

# Introduction

A connection between law and religion is almost universal in human history and society, but the relationship between them is not always easily determined, and this became a major issue in the emergence of Christianity from the cradle of Judaism. By the time of Jesus the law comprised in the books of the Pentateuch had become central to Jewish self-definition, and was the focus of the deepest religious feelings of devout Jews. Half a century later the movement which sprang from Jesus had largely thrown off allegiance to the Jewish law and had become predominantly Gentile in its membership. It is possible to regard this as an ironic quirk of history. But it is profoundly serious for all that, because it has left scars on subsequent religious history which remain even today. Bitterness between believers and non-believers starts within the New Testament period itself, and the subsequent hostility between Christians and Jews is a sad and shaming story, which has been responsible for centuries of injustice. Within Christianity itself the plight of the Jewish-Christian groups in the early centuries can only add to the impression of disquiet. Moreover the Church quickly developed, one should perhaps say inevitably developed, its own new brand of reliance on law, creating a tension in its own self-understanding which inevitably erupted in the Reformation. That, too, has its own after-history of irreconcilable differences between Christians in which the perpetual problem of law and religion is constantly arising.

With such a devastating inheritance it is difficult for the modern Christian or Jew to look at the story of the rise of Christianity without a measure of distortion where this issue is concerned. But recent scholarship

has greatly improved our knowledge of Judaism in the time of Christ. We shall never overcome our inherited prejudices unless we look afresh at the causes of them, and we are now much better placed to do so. It is the purpose of this book to draw together some of the many facets of the issue of law and religion which have to be taken into account in any attempt at renewed understanding of the phenomenon of the rise of Christianity.

The essays collected in this volume are the fruit of the 1985-6 session of the Ehrhardt Seminar in the Department of Biblical Studies of the Faculty of Theology in the University of Manchester. The Seminar, named after the late Dr Arnold A.T. Ehrhardt, is a forum where staff and research students, and other biblical specialists working outside the University, meet for papers and discussion on biblical subjects. Law and Religion was chosen as the focus of study for the session because of the changing attitudes that have been taking place in this area in recent years. The most spectacular change has been in connection with the understanding of Paul's attitude to the law, set in motion by E.P. Sanders in his large-scale work on *Paul and Palestinian Judaism* (1977). Modern critical scholarship, especially in Germany, has tended to work with a stereotype, in which the Pharisees have been represented as unyielding legalists and Paul has been regarded as opposed to the law as fundamentally incompatible with authentic religion. Sanders questioned both these assumptions, and thereby aroused a controversy which has proved to have wide ramifications. We are grateful to Professor Bruce, who returned to the Seminar of which he had long been the chairman during his tenure of the Rylands Professorship, for his contribution on 'Paul and the law in recent research', in which the main lines of the current discussion have been drawn together.

In fact, as is shown by Barnabas Lindars in 'Paul and the law in Romans 5-8: an actantial analysis', the question for Paul is not separable from the Judaistic controversy in which he was the principal figure. But the issue compelled him to think more deeply about the place of the law in religion in a wider context. He could not disregard the sense in which something comparable to the Jewish law operates in pagans too, so that converts from among the Gentiles have similar moral and spiritual problems to face as a result of their innate consciousness of good and evil and awareness of the insidious character of sin. There is thus a tension in these chapters between Paul's involvement in the arguments concerning the rights and wrongs of imposing the Jewish law on the Gentile converts, and his attempt to see the positive place of the law in a larger understanding of religion which embraces both Jews and Gentiles. The autobiographical section in Rom 7:7-25 is especially liable to misinterpretation because of the ambiguity which arises from this tension, with the result that its real importance for Paul's understanding of religion can be easily missed.

The reappraisal of Paul's attitude to the law leads inevitably to further questions. In the first place, the significance of the law in the religion of Judaism at the time needs to be reconsidered. We are now more aware of the variety and fluidity of Jewish religious ideas in the intertestamental

period than was possible before the discovery of the Dead Sea Scrolls. Jewish religion was the product of centuries of tradition, rolling on like a stream, but joined by many tributary influences on the way and subject to dramatic changes of environment. This is illustrated in the essays in Part I of this book. The ancient connection between rulers and gods, providing divine sanctions for the laws that ensure the good ordering of society, is displayed in the opening essay of Adrian Curtis on 'God as "judge" in Ugaritic and Hebrew thought'. It cannot be claimed that a law-book was central to Israelite religious consciousness in the period of the Judges and the Kings. This begins only with the use of a law-book (probably to be identified with the legal chapters of Deuteronomy) as the basis of the religious reform under Josiah at the very end of the period. Before this, laws were given divine sanctions, and law-codes included regulations for the conduct of worship, but the law as such was not perceived to be the focus of the relationship between the people and God. The essay by Arnold Anderson on 'Law in Old Israel: laws concerning adultery' shows in a practical way the difficulty of ascertaining the real status of laws in old Israel, but indicates at the same time the prominence of divine sanctions in laws relating to social customs.

The change in the relationship between law and religion must be attributed to the vast upheaval of the Babylonian exile. Now the conditions of life in a foreign land made the law not only a platform for reform, but the repository of a precious tradition that was in danger of being lost. In his essay on 'A perpetual statute throughout your generations' Roger Tomes shows how the writers of the Priestly School, who undertook a comprehensive revision and rationalisation of the ancient laws, attached this phrase especially to religious ordinances which were in danger of extinction under the conditions of exile and the restrictions imposed after the return to the Judea by the Persian overlords. The law now becomes the repository of the distinctive customs and beliefs of the Jewish people, and these are represented as unchangeable by divine decree. Thus the law is by this time central to Jewish self-definition, both religiously as defining Israel's relationship with God, and politically in defining Judaism over against other peoples. The law comprises the revelation of God, and corresponding with this there is a spirituality (expressed splendidly in Psalm 119) which consists in meditation on the law as the means of enlightening the mind and stirring the will and the emotions in the service of God (though Paul holds that, in the last analysis, the law fails at this point).

These developments not only explain the centrality of the law in the religion of Judaism in the NT period, but also suggest ample reasons for finalising the law in unalterable and fixed form. It has long been held that this is what was achieved by the Priestly School, when the Priestly Code reached its final form in the fourth/third century BCE. However, recent study shows that the matter is more complicated. For there is in our period an effort on the part of some deeply devout people to revise the law further, so as to make it more self-consistent in the light of the unchanging

principles which it contains and to make it more workable as a code of religious practice. Thus the very seriousness with which the law is approached provides the motivation for further change. So Roger Tomes begins his article by pointing out the paradoxical way in which the 'perpetual statutes' of the law are claimed by the writer of *Jubilees* in his rewriting of Genesis and Exodus 1-12. *Jubilees* was known and used at Qumran, but should not be regarded as a product of the Qumran Sect itself. It belongs to a wider movement for reform in the period of the Maccabean Revolt and its aftermath, a movement which cannot be identified with certainty because of the scarcity of evidence, but seems certainly to have included the Essenes. The publication of the Temple Scroll from Qumran, after long delay, has added further relevant considerations. In 'The Temple Scroll: a law unto itself?', George Brooke argues that it is best regarded as a further work of revision of the law along the same lines as *Jubilees*, starting where *Jubilees* leaves off. Both books have a connection with the *Damascus Document*, which must also be reappraised in the light of them. The conclusion is drawn that the *Damascus Document* is not a distinctively Qumran work (like the Manual of Discipline) but the programme of reform of a comparable group with which the Qumran Sect had close sympathy. Qumran shared some of the reforms which are advocated in this literature, especially the *Jubilees* calendar. On the other hand, while possessing the Temple Scroll, and so being well aware of the revisions of the law which it contains, the Qumran sectaries made no direct use of it. Their *halakah*, or way of keeping the law, was derived from their unknown founder (the Teacher of Righteousness), who was revered as the definitive interpreter of the law.

It so comes about that, though the text of the Pentateuch is in process of fixation and standardisation all through our period, the interpretation of it is quite fluid, even extending to proposals for rewriting it on the part of a significant element of devout Jews. From this point of view the old tendency to divide Judaism between Pharisees and Sadducees, the former prepared to admit very considerable latitude of interpretation in order to promote faithful adherence to the law, and the latter opposed to all innovations, can be seen to be too simple. Philip Alexander's essay on 'Jewish law in the time of Jesus' helps to put the record straight. Though these groups did not accept further rewriting of the law, they were not immune from the need to update it in relation to changing circumstances. The rabbis developed rules of interpretation whereby points of the law could be legitimately extended to cover new conditions. The Targums also often show a modernising tendency, to enable the hearers to grasp the meaning of the law and to apply it in their own lives.

Christianity began as a movement within Judaism, and neither Jesus nor his followers intended to overthrow the law. The reappraisal of Paul's attitude to the law inevitably reopens the question of the attitude of Jesus himself, with the consequence that E.P. Sanders was constrained to follow up his books on Paul with a study of *Jesus and Judaism* (1985). The point is taken up in an essay on 'All foods clean: thoughts on Jesus and the law', in

which Barnabas Lindars attempts to show that Jesus' references to the law are subordinate to the main purpose of his teaching, which concerns the imminent manifestation of the kingdom of God. Jesus did not introduce a new *halakah* as an alternative to the interpretations already on offer, but he would not allow the law to be used as a screen to evade the full impact of the claim of God upon the conscience. His use of irony, and what may almost be called shock-tactics (if one may so refer to the parables as 'language-events'), intrigued his audience, but rendered him liable to misunderstanding on the part of scribes and Pharisees. How this also affected the central authorities in Jerusalem and contributed to the movement to put him to death is the subject of the highly original essay of Richard Bauckham on 'Jesus' demonstration in the temple'. All the subsequent developments in early Christianity can be seen as consequences of Jesus' teaching. The most primitive preaching takes the continuance of the law for granted. Jewish Christianity eventually makes some modifications, using the remembered teaching of Jesus as the halakic basis of its position. Paul goes to the heart of Jesus' challenge to the conscience in order to cope with the new situation created by the admission of Gentiles into Christian fellowship. The fluidity of Christian attitudes to the law in the earliest period is illustrated further by the suggestion of Christopher Tuckett, in his article on 'Q, the law and Judaism', that the Q collection of sayings of Jesus was channelled through a group of Christian Pharisees, who felt that their position was supported by Jesus' teaching.

It seems, then, proper to think of a Christian dialectic in relation to the law. The teaching of Jesus can be taken to uphold the law, but it also undergirds Paul's radical critique. In the Johannine community there is the additional factor of Jewish Wisdom speculation with regard to the law, which is taken to support the Christian claims concerning Jesus as himself the embodiment of wisdom. Johannine Christianity thus entails a christological interpretation of the law itself, which was the cause of heated debate between the community and the synagogue. This is argued by George Brooke in his essay on 'Christ and the law in John 7-10', in which it is shown how the Jewish opposition to Jesus is regarded by John as equivalent to transgression of the decalogue. At this stage relations between Church and Synagogue are at breaking-point, and the interpretation of the law is a central issue in the dispute.

Meanwhile in the Gentile churches the position so strongly advocated by Paul eventually prevailed. Martin Kitchen, writing on 'The status of law in the Letter to the Ephesians', argues that the fall of Jerusalem was taken in the circles to which this letter belongs to be the vindication of Paul's policy of taking the Church beyond the confines of Judaism as constituted under the law to the new era, in which the Spirit is directly operative in enabling the Christians to produce good works. The law itself is no longer a burning issue for these Christians of the second generation. However, we must not be deceived by the single-minded enthusiasm of the writer to the Ephesians into supposing that the law played no further part in Gentile

Christianity. Gerald Downing, on 'Law and custom: Luke-Acts and late Hellenism', points out that law had long been perceived as essential to religion among the Greeks and Romans, and that the partial abandonment of the Jewish law (not amounting to denial of its moral value) on the part of the Christians was calculated to show them in the best possible light from a Gentile point of view – shedding the pointless and often barbarous requirements of the Jewish inheritance, but affirming its basic value by the high moral standard of their lives. This at least was Luke's hope as he wrote his account of earliest Christianity for the benefit of a sympathetic enquirer like Theophilus.

The dialectical understanding of law and religion is necessary, because of the ambiguous character of religion in the history of humanity. From a sociological point of view, religion often functions as a stabilising factor. It is thereby allied to law and tends towards conservatism and traditionalism. But religion is also characterised by charismatic outbursts, which make it a revolutionary force and a trenchant critic of established norms. Both aspects belong to the rise of Christianity. The profound impact of Jesus is due, partly at least, to the way in which they are combined in his teaching, which sets the issue firmly in the higher setting of the claim of God upon humankind.