

"LAW," "WORKS OF THE LAW," AND LEGALISM
IN PAUL

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IN his insightful essay "Reflexions on the Doctrine of the Law," Gerhard Ebeling observes that "in the theology of the Reformers the problems all concentrate themselves so much on the concept of law that the whole of theology (in the sense of the essential structure of theology) stands or falls with it."¹ Fundamental to this theological structure is the antithesis between law and gospel — between "what we are to do and give to God" and "what has been given us by God," as Luther puts it in one place.² As theological concepts, law and gospel were carefully distinguished by most of the major Reformers. But both disagreement and confusion were engendered by the application of these terms to the two main epochs of revelation history: the Old and New Testaments. Luther resisted any direct appeal to the OT in the guidance of the Christian and the life of the church.³ Calvin, on the other hand, elevated the so-called "third use of the law" to its "chief use,"⁴ while Bullinger went even further, using the Mosaic judicial law extensively in formulating a theory of church

¹ *Word and Faith* (Philadelphia: Fortress, 1963) 254.

² "How Christians should regard the Law of Moses," *Luther's Works* (ed. E. Theodore Bachmann; Philadelphia: Fortress, 1960) 162.

³ Though the issue is debated, it is probable that Luther did not countenance what is generally known as the "third use of the law"; he judges the Mosaic law to be binding on believers only as it reproduces the natural law. See Wilfried Joest, *Gesetz und Freiheit. Das Problem des 'Tertius Usus Legis' bei Luther und die neutestamentliche Paränese* (3rd. ed.; Göttingen: Vandenhoeck & Ruprecht, 1961) 133; Heinrich Bornkamm, *Luther and the Old Testament* (Philadelphia: Fortress, 1969) 124-32; G. Ebeling, "On the Doctrine of the *Triplex Usus Legis* in the Theology of the Reformers," *Word and Faith*, 62-64; P. D. L. Avis, "Moses and the Magistrate: A Study in the Rise of Protestant Legalism," *JEH* 26 (1975) 154.

⁴ *Institutes of the Christian Religion* 2.7.12.

government.⁵ An emphasis on the continuity of salvation-history was also of use in equating circumcision with baptism; not surprisingly, some Anabaptists accordingly asserted the discontinuity between law and gospel as applied to historical epochs.⁶

While the nature of the relationship between law and gospel in this historical sense has always figured prominently in theological discussion, and has affected in no small measure the construction of rival theological systems, debate over the theological contrast has not been lacking. Two examples of fresh approaches to this issue in this century are Karl Barth's essay "Gospel and Law," which purposively reverses the order of the terms in order to suggest that law is the content of the gospel, and Daniel Fuller's book, in which law and gospel are asserted to be parts of one continuum, rather than contrasting items.⁷ And Fuller's book illustrates how the two forms of the law/gospel antithesis continue to be treated as inter-related—a blurring of categories which may create problems for the resulting theological formulation.⁸

Appeal to the Pauline epistles has always figured prominently in discussions of law and gospel. To be sure, the apostle never directly contrasts law and *gospel*, but he does frequently set law in opposition to grace, faith, and promise; and he similarly juxtaposes works of the law and faith as mutually exclusive ways of seeking God's righteousness. Without presuming to say anything substantial on the dogmatic question, I would like in this essay to discuss one facet of the Pauline evidence as it impinges on the doctrinal question. This is his use of the expressions *nomos* ("law") and *ta erga tou nomou* ("the works of the law"). As we have seen, the law/gospel discussion has moved in two different, but related directions: the theological and the historical; and

⁵ J. Wayne Baker (*Heinrich Bullinger and the Covenant: The Other Reformed Tradition* [Athens, Ohio: University of Ohio Press, 1980]) offers a good discussion of Bullinger's views.

⁶ See, for instance, Pilgram Marpeck (William Klassen, *Covenant and Community: The Life, Writings and Hermeneutics of Pilgram Marpeck* [Grand Rapids: Eerdmans, 1968] 114-30).

⁷ Karl Barth, "Gospel and Law," *Community, State and Church: Three Essays* (Garden City, N.Y.: Doubleday, 1960); Daniel P. Fuller, *Gospel and Law: Contrast or Continuum?* (Grand Rapids: Eerdmans, 1980).

⁸ See my review of Fuller's book in *Trinity Journal* 3 NS (1982) 99-103.

it is not always clear how the Pauline evidence is being applied to these two different categories. Establishing the range of meaning of the term "law," then, is of fundamental importance if legitimate use is to be made of his writings. A related issue is the question as to whether Paul sometimes uses "law" or "works of the law" as a reference to the misuse of the law, legalism. Once again, the validity of employing the Pauline antitheses in the formulation of dogmatic conclusions is radically affected by this question. We will proceed by studying, in turn, Paul's use of *nomos* and *ta erga tou nomou*, appending to each section some comments on the implications of our findings for the larger issue.

I. *Nomos in Paul*

An adequate investigation of Paul's use of *nomos* would require at least a monograph, in which the details of exegesis and theological implication would be fully explored. At this point, I will confine myself to a lexical analysis of the term as Paul uses it, with some comments on the significance of the data. Chart I sets forth these data. Many decisions have been made in the course of constructing it, most of which receive some degree of justification in the comments which follow.

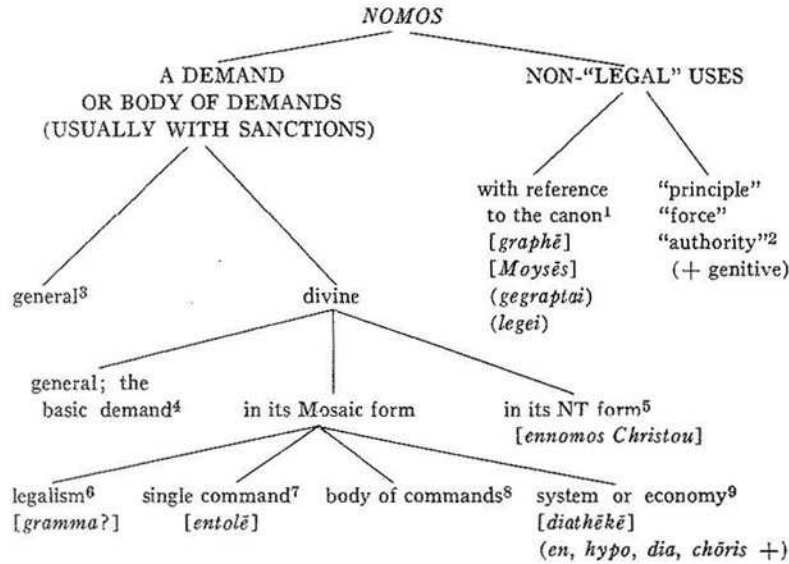
(1) Of Paul's 119 uses of *nomos*, none occurs in the plural. While this phenomenon accords to some extent with the situation in the LXX (only 38 of the approximately 440 occurrences are in the plural, and most of these have no reference to divine law), this statistic should be regarded as significant: Paul discusses the law as a single entity rather than as a series of commands.⁹

(2) Since the time of Origen, scholars have suggested that the presence and absence of the article with *nomos* is a clue to its meaning in Paul. Generally the articular form is viewed as referring to the Mosaic law, while the anarthrous *nomos* is understood to mean law as a general concept.¹⁰ This is a distinction

⁹ Andrea van Dülmen, *Die Theologie des Gesetzes bei Paulus* (SBM 5; Stuttgart: Katholisches Bibelwerk, 1968) 130. As Josef Blank (*EKKNT* 1.83) indicates, this use of *nomos* in the singular is rooted in the OT, especially Deuteronomy (cf. 31:26; 32:46).

¹⁰ For example, Sanday-Headlam distinguish three basic senses: *ho nomos* = law of Moses; *nomos* = law in general; *nomos* = Mosaic law, with emphasis on its character as law (*A Critical and Exegetical Commentary on the Epistle to the Romans* [ICC; Edinburgh: T. & T. Clark, 1902] 58).

CHART I

A CATEGORIZATION OF PAUL'S USE OF *NOMOS**

*Words in brackets [] denote terms which are, at least to some extent, interchangeable with *nomos* when used in the manner indicated. Words in parentheses () denote terms which are often found in the context of *nomos* when used in the manner indicated. A question mark denotes that considerable uncertainty about the meaning of that occurrence of *nomos* exists. Usually the reference will also appear in the alternative classification(s). I have omitted question marks with a good number of occurrences that are debated where I am reasonably certain of the meaning.

¹Rom 3:19a, 21b, 31a,b; 1 Cor 9:8, 9; 14:21, 34; Gal 4:21b.

²Rom 3:27a?b?; 7:21, 23a?c? 25b?; 8:2a?b?; 9:31a?b?

³Rom 2:14d; Gal 5:23.

⁴Rom 2:14b? 15? 26? 27a?b?; 7:22? 23b? 25a?; 8:7?; Gal 3:21b.

⁵Gal 6:2.

⁶Rom 3:21?; 4:13? 14? 15a?; 6:14? 15?; 7:4? 5? 6?; 10:4?; Gal 3:11? 12? 17? 18? 19? 21a?b?c? 23?; 4:4? 5?

⁷Rom 7:2b, 3.

⁸"Done," "guarded," "transgressed," etc.: Rom 2:13a,b, 25a,b, 26? 27a?b?; Gal 5:3; 6:13.

Denied as the basis of justification, etc. With *erga*: Rom 3:20, 28; Gal 2:16a,b,c; 3:2, 5, 10. Without *erga*: Rom 4:13? 14?; 10:5; Gal 2:21; 3:18?; 5:4?; Phil 3:6, 9.

Origin and purpose: Rom 3:20b; 4:15a?; 5:13a, 20; 7:7b,c, 9, 12, 14; 8:2b? 1 Cor 15:56; Gal 3:17, 19.

"Fulfilled" or "established": Rom 3:31b?; 8:4; 13:8; Gal 3:10; 5:14.

Other uses: Rom 2:14a,c, 17, 18, 20, 23a,b, 27a?b?; 3:27b?; 4:15b? 16; 5:13b; 7:1a?b? 2a? 7a, 8? 16? 22? 23a?c? 25a?b?; 8:2b? 3?; 9:31a?h?; Rom 10:5?; Gal 2:19a,b?; 3:10b, 11, 12, 13, 21a,c; Eph 2:15?; Phil 3:5; 1 Tim 1:8, 9.

⁹Rom 2:12a,b; 3:19b, 21a?; 6:14? 15?; 7:4? 5? 6? 8?; 8:3?; 10:4? 5?; 1 Cor 9:20a,b,c,d; Gal 2:19b; 3:23, 24; 4:4? 5? 21a; 5:4? 18; Eph 2:15?

which is, however, rejected by most contemporary scholars, and with good reason.¹¹ The shift from articular *nomos* to anarthrous and vice versa in passages such as Rom 7:7-14 and Gal 3:11-12 (where any change in the meaning of the term would wreak havoc with the continuity of the argument), the fact that Josephus and Philo use anarthrous *nomos* of the Mosaic law, and the impossibility of maintaining a difference in the forms in the LXX all point to the illegitimacy of drawing distinctions in meaning on the basis of the use of the article. Other explanations, related especially to syntactical considerations, serve to explain most of the variations.¹²

(3) *Nomos* appears to possess the root meaning "something laid down, ordered, or assigned" and hence the system of customs or rules governing equitable and/or just distribution of things and duties.¹³ In a formal sense, then, the term can be used generally of an "order," "system," or even "authority." This meaning, though not found in the LXX, is certainly attested in Paul. Just how often, however, is a matter of considerable debate. Despite arguments to the contrary, Rom 7:21 ("I find therefore this *nomon*") is almost certainly one such instance.¹⁴ Complicating the situation is the fact that *nomos* occurs several times in the context with uncertain meaning. In vv 22-23, Paul contrasts "the law of God"/"the law of my mind" with "the other law"/"the

¹¹ See, e.g., Edward Grafe, *Die paulinische Lehre vom Gesetz nach den vier Hauptbriefen* (Freiburg and Tübingen: J.C.B. Mohr [Siebeck], 1884) 5-8; Richard N. Longenecker, *Paul: Apostle of Liberty* (Grand Rapids: Baker, 1976 [= 1964]) 118-19; G. E. Howard, "Christ the End of the Law: The Meaning of Romans 10:4ff." *JBL* 88 (1969) 331 n. 2; van Dülmen, *Theologie des Gesetzes*, 131-32.

¹² For a discussion of some of the relevant syntactical factors, see the appendix on the article in Murray Harris's forthcoming *Jesus as 'God' in the New Testament: A Study of the Use of Theos as a Christological Title*.

¹³ H. Kleinknecht, "Nomos," *TDNT* 4. 1023-24.

¹⁴ Werner Georg Kümmel, *Römer 7 und die Bekehrung des Paulus* (Untersuchungen zum Neuen Testament 17; Leipzig: J. C. Hinrichs, 1929) 61-62. Others take *nomos* to refer to the "other law" (cf. v 23; C. E. B. Cranfield, *A Critical and Exegetical Commentary on the Epistle to the Romans* [ICC, n.s.; 2 vols.; Edinburgh: T. & T. Clark, 1975-79] 1.362) or, which is most unlikely, to the Mosaic law (James Denney, "St. Paul's Epistle to the Romans," *Expositor's Greek Testament* [ed. W. Robertson Nicoll; 5 vols.; Grand Rapids: Eerdmans, 1970, reprinted] 2.642).

law of sin in my members."¹⁵ While some view the second set of expressions as ways of speaking of the Mosaic law in one of its aspects,¹⁶ it seems better to understand by the phrases something like "the authority, or power, exercised by sin."¹⁷ Rom 8:2 presents a similar situation: "The law of the Spirit of life has freed me from the law of sin and death." Are two facets or uses of the Mosaic law intended,¹⁸ or two contrasting powers¹⁹ or two opposing systems?²⁰ The same alternatives are applicable to Rom 3:27²¹ and 9:31.²² Without attempting to draw conclusions on

¹⁵ With Cranfield (*Romans* 1.364), I take it that Paul contrasts two "laws" described in different ways.

¹⁶ Ferdinand Hahn, "Das Gesetzesverständnis im Römer- und Galaterbrief," *ZNW* 67 (1976) 46.

¹⁷ See again Cranfield (*Romans* 1.364) for substantiation.

¹⁸ E. Lohse, "ὁ νόμος τοῦ πνεύματος τῆς ζωῆς. Exegetische Anmerkungen zu Röm. 8.2," in *Neues Testament und christliche Existenz* (ed. H. D. Betz and L. Schottroff; Tübingen: Mohr, 1973) 58-60.

¹⁹ Cranfield, *Romans* 1.375-76.

²⁰ C. K. Barrett translates *nomos* "religion" (*A Commentary on the Epistle to the Romans* [HNTC: New York: Harper & Row, 1957] 153).

²¹ Gerhard Friedrich has made a strong case for viewing both "laws" in this verse as references to the Mosaic law; in one case to that law as it is misunderstood to demand "works" only and in the other case to that same law as it testifies to righteousness by faith (cf. 3:21; "Das Gesetz des Glaubens: Röm. 3, 27," *TZ* 10 [1954] 401-17; cf. also C. Thomas Rhyne, *Faith Establishes the Law* [SBLDS 55; Chico, CA: Scholars Press, 1981] 70; Cranfield, *Romans* 1.220; and, with a slightly different view [the Mosaic law as seen through the eyes of faith], Hans Hübner, *Das Gesetz bei Paulus. Ein Beitrag zum Werden der paulinischen Theologie* [FRLANT 119; Göttingen: Vandenhoeck & Ruprecht, 1978] 118-19). However, this view suffers from the necessity of equating "law" with the different expression (v 21) "law and prophets" and introduces improbable shifts in the use of the term in vv 19-31 (Ulrich Luz, *Das Geschichtsverständnis des Paulus* [BEvT 49; Munich: Kaiser, 1968] 173). It may be preferable, therefore, to understand by *nomos pisteōs* "the rule, order or norm of faith" (Ernst Käsemann, *Commentary on Romans* [Grand Rapids: Eerdmans, 1980] 103), or perhaps the "principle" of faith (John Murray, *The Epistle to the Romans* [2 vols. in one; Grand Rapids: Eerdmans, 1959-65] 1.123 — although the difference between Käsemann's view and Murray's is slight).

²² Most regard the "law of righteousness" (*nomos dikaiosynēs*) to be the Mosaic law viewed as a witness to righteousness (Felix Flückiger, "Christus, des Gesetzes νόμος," *TZ* 11 [1955] 154; Ragnar Bring, "Paul and the Old Testament: A Study of the Ideas of Election, Faith and Law in Paul, with Special Reference to Romans 9:30-10:13," *ST* 25 [1971] 46; Cranfield, *Romans* 2.507-8); others as the Mosaic law which confers righteousness

these debated texts, it is fairly clear that Paul does use *nomos* with the sense suggested here, but only occasionally. And, it is worth while pointing out, all the possible occurrences of this use but one are construed with the genitive.

(4) For the Jews of Paul's day, the *torah* was the heart of Scripture. Because of the prominence given to this facet of the OT, the Pentateuch was often, and the Scriptures as a whole were sometimes, called the "law."²³ Paul takes up this usage. Rom 3:19a (following quotations drawn from the Psalms and Isaiah) and 1 Cor 14:21 (introducing a quotation from Isaiah) are indisputable examples of *nomos* with reference to the whole of Scripture, while 1 Cor 9:8-9; 14:34; and Gal 4:21b almost certainly are references to the Pentateuch. Only once does Paul use the phrase "law and prophets" to designate Scripture as a whole (Rom 3:21b). Characteristic of these occurrences is the use of a form of *graphō* or *legō* with *nomos*.

(5) The great majority of the Pauline uses of *nomos* make reference to demands, or requirements, and especially to bodies or systems of demands or requirements which are binding on men. This usage bears some similarities to the use of *nomos* among the Greeks to designate the system of regulations governing the life of the *polis* or the conduct of religion.²⁴ For Paul, naturally, the body of demands which binds men has its origin with God, but on two occasions he may indicate with *nomos* such a system in general, without specific thought of divine origin. Rom 2:14 is exceedingly difficult, but it can at least be suggested that Paul, when he speaks of Gentiles²⁵ being a "law for themselves," means that their consciences (v 15) become the source of moral guidance

(John E. Toews, "The Law in Paul's Letter to the Romans: A Study of Romans 9:30-10:13" [unpublished Ph.D. dissertation, Northwestern University, 1977] 132-39); still others as the Mosaic law whose real content and goal (*telos*) is Christ (Otto Michel, *Der Brief an die Römer* [5th ed.; MeyerK; Göttingen: Vandenhoeck & Ruprecht, 1978] 321). On the other hand, a few (e.g., Sanday-Headlam, *Romans*, 279) deny any reference to the Mosaic law, translating "rule" or "principle."

²³ W. Gutbrod, "Nomos," *TDNT* 4.1047; Str-B 3.159.

²⁴ Kleinknecht, "Nomos," 1023-26.

²⁵ Despite some good arguments for the position, it seems to be improbable that Paul in 2:14-16 uses *ethnē* to designate Gentile Christians (pace Karl Barth, *A Shorter Commentary on Romans* [Philadelphia: Fortress, 1959] 36; Cranfield, *Romans* 1.156).

according to which God will render to them his just judgment.²⁶ Similarly, Paul's declaration that "against such things [i.e., the fruit of the Spirit] there is no law" (Gal 5:23) may indicate that such Spirit-inspired qualities are incapable of being produced on the basis of external command and perhaps also that no system of demands can stand as a criterion of judgment over such virtues.

(6) Occasionally, Paul appears to use *nomos* of the will of God, without regard to any definite, historical form in which that will is expressed. Romans 2, which offers the greatest difficulties of any Pauline text in determining the meanings of *nomos*, may contain several examples of this usage. "The work of the law" written in the hearts of the Gentiles (2:15) may reflect such an idea, as may 2:26–27. In the latter text, the key point appears to be, as Barrett points out, that the law is fulfilled by those who are in an uncircumcised state — clearly implying that the historical revelation of the divine will through Moses cannot be intended.²⁷ Recently, and apparently independently, A. Feuillet and D. R. de Lacey have argued for a general meaning of *nomos* in the expression *nomos theou* in Rom 7:22, 25 and 8:7.²⁸ Reference may be made to the chart for other possible occurrences of this usage.

(7) What is vital for any accurate understanding of Paul's doctrine of law is to realize that Paul uses *nomos* most often and most basically of the Mosaic law. This may be demonstrated through a consideration of the following facts.

(a) Paul can speak of the law, without further definition, as having "entered" (Rom 5:20); as having been "added" (Gal 3:19) and, specifically, as having originated at the time of Moses (cf. Gal 3:17, Rom 5:13).

(b) Equally significant is the fact that Paul consistently confines the scope of *nomos* to Israel. Rom 2:12 presents the unambiguous contrast between those who "sin without the law"

²⁶ Murray, *Romans* 1.72–74.

²⁷ *Romans*, 59.

²⁸ A. Feuillet, "Loi de Dieu, loi du Christ et loi de l'Esprit d'après les épîtres pauliniennes: Les rapports de ces trois lois avec la Loi Mosaique," *NovT* 22 (1980) 29–65; D. R. de Lacey, "The Sabbath/Sunday Question and the Law in the Pauline Corpus," *From Sabbath to Lord's Day: A Biblical, Historical, and Theological Investigation* (ed. D. A. Carson; Grand Rapids: Zondervan, 1982) 170.

(*anomōs*) and those who sin "in the law," while 2:14 characterizes the Gentiles specifically as those "who do not have the law." An identical contrast is evident in 1 Cor 9:20-21: "To the Jews I became like a Jew, to win the Jews. To those under the law [*kypo nomon*] I became like one under the law (though I myself am not under the law) so as to win those under the law. To those not having the law [*anomos*] I became like one not having the law. . . ." Note should also be made here of Paul's careful use of pronouns in Gal 3:10-4:7 — the first person used when life under the law is discussed, the second person when the Galatians' (who are Gentiles) own situation is involved.²⁹ And, while not going as far as Minear,³⁰ it seems to me that the heading of Romans 7, "Now I am speaking to those who know the law," may very well signal Paul's intent to address the Jewish faction of the Roman church.³¹ Negatively, Paul is careful to speak of "works" rather than "works of the law" when people before the time of Moses (Rom 4; 9:10-12) and Gentiles (Eph 2:9; 2 Tim 1:9; Titus 3:5) are the subjects of comment. Finally, it is clear that Paul views the law as a barrier separating Jew and Gentile, an exclusive privilege of Israel which must (in some sense) be removed if unity is to be attained in the church (Eph 2:15; cf. the argument in Rom 3:28-30 and 10:4-10).

(c) That the texts listed above do not represent simply an insignificant usage of *nomos* is apparent from the cruciality of the temporal and racial limitation of the law in Paul's theology.

²⁹ Although most scholars think that Paul uses his pronouns indiscriminately in Galatians 3-4, the logic of the argument makes better sense if they are distinguished in the manner indicated above. Supporting such a discrimination are: de Lacey, "Sabbath/Sunday Question," 165-66 (on 3:23-4:7); Andrew J. Bandstra, *The Law and the Elements of the World: An Exegetical Study in Aspects of Paul's Teaching* (Kampen: Kok, 1964), 59-60 (on 4:3); John Bligh, *Galatians: A Discussion of St. Paul's Epistle* (London: St. Paul Publications, 1970) 235 (who finds in this section of the letter a reproduction of Paul's speech on the occasion of the Antioch incident); Hans Dieter Betz, *Galatians* (Hermeneia; Philadelphia: Fortress, 1979) 148-78 (various pages deal with the pronouns; after 4:3, however, Betz does not find a distinction [cf. p. 204]).

³⁰ In *The Obedience of Faith: The Purposes of Paul in the Epistle to the Romans* (SBT 2/19; London: SCM, 1971), Paul Minear divides the epistle into sections according to six different parties in the Roman churches.

³¹ So Bandstra, *The Law and the Elements of the World*, 140.

Against the views of the Judaizers, who in accordance with some Jewish sentiment may have regarded the law as eternal,³² Paul puts forth a conception of salvation-history in which the law enters into history at a certain point and has specified, delimited purposes (cf. especially Gal 3:15–25). Most of the Pauline occurrences of *nomos* are found in passages where this salvation-historical scheme is prominent (Galatians 2–4; Romans 3–7),³³ and where, therefore, unless indications to the contrary exist, *nomos* should be taken to mean the Mosaic law.³⁴

(8) How does Paul view this Mosaic law? While caution must be exercised lest an undue precision be introduced into the term, it can be argued that Paul means by *nomos* most often the commands mediated through Moses. This is suggested by his frequent references to the “doing” or “fulfilling” of the law;³⁵ by the coupling of “works” (*erga*) with *nomos* in eight texts; and by the particularization of *nomos* in “commandment” (*entolē*) in several key passages.³⁶ At the same time, however, Paul sometimes (perhaps often) expands this conception, and uses *nomos* with reference to the Mosaic dispensation or covenant. Thus, for instance, to be “under the law” (Rom 6:14, 15; 1 Cor 9:20; Gal 3:23; 4:4, 5) appears to be Paul’s way of saying “to be under the Mosaic economy.”³⁷ It is surprising that Paul only once (2 Cor 3:14) clearly uses *diathēkē* of the Mosaic economy; *nomos*, it seems, is preferred instead. This implies that it would not be falling into the error of J. Barr’s “illegitimate totality transfer” to suggest that Paul uses *nomos* of the Mosaic economy precisely because he views the commanding aspect of it as so prominent.³⁸

³² For some of the relevant texts, see George Foot Moore, *Judaism in the First Centuries of the Christian Era* (2 vols.; New York: Schocken, 1971 [≡ 1927, 1930]) 1.266–69.

³³ Although the emphatic temporal argument of Galatians is not as clear in Romans, verses such as 3:21; 5:13–14; 5:50; and 7:8–10 demonstrate that it has not been abandoned.

³⁴ This conclusion is, in fact, in agreement with most modern scholarship on this issue (see, e.g., van Dülmen, *Theologie des Gesetzes*, 131–32; Gutbrod, “*Nomos*,” 1069).

³⁵ Rom 2:13, 14, 25, 26, 27; 8:4; 13:8, 10; Gal 3:10; 5:3, 14; 6:2, 13.

³⁶ Rom 7:7–13; 13:8–10; Eph 2:15.

³⁷ This concept is used broadly in de Lacey’s article (“Sabbath/Sunday Question”).

³⁸ This conclusion is almost the opposite reached by J. A. Sanders, who

This emphasis in Paul on the commanding aspect of the law, and the accompanying sanctions for failure to obey it, has been severely criticized as a misrepresentation of the OT teaching, and its interpretation in late Judaism, regarding life under the covenant.³⁹ Omitted, it is claimed, are the fundamental doctrines of repentance and forgiveness. Contributing to this misconception, it is argued, is the use of *nomos*, with its legal and judicial overtones, to translate *torah*, which refers simply to "instruction."⁴⁰ This is not the place to become involved in what would have to be a lengthy and technical discussion of the relationship of Paul's doctrine of law with that found in the OT and late Judaism. Suffice to say here that it is not so clear that *nomos* is such a bad rendering of *torah* as it is used of the Mosaic law. For, while *torah* may in its root sense mean "instruction," the *Mosaic torah* is instruction *with sanctions* — to ignore Yahweh's instruction is to risk forfeiture of life under the covenant.⁴¹ And with respect to Paul's use of *nomos*, T. R. Glover rightly observes that "whatever 'Torah' and *nomos* first meant, two hundred years of equation is not irrelevant in the history of words."⁴²

As a matter of fact, Paul's use of *nomos* appears to match fairly closely many of the emphases found in the OT with respect to

argued that Paul viewed the law essentially as *haggadah* (or "story"), in contrast to the rabbis, who stressed the *halakah* (or commandment; "Torah and Christ," *Int* 29 [1975] 372-90). However, Sanders appears to be trying to bring out that part of the Pentateuch which Paul valued most highly for believers, and I would concur that *haggadah* is more important for Paul in this sense. But he does not use *nomos* in this way.

³⁹ See, for instance, H. J. Schoeps, *Paul: The Theology of the Apostle in the Light of Jewish Religious History* (Philadelphia: Westminster, 1959) 213-18.

⁴⁰ C. H. Dodd, *The Bible and the Greeks* (London: Hodder and Stoughton, 1954) 25-41; R. McL. Wilson, "Nomos: The Biblical Significance of Law," *SJT* 5 (1952) 37-39.

⁴¹ Against the tendency of some (e.g., Martin Noth, "The Laws in the Pentateuch: Their Assumptions and Meaning," *The Laws in the Pentateuch and Other Essays* [Philadelphia: Fortress, 1966] 95-102; Gerhard von Rad, *Old Testament Theology* [2 vols.; New York: Harper & Row, 1962-65] 1.194-202), Walther Zimmerli has correctly stressed the threat of judgment involved in the *torah* from the beginning (*The Law and the Prophets: A Study of the Meaning of the Old Testament* [Oxford: Blackwell, 1965] 51-65).

⁴² *Paul of Tarsus* (London: Student Christian Movement, 1925), 35 n 1.

torah. *Torah* is often combined with words such as *mišwot* ("commandment") and *hoq* ("statute"), and the stress is continually on the doing or keeping of the *torah*. It is worth noting that the rabbis themselves retained "precept" as the "basic element" of the *torah*.⁴³ What is important to note is that, when we say that Paul uses *nomos* to indicate the commanding will of God revealed through Moses and the economy in which this will was prominent, we do not mean to deny the accompanying grace of God and the demand for faith in the OT. We do deny, however, that Paul generally uses *nomos* to designate these aspects of the old covenant.

(9) As Mosaic law, *nomos* is basically for Paul a single indivisible whole. The argument of Galatians makes this very clear, for Paul points out to his Gentile readers that for them to accept circumcision means that they must also obligate themselves to keep "the whole law" (Gal 5:3). This is in agreement with at least some segments of Jewish belief.⁴⁴

As the native born Jew takes upon him [to obey] all the words of the law, so the proselyte takes upon him all the words of the law. The authorities say, if a proselyte takes upon himself to obey all the words of the law except one single commandment, he is not to be received.⁴⁵

The logic of Paul's argument prohibits a neat distinction of moral and ceremonial law; if this distinction were assumed by Paul, he would have argued to the effect that while the Galatians were obligated to the moral law, circumcision (presumably an aspect of the ceremonial law) was to be excluded. Instead, Paul stresses the unity of the law. Nor does Romans 2 contradict this. For while Paul here can speak of a "completing" of the law which excludes literal circumcision, it is by no means clear that this completed law is part of the specifically Mosaic law.⁴⁶ To be sure, Paul often singles out "moral" commandments when discussing the demand of the law (Rom 7:7-8; 13:8-10), but this is done

⁴³ Ephraim E. Urbach, *The Sages: Their Concepts and Beliefs* (2 vols.; Jerusalem: Magnes, 1979) 1.315.

⁴⁴ Hans Hübner has suggested that, in stressing the need for a "proselyte" to commit himself to the whole law, Paul was representing a "Shammaite" view, as against the school of Hillel ("Gal 3, 10 und die Herkunft des Paulus," *KD* 19 [1973] 215-31).

⁴⁵ *Sipra*, Kedoshim 8 (taken from Moore, *Judaism* 1.331).

⁴⁶ Cf. Barrett, *Romans*, 59.

in order to point up the depths of the law's requirement, not to separate out these commandments as fundamentally distinct from other commandments. As has been often pointed out, the threefold distinction of moral, ceremonial, and civil law as separate categories with varying degrees of applicability is simply unknown in the Judaism of the first century,⁴⁷ and there is little evidence that Jesus or Paul introduced such a distinction.⁴⁸

(10) A final possible Pauline use of *nomos* remains to be discussed. Several scholars suggest that Paul occasionally, or even frequently, uses *nomos* to designate the law as misunderstood and perverted by his Judaistic opponents — in a word, legalism. Burton claimed that every occurrence of *nomos* in Galatians 2–3 has this meaning, while Fuller makes this supposition basic to his correlating of Galatians 3 with his own theory.⁴⁹ The lexical justification for this interpretation is found in the negative circumstance, as Cranfield indicates, that Greek has no word for “legalism.”⁵⁰ And, conceptually, Paul uses *nomos* often in polemical contexts where it is not unlikely that he takes up and contests his opponents' understanding of the law. However, two factors

⁴⁷ Cf. Urbach, *The Sages* 1.360–65.

⁴⁸ Grafe, *Die paulinische Lehre vom Gesetz*, 8–9; van Dülmen, *Theologie des Gesetzes*, 132–33; Longenecker, *Paul: Apostle of Liberty*, 119; F. F. Bruce, *Paul: Apostle of the Heart Set Free* (Grand Rapids: Eerdmans, 1977) 192–93; A. T. Lincoln, “From Sabbath to Lord's Day: A Biblical and Theological Perspective,” *From Sabbath to Lord's Day*, 392.

⁴⁹ Ernest de Witt Burton, *A Critical and Exegetical Commentary on The Epistle to the Galatians* (ICC; Edinburgh: T. & T. Clark, 1921) 458; Fuller, *Gospel and Law*, 97–99; cf. pp. 199–204. Cf. also Charles H. Cosgrove, “The Mosaic Law Preaches Faith: A Study in Galatians,” *WTJ* 39 (1976–77) 153–55 (*nomos* = legalism in Gal 3:15–18); Bring, “Paul and the Old Testament,” 22–25. Although not explicitly suggesting that Paul meant “legalism” when he used *nomos*, Calvin did argue that, in dealing with false teachers “to refute their error he was sometimes compelled to take the bare law in a narrow sense, even though it was otherwise graced with the covenant of free adoption” (*Institutes* 2.7.2; cf. also 2.11.7); on this, see especially Hans Heinrich Wolf, *Die Einheit des Bundes. Das Verhältnis von Altem und Neuem Testament bei Calvin* (Beiträge zur Geschichte und Lehre der reformierten Kirche 20; Neukirchen: Kreis Moers, 1958) 44–54. Cf. also Herman Ridderbos, *Paul: An Outline of his Theology* (Grand Rapids: Eerdmans, 1975) 153–57, and Helmut Thielicke, *The Evangelical Faith* (3 vols.; Grand Rapids: Eerdmans, 1974–82) 2.212–13.

⁵⁰ “St. Paul and the Law,” *SJT* 17 (1964) 55.

which call into question the validity of this understanding of *nomos* may be mentioned.

First, while Cranfield's observation regarding the lack of a single *word* for legalism in Greek is correct, it is nevertheless clear that the Greek language provides sufficient resources for the expression of the concept. Paul himself clearly utilizes these resources on a number of occasions. Quite apart from the eight occurrences of the phrase *ek* (or *chōris*) *tōn ergōn tou nomou*, which we will examine below, one finds the denial that justification can be attained *en tō nomō* ("in the law" — Gal 3:11); that life or the inheritance can be secured *ek tou nomou* ("on the basis of the law" — Gal 3:21, and Gal 3:18 and Rom 4:14, respectively); and that the promise can be inherited *dia tou nomou* ("through the law" — Rom 4:13). Similarly, Paul speaks derogatorily of "righteousness based on the law" (*ek tou nomou* — Rom 10:5),⁵¹ "my own righteousness based on the law" (Phil 3:9), and "seeking one's own righteousness" (Rom 10:3). Each of these expressions refers to the error of attempting to secure a standing with God on the basis of obedience to the law and the concept is found in the phrase, not in the individual word. In other words, it is the false *use* of the law, not the law itself which receives Paul's strictures. The legalist is the one, who, as Edward Fisher puts it, "bringeth the Law into the case of Justification."⁵² Now this does not necessarily mean that *nomos* cannot mean legalism; but it does show that Paul was under no obligation to coin a new meaning for the word in order to express the idea. Moreover, the fact that Paul nowhere clearly intimates that he is using the term in this way creates suspicion about the validity of the assumption: surely, in arguing with Judaizers, to use *nomos* with *their* meaning would be to sacrifice the strongest point in his own polemic.⁵³

⁵¹ Despite some strong arguments in favor of viewing Rom 10:5 as correlative to 10:6 (see George E. Howard, "Christ the End of the Law: The Meaning of Romans 10:4ff," *JBL* 88 [1969] 331-37; Bandstra, *The Law and the Elements of the World*, 101-6; Fuller, *Gospel and Law*, 66-88; Cranfield, *Romans* 2.520-22), it is preferable to maintain a contrast between the two.

⁵² Quoted in Bernard S. Jackson, "Legalism," *JJS* 30 (1979) 5.

⁵³ What Paul does in Galatians 3 is to stress the *divine* purpose of the law (clearly implied by the use of the passive voice; cf. v 19; and note the

Secondly, the motivation for interpreting *nomos* as legalism is usually, explicitly or implicitly, the desire to avoid attributing to Paul an overly negative evaluation of the OT economy. This, in turn, suggests that some of those who want to avoid any absolute law/gospel antithesis in Paul do so because they understand *nomos* to include the OT revelation as a whole; and, understandably, they want to vindicate Paul from the charge of Marcionism. That this is the case for Ragnar Bring is shown by his own conception of *nomos* in Paul: "The law was not simply legal and juridical, it contained all of his revealed will and work."⁵⁴ Similarly, Cranfield argues in his discussion of Galatians 3 that law in this text must be understood "somewhat narrowly" because it is distinguished from the promise, which is contained in the Pentateuch.⁵⁵ In other words, Cranfield includes in Paul's use of *nomos* the Pentateuch as a whole; a supposition which is confirmed by his categorization of the uses of *nomos* in Paul earlier in his article.⁵⁶ Burton evidences a similar perspective. He regards the meaning of *nomos* which is "most congenial" to Paul's thought to be "Divine law conceived of as reduced to the ethical principle which constitutes its permanent element and essential demand, the perception of which deprives the statutes as such of authority."⁵⁷ Starting from this idealistic, moralistic notion of Paul's doctrine of law, it is no wonder that Burton resists finding any real law/gospel antithesis in Paul.

purpose clauses in vv 22 and 24), which, coming 430 years after the promise to Abraham, was to be regarded as a *supplementary* factor in salvation-history. Verse 17 demonstrates the extreme difficulty in taking *nomos* in this passage to mean anything but the law *as given by God*; as Heikki Räisänen asks, What is the misused law which was given at Sinai? ("Paul's Theological Difficulties with the Law," *Studia Biblica 1978 III: Papers on Paul and other New Testament Authors* [ed. E. A. Livingstone; JSNT Supp. series 3; Sheffield: JSOT Press, 1980] 306). Paul's argument in Galatians 3 makes no sense unless we regard him as putting the law into its proper salvation-historical context, as opposed to the Judaizers who, in keeping with some tendencies in late Judaism, had absolutized the law and separated it from the covenant framework. See also J. Gresham Machen (*Machen's Notes on Galatians* [ed. John H. Skilton; Grand Rapids: Baker, 1972] 156) for some pertinent criticisms of Burton's interpretation.

⁵⁴ *Commentary on Galatians* (Philadelphia: Muhlenberg, 1961) 119.

⁵⁵ "St. Paul and the Law," 62.

⁵⁶ *Ibid.*, 44.

⁵⁷ *Galatians*, 458.

Essentially, then, I am suggesting that, in at least some cases, *nomos* is interpreted to mean legalism because the term is given a broad sense, embracing at times the Pentateuch as a whole. If, however, *nomos* in the relevant texts is understood to refer to the commanding aspect of the Mosaic economy, or the Mosaic economy conceived of as consisting most basically in commandments, Paul can be absolved from the charge of finding in the OT only an *Unheilsgeschichte*, without the need to suggest that Paul uses *nomos* with a new, unexplained meaning. In other words, the interpretation of *nomos* to mean legalism has its roots in what I would argue is a fundamentally wrong conception of Paul's use of *nomos*. I would maintain that Paul distinguishes promise and law *by definition* (see Gal 3:15–25 and Rom 4:13–16), so that the denial that justification can come through the law (e.g., Gal 3:11) is not a denial that those “under the law” could be justified. It *does* constitute a denial that man could ever be justified *by means of* the law (see Gal 2:21; 3:21). What is sacrificed, it seems to me, when *nomos* is construed to mean legalism, is nothing less than the heart of Paul's conception of saving history.

Before leaving this matter of the meaning of *nomos* in Paul, some remarks on the relationship of this topic to the *theological law/gospel* antithesis are in order. As we have seen, the Reformers, as most theologians today, use “law” to mean anything that demands something of us. In this sense, “law” is a basic factor in all of human history; and man is in every age, whether in the OT or NT, confronted with “law.” What is crucial to recognize is that this is *not* the way in which Paul usually uses the term *nomos*. Ebeling, discussing the Reformers' understanding of law vis-à-vis Paul's, says:

The difference could also be defined by saying that the concepts law and Gospel are largely stripped of the concrete historical references they bear in Paul and made into hard and fast general basic concepts of theology, so that they find a more universal application than in Paul.⁵⁸

This is not to contest the validity of using “law” of the theological category here described. But it is vitally important that the Pauline use and the theological use not be confused. This distinction has not always been observed; and when it is not,

⁵⁸ “Reflexions,” 261.

unnecessary theological difficulties are created. Two examples may illustrate this.

J. Murray's generally excellent *Principles of Conduct* contains a chapter on "Law and Grace," in which it is argued that the Pauline statements about not being "under the law" (primarily Rom 6:14, 15) cannot mean that Christians are not obligated to the law of God because the NT speaks elsewhere of the necessity for believers to obey the "commandments" of God. Murray therefore explains not being "under the law" as being restricted only to the condemning, binding aspects of the law.⁵⁹ It is not my intention here to contest Murray's interpretation of the phrase *hypo nomon* so much as to note that his approach is based on the supposition that *nomos* in Rom 6:14, 15 refers to the theological concept of law. In other words, Murray implicitly identifies the *nomos* of these verses with the broad term the "commandments" of God. If, however, *nomos* in Rom 6:14, 15 is a reference to the *Mosaic economy* (contrasted with the Christian economy, referred to by one of its chief characteristics, grace), then believers could very well be freed from obligation to *nomos* while being required to observe the "commandments" (now mediated through Christ and the apostles). I am not so much criticizing Murray here for not holding my view (although I think my explanation is simpler), but pointing out that he never justifies his understanding of *nomos* in Rom 6:14, 15 in terms of law in its broadest, theological sense.

A second example of confusion over this issue occurs in the discussion between J. Knox and C. F. D. Moule over the role of obligation in Paul's ethics. Knox had argued that the logic of Paul's radical exclusion of law from the believer's life had left his ethics without an adequate theoretical base: "Law in some sense is the necessary presupposition of obligation, and according to Paul, the believer is not under law."⁶⁰ To this Moule replies that Paul's rejection of *nomos* is not a rejection of law *per se*, but a rejection of the legalistic use of the law (he refers specifically here to Rom 3:20; 6:14, 15; 10:4).⁶¹ We have already

⁵⁹ *Principles of Conduct: Aspects of Biblical Ethics* (Grand Rapids: Eerdmans, 1957) 182-201.

⁶⁰ John Knox, *The Ethic of Jesus in the Teaching of the Church* (New York: Abingdon, 1961) 97.

⁶¹ "Obligation in the Ethic of Paul," *Christian History and Interpretation*:

noted that scholars tend to interpret *nomos* as legalism in order to avoid "antinomian" conclusions from Paul's declarations. Moule's reply to Knox is another case in point. A simpler, and to my mind more exegetically sound, reply would be to point out that Paul never claims believers to be freed from law in "any sense." Verses such as Rom 3:20; 6:14, 15; 10:4; and Gal 3:23-24 are best explained as having reference to the *Mosaic* law, as usual in Paul; and Paul is insistent that he himself, though not under the law, is nevertheless "in-lawed to Christ" (*ennomos Christou*, 1 Cor 9:20-21) — and Gal 6:2 suggests that this applies to all believers.

We who are the theological descendants of the Puritans have inherited a theological tradition according to which law *is* the Mosaic law, at least in its "moral" portion. The evidence adduced here would suggest that this equation requires close scrutiny. To equate Paul's use of the term "law" (at least, in most instances) with the theological concept "law" may involve a jump in categories, according to which the difference between Paul's salvation-*historical* conceptual framework and the essentially *a-historical* dogmatic framework is ignored. This is not to deny *any* point of contact between the two uses of "law." Perhaps the Mosaic law, as Paul conceives it, may best be recognized as a particularization of "law" for the revelatory period from Moses to Christ. In any case, it should be evident that Paul's use of *nomos* cannot simply be equated with the theological sense of the term without argumentation. And, as one implication, the fallacy of castigating someone as an "antinomian" because he argues that believers are not under the Mosaic law should at least be obvious. Such a charge would "stick" only if it were demonstrated that the Mosaic law contains the *complete* and *sole* revelation of God's will for man.

II. *ta erga tou nomou in Paul*

The Pauline phrase *ta erga tou nomou* ("the works of the law") warrants separate treatment because of its importance and distinctiveness. Its importance lies in the fact that it occurs promi-

nently in several texts where the law/"gospel" antithesis is strongest—Galatians 2–3; Romans 3. As to its distinctiveness, the phrase is not found in the LXX, is not used by any other NT author and is extant in an equivalent Hebrew verbal parallel only in 4QFlor 1:7, *ma'asey torah*.⁶² Other close linguistic equivalents are *ma'asayw batorah*, "his works in the law" (1QS 5.21; 6.18), *ma'asey hašedaqah*, "works of righteousness" (1QH 1.26; 4.31), "works of the commandments" (2 *Apoc. Bar.* 57:2 — the Hebrew original is lacking) and the rabbinic terms *ma'asim* ("works"), which usually implies works of the law, and *mišwōt* ("commandments"), which often designates the concrete results of the fulfilling of the demands of the *torah*.⁶³ Despite these phrases, however, the Pauline phrase is distinctive and calls for comment. Three basic views as to its meaning have been proposed.

In a significant essay, E. Lohmeyer argued that the phrase does not so much convey the idea of concrete, discrete actions which fulfill the demands of the law as the general context out of which such actions are done — "die Form der religiösen Existenz des jüdischen Frommen."⁶⁴ In this sense, the issue involved in Paul's use of the phrase relates to the *motive* of the actions rather than to the question of fulfillment per se. J. B. Tyson has applied Lohmeyer's thesis to the use of the phrase in Galatians, and concludes that circumcision and food laws (cf. especially the context of Gal 2:16) are especially prominent aspects of this "nomistic service."⁶⁵ On this reading of the phrase, the Pauline contrast between "works of the law" and faith becomes a *heilsgeschichtlich* one, according to which "service of the law" is replaced by faith in Christ in the new era.⁶⁶ Others, noting that the phrase is always

⁶² Strangely, Karl Kertlege ("Zur Deutung des Rechtfertigungsbegriffs im Galaterbrief," *BZ* 12 [1968] 214) mentions several Qumran references in discussing the phrase, but ignores 4QFlor. 1.7.

⁶³ See on these points, Str-B 3.160–61; Kertlege, "Rechtfertigungsbegriffs," 214–15; H. Schlier, *Der Galaterbrief* (MeyerK; Göttingen: Vandenhoeck & Ruprecht, 1962) 91; Georg Bertram, "Ergon," *TDNT* 2.646.

⁶⁴ Ernst Lohmeyer, "Gesetzeswerke," *Probleme paulinischer Theologie* (Stuttgart: Kohlhammer, n.d.) 33–73.

⁶⁵ "Works of the Law" in Galatians," *JBL* 92 (1973) 423–31.

⁶⁶ For this view, essentially, see also van Dülmen, *Theologie des Gesetzes*, 23–24; J. Christiaan Bekker, *Paul the Apostle: The Triumph of God in Life and Thought* (Philadelphia: Fortress, 1980), 246–48; Bertram, "Ergon," 651.

employed negatively in Paul, argue that it denotes legalism — the attempt to establish one's own righteousness through the completion of the law.⁶⁷ Although related to the first view, this position holds that such an attitude toward the law has *always* been wrong; missing, therefore, is the stress on a salvation-historical transition. Finally, a third approach is to give the phrase a more straightforward rendering: actions performed in obedience to the law, works which are commanded by the law.⁶⁸

While the first two views mentioned above contain elements of the truth, we will argue that the third option best accords with the data of Pauline usage. A chart setting forth the range of meaning of *ergon* in Paul will provide material helpful in setting forth this argument. (See Chart II.)

It should first be noted that the phrase is found at least once in Jewish literature (4QFlor 1.7; cf. *supra*) and is reminiscent of several other Jewish expressions, all of which clearly denote actions done in obedience to the law. That is to say, the *closest* verbal equivalents to *ta erga tou nomou* possess the sense suggested by the third view above. Against this, of course, it can be argued that the distinctiveness of the phrase constitutes grounds for giving it a meaning different from these other phrases. However, the use of *ergon* or equivalents in Hebrew to refer to actions with moral significance and which constitute a basis for judgment is by no means unknown in the OT (cf. 2 Chr 17:4, Isa 66:18, Sir 16:12), DSS (especially in the *Manual of Discipline*) and rabbinic literature (cf., e.g., 'Abot 3.18). For the rabbis, as already noted, the law as the source which demands such works is assumed; for Paul this could not be so, since he did not regard the *torah* as the only source of ethical guidance — hence his addition of *tou nomou*. Despite the *formal* difference, then, Paul's phrase may be *materially* equivalent to the rabbinic "works" or "commandments."⁶⁹

⁶⁷ Daniel P. Fuller, "Paul and 'The Works of the Law,'" *WJT* 38 (1975-76) 31-33; Cosgrove, "The Mosaic Law," 146-48; Ragnar Bring, "Das Gesetz und die Gerechtigkeit Gottes. Eine Studie zur Frage nach der Bedeutung des Ausdruckes τέλος νόμου in Röm. 10:4," *ST* 20 (1966) 25; Burton, *Galatians*, 120; Bruce N. Kaye, *The Thought Structure of Romans with Special Reference to Chapter 6* (Austin, TX: Schola Press, 1979) 98.

⁶⁸ This is the view taken (usually without argument) by most scholars; see explicitly Betz, *Galatians*, 116; Patrick Fairbairn, *The Revelation of Law in Scripture* (Grand Rapids: Zondervan, 1957 [= 1869] 386.

⁶⁹ Str-B 3.160; Schlier, *Galaterbrief*, 91-92.

CHART II

A CATEGORIZATION OF PAUL'S USE OF *ERGON*

- I. *Ergon* used with no ethical connotation [Paul uses *kopos*, *mochthos*, *poiēma*, and *praxis* with approximately the same meaning]
- A. Action, or activity; "deed" as opposed to word (*logos*)
Singular: Rom 15:18; 1 Cor 5:2; 2 Cor 10:11; Gal 6:4; Col 3:17
- B. God's work in believers
Singular: Rom 14:20; Phil 1:6
- C. Paul's apostolic work
Singular: 1 Cor 9:1; Phil 1:22
- D. The "work" of ministry in general, or a particular gift or office
Singular: absolute, 1 Thess 5:13; + *theou* or *kyriou*, 1 Cor 15:58; 16:10; Phil 2:30; + *diakonou*, Eph 4:12; + *kalos* (= office of overseer), 1 Tim 3:1; + *euangelistou*, 2 Tim 4:5
- II. *Ergon* with ethical connotation
- A. As the criterion of judgment
Singular: Rom 2:7 (+ *agathos*); 1 Cor 3:13a,b, 14, 15
Plural: Rom 2:6; 2 Cor 11:15; 2 Tim 4:14
- B. To which believers are called
Singular: + *agathos* or *kalos*, Rom 13:3; 2 Cor 9:8; Col 1:10; 2 Thess 2:17; 1 Tim 5:10; 2 Tim 2:21; 3:17; Titus 1:16; 3:1; + *πiςteōs*, 1 Thess 1:3; 2 Thess 1:11
Plural: + *agathos* or *kalos*, Eph 2:10; 1 Tim 2:10; 5:10, 25; 6:18; Titus 2:7, 14; 3:8, 14
- C. From which believers are called
Singular: + *ponēros*, 2 Tim 4:18
Plural: absolute, Titus 1:16; + *ponēros*, Col 1:21; + *του σκοτους*, Rom 13:12; Eph 5:11 (+ *akathartos*); + *sarkos*, Gal 5:19
- III. *Ergon* with reference to salvation
- A. Plural: absolute
justification not *ex ergōn*: Rom 4:2; cf. 9:32
justification *chōris ergōn*: Rom 4:6
election not *ex ergōn*: Rom 9:12; 11:6
salvation not *ex ergōn*: Eph 2:9; Titus 3:5 (+ *tōn en dikaiosynē*)
salvation and calling not *kata ergōn*: 2 Tim 1:9
- B. *Ta erga tou nomou*
justification not *ek tōn ergōn tou nomou*: Rom 3:20; Gal 2:16a,b,c
justification *chōris tōn ergōn tou nomou*: Rom 3:28
reception of the Spirit not *ek tōn ergōn tou nomou*: Gal 3:2, 5
(with working of miracles added)
curse on all who are *ek tōn ergōn tou nomou*: Gal 3:10
- C. Singular: + *nomou*, Rom 2:15
- D. *Nomos tōn ergōn*: Rom 3:27

As an alternative background, Lohmeyer cites Septuagintal phrases in which *erga* is construed with the genitive to denote, he claims, the idea of a general service of an institution.⁷⁰ But while a phrase such as *ta erga tēs skēnēs* (cf., e.g., Num 3:7, 8) may suggest the idea of service in general (*RSV*, for instance, translates here “as they minister at the tabernacle”), the emphasis still appears to lie on a series of concrete acts which make up that service. Furthermore, the parallel between this sort of expression and “works of the law” is not very exact: *skēnēs*, for instance, may be a kind of “objective” genitive (“works directed toward the tabernacle”), but “law” in Paul’s phrase does not function in the same way. As Galatians makes clear, the issue is not “service of the law” but the accomplishment of what the law requires (cf. 5:3, 14; 6:13). Finally, as Luz notes, *ergon* consistently denotes specific, demonstrable actions.⁷¹ Deriving the phrase from the popular Jewish way of describing the observance of commandments, which makes excellent sense in the context of Paul’s argument with Judaizers, is to be preferred over viewing it as a Pauline creation on the basis of some dubious Septuagintal parallels.

A second factor suggesting the general meaning “works done in obedience to the law” is the relationship of the phrase to the word *erga* when used absolutely. As a glance at the chart above shows, *erga* is used in a manner very similar to *ta erga tou nomou*: both are used with prepositions such as *ek*, *chōris*, and *kata* in order to deny the possibility of attaining righteousness, or allied concepts, on such a basis. The essential synonymy of the word *ergon* and the phrase *ta erga tou nomou* is confirmed by a consideration of the way they are used in Romans 3 and 4. In 3:20–28, the phrase is used twice (vv 20, 28); in both cases it is denied that justification can be secured on the basis of these works. But, whatever the exact relationship may be,⁷² it is clear that Romans 4 carries on the same argument with respect to Abraham: he is the prime example of one justified by faith, whose dependence on God’s grace rather than his own works excludes all possibility of boasting. The use of *erga* in Romans 4 instead of *ta erga tou nomou* is undoubtedly to

⁷⁰ “Gesetzeswerke,” 36–39.

⁷¹ *Geschichtsverständnis*, 147 n. 43.

⁷² Debate about the relationship between Romans 3 (and especially 3:31) and Romans 4 is intense. See, for a survey of possibilities, Rhyne, *Faith Establishes the Law*, 26–32.

be explained by recalling that Paul generally confines *nomos* to the Mosaic law; a law which could not therefore have had relevance to Abraham.⁷³ But what is especially relevant to the present argument is that *erga* in the two chapters must, if Paul's argument is to possess any logical force, mean the same thing. Thus, the general usage of the two expressions, when considered in light of Romans 3-4, suggests that *ta erga tou nomou* should be viewed as a particular subset of *erga*, the difference being, of course, that the former spells out the source of the demand for the works in question.

Now if *erga* and *ta erga tou nomou* express essentially similar concepts, it is impossible to regard the latter as possessing a peculiar meaning divorced from Paul's normal use of *ergon*. And *ergon*, as the chart shows, is used by Paul of actions which can be either good or evil. That *ergon* retains this neutral sense when used parallel to *ta erga tou nomou* in justification texts can be demonstrated from a consideration of two passages. In Rom 9:10-13 Paul furnishes historical proof for his contention that God has selected his chosen people from *among* the racial group "Israel" by citing the choice of Jacob rather than Esau as bearer of the line of promise. This choice, Paul emphasizes, was not based on "anything they had done, whether good or evil, in order that God's purpose in election might stand" (v 11). The freedom of God's choice is reaffirmed in v 12: "not on the basis of works [*ex ergōn*] but on the basis of the one who calls." Now if, as seems clear, the contrast in v 12 restates the idea of v 11, "works" must here include *anything* men do, "whether good or evil." And the stress obviously falls on the "good": it need hardly be argued that God does not reward evil deeds. Romans 4 presumes a similar sense of *erga*, with greater emphasis on the commendable nature of the works. These are compared to wages, which involve a situation of obligation. Had Abraham been justified on the basis of works, then God would have been, to some degree, obligated and Abraham correspondingly would have had grounds for boasting. On the contrary, however, Abraham had no basis for boasting, for he was

⁷³ Rhyne (*Faith Establishes the Law*, 75-84) likewise argues that "works" in Romans 4 and "works of the law" in Romans 3 express the same concept, but he regards the idea as involving a narrow understanding of the law (devoid of the promise) in both cases. His mistake, in my opinion, is the failure to recognize that law (and hence works performed in obedience to it also) is fundamentally separate from the promise for Paul.

justified by faith and received his standing with God as a gift from "the God who justifies the ungodly" (vv 2-5).⁷⁴ Obviously, then, "works" are considered to be good actions which could be regarded as meritorious.

To summarize this argument: usage and the context of Romans 3-4 demonstrate that "works of the law" and "works" have essentially the same functional meaning in Paul. It is evident, furthermore, that when *erga* is used in parallel fashion to *ta erga tou nomou* the term has reference particularly to good actions which could conceivably be regarded as meritorious. This strongly suggests that "works of the law" will likewise indicate commendable actions, performed in obedience to the law.

The previous argument leads to an issue which is significant in determining the meaning of "works of the law": why does Paul deny that men can be justified on this basis? E. P. Sanders claims that Paul's rejection of "works" is basically the consequence of his conviction that Christ alone provides access to justification, a justification which differs crucially from the Jewish conception of "righteousness." "Righteousness" according to the Jews involved "preserving one's status" in the covenant, but for Paul it connotes a radical change in status; a change which the law is unable to effect.⁷⁵ Sanders' approach bears resemblance to the salvation-historical approach to the meaning of "works of the law." And there is much to be said for this approach. It rightly sees the centrality of salvation-history for Paul's doctrine of the law, and it explains why Paul never calls believers to perform "works of the law." But, on the other hand, it suffers from two major difficulties. First, as we have seen, Paul denies justification through "works" as often as he denies it through "works of the law."⁷⁶ "Works"

⁷⁴ See especially Cranfield's interpretation of these verses (*Romans* 1.230-232.)

⁷⁵ E. P. Sanders, "On the Question of Fulfilling the Law in Paul and Rabbinic Judaism," *Donum Gentilicum: New Testament Studies in Honor of David Daube* (ed. E. Bammel, C. K. Barrett, and W. D. Davies; Oxford: Clarendon, 1977) 104-25.

⁷⁶ This is properly stressed by Wolfgang Schrage, *Die konkreten Einzelgebote in der paulinischen Paränese* (Gutersloh: Mohn, 1961) 95-96, and by C. Crowther, "Works, Work and Good Works," *ExpTim* 81 (1970) 167. At this point, critical questions relating to the authorship of the Pastorals play a decisive role, because many of the references to "works" and "good works" in Paul come in these epistles. By denying Pauline authorship of

had no more place in the selection of Abraham and Jacob, who bore no relationship to the law (in the sense the term is used in this phrase), than in the justification of Galatian Gentiles, who were being encouraged to supplement their faith with "works of the law." In other words, Paul appears to criticize "works of the law" not because they are *nomou* ("of the law") but because they are *erga* ("works"). Secondly, Paul's argument in Gal 3:10-12, as well as the clear allusion to Ps 143:2 in Gal 2:16 and Rom 3:20, indicates that "works of the law" have *always* been an improper way to seek God's righteousness.⁷⁷ While it would be unwarranted, then, to exclude any impact from Paul's salvation-history conception on this issue (after all, Gal 3:15-4:10 follows Gal 3:10-14), it is clear that this is not a sufficient explanation for Paul's rejection of "works of the law."

In a manner somewhat reminiscent of Sanders' approach, Fuller argues that Gal 3:10-12 (the pivotal text which he discusses at length) excludes "works of the law" from the process of justification for no evident reason. The traditional idea that it is man's inability to do the law perfectly which accounts for this exclusion is not found in the context and cannot be assumed on Paul's part because the idea conflicts radically with Jewish belief in man's ability to do the law.⁷⁸ Thus, Fuller reasons, "works of the law" are rejected by Paul for the simple reason that they are by definition improper — involving the attempt of man to gain favor with God by virtue of his own performance. However, while the concept is not explicit in Galatians 2-3 (as it is in Romans 1-3, which, however, Fuller ignores), inability to "do" the law is part and parcel of Paul's argument in Gal 3:10. The quotation of Deut 27:26 in this verse, which explains why (*gar*) a curse comes upon all those who "are of the works of the law," attributes the curse

these letters, Beker (*Paul the Apostle*, 247-48) can deny that Paul uses the idea of good works as incumbent upon believers.

⁷⁷ What is important is that Paul *always* polemicizes against "works of the law" within the context of justification texts: nowhere does he criticize them as such. This stress on justification explains why Paul could allow other Jewish-Christians, as well as himself, to observe the law—it was only when used to justify or imposed on the Gentiles that Paul fought against it (*pace* the argument of George Howard, *Paul: Crisis in Galatia: A Study in Early Christian Theology* [SNTSMS 35; Cambridge: University Press, 1979] 51-53).

⁷⁸ Schlier, *Galatierbrief*, 132-33; Fuller, "Works of the Law," 31-32.

to "not remaining in *all*⁷⁹ that is written in the book of the law to do them." In other words, the curse is specifically explained to be the result of *failure to do the law*. Thus, although Paul does not state in so many words that no one does the law, his assertion that "all who (*hosoi*)" rely on "works of the law" for justification are cursed makes sense only if, in fact, "all" fail to do the law.⁸⁰ Confirmation of this reading of the verse comes in v 13, where it is said that Christ redeemed those who were under the curse by himself becoming a curse. Only if the curse of v 10 is pronounced on failure to keep the law does the substitutionary redemption language of this verse make sense.⁸¹

Gal 3:10, then, along with the indisputable stress on human inability in Romans 1-3 (which is capped with two denials of the ability of "works of the law" to justify; 3:20, 28), strongly supports the notion that "works of the law" cannot justify, not because they are inherently *wrong*,⁸² nor only because a decisive shift in salvation-history has occurred, but fundamentally because no man is able to *do* them in sufficient degree and number so as to gain merit before God.⁸³ The logic of this argument presumes, however, that "works of the law" has reference to actions performed in obedience to the law; "works" which *could* be expected to establish a situation of merit.

In arguing for this meaning of the phrase, we basically support the use made of this phrase among the Reformers. They were most anxious to refute current Roman Catholic notions of meritorious works by means of appeal to many of the texts we have cited above. While it was an error to apply "works of the law" directly

⁷⁹ *pasin* ("all") is found in the LXX of Deut 27:26, but has no equivalent in the MT; it may be that Paul seeks to bring out the total nature of the law's demand (cf. Gal 5:3-4).

⁸⁰ So Franz Mussner, *Der Galaterbrief* (HTKNT; Freiburg: Herder, 1974) 224-26.

⁸¹ Ulrich Wilckens, "Zur Entwicklung der paulinischen Gesetzesverständnis," *NTS* 28 (1982) 168.

⁸² Bultmann (*Theology of the New Testament* [2 vols. in one; New York: Scribner's, 1951-55] 1.264), followed by Schlier (*Galaterbrief*, 134) and others, has argued that Paul regards the *doing* of the law in and of itself as wrong. But this is too simple (cf. Beker, *Paul the Apostle*, 239-40).

⁸³ This has been emphasized particularly by Wilckens, "Was heisst bei Paulus: 'Aus Werken des Gesetzes wird kein Mensch gerecht?'" *Rechtfertigung als Freiheit: Paulusstudien* (Neukirchen-Vluyn; Neukirchener, 1974) 81-104.

to this conception, since Paul's sense of law is inextricably tied to the *Mosaic* law, the expansion and generalizing of this phrase in the simple "works" suggests the propriety of the application made by the Reformers. That Paul criticizes the Jews for taking the wrong attitude toward the law is clear (Rom 10:1-3); but this transgression must not be so stressed that no room is left for the very important point that, *whatever attitude one takes*, simply doing what the law demands as the basis for salvation utterly fails. It is this latter point that Paul makes when he speaks against "works of the law." And, as is the case with respect to *nomos* also, "legalism" is conveyed not by the phrase alone, but by the use of the phrase with a preposition after the verb *dikaioō* or equivalent.

III. Conclusion

The need to root systematic theology in biblical theology has been increasingly recognized in the last decades. With no doctrine is this more important than in the case of the concept "law." Without the "control" of the scriptural data, the picture of law within any given systematics can too easily be determined by particular philosophies or current theories of jurisprudence. And, while the evidence of *all* of Scripture, OT and NT, is particularly important with respect to this issue,⁸⁴ the contribution of Paul will surely be the most important. In this article, we have foregone the careful exegetical study of the relevant texts within the framework of Paul's way of thinking that is required in order to produce a valid picture of Paul's doctrine of law. Rather, we have concentrated on some preliminary questions of definition. In doing so, the need to substantiate suggested definitions in a careful study of the contexts in which the terms occur is not denied. However, it is (hopefully) obvious that the preceding discussion has not been without exegetical input; more importantly, the sort of study we offer here is an important preliminary to exegesis. Too often has an exegete based his or her conclusions on the meaning of a term when that meaning has not been established through careful study of all the occurrences of the term.

⁸⁴ On this matter of a biblical theology of the law, see the remarks of Peter Stuhlmacher, "Das Gesetz als Thema biblischer Theologie," *ZTK* 75 (1978) 251-80.

One final remark may be made: the task of finding in Paul a view of the law which squares with the conclusions reached by OT scholars with regard to the meaning of *torah* for Israel is no easy one. One way of dealing with the problem is to find in Paul a polemic against the law as misunderstood by his Jewish contemporaries. With this approach, all the negative statements about the law have no relevance to the law as God gave it — only to the law as men perverted it. The preceding pages have raised some serious questions about the validity of such an approach. However attractive such an approach may be, we are convinced that it cannot explain adequately the Pauline law/“gospel” antithesis, which is too often founded on the objective, historical contrast between the old age and the new. Men, according to Paul, required redemption from “the curse of the law” (Gal 3:13), not better teaching about the meaning and use of the law. The search for an integrated biblical theology of the law must continue; but any acceptable solution must retain what is negative in the Pauline picture of the law if God’s *new* act in Christ is to receive due stress.

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