than hitherto, viewed from the standpoint of reward or punishment for the keeping or transgressing of the Law, 1 Εσδρ. 8:81 ff.; Bar. 4:12; Prayer of Manasses. This can lead to external calculation, as in 2 Macc. 12:40, where it is said of all who fell in a particular battle that they carried charms ἄφ' ὧν ὁ νόμος ἀτελεῖται τοῦς 'Ιουδαίους, and it became clear to all that they fell for this reason. That the reward for observance of the Law may be attained in the hereafter¹⁰⁷ is naturally a great help to this whole theory. The reward of resurrection is assigned for faithful observance, 2 Macc. 7:9. Hence the Law is the hope of the righteous, S. Bar. 51:7; Test. Jud. 26. The schema of reward for observance and judgment for violation dominates to a large extent the eschatological expectation of the future in Apocalyptic, even when, as in Jub. 1:23 ff., what is expected is a perfect keeping of the Law through the Spirit. For God, observance of the Law decides the verdict on individual and people. It thus fixes their temporal and eternal destiny.

(b) But there are also new features in the understanding of the Law in this lit. These arise esp. out of contacts with the intellectual and cultural world of Hellenism. The essential concern is to interpret the Law as true wisdom, and its observance as genuine reason. The fact that the debate with Hellenism is so strongly bound up with this question demonstrates yet again the predominant importance of the Law for the consciousness of the Jewish community. The Jewish part of Sib. (esp. 3-5), Ep. Ar., 3 and 4 Macc., Wis. of Sol., Sir., all seek either with a missionary or an apologetic thrust to make this synthesis between the Law and wisdom, observance of the Law and reason.¹⁰⁸ Bar. 4:1: αὐτῆ (sc. ἡ ἐπιστήμη, wisdom) ἡ βίβλος τῶν προσοτυμῶν τοῦ θεοῦ καὶ ὁ νόμος ὁ ὑπάρχων εἰς τὸν αἰῶνα, Sir. 15:1: ὁ ἐγκρατῆς τοῦ νόμου κατακληψεται αὐτῆν (sc. wisdom). The piety of wisdom had already found a home in Judaism, but it can now be upheld only if brought into relation with that of the Law. The way is prepared for this in Prv. by an equation of the wise and the righteous, the fool and the sinner. But now a mere assertion of this identity is not enough, for there are parts of the Law which are not obviously rational, esp. some on which particular stress has to be put for other reasons.¹⁰⁹ For the apologetic treatment of this question at the beginning of the 2nd cent. B.C.¹¹⁰ Ep. Ar. is particularly instructive.

A rather different result of the equation of Law and wisdom is the idea that strictly all men equally are to keep the Law. This arises mainly in the form of an eschatological hope, and as such it is a favourite notion of Hell. Judaism.¹¹¹ God's Torah, like wisdom, becomes a universal law in Hell. Judaism. "It will be a common law on the whole

¹⁰⁵ In at least two of these matters we find a similar battle for the Law in primitive Christianity.

¹⁰⁶ Cf. Couard, 142.

¹⁰⁷ Volz, *Esch.*, § 37 f.

¹⁰⁸ Knautsch, *Apokr. u. Pseudepigr.*, XVI f.; Couard, 143. On the whole question of Judaism and Hellenism cf. W. Knox, "Pharisaism and Hellenism," *Judaism and Christianity*, II (1937), also *St. Paul and the Church of the Gentiles* (1939).

¹⁰⁹ → *supra*.

¹¹⁰ Cf. Schürer, III¹, 608 ff.

¹¹¹ Volz, 172. On this whole question cf. Knox.

earth," is the promise of Sib., III, 757, cf. 719 f. The Law is no longer an order of life within the election, as in the OT. It will no longer be kept only on the basis of the election. It is a timeless, intrinsically valid expression of the divine will.¹¹² The fact that the fathers of Israel before Moses are represented with increasing rigidity as men who kept the Law points in the same direction. No stain of lawlessness must be seen on them. This is esp. a concern of Jub. Abraham observed the Law of God, 24:11.¹¹³ It is only a step from this pt. to the idea of the pre-existence of the Law. The Law is now identical with the self-reposing and intrinsically valid divine wisdom.¹¹⁴

Thus the Law comes to have a full mediatorial position between God and man not merely in practice but also in theory. This is, however, the presupposition for the hopelessness and despair to which the Law gives rise in, e.g., 4 Esr. and S. Bar. No doubt is cast on the divine origin or eternal validity of the Law (4 Esr. 3:19; 5:27; 7:81; 9:36 f.). It is fully allowed that the Law confers life on him who does it (7:21; 14:30). But this is precisely what makes the position so hopeless when the fact of transgression is recognised and taken seriously. For sin prevents the bringing forth of the fruit of the Law. 4 Esr. 3:20: *non abstulisti ab eis* (sc. the fathers) *cor malignum, ut faceret lex tua in eis fructum*. The very knowledge of the Law gives weight to sin; 7:72: *mandata accipientes non servaverunt ea et legem consecuti fraudaverunt eam, quam acceperunt*. Hence the complaint in 7:46: *quis enim est de praesentibus, qui non peccavit, vel quis natorum, qui non praeterivit sponzionem tuam?* 9:36: *nos quidem, qui legem accepimus, peccantes peribimus*. This is where the Jewish understanding of the Law leads when taken seriously.

2. Josephus.

a. In Joseph. νόμος is normally used to denote the Jewish religious Law. οἱ νόμοι is more common in view of the concern of Joseph. to speak good Gk. and to make himself intelligible to Hellenistically educated readers. νόμος or οἱ νόμοι can often be used poetically as the subject of activities. The laws sigh, Bell., 3, 356. They command, Ant., 16, 3. There can, of course, be no question of personification. νόμος without art. is rare for the divine Law.¹¹⁵ In other cases νόμος is the book of the OT or the Pentateuch, ἔνθα τῶν στρατιωτῶν τις εὐρώων ἔν τινα κώμη τὸν ἱερὸν νόμον διέρρηξεν τὸ βιβλίον, Bell., 2, 229. λαβὼν εἰς χεῖρας τοῦ Μωυσέως νόμου, Vit., 134. Joseph. distinguishes between νόμος (the Pentateuch) and the other writings, Ap., 1, 39.

When Joseph. does not have the Jewish Law in view, he can often use νόμος for the laws of other nations, sometimes in comparison with the Jewish Law, Ap., 2, 172. There are also laws of war, Bell., 5, 123 f.: οἱ τῆς στρατείας νόμοι. νόμος can also mean custom not publicly elevated to the rank of law, e.g., Ant., 16, 277 of the νόμος of blood revenge. In this direction νόμος can also be usage, order or the law of nature. One should not fret at death ὡς κατὰ βούλησιν αὐτῶ πτόχοντας θεοῦ καὶ φύσεως νόμου, Ant., 4, 322 (cf. Bell., 3, 370, 374; also 5, 367; 4, 382). On the other hand, Joseph. does not identify this natural order with the Mosaic Law, though they do not stand in antithesis (Ant., 1, 24) and he can be impressed by the cosmic significance of certain cultic statutes (Ant., 3, 179 ff.).

Less Jewish is the use of νόμος for the norm of something, Bell., 5, 20: καθεκτέον

¹¹² Cf. the theory that the Gentiles knew and then rejected or forgot God's Law, though with no obvious reflection on the How of these events, 4 Esr. 3:33 ff.; S. Bar. 48:38 ff.

¹¹³ Sometimes Jub. can say that the Law was not perfectly revealed before Moses, but only after Moses became an eternal law for all races, Jub. 33:16. We can thus find occasional refs. to a first law, 2:24; 6:22. Relevant to R. 2:15 is the application of this thought in S. Bar. 57:2: The works of the Law were done by the fathers, the Law was known to them in unwritten form.

¹¹⁴ Couard, 145 f.; Bousset-Gressm., 121.

¹¹⁵ Schl. Theol. d. Judt., 64.

καὶ τὰ πάθη τῶ νόμῳ τῆς συγγραφῆς, the manner corresponding to historical writing, the customary objective norm, demands ... (cf. πολέμου νόμῳ τὰς πλιηγὰς ἐθέλειν δέχσθαι, Bell., 2, 90). But this use is rare in Joseph. and does not control his understanding of the Law.

b. The material understanding of Joseph. gives evidence of the same intermediary position as his usage. In all essentials his thought is Jewish, but he keeps firmly in view the needs of readers of non-Jewish culture. The Law has for Joseph. a dominant position in religion.¹¹⁶ The Jews are people τὸ φυλάττειν τοὺς νόμους καὶ τὴν κατὰ τοῦ νόμου παραδεδομένην εὐσέβειαν ἔργον ἀναγκαιότατον πατρός τοῦ βίου πεποιήμενοι, Ap., 1, 60. He admires those who set the Law above all else, Ant., 11, 152. The Law controls all life: οὐδὲν οὐδὲ τῶν βροχυτότων ἀνεξεύροσιον ἐπὶ τοῖς βουλήσει τῶν χρησόμενων κατέλπειν (sc. Moses), but for all things he gave as ὄρον καὶ κανὼνα τῶν νόμων, Ap., 2, 173 f., Ant., 3, 94. Customs are part of the Law, Ant., 12, 324; cf. 20, 218; 13, 297. This shows his orientation to Pharisaism.¹¹⁷ The circumcision demanded by the Law, with acceptance of the Law, implies incorporation into the Jewish world, Ant., 13, 257 f. This means also that man's relationship with God is established by the Law. For this reason Joseph. is no mystic.

The basis of the significance and authority of the Law lies in its divine origin, which Joseph. firmly accepts. ταύτην Μωυσῆς τὴν διδάσκειν τῶν νόμων ... ἐξέμαθε παρὰ τοῦ θεοῦ καὶ τοῖς Ἑβραίοις γεγραμμένην παραδίδωσαν, Ant., 3, 286. To be disobedient to the laws is to be disobedient to God, Ant., 20, 44. More cautiously formulated expressions are also found, Ap., 2, 184. Above all, there is strong emphasis on Moses' work as law-giver, Ant., 3, 266: οὐκ ἂν ἐπὶ τῇ αὐτοῦ ἀριμύα (sc. Moses — the laws of leprosy) ἐνομοθέτησεν. Moses sought a form of government in which God is the final authority, i.e., theocracy, Ap., 2, 165. This extolling of Moses as a wise and pious man obviously derives from accommodation to the Gk. world of thought, esp. when one adds thereto the proof of the superiority of the Law by its antiquity (Ap., 2, 154, 279 and immutability (Ap., 2, 184 and 221; Ant., 20, 218). The strongest pointer in this direction, however, is the attempt to give a rational interpretation and basis for the laws. Typical is Ant., 3, 274. The reason for the prohibition of adultery is that Moses believes that legitimate children are profitable civically and domestically. Hence Joseph. resolves upon a work in which he will expound the αἰτίαι of the laws, Ant., 4, 198 etc. Certainly the laws are not evidence of human wisdom, Ant., 3, 223. But Joseph. finds it meaningful to attempt to show which laws are the best by comparing the different laws and constitutions of the nations, Ap., 2, 163 ff. Hence recognition of the Law by men of all nations is important for him, Ap., 2, 284.

The two streams also meet in Joseph.'s reflection on the purpose and goal of the Law. The Law mediates a life well-pleasing to God, Ant., 3, 213; but in particular — and this shows again his Pharisaism — it is designed to prevent sin: ἀπόφθοις τῶν ἡμετέρων ἔθων καὶ νόμου ... δι' ὧν οὐχ ἀμαρτησόμεθα, Ant., 16, 43, cf. Ap., 2, 173 f. The Law blocks the attempt to excuse sin on the ground of ignorance, Ant., 4, 210. It is also valued as the order of public life. In giving laws God is βίον εὐδαίμονα καὶ πολιτείαν κόσμον ὑπαγορεύσας, Ant., 3, 84. He who keeps the Law receives happiness. In even stronger dependence on Gk. thought Joseph. can interpret the Law as the commandment of virtues, esp. love: καὶ πρὸς εὐσέβειαν καὶ πρὸς κοινωνίαν τὴν μετ' ἀλλήλων καὶ πρὸς τὴν καθόλου φιλοφροσύναν, ἐπὶ δὲ πρὸς δικαιοσύνην καὶ τὴν ἐν τοῖς πόνοις καρτερίαν καὶ θανάτου περιφρόνησιν ἄριστα κειμένους ἔχομεν τοὺς νόμους, Ap., 2, 146 (cf. 2, 291; Ant., 16, 42).¹¹⁸

¹¹⁶ P. Krüger, *Philo u. Josephus als Apologeten des Judts.* (1906), 20.

¹¹⁷ Schlatter, 63.

¹¹⁸ Joseph. does, of course, lay emphasis on the fact that all these virtues have their root in piety: οὐ γὰρ μέρος τῆς ἀρετῆς ἐποίησε (sc. Moses) τὴν εὐσέβειαν, ἀλλὰ ταύτης μέρη τᾶλλα, Ap., 2, 170 f.

In his deliberations on the motives for observing the Law Joseph. keeps for the most part to familiar paths. Fear of punishment and hope of reward play a part, Ant., 3, 321; 4, 210; 6, 93 etc. Joseph. emphasises above all the fact that the Law is impressed upon Jews from youth up, Ap., 2, 178, cf. Ant., 4, 211; Bell., 7, 343. In the stress laid on practical exercise in the Law Joseph. sees one of the main advantages of the Law of the Jews over that of other peoples, Ap., 2, 172; Ant., 20, 44. But it is added again, esp. from an apologetic standpoint, that in Judaism the following of the Law is voluntary and cheerful. There is manifest to all την ἐθελούσιον ἡμῶν τοῖς νόμοις ἀκολουθῆαν, Ap., 2, 220. Indeed, it is conscience which constrains the Jew to keep the Law, Ant., 3, 319.

On the one side Joseph.'s understanding of the Law gives evidence of an essential material basis in Jewish and even Pharisaic thought. But on the other there is a strong and primarily apologetic orientation to the rationalistic and moralistic world of Hellenistic culture.

3. Philo of Alexandria.

a. As regards usage there is no essential difference between Philo and Joseph. Ὁ νόμος or νόμος is usually the Torah of the Palestinians. The φιλανθρωπικά νόμου (Spec. Leg., 2, 138) is the love of the OT Law. There are διὰ τῶν νόμων εἰς εὐδοκίαν βίαιον παρακελεύσεις, Deus Imm., 69. But the laws of a state can also be οἱ νόμοι: ἱατροῖς μὲν οὖν εὐόκισαν ἐν δήμῳ νόμοι (Jos., 63) is generally valid. Even among the Gentiles there is a κατὰ μοιχῶν νόμος, Vit. Mos., 1, 300. ὁ νόμος is also the Pentateuch. The Law says that the amount of grain collected by Joseph was beyond computation, Poster. C., 96. Acc. to Abr., 1 the sacred laws are written down in 5 books. Indeed, a single text of Scripture can be called νόμος even though it has no imperative character: τῶν ... νόμων, οἳ δὴ κυρίως εἰσι νόμοι ... ἐν μὲν ὅτι οὐχ ὡς ἀνθρώπος ὁ θεὸς (Nu. 23:19), ἔτερον δὲ ὡς ἀνθρώπος (Dt. 1:31), Deus Imm., 53.

More broadly than Joseph. Philo uses νόμος for the order and law of nature (ὁ τῆς φύσεως νόμος, Abr., 135). He does this in a twofold (though often barely distinguishable) sense: (1) for order: It is a νόμος φύσεως ἀνεπίλητος that what has come into being should be of lower rank than its author, Plant., 132; and (2) for ordinance: Laban does not observe τοὺς ἀληθεῖς τῆς φύσεως νόμους, Ebr., 47. Something can indeed be written ἐν τῶν τῆς φύσεως στηλάταις (Spec. Leg., 1, 31) as other things are written ἐν τῶν ἱερωτάτων τοῦ νόμου στηλάταις (Op. Mund., 128).

The use of νόμος for the norm which is set for, or which corresponds to, a specific sphere or matter, is also found in Philo, κατὰ τοὺς μουσικῆς τελείας νόμους, Op. Mund., 70, 54; Omn. Prob. Lib., 51. κατὰ τοὺς ἐν ἀλληγορίᾳ νόμους, Abr., 68.

Finally, a man can be fig. νόμος as the embodiment of the Law. Vit. Mos., 1, 162: Before Moses became a law-giver αὐτὸς ἐγένετο νόμος ἔμψυχός τε καὶ λογικός ὢν καὶ θεσιμὸς ἀγαφός, Abr., 276, cf. 5.

b. It is hardly possible to give a uniform material exposition of Philo's statements about the Law or his understanding of it, for neither the Law nor legal religion is the true centre of his spiritual life. His basic theologico-philosophical position is that of a mystical ecstatic. For him the highest stage of religion is the vision which is also unity with the Godhead, the solitary sojourn in the supraterrrestrial world of wisdom, Spec. Leg., 3, 1, 119. In relation to this central point the Law can have only a broken position; indeed, in the last resort it ought to be abandoned. But Philo cannot do this, and above all he will not. He prefers to cling to the unique authority of the divine Law, for he is and remains a Jew. 120

119 Krüger, 57; Bousset-Gressmann, 443 f., 449 ff.

120 Schürer, III, 700. Another reason why there is no uniformity in Philo is that he draws from different sources.

What he has to say about the Law is to be construed in terms of this tension between presuppositions which he will not surrender and the true centre of his theological and philosophical life.

The decisive concern of Philo in his discussion of the Law is to show the agreement between the OT Law and the cosmic order in reason and nature at large. This is for him a supremely personal question, nor is he controlled here merely by apologetic interests.

Moses gives the Law τοὺς νόμους ἐμφορεστέτην εἰκόνα τῆς τοῦ κόσμου πολιτείας ἡγησάμενος εἶναι, Vit. Mos., 2, 51. νόμοι τε καὶ θεσμοὶ τί ἔτερον ἢ φύσεως ἱεροὶ λόγοι; Spec. Leg., 2, 13. 121 He finds the strongest proof for this agreement between Law on the one side, reason, cosmic order and nature on the other, in the unity of God. In this unity creation and revelation are one. Vit. Mos., 2, 48: Moses shows τὸν αὐτὸν πατέρα καὶ ποιητὴν τοῦ κόσμου καὶ ἀληθεῖς νομοθέτην. As he sees it, the order of the Pent. supports this, for the story of creation precedes the account of the giving of the Law.

Philo also finds this agreement in the patriarchs, for without knowing the revealed Law they live in full agreement with it. 122 Indeed, they are its embodiment, the unwritten Law (Abr., *passim*). They do the Law by nature and thus natural reason and revealed Law are in harmony.

Philo by no means denies the supernatural origin of the Law. In Decal., 15 he speaks περὶ τοῦ μὴ εὐρημάτα ἀνθρώπου τοὺς νόμους ἀλλὰ θεοῦ χρησιμοῦς σαφεινότητος εἶναι. God Himself has miraculously promulgated the Decalogue without human mediation (Decal., 18). This is in keeping with his other principle that man cannot elevate himself by his own power to the world of deity. 123

To work out concretely this basic theological and philosophical concern, to show the agreement between nature and revelation, philosophy and Law, Philo has need of an allegorical interpretation of the Law. 124 He does, of course, allow a place for the literal sense, but from this one must move on ἐπὶ τὰς τροπικὰς ἀπόδοσεις, Conf. Ling., 190. ἡμεῖς δὲ πειθόμενοι τῷ ὑποβάλλοντι ὀρθῶ λόγῳ τὴν ἐγκειμένην ἀπόδοσιν διεξηγησώμεν, Sobr., 33.

To be sure, Philo opposes those who relax the keeping of the commandments on the ground of allegorical exposition. He urges against them the fact that the commandments are obligatory in the literal sense too, Migr. Abr., 89. But this materially rather slender reasoning simply discloses that this position does not follow consistently from his starting-point. It is an illogicality which is to be charged to his Jewish heart.

Along with his allegorical treatment of the Law Philo has a rational discussion which is different in method though finally it meets the same need. The first point here is to unify and systematise the legal material, and then to show its rational basis, esp. as concerns the laws of separation. 125 The result in both cases is to minimise or evade whatever gives offence before the forum of speculative reason and cosmopolitan morality. 126 The apologetic intention is stronger here, and hence one can hardly miss the striking agreement between Philo and Ep. Ar. at this point. But Philo is still sufficiently distinctive. The whole Law can be reduced to a single requirement: ἔστι δ' ὡς ἕπος εἶπεν τῶν κατὰ μέρος ἀμυθήτων λόγων καὶ δογματῶν δύο τὰ ἀνωτάτω κεφά-

121 In contrast the laws of other nations are not a genuine expression of the natural order but additions to it, Jos., 31.

122 This is a self-evident axiom which needs no proof, → 1050.

123 Schürer, III, 714.

124 E. Stein, "Die allegorische Exegese d. Philo aus Alexandria," *Beihfte, ZAW*, 51 (1929); "Philo und der Midr.", *Beihfte, ZAW*, 57 (1931).

125 → 1049.

126 This aspect is especially to the fore when Philo speaks of the Law admonishing and instructing in virtue, Vit., 119.

ἄλλα τὸ τε πρὸς θεὸν δὲ εὐσεβείας καὶ δασίτητος καὶ τὸ πρὸς ἀνθρώπους δὲ φιλανθρωπιάς καὶ δικαιοσύνης· ὧν ἑκάτερον εἰς πολυτέλειαν ἔδειξεν καὶ πᾶσας ἑπανεταῖς τέμνεται (Spec. Leg., 2, 63, cf. 1, 300). In particular, the Decalogue is a sum of the whole Law, and the basis of all else. The goal of systematisation and unification is to show the rationality of the Law, a typically Hellenistic concern.¹²⁷ The rational explanation of the individual commandments is along the same lines. Thus circumcision in Spec. Leg., 1, 3 ff. is shown to be the only right thing by a whole series of hygienic considerations and theological allegorising.

Finally, as concerns the way in which the Law works, Philo lays special stress on its voluntary character. It encourages rather than commands. Vit. Mos., 2, 51: ἔν τε γὰρ τὰς προσηλάσει καὶ ἀπογοιμύσσει ὁμοίηται (sc. Moses) καὶ παρρηγορεῖ τὸ πλεόν ἢ κελύσει, μετὰ προσομιῶν καὶ ἐπιλόγων τὰ πλείεστα καὶ ἀνεγκαιότατα περιφόμενος ὑφηγεῖσθαι, τὸν προτρέψασθαι χάριν μὲν γὰρ ἢ βιάσασθαι. To be sure, it is important that the Law should make its impress by daily reading and meditation. Spec. Leg., 4, 161. But in the last analysis the perfect man does not need its admonition. Leg. All., 1, 93 f. The Law is for him something external and alien. By nature he himself acts in accordance with the divine reason and wisdom expressed in the Law. Hence observance of the Law is not really a difficult matter.

Philo is thus the champion of allegorical exposition, rational explanation and moral unification. His continued practice of the Law may conceal the fact, but along these lines he carries through an obvious material dissolution of the Law in favour of Hellenistic speculation and moralism.¹²⁸

4. The Law in Rabbinic Judaism.

The whole Rabb. understanding of the Law is denoted by the term *Torah*. The Rabb. *Torah* is also in most instances the equivalent of the NT *λόγος*.

a. The use of *Torah* in the Rabb. writings is basically the same as that of the end of the OT epoch, though there are some distinctive developments.

The *Torah* is primarily the Mosaic Law as Law (for examples cf. what follows, *passim*). This is the basis of all other meanings of *Torah* in the Rabb. writings. Thus *Torah* can be used specifically for the Decalogue, but the Decalogue is not in any exclusive sense the *Torah*. "Truly one should recite the Ten Commandments daily; and why does one not recite them? Because one does not wish to give a foothold to the assertion of heretics, that they may not be able to say that these alone were given on Sinai (and are divine)." jBer., 3c, 32 f. 129

Along with the use of *Torah* for the Law of Moses we often find the word in the sense of that part of the OT Canon which contains the Law, i.e., the Pentateuch.¹³⁰ In most cases it is hard to distinguish between *Torah* as the Law and *Torah* as the Pentateuch. Nevertheless, the Pent. is called *Torah* even when the ref. is to contents which have no legal character (proofs from the *Torah*, i.e., the Pent., S. Dt., 1 on 1:1; 47 on 11:21; TBM, 11, 23; bTaan., 9a). In extension of this normal use of *Torah* all the writings of the OT can be called *Torah*, since the other writings agree with the *Torah* and are authoritative only in virtue of this agreement. S. Dt., 54 on 11, 26 introduces

¹²⁷ Similar phenomena in the Rabb. and the NT have a different orientation.

¹²⁸ Though there is a striking formal similarity between Philo's attitude to the Law and that of the NT, the two are separated by a deep material gulf, for the starting-points are quite different. It was natural, however, that in the early Church Christian criticism of the Law should soon be understood in Philonic fashion (Barn.).

¹²⁹ J. Wohlgenuth, "Das jüd. Religionsgesetz in jüd. Beleuchtung." *Beilage z. Jahresbericht d. Rabbinerseminars in Berlin* (1921), 21.

¹³⁰ On what follows → III, 978 ff.

Ps. 34:14 and Prv. 16:4 with the formula *Torah Torah*. M. Ex., 15, 8 adduces passages from Is., Ez., Jer., Hos. etc. in support of the principle of the school of Ismael: "There is no earlier or later in the *Torah*." 131 The juxtaposition of the broader and narrower senses is particularly evident in Tanch. Yitro, § 10 (ed. Horeb, 123b): *Torah Torah* מלשון מורה נביאים וכוונות, "the *Torah* (the OT) contains *Torah* (Pentateuch), prophets and writings." 132

But in a given context *Torah* can also have the sense of valid teaching generally. *Tradition* as distinct from Scripture is *תורה שבועל*. 133 In relation to this broadest sense the translation "law" is often not very apposite. *Torah* has here the more general meaning of "valid teaching," "revelation," though with particular ref. to man's action which this *Torah* regulates. *Torah* is thus necessarily singular. The plural *Torot* arises as it were only *per negationem*, e.g., when it is said that the difference between two schools is so sharp that one might think the *Torah* has been split into two *Toroth*, bSanh., 80b.

Finally *Torah* can have the special sense of study of the *Torah*, esp. in contrast to *מורה* as the keeping of the commandment. Thus acc. to Ex. r., 31 on 22:26 the study of the *Torah* 134 is inseparable from keeping the commandment, and *vice versa*. bSota, 21a: *עבירה כמנה תורה*. 135 Indeed, study of the *Torah* can sometimes be rated higher than fulfilment.

b. Materially, the Rabbinic understanding of the *Torah* may be summed up in two inwardly related principles: 1. God has revealed Himself once and for all and exclusively in the *Torah*; 2. man has his relationship with God only in his relationship with the *Torah*. Thus the basic starting-point of the OT, which can be summed up in the proposition that God has revealed Himself to Israel as its God, and hence Israel is bound to obey this God, is characteristically and decisively changed and annulled. Theoretically the two principles remain in force, but for all practical purposes the *Torah* comes fully to the forefront, primarily as the Law which claims the will of man.

(a) The central and dominant position of the *Torah* as the Law contained in the Pent. may be seen already in the relation of dependence in which all other authoritative writings stand to the *Torah*. This is indeed the inner presupposition of the extension of the concept *Torah* to which we have already referred. The other OT writings fundamentally contain nothing other than the Pent. There must be at least an indication of everything in it. Thus Qoh. is not withdrawn from use "because it begins with the words of the *Torah* and ends with the words of the *Torah*," bShab., 30b. 136 This view finds characteristic expression in the use of *קבלה* for the books of the OT apart from the Pent. 137 These works are valid because they are Sinaitic (→ 1056), though they

131 Bacher *Term.*, I, 167 f.

132 Bacher *Tannaiten*, p. 476.

133 For refs. and discussion cf. W. Bacher, *Tradition u. Tradenten in den Schulen Palästinas u. Babyloniens* (1914), 22 ff.

134 Wohlgenuth, 77, n. 1.

135 A particularly interesting passage is Shab., 30a: "Once a man is dead, he is free from the *Torah* and the commandments." This statement seems at first sight to be a par. to R. 7:1. But just before we read: "Let a man continually occupy himself in the *Torah* and the commandments before he dies; for once he is dead the *Torah* and the commandments have ceased for him, and the Holy One, blessed be He, will no longer be praised through him." This makes it clear that here the *Torah* is study of the Law and the commandments are observance, so that there is no true par. to R. 7:1.

136 Moore, I, 246 f. For details → III, 985.

137 Bacher, *Tradition*, 2 f.

are formulated only later. This part of the OT is an explanation and application of the Law which in and of itself is not unconditionally necessary. "If Israel had not sinned, only the 5 parts of the Torah and the Book of Joshua would have been given to it." bNed., 22b. Basically the relation between written and oral Torah is the same. Agreement with the Torah is a presupposition of the latter. This was tacit at first, but from the time of Jochanan ben Zakkai¹³⁸ the traditional material was given a basis in the Torah acc. to specific exegetical methods. What could not be integrated in this way was accepted as *למשנה* *למטה* *מסניי*.¹³⁹ In reality the theory that traditional material has its origin in exegesis of the Torah is, of course, artificial. The validity of this material is dogmatic rather than historical. But the theory shows with what force the concept of the Law lays hold of all other parts of authoritative teaching. This can be authoritative only if it can be understood as exposition, development or even reconstruction¹⁴⁰ of the Torah.

(b) The authoritative character of the Law is supported by a strict view of the divine origin of the Pent.¹⁴¹ bSanh., 99a: "Even if a man should say that the whole Torah is from heaven with the exception of this verse, which Moses spoke from his own lips rather than God, it is true of this man that he has despised the Word of Yahweh." This is the place for the distinctive affirmation that every valid doctrine, every recognised Rabbinic statement, every acknowledged exegetical conclusion, was revealed to Moses at Sinai.¹⁴² This thesis plainly owes its origin to a concern for the comprehensive divinity, and hence also the uniqueness and unity, of the Sinai revelation. It is a judgment of faith rather than a historical theory; hence it is not uniformly followed. We read in bPes., 54a that the Torah is one of the 7 things created before the world,¹⁴³ and since it is of more value than all else, it was created first (Prv. 8:22). S. Dt., 37 on 11:10.¹⁴⁴ The Torah was already in existence when given to Moses. His role is purely passive. He is a middleman. The Torah is given to him in writing, or dictated to his pen, or taught him orally.¹⁴⁵ He is never regarded as its true author.¹⁴⁶ The sin for which he was punished is recorded "lest it should be said that it seems that Moses has falsified the Torah or said something which was not commanded" (which could then be regarded as the reason for his punishment), S. Dt., 26 on 3:23. Thus in copying the Torah it is like destroying a world to write a letter too much or too little, bSota, 20a. The sanctity of the Torah is further expressed in the principle that the Holy Scriptures "pollute the hands" (i.e., make washing essential before turning to secular activity), Jad., 3, 5 etc. Study of the Torah derives its outstanding dignity from this sanctity. God says to David: "Dearer to me is a day when you sit and study the Torah than the 1000 burnt offerings which thy son Solomon will one day offer me on the altar." bShab., 30a.

(c) Rooted in this divine authority of the Law is the reserve which the Rabbis — increasingly — display in respect of the question as to the *תורה* *עממי* or reasons behind

¹³⁸ N. Glatzer, *Untersuchungen zur Geschichtslehre d. Tannaiten* (1933), 5. Cf. also R. Herford, "The Law and Pharisaism," *Judaism and Christianity*, Vol. III (ed. E. Rosen-thal, London, 1938).

¹³⁹ Bacher, *Tradition*, 21 f.; 33 ff.; S. Kaatz, *D. mündliche Lehre und ihr Dogma* (1 [1922], II [1923]), II, 11 ff.

¹⁴⁰ Kaatz, II, 5.

¹⁴¹ Pesikt. r., 22; 111a; Str.-B., IV, 438. For the age of this view cf. Philo. → 1053.

¹⁴² Kaatz, I, 30 ff.

¹⁴³ Not eternal pre-existence, as against F. Weber, *Jüdische Theol.*² (1897), 15. The Torah is created, though first. It is the more important to keep to this when one recalls that the pre-existence of the Torah derives from the Hell. Jewish equation of Torah and cosmic principle, cf. p. 32, 35, also W. Knox.

¹⁴⁴ For refs. and details, Str.-B., II, 353 ff.

¹⁴⁵ *Ibid.*, IV, 439.

¹⁴⁶ The wisdom of the Law is not traced back to that of Moses, as in Philo and Joseph.

the Torah (the *αἰτίαι* of Joseph.). Jochanan ben Zakkai says: "By your life neither the deed pollutes nor does water purify, but it is a statute of the Most High the reasons for which one should not seek out." Pesikt., 40a. Thus one should not attribute to God's mercy the command not to offer a mother beast and offspring on the same day, jBer., 9c, 20 ff. To be sure this is again only the basic theoretical position designed to offset the danger of sublimation.¹⁴⁷ In practice it is one of the favourite proofs of perspicacity and a tool of edification to find reasons for the commandments.¹⁴⁸ But this does not rest on any essential concern, least of all an apologetic. There is no question of showing the profound significance of the Law by means of a norm which lies outside it. This is intentionally avoided in respect of laws for which reasons are commonly adduced in Hell. Jewish apologetic, or in debate with Gentiles.¹⁴⁹ Where reasons are alleged, they are mostly taken from the Torah itself.

(d) The strict and logical development of the authoritative character of the Torah is carried to such a degree that God Himself is bound to it, bAZ, 3b: "The first three hours of the day God sits and occupies Himself with the Torah." Naturally, this should not be pressed dogmatically. It is a more or less poetic mode of expression. But it is a typical sign of the all-dominant position of the Torah, in which God has wholly and utterly bound Himself.¹⁵⁰ The Torah is thus of eternal validity. R. Jochanan (c. 250) can say: "Prophets and writings will cease, but not the 5 books of the Torah" (jMeg., 70d, 60).

Even the Messiah will not bring a new Torah. He will Himself study and keep the Torah, teach the reasons for it,¹⁵¹ bring defaulters back into subjection to it,¹⁵² and give the Gentiles at least one part of the Law.¹⁵³ He receives the promises applicable to Him because He occupies Himself with the Torah, Midr. Ps. 2:9.

All this establishes the unique mediation of the Torah in respect of the relation between God and man, and even God and the world. "If two sit and occupy themselves with the words of the Torah, the Shekinah dwells among them." Ab., 3, 2. "When a man buys something valuable at the market, can he usually acquire the owner as well? But God has given Israel the Torah and says to them: In some sense you receive Me." Ex. r., 33, 7 on 25:2.

(e) All other relations between God on the one side, man, Israel and the world on the other, are subject to the Torah. The Torah is "the tool by which the world was made," Ab., 3, 14; S. Dt., 48 on 11:22. At creation God took counsel with the Torah; it is the master builder of every work.¹⁵⁴ Indeed, the world, man and Israel are created simply for the sake of the Torah, Gn. r., 1 on 1:1; Ab., 2, 8; cf. bBer., 6b; Midr. Ps. 78:1 (172b); Ab., 3, 14; M. Ex., 14, 29. History, too, is consistently brought under the schema of the Law, its transgression or observance. Thus the Law holds a key position in the whole religious life of Rabb. Judaism.

(f) For this reason the Torah has divisive power in the interrelations of men with one another. Israel and the Gentiles are essentially differentiated by possession or non-possession of the Torah. To be sure, it was given (bShab., 88b) or offered¹⁵⁵ to the nations in 70 languages. But they did not receive it, or at least do not keep it, S. Dt., 343 on 33:2. R. Meir (c. 150) has said, though without majority support, that even a

¹⁴⁷ Str.-B., III, 398.

¹⁴⁸ Wohlgemuth, 39 ff. adduces a host of examples, and cf. his discussion, 30 ff.

¹⁴⁹ Examples in Wohlgemuth, 71 f.

¹⁵⁰ *Ibid.*, 80 ff.; Weber, 17 f., 159 f.

¹⁵¹ E.g., Tg. Cant., 8, 1 f., Str.-B., III, 570 f.

¹⁵² E.g., Tg. Is. 53:11b, 12, Str.-B., I, 482 f.

¹⁵³ E.g., Midr. Ps. 21:8 (89a).

¹⁵⁴ In contrast to Philo, the indirectly stated Rabb. interrelating of creation and revelation is here wholly under the dominion of revelation.

¹⁵⁵ For details, and views of how this took place, cf. Str.-B., III, 38 ff.

Gentile, if he occupies himself with the Law, is to be as highly regarded as the high-priest, Lv. 18:5 being adduced as a basis, with emphasis on the fact that the *man* who does it will live, bSanh., 59a. But individuals within Israel are also differentiated by their knowledge of the Torah and their position towards it. This is why the scribe comes to occupy so important a position in community life. Even if a man learns Scripture and the Mishnah but does not serve with a wise man (as a pupil) he is regarded as *am ha'arez*. He who has learned Scripture without the Mishnah is regarded as *bor*. But he who has learned neither Scripture nor Mishnah comes under, e.g., Prv. 24:20, bSota, 22a.

(g) The aim of the Torah is to show man what he should do and not do¹⁵⁶ in order that, obedient to the Torah, he may have God's approval, righteousness, life, and a share in the future world of God. "Why has God given us commandments? Is it not that we may do them and receive a reward?" S. Nu., 115 on 15:41. R. Chananiah ben Akashiah (c. 150) said: "God willed to allow Israel to earn merits, and therefore He gave them much Torah and commandments, as it is said: In order to give Israel merits, it pleased Yahweh to make the Torah big and strong" (so Is. 42:21 acc. to the Midr.).¹⁵⁷ Thus the Torah means life. As food sustains the life of the fleeting hour, so the future world is contained in the Torah, M. Ex., 13.3; R. Simeon (c. 150) has said: "So says God to man: My Torah is in thy hand and thy soul is in my hand; keep what is mine, and I will keep what is thine, but destroy what is mine and I will destroy what is thine." Dt. r., 4.4 on 11:26. The Torah is for one man a flavour of life, for another a flavour of death, bYoma, 72b. Transgression of the Torah does not destroy the Torah but the transgressor, Lv. r., 19 on 15:25.

This subjection to the Torah can also be seen from the angle that it implies for all the danger of death and condemnation. As the Torah turned to the hurt of the Gentiles because they did not learn it as they could and should have done (bSota, 35b), so in Israel there are Rabb. voices which express alarm at the difficulty of perfect observance. "When Gamaliel (II) read this verse (Ez. 18:9) he wept and said: He who observes all this is righteous, but not, alas! he who observes only one part of it." But Akiba then said to him, on the authority of Lv. 18:24a, that one part is enough, bSanh., 81a.¹⁵⁸ In the main it is asserted in principle that the Law can be fulfilled. This is an inner necessity, and complete sinlessness is claimed for at least a few: "We find that Abraham, our father, kept the whole Torah before it was given." Qid., 4.14.¹⁵⁹

(h) The fact that there is life only by keeping the Torah gives special interest to the development of the Law in the form of casuistry. The Law and its development and practice give the Jew his distinctive religious position. But this does not have to mean that true fulfilment of the Law is construed in terms of a casuistical observance of individual commandments and prohibitions, predominant though this may be.¹⁶⁰ Alongside this we find sayings which maintain that the piety of the heart and fear of God are the essential prerequisite of study, bYoma, 72b. "All that you do, do only out of

¹⁵⁶ The negative side, not infringing prohibitions, is more strongly emphasised by the Rabb. than the fulfilling of positive commandments. In discussion there is usually much more precise statement of what is forbidden than of what is commanded. Avoiding sin redounds more to the praise of the righteous than knowing the Law, bShab., 31b. ¹⁵⁷ Str.-B., IV. 6; Bacher Tannaite, II, 376.

¹⁵⁸ Cf. on this whole question M. Löwy, "Die paulinische Lehre vom Gesetz," MGWJ, NF, 11 (1903), 322 ff., 417 ff., 534 ff.

¹⁵⁹ Cf. further Str.-B., III, 186, 204 f. This thought is old, → 1050. Philo's interest in this proposition is not evident among the Rabb.

¹⁶⁰ One occasionally finds among the Rabb. a sum of the Law in one or two central commandments, but this summarising, like the distinction between light and heavy commandments (cf. Wohlgenuth, 13 ff.), is of no fundamental importance. In bShab., 31a it is recounted that a Gentile asked Hillel whether he could tell him the Law while he stood on one foot, and Hillel answered: "What you would not have done to you, do not do to your neighbour. This is the whole Torah. All else is exposition. Go and learn it." "David

love." S. Dt., 41 on 11:3. Rabba b. R. Hona said: "A man who has knowledge of the Law without the fear of God is like a treasurer to whom are entrusted the inner keys but not the outer keys (of the house): how is he to enter?" Nevertheless, this does not alter the fact that a man achieves righteousness and life by study and observance of the Torah.

D. The Law in the New Testament.

I. Jesus and the Law in the Synoptic Gospels.

1. The Occurrence of the Word νόμος. In the Synoptic Gospels the occurrence of the term does not by a long way correspond to the importance of the matter either positively or negatively. To understand materially the attitude of Jesus to the Law one has thus to take into account stories in which the word νόμος does not occur.¹⁶¹ In Mt. νόμος is found only 8 times, in Lk. 9 and in Mk. not at all.

In the few verses where it occurs the use of νόμος is simple. Except at Lk. 2:23 we always find ὁ νόμος. In Lk. 2:23 there is no art., but we have the combination νόμος κυρίου, which is to be defined in the light of תורה יהוה. ¹⁶² Normally νόμος means the Pent. For the whole of Scripture we find ὁ νόμος καὶ οἱ προφήται (Mt. 5:17; 7:12; 11:13; 22:40; Lk. 16:16; 24:44 [also ψαλμοί]). The twofold meaning of νόμος and תורה which we noted in Judaism applies also to the Synoptic use of νόμος. It signifies both the Law and the Pentateuch or Scripture. Predominant in the sense of the Law as that which governs what we should do and not do. In Mt. 22:36, in the question about the ποῖα ἐντολὴ μεγίστη ἐν τῷ νόμῳ, the meaning is, not which is the great commandment in the Pent., but what kind of commandment is important within the total context of the Law.¹⁶³ But this very ref. shows how hard it is to make a clear-cut distinction, for the Pent. is essentially Law, and the Law is to be found only in the Pent. Mt. 5:18 f. is particularly instructive as regards the interrelation of Law and Pent. in νόμος. Here we find alongside one another ἰσῶτα ἐν ἡ μία κερατῖα οὐ μὴ παρῆλθῃ ἀπὸ τοῦ νόμου (where the idea of Scripture is basic) and μίτα τῶν ἐντολῶν τούτων τῶν ἐλαχίστων (where the ref. is rather to the content of the commandments).

Even in the expression ὁ νόμος καὶ οἱ προφῆται the ref. is usually to the imperative content of the OT (Mt. 5:17; 7:12; 22:40). But in context the promise of the OT may also be in view (Lk. 24:44; Mt. 11:13, here in the by no means accidental reverse form οἱ προφῆται καὶ ὁ νόμος). Elsewhere γράφη or a form of γράφω is normally used for the OT in this sense.

It may be an accident that νόμος is never used for the whole of the OT, though possibly οὐκ ἀνέγνωτε ἐν τῷ νόμῳ; (Nu. 28:9) in Mt. 12:5 alongside the simple οὐκ ἀνέγνωτε; (1 S. 21:7) in v. 3 could be intentional. In the light of verses like Mk. 7:1 ff. it is certainly no accident that νόμος is never used for the oral Torah or the teaching of tradition. The παρᾶδοσις τῶν πρεσβυτέρων of Mk. 7:5 is a παρᾶδοσις τῶν ἀνθρώπων (7:8); hence it is not granted the character of νόμος.

reduced it to 11 (commandments), Isaiah to 6 ... Micah to 3 ... Amos to 1 (Am. 5:4) ... Habakkuk to 1 (Hab. 2:4). Mak., 23b/24a. But fundamentally each commandment is just as valid as any other, and such statements are more playful and edifying than of serious significance.

¹⁶¹ Moreover it is doubtful in many instances whether the term is part of the original saying or statement, cf., e.g., Mt. 7:12 with Lk. 6:31. A. Harnack, Beiträge zur Einführung in das NT, II: "Sprüche u. Reden Jesu" (1907), 11 f.

¹⁶² In Lk. 2:39, however, we find κατὰ τὸν νόμον κυρίου.

¹⁶³ Cf. Zn. Mt., ad loc.

2. Jesus' Negation of the Law.

In the proclamation of Jesus according to the Synoptists affirmation and recognition of the Law are inextricably interwoven with negation and criticism. There are no data on which to attempt a chronological listing of the relevant sayings.¹⁶⁴ We must try, then, to understand the negation and affirmation of the Law in their mutual relationship.

The essential and basic negation of the Law in Jesus consists in the fact that He deposes it from its position of mediation. What determines man's relation to God is no longer the Law and man's relation to it. This decisive position is now occupied by the Word of Jesus, indeed, by Jesus Himself. Man finds his relation to God in the relation to Jesus, to the lordship of God which has invaded the world in Him.

What finally separates man from God is not transgression or negation of the Law (Mt. 21:28 ff.). Acc. to v. 31b the ref. here is not to the cleavage between word and act but to the difference between actual refusal of the Law and the new event of conversion and doing the will of God. It is not denied that infringement of the Law is sin which separates from God. But the point is that this hopeless situation can be remedied. This is the meaning of the statement: οἱ τελῶνται καὶ οἱ πόρναι προάγουσιν ὑμᾶς εἰς τὴν βασιλείαν τοῦ θεοῦ (21:31b). The pt. is even clearer in the parables of Lk. 15. These are to be understood in the light of 15:1 f. The publicans and sinners are with Jesus, and He extends them His fellowship even to the pt. of eating with them. This means that the lost sheep and the lost coin are found, that the prodigal son comes home again (vv. 3 ff.; 8 ff.; 11 ff.). In vv. 25 ff. it is then shown by way of contrast that the elder brother who stayed at home did not profit by staying at home. It is not in his relation to the Law, whether in a consistent fulfillment which is not disputed or in a flagrant transgression which is not condoned, that the righteous or the sinner finds his definitive relation to God. If the sinner is received into pardoning fellowship with Jesus, he is at home in the Father's house, and this fact puts to the man who is legally righteous the challenge whether he is building on his obedience to the commandment as hard-earned merit — this seems to be suggested by his grumbling at the reception of the prodigal — or whether he regards his perseverance in obedience as a joyous being at home in the Father's house. This means, however, that in both cases the Law is deposed from its position of mediation. The relation to the word and deed of Jesus now decides the relation to God.

In essence the same pt. is made in the sayings in Mt. 10:32 ff. Confession or denial of Jesus decides the eternal destiny of man. Similarly the parables collected in Mk. 2 are possible only if the Law no longer plays a decisive role between God and man, and conduct either in accordance with or in opposition to the Law no longer justifies or condemns a man definitively before God.¹⁶⁵

The blessing of the children in Mk. 10:13 ff., the beatitudes in Mt. 5:3 ff., and the saying in Mt. 11:28 ff. all point in the same direction. Jesus pronounces these words precisely to those who are so burdened under the Law that they no longer have any ἀντίποινα. On the publican who falls down in repentance before God, and counts on God's grace alone, the sentence is passed: κατέβη οὗτος δεδικαιωμένος εἰς τὸν οἶκον αὐτοῦ παρ' ἐκείνων (Lk. 18:14) — rather than on the man who can boast of his observance of the Law (cf. also Lk. 17:7 ff.). The scribes and Pharisees close the

¹⁶⁴ Cf., e.g., Harnack, "Hat Jesus das atliche Gesetz abgeschafft?", 227 ff. On the other hand, H. J. Holtzmann, *Lehrbuch d. ntl. Theologie*, I (1911), 202 f. tries to show that Jesus moved on to a radical transcending of nomism.

¹⁶⁵ Schl. Mk., ad loc.: "What Jesus did was grounded in the fact that He determined man's relation to God, not acc. to the Law, but in the power of His mission."

kingdom of God (Mt. 23:13) because they will allow men to enter only by fulfillment of the Law which they themselves administer.

This radically different position of the Law may be seen also in sayings and contexts in which the breaking in of the new aeon is regarded as the essence of the new order of things. This supplements what has been said already by giving it direction and protecting it against misunderstanding. For it shows that what is at issue is not just the disclosure of something which had been there all the time, or the clearing up of a pernicious error, but in very truth a new act of God which had thus far been present only in promise, not in fulfillment.¹⁶⁶ Ὁ νόμος καὶ οἱ προφήται μέχρη ἰωάννου ἀπὸ τότε ἡ βασιλεία τοῦ θεοῦ εὐαγγελίζεται, Lk. 16:16 (cf. Mt. 11:13). Lk. is not reading anything impossible into the saying when on the one side he puts before it the saying about those who justify themselves before men, but God knows their hearts, ὅτι τὸ ἐν ἀνθρώποις ὄψηλον βδέλυγμα ἐνώπιον τοῦ θεοῦ (16:15), and on the other hand he affirms in the verses which follow that the Law maintains its significance and its validity is not overthrown by transgression (16:17 f.). Now that the coming of God's kingdom is proclaimed, then, the measure by which God measures is no longer the Law or the achievement of legal works (cf. the metaphors of the old coat and wineskins in Mk. 2:21 f.).¹⁶⁷

But this changed situation and age is wholly bound up with the word and person of Him who brings it. Mk. 2:21 itself shows this, for the occasion of the sayings is the contrast between the disciples of Jesus and those of John. Inasmuch as the disciples belong to Jesus they belong to the new age. This means that in the Synoptists the freedom of Jesus *vis-à-vis* the Law is Messianically and Christologically grounded (cf. Lk. 2:41 ff.). In Mt. 17:24 ff. Jesus, as the Son, is free from the Law even though He keeps it.

Jesus, then, bases the relation of men to God on their relation to Himself and to the lordship of God which comes in Him. His specific invitation as the One who pardons is to sinners. This means that He firmly negates the Law in so far as it stands as a mediator between God and man. He firmly negates the righteousness of the Law. The Law is forced out of its key position by the person of Jesus Himself.

3. Jesus' Affirmation of the Law.

In terms of this new position and its implied negation of the Law, however, Jesus also affirms the Law rightly understood. For obviously this deposition of the Law from its position of mediation is not meant to be a general repudiation of the Law.

a. Jesus recognises the Law when He acts as the One who forgives sins, i.e., when He calls publicans and sinners to fellowship with Himself (Lk. 15). A plain judgment is pronounced; He is dealing with the sick (Mk. 2:17), the lost, the

¹⁶⁶ B. Weiss, *Lehrbuch d. bibl. Theol. d. NT* (1903), 82 has the same pt. in view when he distinguishes Jesus' new understanding of the Law from the older view by saying that there "the norm of the perfect will of God . . . had not yet attained everywhere to adequate expression corresponding to the perfect state of theocracy or the kingdom of God." Jesus understands the Law in the light of the full revelation of God which is given in Him, *ibid.*, 86.

¹⁶⁷ *NT Deutsch*, Rengstorf Lk., ad loc.; Welih. Mk., ad loc.

victims of death (Lk. 15:3 ff., 24, 32). Thus Jesus validates the Law by the judgment implied in His pardon.

The Law rightly demands obedience, and to withhold this means death. For this reason the new situation cannot be brought in by a doctrine which enlightens a merely alleged sinner. It can be brought in only by the eschatological act of forgiveness, i.e., the act which bears witness to God's lordship. The new relation to God is constituted, not by a new doctrine of God and His will, not by a new religion, but by the coming of the time of salvation and hence by the fact of forgiveness. This being so, the Law is on the one side deposited from its position of mediation. But on the other side the judgment of the Law and its demand are recognized to be valid. Indeed, they are a necessary presupposition.¹⁶⁸

b. Moreover all the incidents adduced show that Jesus is not seeking to overturn the Law when He will not make it the basis of the relation to God (cf. Mt. 21:28 ff.).

The conversion of the prodigal son means that he is ready to come back in obedience (Lk. 15:19; cf. also Lk. 19:1 ff.). The call of Jesus lifts the burden of the Law, but imposes His own yoke (Mt. 11:29). The righteousness of the disciples is to exceed that of the scribes and Pharisees, not in the pedantry of legal casuistry, but in the fulness of surrender to God's will (Mt. 5:20). Bringing in the βασιλεία τοῦ Θεοῦ, Jesus proclaims and creates true obedience and thereby recognises the Law in such a way as to fulfil it. The good tree produces good fruits (Mt. 7:16 ff.). The ref. of this metaphor is not to the relation between act and disposition, but to the relation between both these on the one side and standing in the position of divine sonship inaugurated by Jesus on the other. If the tree is good in this sense, there can be no repudiating the good fruits.

c. Hence it is not surprising that according to the Synoptic account Jesus Himself keeps the Law.

Thus He obviously wears the clothing prescribed by the Law (Mt. 9:20; 14:36).¹⁶⁹ That He was under the Law is of essential interest in the infancy stories in Lk. (2:22 ff., 27, 39). The prophetic witness applies to Him precisely as One who is set under the Law (2:24 f., 27 f.).¹⁷⁰ Indeed, the very goal of the Messianic work of Jesus is: εὖος δὲν πᾶντα γένηται (Mt. 5:18).¹⁷¹ His own coming is fulfilment¹⁷² of the Law, and the crucifixion is understood as the uniting of perfect obedience to God's will as this is stated in Scripture with love for the brethren in the act of self-sacrifice. The Synoptists, of course, do not say directly that they see here the fulfilment of the Law by Jesus, but this is in line with their depiction (cf. Mt. 3:15).¹⁷³

d. Jesus recognises the Law to be God's good will not only for Himself but also for others. To the question of right conduct He gives the answer: τὸς ἐντολάς οὐδὲς (Mk. 10:19). He does not accept as good any other will than the will of God revealed in the Law.¹⁷⁴ Apart from this He does not champion any other goodness (Mk. 10:18, cf. also Lk. 10:25 ff.).

¹⁶⁸ Schl. Gesch. d. Chr., 174 says that "the ethical sayings (of Jesus) were not meditations on ethical problems but parts of His summons to repentance."

¹⁶⁹ Branscomb, 115 f.

¹⁷⁰ Zñ. Lk., ad loc.

¹⁷¹ Schl. Mt., ad loc.

¹⁷² Acc. to v. 19 πληροῦν does not mean "to make perfect" in content but "to bring into effect." The opposite view is taken by, e.g., A. Harnack, "Geschichte eines programmatischen Wortes Jesu (Mt. 5:17) in d. ältesten Kirche," SAB phil.-hist. Kl. (1912), 184 ff.

¹⁷³ Cf. Schl. Mt. on 5:18.

¹⁷⁴ P. Feine, Theol. d. NT⁴ (1922), 24 ff.

Jesus affirms the Law because it demands obedient action and is not content merely with a disposition subject to no controls. He rejects confession of Himself as Lord when it is combined with the doing of ἀνομιὰ (Mt. 7:23). The goal of the Law is action; mere knowledge of the good will of God is not enough (Lk. 10:28).

Concretely, the Law demands self-denying love for God and neighbour¹⁷⁵ (Mk. 12:28 ff. and par.; the addition in Mt. 22:40 is to the point). The summing up of all the commandments in the law of love is found also in other places, e.g., Mt. 7:12 or 24:12: διὰ τὸ παρησυθῆναι τὴν ἀνομιᾶν ψυγήσεται ἢ δρύκτην τῶν πολλῶν. Lawlessness and lovelessness are reciprocal (cf. also Mt. 5:43 ff.).

There is thus a direct and positive relation between the Law on the one side and Jesus as the Christ on the other. True obedience to the law is rendered in discipleship. The rich young ruler will achieve perfect observance of the Law when he surrenders himself and follows Jesus (Mk. 10:17 ff.). The questioner of Mk. 12:34 is not far from the kingdom of God when he recognises the Law's radical requirement of love, though he is not yet in the kingdom, since he still expects the fulfilment of the commandment by his own achievement.¹⁷⁶

e. Along with this direct affirmation of the Law there is criticism, though in reality this criticism serves only to confirm and establish the Law, not to destroy it. The first point in Jesus' criticism is that the Law can serve to protect man's disobedience against the claim of God. Keeping the individual commandments when there is no readiness for full self-giving is not accepted as perfect obedience by Jesus (Mk. 10:21 and par.). Even the fifth commandment is set aside by Jesus if it hampers response to His call to discipleship (Mt. 8:21 f.; cf. also Lk. 12:52 f.). Similarly, observance of the Law which is primarily calculating on recognition by men is not recognised by Jesus (Mt. 23:5 ff.; 6:1 ff.). Hence Jesus does not reject only an appeal to the sayings of "them of old time," when they conflict with the clear obligation of the Law (ἀφέντες τὴν ἐντολὴν τοῦ Θεοῦ κρατεῖτε τὴν παράδοσιν τῶν ἀνθρώπων, Mk. 7:8 ff.). He also rejects an appeal to the letter of what is demanded by the Law when it conflicts with the unconditional claim of God and the claim of the neighbour.

This is the pt., e.g., of the story about the Sabbath in Mk. 3:1 ff. The question of good and evil, i.e., the question here of the will of God manifested at this moment in the neighbour's urgent need, solves the problem of what is permissible or impermissible acc. to the fourth commandment. God's will is indeed set forth in the Law, but it is not so bound to the Law that by appeal thereto one may evade the will of God regarding obligation to one's neighbour.

This is no reduction of the Law to morality. It is a radicalising of the Law by the question of concrete obedience in love for one's neighbour.

The concentration of the Law on love for God and neighbour serves to extend the duty of obedience. As distinct from similar summaries in Judaism this concentration is not based on interest in systematisation of the many commandments of the Law, nor does it owe its origin to playful or edifying tendencies, nor does it seek to escape the commandment and render the will of God innocuous. On the contrary, it serves to radicalise the Law,¹⁷⁷ to permit of no fulfilment of the Law

¹⁷⁵ Cf. also Harnack, 229.

¹⁷⁶ NT Deutsch, Schn. Mk., ad loc.

¹⁷⁷ R. Bultmann, "Jesus und PIs.," *Jesus Chr. im Zeugnis der hl. Schrift u. d. Kirche* (1936), 74 ff.

which is not at its very core obedience to God and service to the neighbour. It serves supremely to prevent any refusal of this obedience and service which might appeal to the fulfilment of commandments. In so doing it also overthrows the Rabbinic distinction between legal duty and voluntary acts of love (cf. Mt. 3:15; Lk. 10:28 ff.; Mk. 10:17 ff.).¹⁷⁸

The criticism of the Law implicit in this concentration is thus an affirmation of the Law in the radical sense. It is a restoration of the Law to its original OT sense of a claiming of man by God whereby man is also directed to his neighbour. After the manner of the prophetic understanding of the Law, the Law thus brings us up against God Himself, whose will is to be accepted both in the concrete Law and outside it. Jesus stands apart from the prophets, however, in the fact that they simply promise the divine act which will create obedience, whereas Jesus brings and is this act in His own person.

The rejection of casuistry by Jesus is not to be regarded, then, as a humanising, rationalising or moralising of the OT commandments.¹⁷⁹ Nor is it a mere extension of the national bond on a cosmopolitan scale.¹⁸⁰ Its primary point is that the holiness of God which demands the whole man is now taken seriously as compared with the protection which is sought in the Law precisely against the unconditional nature of this demand. This is particularly clear in Mt. 23:23, where Jesus is in no sense attacking the observance of lesser commandments of the Law but sharply condemning the view that to keep these is to secure dispensation from the βαρύτερα τοῦ νόμου.

The second point in Jesus's criticism is closely linked with the first. He criticises the Law in so far as it does not expose sin at the root by condemning only the act and not also the attitude of the heart which underlies the act.

Finally, the third point in his criticism of the Law is that the Law as it is presupposes the sin of man as a given factor which cannot be altered. Mk. 10:5: πρὸς τὴν σκληροκαρδίαν ὑμῶν ἐγράψεν (sc. Moses) ὑμῖν τὴν ἐντολήν ταύτην. With relationship to Jesus and membership of the βασιλεία τοῦ θεοῦ, however, there is restored the order of creation which does not accept sin as a given factor.¹⁸¹ This is implied even in the antitheses of Mt. 5:21 ff., and especially clearly in vv. 38 ff., where the Law limits unrestrained vengeance but Jesus frees His disciples from the whole spirit of revenge. Inasmuch as the Law presupposes the sin of man, it is set aside by Jesus, since He establishes the obedience of love which foregoes itself and its own rights and relies wholly and utterly on God.

Hereby the Law is for the first time genuinely established, though it is also clear that in its reconstruction by Jesus the Law is no longer understood as some-

¹⁷⁸ Bultmann, "Die Bedeutung . . ." 193 f. (→ Btbl. D.).

¹⁷⁹ It is true that Jesus illustrates man's position before the Law primarily in terms of the ethical rather than the ritual commandments, but even if it is legitimate to speak of a fundamental priority of the former the essential point which He makes in respect of the Law is not to be sought in this priority. Even Mt. 7 is not primarily concerned with the alternative between and ethical and ritual understanding of the Law but with the alternative between genuine obedience and the concealment of disobedience by an appeal to the Law. Cf. also F. Büchsel, *Theol. d. NT* (1935), 22 f., and for a different view H. Weinel, *Btbl. Theol. d. NT*⁴ (1928), 82 ff.

¹⁸⁰ This is emphasised by Weinel, 85 ff., cf. also Herkenrath, 132.

¹⁸¹ The treatment of this question shows that a consistent relating of the commandment to God by no means excludes freedom. Marriage is a divine ordinance. As such, it binds wholly and utterly the man who is committed to God. But for this very reason there is freedom from the ordinance for the sake of the kingdom of God.

thing which man has to fulfil in the sense of earning thereby the justifying sentence of God. On the contrary, fulfilment of the requirement presupposes the prior divine sonship¹⁸² which arises in fellowship with Jesus and which consists essentially in the forgiveness granted herewith.

4. The Interrelation of Negation and Affirmation of the Law.

It may thus be seen that this acknowledgment of the Law which consists of both affirmation and criticism is to be regarded primarily from two standpoints. First, it calls for full repentance, which acquires depth and concreteness from the Law's requirement. Secondly, it exhibits true obedience, the new righteousness. Both aspects are indissolubly bound up with the fact that Jesus bases the relation between God and man, not on fulfilment of the Law, but on the new creative act of God. Confrontation with God's unconditional claim through the Law, together with recognition of condemnation by the newly understood Law on the one side, and liberation from the mediation of the Law and its observance on the other, mutually promote and control one another.¹⁸³ Only when he renounces his own achievement and receives forgiveness is man truly able to set himself under the judgment of the Law and to offer the obedience of love. At the same time the question of God's new act on man and the world is contained in the radical establishment of the demand and its judgment.

II. The Conflict Concerning the Law.

1. The Primitive Community.

The sources give us no certain picture of the understanding of the Law in the primitive community. There is no doubt that the community did in fact keep the Law, but in what sense it did so is not clear from the account in Ac., since a tendency to efface distinctions may be discerned in this record.¹⁸⁴ Initial theological reflection was less concerned with the Law as its theme than with the understanding of Jesus as the Messiah promised by Scripture.¹⁸⁵ The question of the Law first became a subject when the community moved out to onetime Gentiles or more generally to the Gentile world.¹⁸⁶ The first basic position on the matter of which we can be certain is adopted at the so-called Apostolic Council recorded, with a substantial measure of agreement, in Gl. 2 and Ac. 15.¹⁸⁷ It is in the light of the decision taken at this council that we can best work out the fundamental understanding of the Law in the primitive community.

a. According to Gl. 2 the data relevant to the council are as follows. First, agreement between Paul's Gospel and that preached by the primitive community

¹⁸² Cf. Büchsel, 26.

¹⁸³ Conversely, the clinging of Judaism to the mediatorial position of the Law, and the attempt to win God's justifying sentence by one's own achievements, are inseparable from a secret refusal of obedience with the help of the Law, and an unreadiness for full repentance.

¹⁸⁴ C. Weizsäcker, *Das apostol. Zeitalter d. christl. Kirche* (1902), 169 ff.

¹⁸⁵ Cf. P. Wermle, *Die Anfänge unserer Rel.*² (1904), 108.

¹⁸⁶ The question of winning the Samaritans was similar in many ways, though not so difficult, Ac. 8.

¹⁸⁷ The thesis of Weizsäcker, 175 f., that the author of Ac. 15 knew Gl. 2, gives rise to too many difficulties.

is confirmed, and not just established. Gl. 2:2: ἀνεθέμην αὐτοῖς τὸ εὐαγγέλιον ὃ κηρύσσω ἐν τοῖς ἔθνεσιν, v. 6: ἐμοὶ οἱ δοκοῦντες οὐδὲν προσανέθετον.

Since the Law was the point at issue from the very first, it is impossible to assume that the agreement was unrelated to this fundamental question of the attitude to the Law. The arrangement on the separation of the εὐαγγέλιον τῆς ἀκροβωτίας and the εὐαγγέλιον τῆς περιτομῆς in Gl. 2:7 is not the recognition of a ἔτερον εὐαγγέλιον (Gl. 1:6) on the part of Paul. This is confirmed by Gl. 2:16: εἰδότες δὲ ὅτι οὐ δικαιοῦται ἄνθρωπος ἐξ ἔργων νόμου . . . καὶ ἡμεῖς εἰς Χριστὸν Ἰησοῦν ἐπιστεύσαμεν, ἵνα δικαιωθῶμεν ἐκ πίστεως Χριστοῦ καὶ οὐκ ἐξ ἔργων νόμου. 188 Whether or not the verses Gl. 2:15 ff. were spoken to Peter does not alter the fact that Paul takes for granted Peter's assent to this principle and presupposes that it was already known. The dispute is about the practical consequences of this common fundamental understanding. Ac. 15 confirms the point at issue and the common answer. Those who come from Judaea to Antioch teach the brethren ὅτι ἐδὸν μὴ περιτμηθῆτε τῷ ἔθει τῷ Μουσαίῳ, οὐ δύνασθε σωθῆναι (Ac. 15:1, cf. v. 5). And Ac. 15:11 gives the answer: ἀλλὰ διὰ τῆς χάριτος τοῦ κυρίου Ἰησοῦ πιστεύομεν σωθῆναι καθ' ὃν τρόπον κἀκεῖνοι. Though it is most unlikely that this account gives the actual words of Peter, the agreement of Ac. 15 with Gl. 2 certainly shows that there was unanimity in answering the question of the necessity of the Law to salvation in the negative, since both parties agreed that σωτηρία or δικαιοσύνη is given only by faith in the Kurios, Jesus.

The second point is equally certain, namely, that practical questions over and above the unanimity of principle were not so fully cleared up as to make impossible the dispute at Antioch as Paul describes it in Gl. 2.

To understand this passage it should be noted that neither directly nor indirectly does Paul have any word of censure for those who come from James, nor does he doubt their authorisation by James (though cf. Gl. 2:4: παρεῖσακτοι ψευδόμενοι). 189 The concrete question is whether and how far those born Jews may live together in fellowship with Gentile Christians who do not keep the Law. In particular, can they have fellowship with them at table and in the Lord's Supper? 190 For if they do, they necessarily surrender essential parts of the strict observance of the Law. The measure of clarity reached thus far was simply that purely Gentile Christian churches were free from the Law with the consent of the primitive community, and purely Jewish Christian churches should keep the Law with the consent of Paul. 191

The findings of the Apostolic Council, then, are that the Law is not to be kept as though one could be righteous by its observance, that faith in Jesus brings salvation to both Gentiles and Jews, and that the Law is still binding on Jews. On this basis it seems that the separation of Gentile and Jewish evangelisation (Gl. 2:7) had to be accepted by both Paul and the primitive community as necessary and appropriate.

b. But this raises the question why Jewish Christians were obliged to keep the Law, and we can take as a criterion in dealing with it the further question whether Paul could accept the reasons. That reasons had now to be considered was due to the situation of conflict; previously it had been self-evident without any need to consider specific reasons.

188 Cf. Weizsäcker, 160.

189 Cf. Kittel, 145 ff., 152.

190 Acc. to Kittel, 149, n. 1 we cannot be sure that fellowship at the Lord's table was at issue.

191 Schl. Gesch. d. erst. Chr., 70, 150 ff.; J. Weiss, *Das Urchristentum* (1917), 205; Weizsäcker, 164 ff.; for a different view cf. Meyer Ursprung, III, 424 ff.

The main reason is concern for the possibility of the Jewish mission. The preaching of Jesus as the Christ of Scripture could not be believed by Jews if His followers left the Law of God. Hereby the community and its Head would be condemned from the very outset in their eyes. 192 That Paul could agree with this view is shown beyond any question in 1 C. 9:20 f. Paul himself, τοῖς ὑπὸ νόμον, acts ὡς ὑπὸ νόμον, μὴ ὦν αὐτὸς ὑπὸ νόμον, that he may win those under the Law. He neither demands nor makes any demonstration of his freedom from the Law which might consist in transgression of the Law.

The practical consequences were naturally difficult in mixed congregations. A decisive role in understanding these matters is played by the so-called apostolic decree (Ac. 15:23 ff.; 21:25). This is certainly no invention of Ac. 193 The only question is whether it is issued by the Apostolic Council or whether it is the result of the difficult situation which later arose at Antioch. The decree should not be regarded as in any sense a minimal ethics, an abstract of the Law which in a kind of compromise tries to make at least the fundamentals of the Law obligatory in place of the whole Law. 194 This is ruled out by the choice of conditions as well as by the Jewish understanding of the Law in general; furthermore, it could not have gained the assent of Paul. Nor does defence against libertine Gnosticism seem to have been the main concern, for in this case the third and fourth points would remain obscure, and in addition an explanation along these lines would surely have had to be given. We have, in fact, no ground for trusting the reasons given in Ac., which are plain enough: Ac. 15:21: Μουσαίῳ γὰρ ἐκ γενεῶν ἀρχαίων κατὰ πόλιν τοῦς κηρύσσοντας αὐτὸν ἔχει ἐν ταῖς συναγωγαῖς κατὰ πᾶν ὁμόθετον ἀνωγειοκόμενος. Now since in Jewish synagogues of the diaspora there was already fellowship in worship with the uncircumcised, similar fellowship in a mixed congregation of Jews and Gentiles could be defended before the Jewish world if the conditions of the decree were accepted by the Gentile Christians. The obligation of the Law was not restricted to these points for Jewish Christians, but they could engage in fellowship with Gentiles who accepted these points without giving offence to the Jews. 195

c. From the basic and practical decision of the primitive community in these matters we may work out its understanding of the Law during the preceding period. Its actual commitment to the Law was not nomism in the sense that fulfilment of the Law was regarded as a presupposition of belonging to the Messianic kingdom. On the contrary, it regarded observance of the Law as the obedience concretely required of it as this people — an obedience which it had also to render for love's sake in the service of the Gospel. What constituted the community and separated it from others, however, was not a specific understanding of the Law but faith in Jesus as Lord and Christ.

What is the source of this distinctive attitude to the Law, of this simultaneous freedom from and commitment to it? The presentation in the Synoptic Gospels tells us that this attitude to the Law derived from Jesus. 196 The harmony of the attitude of Jesus towards the Law as depicted by the Synoptics with the attitude of the primitive community is in fact so striking that there must be a direct connection between them. The only remaining question is whether the picture of Jesus' attitude to the Law does not, conversely, owe its origin to the understanding of the Law in primitive Christianity.

If so, the only possible origin of this attitude would be either that it is a development of the confession of the Kurios which was demanded both by logic and also by historical

192 Cf. J. Weiss, 198; Schl. Gesch. d. erst. Chr., 14.

193 Weizsäcker, 175 ff.

194 Cf. Schl. Gesch. d. erst. Chr., 158 f.

195 Cf. J. Weiss, 237; Weizsäcker, 180.

196 Cf. Weizsäcker, 625 f.

events and which the primitive community must have understood, therefore, as the revelation and direction of its Lord present by the Holy Spirit, or that there was a strong influence of Hell. Judaism with its many softenings of the strict Jewish outlook on the Law. Support for the first possibility seems to be present in the story of Cornelius (Ac. 10 f., cf. 15:7 ff.), support for the second in the events relating to Stephen (Ac. 6 f.). The second explanation breaks down, however, on closer inspection, for, if it were true, Stephen with his view of the Law should not have met with opposition precisely in Hell. Jewish synagogues (Ac. 6:9 ff.), and in any case no Hell. Jewish views of the Law even approximate in essentials, in attitude and motivation, to that of primitive Christianity. Perhaps it is going too far even to say that in these quarters one would expect at least a greater readiness and openness in respect of that aspect of the message of Jesus which proclaimed freedom from the Law.¹⁹⁷ Stephen was condemned, not for his Hellenistic attitude to the Law, but for his Christian attitude.

As regards the first possibility, it should at least be noted that development from confession of the Kurios to the primitive Christian attitude to the Law would not be furthered by the Messianic theology of Judaism and its ideas concerning the relation between the Messiah and the Law. On the contrary, it would be hindered.¹⁹⁸ In view of the nature of the tradition one would also be betrayed into almost insuperable difficulties in any attempted derivation of the Synoptic presentation from the primitive Christian attitude on this question.

Historically speaking, it is far more probable that the Synoptic accounts of Jesus' attitude to the Law are correct and that fundamentally the primitive community took its attitude to the Law from Jesus Himself.¹⁹⁹

d. Further development in the primitive community is also to be understood in the light of the conflicts, motives and decisions brought to light in the Apostolic Council and the events relating to it. The radical party, traditionally called the Judaizers, insisted in spite of the council that circumcision and the Law must be laid on Gentile Christians, since otherwise they could not enjoy salvation or belong to the community of Christ.²⁰⁰ They evidently propagated this view with zeal, especially in the Pauline churches, though it is open to question whether the situation presupposed in R. can be explained by Judaizing propaganda.²⁰¹

Acc. to Gl. the reasons for this campaign were fear of persecution on account of the cross and lust for personal power (Gl. 6:12 f.). Behind these there might well be a reversal of the missionary concern of the first community, a desire to avoid trouble in the Jewish world even at the cost of the Gospel of justification by faith in Jesus alone.²⁰² It may be assumed that there were some morally less reputable motives, for the idea that one could or should give up the Law through faith in Jesus must have seemed quite impossible to many of those who had grown up in the Law.

The arguments which the Judaizers advanced to support their teaching were obviously a ref. to the command of Scripture (as the refutation in Gl. 3 f. shows), a ref. to the practice of the primitive community and even of Jesus Himself, and a contesting of Paul's apostleship, as may be seen from 2 C. 11; 1 C. 1:12; Gl. 1 f. To some degree,

¹⁹⁷ On this matter cf. J. Weiss, 121 ff., 198; Meyer Ursprung, III, 271 ff.; Weizsäcker, 52 ff.; M. Maurenbrecher, *Von Jerusalem nach Rom* (1910), 113, 114 f., 115.
¹⁹⁸ → 1057.

¹⁹⁹ This does not render the Cornelius story superfluous, for the community could not decide for itself whether freedom from the Law was necessary or right for it.
²⁰⁰ Weizsäcker, 216 ff.; Schl. Gesch. d. erst. Chr., 152.

²⁰¹ Weizsäcker, 424 ff.
²⁰² Some part might also have been played by the consideration that only in this way could Christianity retain the advantages which the protection of the Roman Empire carried with it for the Jews.

esp. in more serious cases, some part might have been played, perhaps even a major role, by a ref. to the ethical consequences which it was thought would necessarily follow from Paul's doctrine of the Law.²⁰³ In this respect it is not intrinsically likely that behind the activity there was a unified theological position which would everywhere be the same, for the primary interest of these people seems to have been in the Law itself rather than its theological defence.

A further development of this movement, which in essence had both time and history against it, may be found in the separated group of the Ebionites, who maintained that the Law is binding on all Christians.²⁰⁴ To be distinguished, perhaps, from the Ebionites are the Nazarenes,²⁰⁵ who simply clung to the Law themselves but excused Gentile Christians and recognised Paul.

e. Distinct from the position of the Judaizers is that of James, Peter, and the community controlled by them, who seem to have kept essentially to the lines laid down by the Apostolic Council. This certainly corresponds to the depiction of James in Ac. 21:18 ff., and it is confirmed by the account of his death in Joseph.²⁰⁶ As regards Peter, it is best to assume that he returned to the position of the Apostolic Council and James after accepting the view of Paul for a period in Antioch. Certainly the attempt to make Peter a champion of the Judaizers²⁰⁷ lacks adequate exegetical support in the available sources and it also suffers from intrinsic improbability.

As concerns the understanding of the Law in the normative circles of primitive Christianity, it may thus be said that they regarded the Law as the obedience to be rendered by Jewish Christians. They were also conscious of being under this obligation for the sake of winning the Jewish world for the Gospel. They did not believe that by achieving this obedience man could attain to righteousness before God. They were prepared to extend brotherly fellowship to Gentile Christians even though the latter did not keep the Law. In mixed congregations Gentile Christians were obliged to observe such points as would make the fellowship of Jewish Christians with them defensible in the eyes of the Jewish world.

2. The Usage of Paul.

The use of νόμος in Paul is not wholly uniform, for he can sometimes employ the term when he does not have the OT Law in view. Nevertheless, he does not start with a general sense which is then predominantly used for the Mosaic Law.²⁰⁸ His starting-point is the traditional use of νόμος for the specific OT Law. Hence it is self-evident what νόμος means, and usually no more precise definition is given.²⁰⁹

As in Rabb. usage, the gist of the νόμος can be stated in the Decalogue, which is thus to some degree the Law in a specific sense (R. 13:8 ff.; 2:20 ff.; 7:7). In Paul, however, no basic distinction is made between the Decalogue and the rest of the legal material in the OT. With a corresponding gen. νόμος can also be used for an individual law, e.g., R. 7:2; νόμος τοῦ ἀνδρός, primarily in the sense of the law per-

²⁰³ Weizsäcker, 428.

²⁰⁴ J. Weiss, 572.

²⁰⁵ *Ibid.*, 523.

²⁰⁶ Jos. Ant., 20, 200, cf. Weiss, 552, n. 2; Kittel, 146.

²⁰⁷ Esp. Meyer Ursprung, III, 434 ff. For R. cf. H. Lietzmann, SAB, 1930, and in criticism E. Hirsch, ZNW, 29 (1930), 63 ff.

²⁰⁸ Cr.-Kö. seeks to distinguish between νόμος in general and the specific use for the divine Law of Israel, but he himself says that the use of the term in Paul is controlled by what he says about the Law of Israel.

²⁰⁹ 1 C. 9:9; ὁ Μωυσῆος νόμος, R. 7:22, 25; 8:7; ὁ νόμος τοῦ θεοῦ (the context requires the addition of τοῦ θεοῦ for emphasis).

taining to the husband,²¹⁰ in content the law which binds the wife to her husband, not, e.g., the law issued by the husband.

In Paul νόμος is supremely that which demands action from man, a specific will. Hence one "does" the Law (R. 2:25; cf. Gl. 5:3; 6:13). There are ἔργα νόμου demanded by the Law, i.e., works which are to be performed in acc. with it (R. 3:28 etc.). Only along these lines is there any point to the question of R. 7:7: ὁ νόμος ἀμαρτία; i.e., is the will present in the Law sinful? The positive equivalent of R. 7:12 is to the same effect: ὁ νόμος ἄγιος, the will of the Law, the Law in its demand, is holy.²¹¹

But even though the emphasis in νόμος is on its character as demanding will, this will of the Law may be seen esp. in the Mosaic Law of the OT.²¹² There is a shift of emphasis in Paul. He attaches value to the Law as the living will of God in contrast to the Rabbinic stress on the fact that this will has been laid down once and for all. Nor is this change accidental, for all the wide measure of agreement. Nevertheless, this must not be taken as an occasion to revive the issue whether there is a distinction between the use of νόμος without the article and its use with the article.²¹³ It is certainly not true that νόμος is "a" law as distinct from ὁ νόμος, "the" Law.

This fact should be taken into account e.g., in exposition of R. 2:12 ff. "Οσοι ἐν νόμῳ ἥμαρτον are not those who have sinned under some law of their own choosing. In contrast to those who ἀνόμως ἥμαρτον (v. 12a), they are people who knew the one divine Law and still sinned. The Gentiles in R. 2:14: νόμον μὴ ἔχοντες, do not know the specific Law of the OT. So far as Paul was aware, there was no people which did not have a law of some kind, even if this law did not have religious sanction. If these Gentiles do by nature, i.e., without knowing the revealed Law, the deeds which are commanded by this Law, they are herewith ἑκούσιος νόμος, i.e., "the" Law, not "a" law, to themselves.²¹⁴ If νόμος without article implied here a generalisation of the concept of law, the train of thought would be broken.

Not every national moral or politico-social order has for Paul the character of νόμος.²¹⁵ Hence he does not use νόμος in the plur., not even after the manner of Hell. Judaism which uses of νόμοι for the OT Law, and certainly not in such a way as to group the OT Law with similar laws among other peoples.²¹⁶ The Law is one, the revealed will of the one God.

The central significance of God's demanding will is also expressed in the fact that the Law can be referred to as if it were personal. R. 3:19: The Law speaks, 4:15: it works, 7:1: it rules, 1 C. 9:8: it says. Sometimes, indeed, one might render νόμος by God in so far as He reveals Himself in the Law. Nevertheless, there is here not even the suggestion of a hypostatizing of the Law, for along with these expressions we always find others which are quite impersonal, R. 3:20; 4:15; 7:2; 1 C. 9:9.

Along with this main use of νόμος there also occurs the other essential meaning of the Rabb. תורה, νόμος = Pentateuch, even when its nature as command is not at

²¹⁰ Cf. Lv. 6:18: ὁ νόμος τῆς ἀμαρτίας for the Law in respect of the sin-offering.
²¹¹ Schl. R., on 7:7.

²¹² Cf. A. W. Slaten, "The Qualitative Use of νόμος in the Pauline Epistles," *American Journ. of Theol.*, 23 (1919), 213 ff. Even if Pl. often uses νόμος qualitatively, "that is, with especial emphasis upon the essential law-quality of law, its 'lawness,' so to speak" (214), this is not to deny its specific connection with the OT Law (217, n. 1). ὁ νόμος with the art. (e.g., R. 4:15) has this qualitative sense no less than νόμος without it (R. 4:14).
²¹³ Cf. on this E. Grafe, *D. paul. Lehre vom Gesetz*² (1893), with older bibl. Cf. P. Feine, *D. Theol. d. NT*⁴ (1922), 218; Blass-Debrunner⁶ § 258, 2.
²¹⁴ Schl. R., *ad loc.*

²¹⁵ Typical is R. 5:14, where νόμος is not used of Adam, though in his case, since he transgressed a specific command of God, παράβασις occurs in the same way as later under the Law. Here too, then, there is no extension of νόμος in the direction of a general concept of law.

²¹⁶ Cf. Brandt, 8 f.; Lohmeyer, 14.

issue.²¹⁷ In Gl. 4:21 νόμος is obviously used intentionally in a double sense: λέγετέ μοι οἱ ὑπὸ νόμον θέλοντες εἶναι, τὸν νόμον οὐκ ἀκούετε; the second time it simply means the Pentateuch narrative. The prophets are combined with this in R. 3:21 to give the whole Scripture. In proof from Scripture Pl. likes to associate a verse from the Torah and a passage from the prophets.²¹⁸ But this does not prevent him using νόμος for the whole of the OT. In 1 C. 14:21 a verse from the prophets is quoted with the words ἐν τῷ νόμῳ γέγραπται.²¹⁹ Similarly R. 3:19 combines verses from all parts of Scripture under the one δσα ὁ νόμος λέγει.

Finally, Pl. also uses νόμος in a fig. sense. In this case it is mostly found with a corresponding gen. or a word of explanation. In R. 3:27 there is ref. to the νόμος πίστεως as distinct from the νόμος ἔργων. Here, then, νόμος is meant in the broader sense of the divine ordinance which describes faith, not works, as the right conduct of man, to the exclusion of self-boasting before God. In R. 7:21 we do best to take νόμος fig.²²⁰ The content of this νόμος is then the fact that evil is present with me when I seek to do the good. This rule is called a "law" because there is no evading its validity. Elsewhere νόμος can sometimes be the claim or will which comes from some source denoted by a gen. *auctoritatis* and which controls my conduct. ὁ νόμος τῆς ἀμαρτίας is the evil will forced on me by sin (R. 7:25; 8:2).²²¹ The use of ὁ νόμος τοῦ πνεύματος τῆς ζωῆς (R. 8:2) and ὁ νόμος τοῦ Χριστοῦ (Gl. 6:2), both in typical contrast to the OT Law, is similar. Also of interest is R. 13:8, where ὁ ἔτερος νόμος seems to refer back to the summary of the Law in the twofold commandment of love. This is why ἐντολή, elsewhere used for the individual commandment, is avoided here.

3. The Material Understanding of the Law in Paul.²²²

a. As concerns the material understanding of the Law in Paul, the cross of Jesus is decisive. In the statement that the crucified Jesus is the Christ the whole of Paul's thinking has its controlling centre, including what he says about the Law. Only in this light is there a meaningful, indeed, an inwardly necessary, connection between His affirmation and negation of the Law. Otherwise one could only conclude that there are two unrelated trains of thought, the one conservative and affirmative, the other negative and radical.²²³

In Paul the negation of the Law is a consequence of the cross, Gl. 2:21: εἰ γὰρ διὰ νόμου δικαιοσύνη, ἔρα Χριστοῦς δουρεθὲν ἀπέθονεν, cf. R. 7:1 ff.; 8:1 ff.²²⁴ Freedom from the Law could be achieved in this way alone. This is grounded in the specific nature and operation of the Spirit.

b. The nature of the Law is summed up in the statement that the Law is the good will of God. Hence not to be subject to the Law is enmity against God, R. 8:7.

²¹⁷ Sometimes a scripture which contains no command, and the lesson to be drawn from it, may be made fruitful for conduct, but in this case νόμος is not understood directly as commandment (e.g., 1 C. 14:21).

²¹⁸ E.g., R. 9:12 ff., 13, 19 ff.; 11:8 ff.; 15:10 ff.; 2 C. 6:16 ff.; Gl. 4:27, 30. Cf. the list in Michel, 12 f., 53. For the underlying Rabb. view cf. Lv. r., 16, 4 on Simeon b. Azai, "who sat and expounded and correlated the sayings of the Torah to the sayings of the prophets, and the sayings of the prophets to those of the writings: a fire flamed round about him and the sayings of the Torah rejoiced as on the day when they were given at Sinai"; cf. Glatzer, 38.

²¹⁹ Dt. 28:49 is, however, appended.

²²⁰ Though cf. Schl. R., *ad loc.*

²²¹ Cf. also R. 7:23.

²²² Cf. P. Bläser, "Das Gesetz bei Pl." = *Ntl. Abh.*, 19 (1941); C. Maurer, *Die Gesetzeslehre des Pls. nach ihrem Ursprung u. in ihrer Entfaltung dargestellt* (1941).

²²³ Michel, 190 f.; cf. also A. Schweitzer, *Die Mystik d. Ap. Pls.* (1930), 184 f.

²²⁴ Cf. O. Pfeleiderer, *Der Paulinismus*² (1890), 6 f., 93.

In content Pl. does not make any fundamental distinction between cultic and ethical commandments, or between the Decalogue and the rest of the Law. Nevertheless, he works out his position primarily with ref. to the ethical commandments, esp. those of the Decalogue which apply to all men.²²⁵ This is characteristic just because it is not done at the level of principle.

Since the Law is a declaration of God's will, it is orientated to what man does. When Paul quotes the statement in Lv. 18:5: ὁ ποιήσας αὐτὰ ζηήσει ἐν αὐτοῖς (Gl. 3:12; R. 10:5), the emphasis rests on the ποιῆν.

The criticism of the Jew in R. 2:17 ff. makes the same assumption. The Jew certainly has knowledge of the Law. Indeed, he has the form and attitude of one who possesses truth and knowledge through the Law, 2:20.²²⁶ But he does not do the Law, and the goal of the Law is the rendering of obedience by man. This is not achieved by knowledge and recognition of the Law. Hence Paul, when he describes man's existence under the Law, takes as his illustration, not the man who rejects the Law, but the man who wants to keep it, who assents to it, but who falls under its judgment because of his non-observance.

The Law has to do with ἔργα in contrast to the πίστις which is associated with ἄκοη, Gl. 3:2 ff. In life under the Law the act which conforms to the Law constitutes religious existence. To stand in the Law is to have a life which is based on doing it, Gl. 3:10: εἶναι ἐξ ἔργων νόμου, R. 3:23: ἐν νόμῳ καυχᾶσθαι. It is necessarily to seek one's boasting before God in the Law and by its fulfilment. This obligation to the Law is for Paul the true characteristic of the Jew.²²⁷

Nevertheless, Paul says of the Law that it cannot give life, Gl. 3:21. This is because no one keeps it, not because Paul regards the works of the Law as sin.²²⁸ When Gentiles do by nature the works of the Law, these are acknowledged by Paul to be good works, R. 2:14.

Paul, then, does not primarily consider the Law as revelation, as God's giving of a share in Himself, though it is the central privilege of the Jew that the λόγια τοῦ θεοῦ are entrusted to him, R. 3:2; cf. 9:4 f. The fact that man knows the Law is the very thing which means that he has no share in God. Only if he performs the Law is he justified before God, R. 2:13.²²⁹ Within the Law God links His own attitude towards man with that of man towards the Law.²³⁰ It is precisely at this point that the new message begins, not with criticism of the Law according to its statutes.²³¹

What the Law demands and "the good" are identical for Paul. This is true, not in the sense that the Law enjoys authority only as its goodness may be perceived, but in the sense that the doing of evil by any man is the same as transgression of the Law by the Jew. Similarly, awareness of the good is the same as knowledge of the Law.

²²⁵ For Pl. the fulfilment of the Law through the Spirit in believers is the real intention of the Law. This view controls his understanding of the Law in judging the position of the sinner before it. That is to say, it demands obedience to God and love for neighbour. But Paul calls the Jews to repentance in face of the concrete Law, not of ideas concerning it.

²²⁶ Cf. Schl. R., *ad loc.*

²²⁷ Ἰουδαῖος is identical with ὑπὸ νόμου εἶναι, 1 C. 9:20 ff., cf. Lohmeyer, 22 f.; → III, 380 ff.

²²⁸ Cf. Schl. Theol. d. Ap., 281.

²²⁹ As against G. Kuhlmann, *Theologia naturalis bei Philon u. bei Pls.* (1930), 114 ff.; K. Barth, *Der Römerbrief*⁶ (1929), on R. 2.

²³⁰ Cf. H. Asmussen, *Theologisch-kirchliche Erwägungen zum Galaterbrief* (1935), No. 188 on 3:10 ff.; Schl. R. on 10:5; Lohmeyer, 31; 49.

²³¹ Cf. Schl. Theol. d. Ap., 289 ff.

This is particularly clear in the juxtaposition of R. 2:6 ff. and 2:12 ff. The ἔργον ἄγαθόν of v. 7 and the κατεργάζεσθαι τὸ κακόν of v. 9 are assessed in the same way as being a ποιητὴς νόμου or ἐν νόμῳ ἀμαρτανεύειν in v. 12 f. This does not mean that the Jew may neglect the Law in favour of a good which is in his possession and which has to be done by him.²³² It means that the Gentile is without excuse even though he does not know the Law. Alternatively, a basis is provided for the statement in 2:11: οὐ γὰρ ἔστιν προσωποληψία παρὰ τῷ θεῷ. The judgment of God on the sin of Gentiles is also just. It is worth noting that Paul does not adduce in support of this the Rabbin. theory that the Law was once given to all nations, He appeals instead to the assent of man to the verdict of καθήκον (R. 1:28), to man's awareness that the μὴ καθήκοντα mentioned in R. 1:29 f. are worthy of death (1:32), and to his knowledge of what is good as displayed in the phenomenon of conscience,²³³ which judges an act, and the phenomenon of ethical debate²³⁴ (R. 2:15).

Nevertheless, those who stand outside faith in Christ are essentially distinguished by whether or not they possess the Law.²³⁵ This is why a twofold proof is given in R. 2, first for those without the Law (vv. 12 ff.), then for those with the Law (vv. 17 ff., cf. also R. 3:1 ff.; 9:4 f.; Gl. 2:15). At what is for Paul the decisive point, however, Jews and Gentiles come together. Neither can be justified on the basis of observance of the Law or any other kind of goodness. For all have sinned, R. 3:23. Hence both alike are referred to faith in Christ alone, and in this they are linked together in unity, Gl. 3:28 etc. For one God stands over both parts of humanity, R. 3:29 f.

c. If this is the nature of the Law, one may understand its effect, which is produced when it comes into contact with sinful man.

(a) In the first instance the relation of the Law to sin is quite simply one of prohibition. That the Law forbids sin is a negative expression of the fact that the Law is the good will of God. Thus the Law says: οὐκ ἐπιθυμήσεις, R. 7:7. The question of R. 6:15 cannot be properly understood unless one presupposes that the Law protects against sin. The question, then, is whether sin is not unavoidable if the Law be done away.²³⁶ On the whole, therefore, Paul kept to the strongly negative character of the Law, as also to the negative form of the Decalogue. The Law is God's Word directed against sin. It is, of course, summed up positively in the statement: ἀγαπήσεις τὸν πλησίον σου ὡς σεαυτὸν (R. 13:9; Gl. 5:14), but this does not alter the fact that primarily the Law forbids sin as τῷ πλησίον κακὸν ἐργάζεσθαι, R. 13:10.

(b) Forbidding sin, the Law also unmasks it. Sin is shown up in its sinfulness. The Law brings out plainly its character as rebellion against God. To be sure, sin is already there before man comes into contact with the Law, R. 5:13; 7:9. But it comes to life through the Law: ἐλαθούσης δὲ τῆς ἐντολῆς ἡ ἀμαρτία ἀνέζησεν, R. 7:9. Through the commandment sin kindles desire, R. 7:8. The point of R. 7:7, then, is that through the Law sin does not merely come to my knowledge, but for the first time it becomes a reality for me.²³⁷ Perhaps the saying in R. 4:15:

²³² Lohmeyer, 32; the demand of the Law is also equated with "the good" in R. 7:19, 22.
²³³ In R. 2:15 conscience is not considered as the source of ethical direction but as the court for judging actions. Cf. W. Gutbrod, *Die paul. Antropologie* (1934), 55 f.; Schl. R. on 2:15.

²³⁴ This is at issue in the statement: μεταῦ ἄλλήλων τῶν λογισμῶν κατηγοροῦντων ἢ καὶ ἀπολογουμένων.

²³⁵ Cf. Brandt, 23.

²³⁶ Cf. Schl. R., *ad loc.*; Schl. R. on 13:8 ff. is also relevant.

²³⁷ Cf. W. G. Kümmel, *Röm. 7 u. d. Bekehrung des Pls.* (1929), 44 ff.

ὄδ δὲ οὐκ ἔστιν νόμος οὐδὲ παράβασις, should also be taken in the sense that it is the Law which first makes sin real rebellion.²³⁸ Quite unmistakable is R. 5:20: νόμος δὲ παρεσηλάθεν ἵνα πλεονάσῃ τὸ παράπτωμα (cf. Gl. 3:19); also R. 7:13: ... ἵνα γένηται καθ' ὑπερβολὴν ἀμάρτωλος ἡ ἀμαρτία διὰ τῆς ἐντολῆς. Paul can even call this effect of the law its purpose (R. 5:20; Gl. 3:19), since no effect of the Law can arise outside the divine will. This means, of course, that the statement that the Law secures life for the doer takes on an air of unreality. For this reason, one must always add to it in thought an emphatic "only."²³⁹

(c) If the Law forbids sin, and also intensifies it to the level of actual rebellion against God, this means that the condemnation of sin is pronounced herewith. ἀμαρτία δὲ οὐκ ἐλλογείται μὴ ὄντος νόμου, R. 5:13. With the fact of transgression of the Law and rebellion against God, κοτάρκιμα rests on man, R. 8:1. Indeed, the Law does not simply entail the factual condemnation of sin. In its capacity as Scripture it also declares this condemnation and demands submission to the verdict. In R. 3:10 the Law speaks as indicated in 3:10 ff. ἵνα πᾶν στόμα φραγῆ καὶ ὑπόδικος γένηται πᾶς ὁ κόσμος τῷ θεῷ. R. 2:12: ὅσοι ἐν νόμῳ ἤμαρτον, διὰ νόμου κριθήσονται. Hence the Law makes sin into a deadly force, 1 C. 15:56; R. 7:9 f. For it works wrath, R. 4:15. Hereby the Law leads him who hears it aright to the knowledge of sin, R. 3:20²⁴⁰ (perhaps R. 7:7 should also be construed in this sense). Paul is not really suggesting that this knowledge of sin gives man a subjective insight into his need of redemption. What he means is that a man cannot appeal to the Law before God, since the Law is the very thing which unmasks him as a sinner.

One may thus see why there is in Paul no place for the attempt to compensate for violations of the Law by works of fulfilment. Transgression implies rebellion against God and provokes God's judgment. Unity is thus given to the concept of sin; sin is no longer the sum of individual faults. Obedience, too, can only be total obedience, not just the sum of individual good acts. Any attempt to balance good deeds against bad deeds means that man is in some sense absolving himself from half God's requirement and by this very effort he is already turning the nature of obedience into its opposite.

(d) All this means that the true effect of the Law is to nail man to his sin. As a prison holds the prisoner, as a παίδωρωγός keeps the boy under his authority, so man is shut up by the Law under sin. This is according to the verdict of Scripture, which means according to the will of God, Gl. 3:22 ff. Rightly understood, then, the Law prevents any attempt on man's part to secure righteousness before God in any other way than by faith in Jesus Christ and by the pardoning grace of God, i.e., in any other way than that promised to Abraham. For the Law nails man to his sin. According to Paul this is the real connection between the Law and Christ. The Law is not in the first instance that which leads to Christ by giving insight into the need of redemption.

The Law has this effect only because it binds man with divine authority. Awareness of human imperfection can be created by any demand. But the situation of him who is justly condemned by God can be produced only by the good will of God, whether man rejects it or acknowledges it and seeks to fulfil it, R. 7:7 ff.

²³⁸ Unless with Schl. R., *ad loc.* we take the sentence to mean that the Law is done away in Christ, and with it the guilt.

²³⁹ This purpose of the Law, namely, to intensify and increase sin, is meaningful and bearable, of course, only in terms of the end of the Law.

²⁴⁰ No attention is here given to the question whether the Law can or even must lead man to this knowledge apart from faith in Christ.

(e) To say this is to describe what Paul calls the weakness of the Law. This lies essentially in the fact that it can meet sin only with prohibition and condemnation. The Law is weak διὰ τῆς σαρκός, R. 8:3. It is weak because of the fact of sin which it cannot overcome. Thus the weakness of the Law can also be expressed by saying that it has no power to give life, Gl. 3:21. On the contrary, through sin it brings death, R. 7:9 f.; 1 C. 15:56. This is also meant when the Law as the letter which kills is contrasted with the life-giving Spirit, 2 C. 3:6 ff. Service of the Law which is written on tables of stone, though it is a glorious ministry because the Law is the revealed will of God, brings condemnation and death, since it comes to man only from without and does not move him from the centre of his being. In other words, it allows him to live on as the sinner he is. Indeed, it nails him to this sin, having no ability to take this sin from him. In essentials, then, the thought of 2 C. 3:6 is the same as that of R. 7 or Gl. 3. The reference is not to the distinction between a religion of the letter and a religion of disposition, though many have been only too pleased to find this in the verse.

Perhaps the strongest result of this insight into the effect of the Law is that Paul reckons the Law among the στοιχεῖα τοῦ κόσμου, Gl. 4:3, 9; Col. 2:8, 20. The meaning of this expression is most clearly brought out in Col. 2:20. He who has died with Christ to the στοιχεῖα τοῦ κόσμου should no longer take orders as though he were still ἐν κόσμῳ. In Gl. 4:3, 9, too, the emphasis is on κόσμος. The Law is something which belongs to the essential constitution of this world.²⁴¹ Hence it cannot lead beyond this state or break the tie with sin. This weakness of the Law, however, is not in spite of, but precisely because of, its holiness as the revelation of the will of God with which it confronts man, cf. R. 7:14.

d. Paul's radical understanding of the Law can be apprehended only in the light of his inner starting-point, namely, the act of forgiveness and justification accomplished in the cross of Christ, and therewith the reconstitution by God of man's relation to God apart from man's achievement, and hence apart from the Law. Paul's negation of the Law derives from his affirmation of what has taken place in Jesus Christ, not from rational criticism or missionary tactics. Because righteousness before God is attributed to man in the cross, not on the basis of what man has done, but on the basis of his assumption by grace into this death, this negation is necessary, R. 3:21 ff. The aim of Paul, then, is that he may be found in Christ: μὴ ἔχω ἐμὴν δικαιοσύνην τῇ ἐκ νόμου, ἀλλὰ τὴν διὰ πίστεως Χριστοῦ, τὴν ἐκ θεοῦ δικαιοσύνην, Phil. 3:9. οὐδὲν ἔρα νῦν κατάρκιμα τοῖς ἐν Χριστῷ Ἰησοῦ, R. 8:1.

But outside the death of Christ and death with Christ man is still ἐν κόσμῳ and hence delivered up to the Law, Col. 2:20. Thus the statement in R. 10:4: ἔλεος γὰρ νόμου Χριστοῦ εἰς δικαιοσύνην παντὶ τῷ πιστεύοντι, does not simply mean that the age of the Law has ended with the coming of Jesus. The Law and Christ do not succeed one another in temporal history or even religious history. The transition takes place in salvation history. Only for him who in faith appropriates the righteousness of God in Christ is the Law abolished. Paul gives expression to this by saying that translation from the sphere of the Law takes place only by death, R. 7:1 ff.; Gl. 2:19; Col. 2:20. But this death is simply participation in the death of Christ: ἐθανανώθητε τῷ νόμῳ διὰ τοῦ σώματος τοῦ Χριστοῦ, R. 7:4; Χριστῷ συνεσταύρωμαι, Gl. 2:19; ἀπεθάνετε οὖν Χριστῷ, Col. 2:20. Beside this there stands baptism into Christ by which we are sons of God and no longer

²⁴¹ Cf. M. Dibelius, *Die Geisteswelt im Glauben des Pfs.* (1909), 84.

servants, and hence no longer subject to the Law, Gl. 3. Baptism is again linked to death with Christ in R. 6.²⁴² All this simply means that the relation to God no longer rests on man himself. The Law is closed off as the way of salvation. Christ has taken its place. Man is thus forbidden even to try to become righteous by the Law now that God has revealed Himself in Jesus Christ as the pardoning God who justifies the sinner rather than him who is righteous by his own achievement, R. 4:5. The man who still expects righteousness by observing the Law causes Christ to have died in vain, Gl. 2:21.

e. The positive link between the Law and Christ is preserved, however, by understanding the cross as an affirmation of the Law. It is first an affirmation of its verdict. The death to the Law which takes place in crucifixion with Christ takes place διὰ νόμου, Gl. 2:19.²⁴³ Gl. 3:13 makes this even clearer: Χριστὸς ἡμῶς ἐξηγόρασεν ἐκ τῆς κατάρας τοῦ νόμου γενόμενος ὑπὲρ ἡμῶν κατάρα (cf. 2 C. 5:21: Christ was made sin for us). The Law's sentence of condemnation on sin is thus fulfilled in the cross of Christ, R. 5:6 ff. Moreover, even if Paul does not explicitly say so, it is logically implied in the matter itself that the cross of Christ is also a fulfilling of the Law in so far as the central purpose of the Law is fulfilled herein. The cross is the full achievement of obedience to God (Phil. 2:5 ff.), and at the same time it is perfect love for men (R. 8:34 ff.). This is, however, the true goal of the Law. Hence it is disobedience to the Law to desire it other than in this fulfilment. To emphasise expressly that the Law is fulfilled here is not in Paul's interest, since it would suggest the primacy of the Law. His concern is the very different one of showing how the Law comes to fulfilment in believers with faith in Christ.

Only with faith is there full recognition of the condemnation implicit in the Law. The attempt to be justified by works of the Law necessarily weakens this verdict or renders it innocuous. This is why R. 1-3 and R. 7 were written. But in dying with Christ, in which the relation to God has been established in God's act apart from the Law, the new obedience has its root (R. 6:11 ff.), and there also arises in faith the fruit of the Spirit (Gl. 5:22). The Law is thus fulfilled, at any rate primarily in the negative sense that the commandment of the Law is not infringed nor its condemnation challenged (Gl. 5:23). This is true because the requirements of the Law can be summed up in the commandment of love, Gl. 5:14; R. 13:10. Indeed, the twofold commandment of love (cf. Jesus in Mt. 22:36 ff.) can even be called the νόμος, so that the command to love one's neighbour is ὁ ἔτερος νόμος in R. 13:8. The same is meant by ὁ νόμος τοῦ Χριστοῦ in Gl. 6:2. Thus the true intention of the Law is fulfilled in the man who is set in love by Christ. R. 8:4: ἵνα τὸ δικαίωμα τοῦ νόμου πληρωθῆ ἔν ἡμῖν τοῖς μὴ κατὰ σάρκα περιπατοῦσιν ἀλλὰ κατὰ πνεῦμα. Hence Paul can say in R. 3:31 that the Law is not only not abolished but truly established for the first time by the Gospel of justification by faith, and the Law here is indeed used, not in the sense of the Law which promises (cf. R. 4) or the Law which condemns (cf. R. 3:10 ff.), but in its specific sense as the Law which commands.

If by the acceptance of Jesus' death in faith the Law is fulfilled according to its true intention, namely, the bond of obedience towards God and love of one's

²⁴² Cf. Gutbrod, 190 ff.

²⁴³ Zn. Gl., *ad loc.* takes this διὰ νόμου to mean "by the fact that the Law showed me my need of redemption and referred me to faith."

neighbour, Paul can also speak of a fulfilment of the concrete Law of the OT out of love and obedience. It is true that in principle he withstands the idea that this fulfilment of the OT Law, or even the fulfilment of a Christian norm, is demanded in the sense of being necessary to justification before God.²⁴⁴ But he himself is quite ready to keep the Mosaic Law in ministering the Gospel to the Jews, 1 C. 9:20 ff. He can even advise native Jews not to go back on their circumcision, 1 C. 7:18 ff. In so doing, Paul is not leaving his doctrine of justification for a legalistic view. On the contrary, he is simply working out the logical implications of his doctrine of justification and his proclamation of freedom in Christ, since a man may renounce the exercise of his freedom out of love for the weaker brother, or for the sake of building up the community, or because he stands in a particular order. As he is not justified by the works of the Law, no more is he justified by putting his knowledge into practice or exercising the freedom imparted to him thereby. He is justified solely by the fact that he is known by God, 1 C. 8:3.

Finally, the Law is also used by Paul as the place where he can find instructions for the concrete life of the community, i.e., in διδοχῆ. In 1 C. 9:8 f.; 14:21, 34 the Law is expounded allegorically to provide answers (or to support answers already given) to questions relating to the life of the community. It is worth noting in this connection that the proof from the Law is not adduced as the decisive argument, but as confirmation of what is already known to be right on other grounds.²⁴⁵ The OT is not regarded here as a binding law. It does not have the weight which an appeal to the Law has in Judaism. Furthermore, this use of the Law does not, on the whole, play any significant role.²⁴⁶ At any rate, even when the conduct of the community conforms to the Law's demands, the validity of this conduct is not established merely by appeal to the Law. It is authoritative, and must be respected, only if it follows from obedience to Christ in faith, according to the measure of faith granted to each individual, R. 14:1 ff.; 12:3. No longer whatsoever is not of the Law, but whatsoever is not of faith, is sin, R. 14:23.

f. The question of the origin of this understanding of the Law by Paul admits of no simple answer. There is not enough exegetical support for the thesis that Paul's own painful experience under the demands of the Law²⁴⁷ or his sense of unworthiness before it led him to think of it in this way.²⁴⁸ On the one hand this is not required by R. 7, and on the other it is as good as ruled out by Phil. 3:16: κατὰ δικαιοσύνην τῆ ἐν νόμῳ γενόμενος ἄμεμπτος.

In contrast, it is a plain fact that for Paul the decisive point in his attitude to the Law is faith in the divine revelation which took place in the cross of Christ. The narrower question thus arises how far a consistent application to the Law of this faith in the crucified Lord is really the source of Paul's view of the Law, or how far it is simply the criterion by which he accepts or rejects the solutions and answers to the problem of the Law which were already put forward by those before him and around him. This is not the place, however, to answer this question.

Certainly Paul from the very outset sees clearly the antithesis between the way of

²⁴⁴ So esp. in Gl. 2:3 ff. in the conflict about the circumcision of Titus; cf. also the controversy with Peter in Gl. 2:11 ff.

²⁴⁵ This is indicated by the καί in 1 C. 14:34 and 1 C. 9:8.

²⁴⁶ Cf. the absence of νόμος in R. 12 ff. (except at 13:8 ff., though here the concrete Law is replaced by the commandment of love). Cf. also the absence in Th. and 2 C.

²⁴⁷ So, e.g., Grafe, 13 ff. The εἰδότες in Gl. 2:16 does not reflect the rise of this knowledge from experience.

²⁴⁸ The main basis of this view is the attributing of Luther's development to Paul. Cf. Ltzm. Gl., 7, and in criticism Lohmeyer, 5 ff.

Law and that of faith.²⁴⁹ Indeed, even before his conversion he had already perceived that this was the decisive point of separation between Judaism and Christianity. A gradual development of his understanding of the Law, whether in the direction of sharpening²⁵⁰ or softening²⁵¹ his negation of the Law, is most unlikely at least as regards the central points.²⁵²

III. The Period after the Conflict.

1. Hebrews.

Formally νόμος is used in Hb. as elsewhere in the NT. It is usually the OT Law. Only in 7:16 does the question arise whether it should not be rendered more generally as "norm" or "order."²⁵³ But since this is the only instance in the epistle, it is better to take it here, too, in the sense of the OT Law. ἐπιτολής σαρκίνης would then be a gen. of content:²⁵⁴ the Law consisting in the carnal commandment. The plur. occurs twice in Hb., but only in quotations (8:10; 10:16). Moreover, as in Pl. there is no basic distinction between ὁ νόμος and νόμος. Thus 7:12 does not refer to a generally valid rule but to the specific Law of the OT. In content νόμος may not always imply the whole of the OT Law, but in the first instance only the part which concerns the priestly ministry and the priesthood, cf. 9:22: σχεδὸν ἐν ἅματι πάντα καθαρίζεται κατὰ τὸν νόμον. But in no case is there any fundamental distinction. As compared with ἐπιτολή as the individual commandment, νόμος is mostly the OT Law as a whole, e.g., 7:5.

a. The fact that in content the orientation of νόμος is to the law which orders the priestly ministry is based on the main interest of the epistle. In Hb. the Law is viewed from a standpoint essentially different from that of, e.g., either Jesus or Paul. For them the Law is the will of God which requires and regulates human action. It aims at works and gives life to the man who does it. In Hb., however, the Law is seen from the standpoint that it gives the OT priesthood its basis, dignity and force. It has a share in the nature and efficacy of this priestly ministry, and similarly the nature and efficacy of the ministry depend on the fact that it rests on the Law.²⁵⁵ This also means, of course, that the true theme of Hb. is not the relation of Law and Gospel, but the relation of the priestly ministry of the OT to the priestly ministry and priesthood of Jesus. The comparison is extended to the Law only in so far as the power of the priestly ministry of the OT is its basis in the Law.

How strongly the fact that it is anchored in the Law gives force to the OT priesthood²⁵⁶ is shown not only by the common emphatic κατὰ τὸν νόμον or κατὰ νόμον (7:5; 8:4; 10:8),²⁵⁷ but also by certain material arguments.

²⁴⁹ Cf. Schli. Gesch. d. erst. Chr., 127. Certainly Gl. 5:11 is not to be understood as a ref. back to Christian works in which Paul required circumcision as necessary to salvation.
²⁵⁰ So C. Clemen, *Die Chronologie d. paulinischen Briefe* (1893), esp. 256 ff.; though cf. ThLZ (1902), No. 8, 233.

²⁵¹ So Stieffert, *Theologische Studien* ... B. Weiss ... *dargebracht* (1897).

²⁵² Cf. Jucker, 171 ff.; Graf, 27 ff.

²⁵³ So F. Bleek, *Der Brief an d. Hb.*, II, 2 (1840), ad loc.

²⁵⁴ Cf. Bl.-Debr., § 167.

²⁵⁵ νόμος is certainly used in the normal sense at 10:28: He who transgresses the Law must die; how much more so he who tramples the Son of God under foot! Cf. also 2:2. These passages make it plain, however, that there is no longer any obligation to the concrete Law. Materially cf. Brandt, 34 f.

²⁵⁶ Cf. T. Haering, *Der Br. an d. Hb.* (1925), 62 ff.

²⁵⁷ κατὰ moves on from the sense "according to," "after the manner of," by way of "in the strength of," almost to "through."

The majesty of Christ's priesthood rests precisely in the fact that He is a priest, not κατὰ νόμον ἐπιτολής σαρκίνης, but κατὰ δύναμιν ζωῆς ἀκρατοῦρου (7:16). But this does not invalidate the fact that the sanctity of the Law is recognised in these statements.²⁵⁸

b. Though the OT priesthood finds its strength and authority in the Law, it cannot bring τελεσίωσις (7:11). Hence the same can be said even of the Law by which the priesthood lives: οὐδὲν γὰρ ἐτελείωσεν ὁ νόμος (7:19).

The aim of the priestly ministry is strictly to bring man near to God (7:19). It is τελεσίωσις and its presupposition, καθαρίζειν τὴν συνείδησιν ἀπὸ νεκρῶν ἔργων εἰς τὸ λατρεῖν ἐν ᾧ ζῶντι (9:14), in short, ἀφαιρεῖν ἁμαρτίας (10:4).²⁵⁹ This goal is summed up in, e.g., 9:28 or 10:19 ff., for the decisive element in what is allotted to the believer by the High-priest Christ is the very thing which the Law, and the priesthood based upon it, could not attain, or could do so only inadequately.

The reason for this weakness and futility of the Law (ἀσθενὲς καὶ ἀνωφελες, 7:18), which do not allow it to attain its goal, is expounded in 7:18 ff., and this again is summed up in 7:28 in the antithesis: ὁ νόμος γὰρ ἀθρόωπος καθίστησιν ἀρχιερεῖς ἔχοντας ἀσθενεῖαν, ὁ λόγος δὲ τῆς ὀκωμοσίας τῆς μετὰ τὸν νόμον υἱὸν εἰς τὸν αἰῶνα τετελειωμένον. The weakness of the Law, and therewith of the priesthood, lies essentially in the weakness of the men with whom the Law has to do.

This weakness may be seen in the mortal nature of the priests (7:24 ff.) and esp. in the fact that they must first bring offerings for themselves, i.e., in their own implication in sin (7:27; 5:3). Connected herewith is the further fact that the OT sacrifice purifies only externally, not internally; it sets aside neither the sense of guilt nor sin itself (9:9 f.). Seeing, then, that the Law and its priesthood have to do with sinful men, they cannot attain their goal; they cannot secure for men access to the Holy of Holies, to God.

To put it epigrammatically, the Law is weak for Paul because man does not do it, whereas it is weak for Hb. because man does it. The two propositions start from different points, but fundamentally they contain the same verdict. How closely they are related may be seen in Hb. in the use of Jer. 31:31 ff., where the weakness of the old covenant is exposed by Israel's transgression of it, and also in the fact that the priesthood of Jesus sanctifies better because it rests on a sacrifice of obedience which is well-pleasing to God, 10:5 ff.

c. At this point we find in Hb., too, the same distinctive turn of thought as in Paul. In the light of the fulfilment²⁶⁰ the verdict is reached that the Law not only could not reach its goal but that it was not meant to do so, that its true purpose is to point to Christ by nailing man to his sin in order that he may find access

²⁵⁸ In typical contrast to this is Barn., in which Christological allegorising of the OT is carried to the pt. of even arguing that the literal execution of the commandments of the OT, e.g., that of circumcision, is to be ascribed to the seduction of a wicked angel (9, 4), since the commandment from the very first was not meant to be fulfilled literally. Cf. also 10, 2: ἄρα οὐκ ἔστιν ἐπιτολή θεοῦ τὸ μὴ τρώγειν (i.e., the animals forbidden in the Law), Μουσοῆς δὲ ἐν πνεύματι ἐλάλησεν, cf. 10, 9. This is a further development of the Hell. Jewish dissolving of the OT Law after the manner of Ep. Ar. and Philo. There is nothing along these lines in Hb. in spite of many formal similarities.

²⁵⁹ In fact, sacrifice is viewed in Hb. predominantly from the standpoint of expiation (5:1). Cf. Haering, 42 f.

²⁶⁰ In Hb., too, the verdict on the inadequacy of the old divine ministry is not based on rational criticism, for all that statements like 9:12a sound very much like this, but on the fact of the high-priesthood of Jesus, 8:1 ff.; 10:5 ff.

God by the only way proclaimed in Scripture, namely, through the high-priestly ministry of Jesus. In the sacrifice offered according to the Law there was in fact a *ἀνάμνησις ἀμαρτιῶν κατ' ἐνιωτῶν* (10:3), for the Law does not have the *ἰκῶν τῶν πραγμάτων*, but only the *σικῶν τῶν μελλόντων ἀγαθῶν* (10:1).²⁶¹ Only with the new covenant whose Mediator is Christ did there take place the *λοφίον* out τῶν ἐπι τῇ πρώτῃ διαθήκῃ παραβάσεων and the receiving of the *ρομίση*, 9:15. Thus the eternal high-priesthood of Christ, which was there already before the Law, which from the very first was above²⁶² the Law, which was imitated by the figure of Melchisedec and assigned with an oath to Christ in *Ps. 110:4* (7:17, 21), means not only the *μετάθεσις νόμου* (7:12) but also the fulfillment, the *εἰκῶν τῶν πραγμάτων* instead of merely the provisional *σικῶν μελλόντων ἀγαθῶν* (10:1).²⁶³

d. For all the differences, the affinity to the Pauline understanding of the Law is striking, especially in the way in which the old and the new covenants are interrelated, and the abrogation and fulfilment of the old by the new are integrated. This does not enable us to determine whether there are any direct Pauline influences. In comparison it should at least be noted that in Hb. there is no question, or, better, there is no longer any question of trying to find in the Law good acts which will justify man. This fact links the situation in Hb. regarding the question of the Law rather more strongly with Jn. and Jm. than with Paul.

2. James.

Decision as to the date and authorship of the letter and the interpretation of its understanding of the Law are mutually related.²⁶⁴ Unfortunately the material is not sufficient to yield an assured interpretation. Nevertheless, two facts are obvious. First, the question of the relation between faith and works is posed and answered without any reference to the Law, 2:14 ff. The theme is specifically the relation of faith and works, not, as in Paul and his opponents, that of faith and the Law.

To a great extent the two questions overlap, but they are not wholly identical. It is true that 2:14 ff. attacks a misunderstood Paul,²⁶⁵ yet not in the name of the Law nor even with reference to the Law, but in the name of the practical expression of faith in works, in acts of love, 2:16.

Secondly, where there is reference to νόμος, a qualifying phrase or word is often added: νόμος τέλειος τῆς ἐλευθερίας (1:25), νόμος ἐλευθερίας (2:12), νόμος βασιλικός (2:8). In each case (certainly in the first two) this is obviously intended to differentiate what is meant from what would be denoted by a simple νόμος. These two points together suggest a time when the primitive community was still discussing the question of the Law, but had already decided against legalism.²⁶⁶ The real danger is no longer seen in the keeping or abolishing of the Law but in a false understanding of faith such as might arise out of Paul's answer to the question. This is quite independent of the question whether or not the

²⁶¹ These good things are future ("to come") from the standpoint of the Law.

²⁶² This is the point of the express proof that in Abraham Levi paid tithes to Melchisedec, 5 ff.

²⁶³ Cf. Brandt, 40.

²⁶⁴ Cf. Dib, Jk., 15.

²⁶⁵ It makes no difference whether the author himself misunderstands Paul in this way, or is simply combatting a misunderstanding based on Paul.

²⁶⁶ Cf. J. Marty, *L'Épître de Jacques* (1935), 248, 60; Dib, Jk. on 1:25 and 2:8.

author was a Jew. (The style almost forces us to conclude that he was.)²⁶⁷ The three passages in which there is reference to the Law must be interpreted in the light of this total situation. These are 1:25; 2:8 ff.; 4:11 ff.

a. In 1:25 the νόμος τέλειος τῆς ἐλευθερίας is essentially identical with, or at least closely related to, the λόγος ἔμφυτος δυνάμενος σῶσαι τὸς ψυχῆς of v. 21 and the παρακύψαι εἰς νόμον is identical with the δοκεῖν θρησκὸν εἶναι and the θρησκεία of v. 26. Hence the Word of God which underlies the position of the Christian is here called νόμος,²⁶⁸ and it is thus characterised in terms of that side of it which is orientated not merely to inactive acceptance but to the regulation of life, esp., as v. 27 shows, in acts of love.²⁶⁹ The addition τέλειος τῆς ἐλευθερίας is thus designed to protect the term against the misunderstanding that the commandment of the OT Law is meant. In so far as the evangelical message claims a man's life for action, it can be called νόμος,²⁷⁰ but in contrast to the old Law it is a perfect law of liberty. The more precise meaning of the terms, however, does not appear from the context.²⁷¹ But further light will be thrown by the two other passages.

b. In 2:8 ff. νόμος is obviously in the first instance not just another term for the word of truth but "commandment" in the strict sense. The only question is whether it is used for the whole of the OT Law with all its commandments, or for the summary of this Law in the law of love.²⁷² Taken alone, v. 10 might be taken to mean that here the whole of the OT Law with all its commandments is obligatory. But the general attitude of the epistle and the context of the verse are against this interpretation. 2:8 says that if you really fulfil the law of love you do well. The following verse adds that if nevertheless there is προσωποληψία among you (as depicted in 2:1 ff.), this is sin, and it is sin against this law, for only — this is the point of v. 10 — when the law is kept in its entirety²⁷³ does one escape its condemnation. The law of v. 9 f. is thus the law of love which in v. 8 is called the royal law, and βασιλικός describes the nature of this law as contrasted with any other understanding of law rather than denoting this specific law alongside others which are equated with it in principle.²⁷⁴ If those addressed should appeal to the law of love on behalf of their conduct, this law includes the rich too, and hence the letter says: Very well, but it must be taken with full seriousness. προσωποληψία, however, denies an essential part of the law of love,²⁷⁵ and consequently such action is condemned by the commandment.²⁷⁶ If the passage is taken in this way, a uniform picture is presented except, perhaps, for the use of νόμος in v. 11. But in v. 11 an example is given to strengthen v. 10; hence v. 11 does not belong to the real train of thought. It is just because νόμος is used in v. 11 in the

²⁶⁷ The use of νόμος with or without art, with no difference of meaning, points in the same direction.

²⁶⁸ As against A. Meyer, *Das Rätsel d. Jk.* (1930), 153 ff.

²⁶⁹ Hence Windisch is not wholly right to speak of a "reduction" of the Torah to the "religious and moral commandments."

²⁷⁰ The phrase "conception of Christianity itself as law" (Weizsäcker, 365) is at the very least misleading.

²⁷¹ Non-Christian pars. (cf. the comm., *ad loc.*) do not give such a clear picture that one can expound in the light of them alone. Hence other statements in the epistle are more normative for exegesis.

²⁷² Though two of the Ten Commandments are used in v. 11 to illustrate the principle of v. 10, one cannot assume at once that for James νόμος means the Decalogue.

²⁷³ ἐν ἐνί does not have to mean "in one commandment of the OT" but has the more general sense "in one point or concrete instance."

²⁷⁴ Both senses of βασιλικός are intrinsically possible in the light of usage outside the NT, cf. the comm., *ad loc.*

²⁷⁵ Marty, *ad loc.*

²⁷⁶ Excusing the wicked on the ground of good intentions, or by quoting the Law, is rejected here, as elsewhere in the NT, since man has to do, not with the commandments, but with God (v. 11).

different sense which is closer to common usage than there is the further addition τῆς ἐλευθερίας in v. 12. The νόμος ἐλευθερίας of v. 12 is thus identical with the νόμος βουλαϊκός of v. 8, i.e., with the law of love which is the Law in the true sense. By this speech and action must be judged.

Hence an inner connection can be made between the view of the Law expressed here and that of 1:25. In so far as the Word is orientated to man's acts it is the law of love, and for this very reason it is the perfect law, not just the sum of individual commandments.

c. What it means that this law is the law of freedom is perhaps made clear in 4:11f. Comparison of this passage with R. 2:1 f. or Mt. 7:1 ff. breaks down precisely at the point which is peculiar to Jm., for here the condemnation of others does not involve condemnation of self, but of the Law and only then and therewith of self. Comparison with R. 14:4 is most likely.²⁷⁷ In this case νόμος is the will of God valid only for the individual. Another cannot know this off-hand, for this will of God will not let itself be enclosed in specific, unequivocal forms and actions.²⁷⁸ To judge another because his act deviates from what is right for me is to presume to judge concerning the command which is valid for him. But herein one is no longer a doer of the law.²⁷⁹ Thus understood, the passage is an indication of the seriousness of the principle that from the Christian standpoint the law is a law of liberty which binds the individual, not to specific commandments, but to the obedience of love which is specifically laid on him. This freedom, then, is freedom through the obligation of obedience to God. Therefore, though it is freedom from the individual commandments of the Law, it is no more a hindrance to ethical guidance and direction than in Paul, and the epistle seeks to give these. But it nowhere forces the freedom of obedience into a schema after the manner of law.

Thus Jm. in its understanding of the Law is in full agreement with the Christian understanding in terms of the obedience of faith, though chronologically it comes after the actual debate as to the validity of the OT Law.

3. John's Gospel.

νόμος is rather more common in Jn. (14 times) than in Mt. (8); nevertheless, the actual question of the Law is far less central in this Gospel.

The meaning of the word is the usual one. νόμος is the Torah, esp. the Pent., e.g., 1:45: ἔγραψεν Μωσῆς ἐν τῷ νόμῳ καὶ οὐ προφήται. But it is also used more generally for the whole of the OT: 10:34: the γεγραμμένον ἐν τῷ νόμῳ ὑμῶν is a verse from the Ps., cf. 12:34; 15:25. Naturally νόμος can also be law in the narrower sense of a specific commandment, cf. in the discussion of Jesus' breaking of the Sabbath in 7:19, 23. As such νόμος is also a legal ordinance, e.g., 7:51: μή ὁ νόμος ἡμῶν κρίνει τὸν ἀνόμωτον ἐὰν μὴ ἀκούσῃ πρῶτον παρ' αὐτοῦ καὶ γινῶ τι ποιῆει; or 18:31 on the lips of Pilate: κατὰ τὸν νόμον ὑμῶν κρίνετε αὐτόν, or on the lips of the Jews before Pilate in 19:7. Normally it is used with the art. The exception is 19:7a, where the indefinite form is required by the content.

The chief material point is that Jn. has no particular interest in the Law as a

²⁷⁷ Weizsäcker, 368.

²⁷⁸ Cf. also the self-designation of the author as θεοῦ καὶ κυρίου Ἰησοῦ Χριστοῦ δοῦλος, 1:1, Schl. Jk. on 1:25.

²⁷⁹ Schl. Jk., ad loc. at least offers a similar exegesis for consideration. Another line of exposition assumes that κατὰ νόμον and κρίνετε νόμον is simply an expression for transgressing, so that νόμος is the law of love (cf. Wnd. Jk., ad loc.; also Hck. Jk., ad loc.). In view of v. 12 this is less probable, for the principle of the unity of law-giving and judgment in God surely implies that only He who gives the individual a law has the right to judge his action.

possibility for regulating human or even Christian action. Even in cases where it is expressly recounted that Jesus set aside the Law, e.g., c. 5 (with 7:19 ff.) and c. 9, the true theme which interests him is not the validity of the Law. These cases and questions simply provide the occasion and starting-point for the development of the true theme.

The Law interests Jn. in the first instance as revelation, and in this sense it is set in confrontation with Jesus.

a. Thus we read in 1:17: ὁ νόμος διὰ Μωυσῆως ἐδόθη, ἡ χάρις καὶ ἡ ἀλήθεια διὰ Ἰησοῦ Χριστοῦ ἐγένετο. This must be construed in the light of v. 18. Only in Jesus is God truly revealed. Only here, in the incarnate Word, is there a real declaration of God, in the gift of grace and truth (v. 14, 17).²⁸⁰ In keeping with this, a whole series of expressions with which Jesus designates Himself, or with which He is designated, is set over against similar statements about the Torah. Jesus is the Light (8:12; 9:5; 12:35) in contrast with the Torah as light.²⁸¹ Jesus gives the water of life (c. 4) in confrontation with the Torah, without which Israel can no more live than a fish without water.²⁸² Jesus is the bread of life (c. 6), or the way, the truth and the life (14:6); in both cases there are parallel statements about the Torah.²⁸³ Finally, the description of Jesus as the incarnate Word stands over against statements about the pre-existence of this Logos and its mediatorial role in creation.

But even apart from the fact that these implicit confrontations are in no sense with the Torah alone,²⁸⁴ it should also be noted that the parallels are not simply due to a mechanical, point by point transfer of features in teaching about the Torah to Christology. Both in Jn. and in Jewish theology the expressions are controlled by the central statements, namely, that the revelation of God is present in the Torah, and that it is present in Jesus. To the degree that in non-Rabbinic circles similar basic theses are advanced and lead to similar expressions, the statements about Jesus are a counter-thesis to these too. As concerns the Torah, it is contrasted, as a word of revelation, with the Son who is the perfect revelation.

b. This does not mean, however, that the relation between the two is simply that of an "either-or." Between the Law as the word of Scripture and the revelation of God in Jesus there is a positive inner connection.²⁸⁵ In the Law, in Scripture,

²⁸⁰ Hence this is not a criticism in the way stated by Bau. J. on 1:16: In face of the high estimation of Moses among Jews "Christian criticism shows that not even the whole of the Law goes back to Moses (7:22), much less that his acts should be rated as real acts of God (6:32). Hence all the confidence reposed on him is in vain." In fact, 7:22 is only conferring a higher dignity on circumcision because it goes back even to the patriarchs. Nor is the deduction drawn from 6:32 consonant with the text.

²⁸¹ Str.-B., I, 237d; K. H. Rengstorf, "Zu den Fresken in d. jüd. Katakomben der Villa Torlonia in Rom," ZNW, 31 (1932), 52 ff.

²⁸² Str.-B., II, 435 f.

²⁸³ *Ibid.*, II, 482 ff.; on this whole question cf. K. Bornhäuser, *D. Joh. Ev. eine Missions-schrift für Israel* (1928), also → 135.

²⁸⁴ Cf. Bau. Jn., ad loc.

²⁸⁵ E. Hirsch, *Das vierte Ev. in seiner urspr. Gestalt verdeutscht u. erklärt* (1936), advances the thesis that the "basic and all-dominant concept of the Gospel is that between Christianity and Judaism, between liberating and life-giving faith in the Word and the enslaving service of Judaism, there is an irreconcilable conflict" (p. 78 f.). As regards this thesis it is debatable not merely whether this is the basic and all-dominating concept of the Gospel but also whether only an irreconcilable conflict is here disclosed. Cf. also R. Bultmann, "Hirschs Auslegung d. Joh. Ev.," *Evangelische Theol.* (1937), 115 ff., esp. 128 ff.

Jesus is attested and promised as the Christ. 1:45 : δὲ ἔγραψεν Μωϋσῆς ἐν τῷ νόμῳ καὶ οἱ προφήται εὐρήκαμεν (sc. in Jesus). Cf. also 5:39 f. Though the word νόμος is not used here, it is materially apposite, as is shown by 7:19 ff., which fits the context of c. 5. The Scriptures bear witness to Jesus. Jn. often speaks of the Law in this sense. What the Law says or ordains is fulfilled in the life and work of Jesus, 8:17; 10:34; 12:34; 15:25.²⁸⁶

There is, of course, a strong emphasis here on the critical result of this relation. If a man rejects Jesus as the Christ, his appeal to the Law is shown to be revolt against Scripture, cf. esp. 5:39 ff. True belief in Moses and hence in the Law, true hearing of this revelation, will necessarily lead to acknowledgment of Jesus. Rejection of Jesus, then, is also rejection of the revelation of the Law. In this light the emphatic ὁ νόμος ὁ ὑπέτερος of 8:17 and ὁ νόμος ὑμῶν of 10:34 are to be taken in the sense that it is precisely the Law to which you appeal in opposition to me, it is precisely the statement of this Law, which refers to me; hence if you do not hear me you do not hear Scripture either.²⁸⁷ The meaning is not: Your Law with which I have nothing to do.²⁸⁸

c. The very same relation between Jesus and the Law may be seen also in passages in which the Law is envisaged as the regulation of human action. In the first place there is again an antithesis. Jesus is bound only to the will of the Father, not to the commandment which is given in the Son, which for them takes the place of the Law, and which finds expression in the law of love: ἐντολὴν καινὴν δίδωμι ὑμῖν, ἵνα ἀγαπᾶτε ἀλλήλους . . . ἀγάπην ἔχητε ἐν ἀλληλοῖς (13:34 f.). V. 35 in particular shows how the relation of discipleship to Jesus takes the place of, e.g., obligation to the Torah, and this relation finds appropriate expression in the law of love. By it they are also released from the relationship of servants, 15:15. Only in Christ can they do a fruitful work, 15:5.

But again there stands beside this the close positive connection. Christ is imparted to him who really does the Law. Nathanael is called to Jesus as ἀληθὺς Ἰσραηλῆτης, ἐν φῶ δόλος οὐκ ἔστιν, 1:47 ff. 7:17 might also be cited here: ἐάν τις θέλῃ τὸ θέλημα αὐτοῦ (sc. of God) ποιεῖν, γνώσεται περὶ τῆς διδαχῆς, πότερον ἐκ τοῦ θεοῦ ἔστιν ἢ ἐγὼ ἀπ' ἑμαυτοῦ λαλῶ.

This again has the negative implication that with the rejection of Jesus there is also rejection of the will of the Law. In 7:19 the purpose to kill Jesus discloses the οὐ ποιεῖν τὸν νόμον. Hatred of Jesus evades the commandment of the Law, 7:50 f. If the Jews seek to serve God by persecuting Jesus, this is because they know neither the Father nor Jesus, 16:3.²⁸⁹

In so far as Jesus as the Son and Christ replaces in every respect all other mediators, including the Torah, the Torah is both destroyed and fulfilled. This may be seen from the fact that true hearing of the Law leads to faith in Jesus, and rejection of Jesus is at the same time revolt against the Law.

In John, however, the Law is never used as the rule of Christian conduct for the community. The Epistles confirm this, and so, too, does Rev. It is no accident that νόμος does not occur at all in these writings. Nowhere in John is there any attempt to prove that when the law of love is kept the true intention of the Law is fulfilled.

²⁸⁶ Hence we do not have merely a kind of adding of the OT and the Word of Jesus, as Bornhäuser, 77 understands Jn. 2:22.

²⁸⁷ Cf. Zñ. J. on 8:17 and 10:34. Zahn rightly compares the ὑμῖν in Mt. 22:31. Mt. 15:25 is more difficult, though cf. 16:2.

²⁸⁸ So 18:31 on the lips of Pilate.
²⁸⁹ Cf. also 3:10: If Nicodemus were a true teacher in Israel, the saying of Jesus would not be so incomprehensible to him.

All this puts the Gospel²⁹⁰ in the generation and period after the real battle as to the validity of the Law. In this respect, then, it places it in the same class as Jm. and Hb.

† ἀνομία.

The privative prefix and the content of the word νόμος give two shades of meaning to ἀνομία. The ref. is either a. to a fact, "there is or was no law," "without a (the) law," or b. the word means "against the (a) law," with an implied judgment, since it is assumed that there is in fact a binding law. This gives ἀνομία the sense of "wrong-doing," "sin." In fact, of course, the two meanings cannot be sharply differentiated from one another in the majority of cases. The difference is merely one of emphasis.

For a. cf. P. Oxy., 1121, 20: ἀπαντα ὡς ἐν ἀνομία[ι]ς ἀπεσάλησαν.¹ Philo Leg.-All., III, 79: Melchisedec is a righteous king, not a tyrant ὅτι ὁ μὲν νόμων, ὁ δὲ ἀνομίας ἐστὶν εἰσηγητής. For b. cf. Philo Conf. Ling., 108, which speaks of ἀλοκρατίᾳ . . . ἐν ἡ δίκαια καὶ ἀνομία καταδυναστεύουσιν. In Ebr., 143 ἀνομία and ἀπειθευσία are associated. This occurs already in class. Gk., e.g. Demosth., 24, 152: If a decision by plebscite dissolves the constitution of the city νόμῳ κατῶ, this should be called ἀνομία rather than νόμος. Thus even though the alteration is legally defensible, it may have to be called ἀνομία.

In this sense ἀνομία can denote a general state of lawlessness or wickedness. Philo Spec. Leg., I, 188: εὐνομία καινὴ παλαιῶν ἀνομιῶν ἐκνυψάμενοι. Yet ἀνομία, esp. in the plur., can be used just as well for the specific act, Ps. Sol. 15:10: αἱ ἀνομίαι αὐτῶν (sinners) διώξονται αὐτοῦς ἕως ἔδου κάτω, P. Flor., 382, 49: ἡ ἀνυπέβλητος αὐτοῦ τόλμα . . . καὶ ἀνομία.

ἀνομία is common in the LXX, though there is no fixed Heb. equivalent. It corresponds most frequently to *niy* (some 60 times), *niw* (some 25 times, esp. in Ps.), *ynw* (some 20 times), *nyyn* (some 25 times, esp. in Ez.).² In the LXX it has all the meanings mentioned above. It is common in the plur. for individual acts, Gn. 19:15: ἵνα μὴ συναβήη ταῖς ἀνομίαις τῆς πόλεως. The state of ἀνομία is at issue in, e.g., ψ 31:5: τὴν ἀνομίαν μου οὐκ ἐκόλυψα, ψ 17:24 etc. In general there is no direct connection with the Law, at any rate not to any fundamentally greater degree than is true of the OT concept of sin generally, which is, of course, orientated to the commandment of God. It is characteristic, of course, that ἀνομία should become one of the chief terms for sin. Increasing unification and colourlessness here go hand in hand.

In the NT ἀνομία has the same range of use as elsewhere. In the plur. (found in quotations) it is the "sinful act," though the connection with the Law, measured by which the act in question is shown to be sin, is not directly in view, R. 4:7; Hb. 10:17 (Hb. 8:12 vl.). In Tt. 2:14 (a quotation) ἀπὸ πάσης ἀνομίας is to be construed less along the lines of a general condition in view of the antithesis to ζηλωτῆς καλῶν ἔργων.

In R. 6:19 ἀνομία for the individual act is found along with ἀνομία for the general condition which is the result of such acts, namely, that of alienation from the Law, though this is understood as a judgment rather than a statement. Service of ἀνομία leads to a general state of ἀνομία. Similarly (in antithesis) in Hb. 1:9 (a quotation): ἡγάπησας δικαιοσύνην καὶ ἐμίσησας ἀνομίαν, and cf. 2 C. 6:14: δικαιοσύνη and ἀνομία are as mutually exclusive as faith and unbelief or Christ and Belial. Since Paul is here addressing a Christian community which is not

²⁹⁰ Though not necessarily the author too.

¹ ἀνομία. On this and the following arts. cf. esp. the dict.

² It also corresponds to about 20 other Heb. terms, but in most cases only once each.