According to What Nomos: Understanding Romans 2 in Conversation with Diaspora Jewish Conceptions of Nomos

Kyle Fever
Loyola University Chicago

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LOYOLA UNIVERSITY CHICAGO

ACCORDING TO WHAT NOMOS? UNDERSTANDING ROMANS 2 IN CONVERSATION WITH DIASPORA JEWISH CONCEPTIONS OF NOMOS

A DISSERTATION SUBMITTED TO
THE FACULTY OF THE GRADUATE SCHOOL
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

PROGRAM IN THEOLOGY

BY
KYLE THOMAS FEVER
CHICAGO, IL
DECEMBER 2012
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for the academic study of the Bible caught the interest of a young college student. Their
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on this academic path to be a Professor of the Bible, a vocation of shaping and informing
human lives for the better by drawing them into an encounter with the world of Bible—
both actual and metaphysical.

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For Laura, Jaya, Tate, and Jude

The happiest moments of my life have been the few which I have passed at home in the bosom of my family. ~Thomas Jefferson
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<td>AASF</td>
<td>Annales Academiae scientiarum fennicae</td>
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<tr>
<td>AB</td>
<td>Anchor Bible</td>
</tr>
<tr>
<td>ABR</td>
<td><em>Australian Biblical Review</em></td>
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<tr>
<td>AGJU</td>
<td>Arbeiten zur Geschichte des antiken Judentums und des Urchristentums</td>
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<td>AnBib</td>
<td>Analecta biblica</td>
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<tr>
<td>ANTC</td>
<td>Abingdon New Testament Commentaries</td>
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<tr>
<td>ASTI</td>
<td><em>Annual of the Swedish Theological Institute</em></td>
</tr>
<tr>
<td>AthR</td>
<td>Anglican Theological Review</td>
</tr>
<tr>
<td>AUSS</td>
<td>Andrews University Seminary Studies</td>
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<tr>
<td>BETL</td>
<td>Bibliotheca ephemeridum theologicarum lovaniensium</td>
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<td>BFCT</td>
<td>Beiträge zur Förderung christlicher Theologie</td>
</tr>
<tr>
<td>BHT</td>
<td>Beiträge zur historischen Theologie</td>
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<td>Bib</td>
<td><em>Biblica</em></td>
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<td>BIOSCS</td>
<td><em>Bulletin of the International Organization for Septuagint and Cognate Studies</em></td>
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<td>BNNTC</td>
<td>Black’s New Testament Commentaries</td>
</tr>
<tr>
<td>BTB</td>
<td>Biblical Theology Bulletin</td>
</tr>
<tr>
<td>BZAW</td>
<td>Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft</td>
</tr>
<tr>
<td>BZNW</td>
<td>Beihefte zur Zeitschrift für die neutestamentliche Wissenschaft</td>
</tr>
<tr>
<td>CBQ</td>
<td>Catholic Biblical Quarterly</td>
</tr>
<tr>
<td>CBQMS</td>
<td>Catholic Biblical Quarterly Monograph Series</td>
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<tr>
<td>CC</td>
<td>Continental Commentaries</td>
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<tr>
<td>ConBNT</td>
<td>Coniectanea biblica: New Testament Series</td>
</tr>
<tr>
<td>ConBOT</td>
<td>Coniectanea biblica: Old Testament Series</td>
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<tr>
<td>CRINT</td>
<td>Compendia rerum iudaicarum ad Novum Testamentum</td>
</tr>
<tr>
<td>CurTM</td>
<td><em>Currents in Theology and Mission</em></td>
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<tr>
<td>DJD</td>
<td>Discoveries in the Judaean Desert</td>
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<tr>
<td>DSD</td>
<td>Dead Sea Discoveries</td>
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<tr>
<td>EBib</td>
<td><em>Etudes bibliques</em></td>
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<td>Abbreviation</td>
<td>Description</td>
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<tr>
<td>EHAT</td>
<td>Exegetisches Handbuch zum Alten Testament</td>
</tr>
<tr>
<td>EKKNT</td>
<td>Evangelisch-katholischer Kommentar zum Neuen Testament</td>
</tr>
<tr>
<td>ETR</td>
<td><em>Etudes théologiques et religieuses</em></td>
</tr>
<tr>
<td>FB</td>
<td>Forschung zur Bibel</td>
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<td>FRLANT</td>
<td>Forschungen zur Religion und Literatur des Alten und Neuen Testaments</td>
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<tr>
<td>HAT</td>
<td>Handbuch zum Alten Testament</td>
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<td>HKAT</td>
<td>Handkommentar zum Alten Testament</td>
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<td>Handbuch zum Neuen Testament</td>
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<td>HNTC</td>
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<td>HTKNT</td>
<td>Herders theologischer Kommentar zum Neuen Testament</td>
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<td>HTR</td>
<td>Harvard Theological Review</td>
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<tr>
<td>ICC</td>
<td>International Critical Commentary</td>
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<td>Int</td>
<td>Interpretation</td>
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<td>JAOS</td>
<td><em>Journal of the American Oriental Society</em></td>
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<tr>
<td>JBL</td>
<td><em>Journal of Biblical Literature</em></td>
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<tr>
<td>JETS</td>
<td><em>Journal of the Evangelical Theological Society</em></td>
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<td>JJS</td>
<td><em>Journal of Jewish Studies</em></td>
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<tr>
<td>JNSL</td>
<td><em>Journal of Northwest Semitic Languages</em></td>
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<tr>
<td>JRE</td>
<td><em>Journal of Religious Ethics</em></td>
</tr>
<tr>
<td>JSJ</td>
<td><em>Journal for the Study of Judaism in the Perisan, Hellenistic, and Roman Periods</em></td>
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<tr>
<td>JSNT</td>
<td><em>Journal for the Study of the New Testament</em></td>
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<tr>
<td>JSNTSup</td>
<td>Journal for the Study of the New Testament: Supplement Series</td>
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<tr>
<td>JSOTSSup</td>
<td>Journal for the Study of the Old Testament: Supplement Series</td>
</tr>
<tr>
<td>JSPSup</td>
<td>Journal for the Study of the Pseudepigrapha: Supplement Series</td>
</tr>
<tr>
<td>JTS</td>
<td><em>Journal of Theological Studies</em></td>
</tr>
<tr>
<td>KEK</td>
<td>Kritisch-exegetischer Kommentar über das Neue Testament (Meyer-Kommentar)</td>
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<tr>
<td>LCL</td>
<td>Loeb Classical Library</td>
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<tr>
<td>LEC</td>
<td>Library of Early Christianity</td>
</tr>
<tr>
<td>McCQ</td>
<td><em>McCormick Quarterly</em></td>
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<tr>
<td>MNTC</td>
<td>Moffatt New Testament Commentary</td>
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<tr>
<td>MSU</td>
<td>Mitteilungen des Septuaginta-Unternehmens</td>
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<tr>
<td>NICNT</td>
<td>New International Commentary on the New Testament</td>
</tr>
<tr>
<td>NIGTC</td>
<td>New International Greek Testament Commentary</td>
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<tr>
<td>NovT</td>
<td><em>Novum Testamentum</em></td>
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<td>NTD</td>
<td>Das Neue Testament Deutsch</td>
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<tr>
<td>NTOA</td>
<td><em>Novum Testamentum et Orbis Antiquus</em></td>
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<td>NTS</td>
<td><em>New Testament Studies</em></td>
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<tr>
<td>OBO</td>
<td>Orbis biblicus et orientalis</td>
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<tr>
<td>OTL</td>
<td>Old Testament Library</td>
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<tr>
<td>OtSt</td>
<td><em>Oudtestamentische Studiën</em></td>
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| PG           | Patrologia graeca [= Patrologiae cursus completus: Series graeca]. Edited xiii

PVTG  Pseudepigrapha Veteris Testamenti Graece
RB    Revue biblique
ResQ  Restoration Quarterly
RevQ  Revue de Qumran
RHPR  Revue d’histoire et de philosophie religieuses
SB    Sources bibliques
SBLDS Society of Biblical Literature Dissertation Series
SBLEJL Society of Biblical Literature Early Judaism and Its Literature
SBLSCS Society of Biblical Literature Septuagint and Cognate Studies
SBLSP  Society of Biblical Literature Seminar Papers
SBLSymS Society of Biblical Literature Symposium Series
SBLTT  Society of Biblical Literature Texts and Translations
SBT   Studies in Biblical Theology
SEÅ   Svensk exegetisk årsbok
SJOT  Scandinavian Journal of the Old Testament
SJT   Scottish Journal of Theology
SNT   Studien zum Neuen Testament
SO    Symbolae osloenses
SP    Sacra pagina
SSEJC Studies in Early Judaism and Christianity
STDJ  Studies on the Texts of the Desert of Judah

Text  Textus
TLZ   Theologische Literaturzeitung
TS    Theological Studies
TSAJ  Texte und Studien zum antiken Judentum
TZ    Theologische Zeitschrift
UNT   Untersuchungen zum Neuen Testament
VE    Vox evangelica
VS    Verbum Salutie
VT    Vetus Testamentum
VTSup Supplements to Vetus Testamentum
WBC   Word Biblical Commentary
WUNT  Wissenschaftliche Untersuchungen zum Neuen Testament
ZAW   Zeitschrift für die alttestamentliche Wissenschaft
ZNW   Zeitschrift für die neutestamentliche Wissenschaft und die Kunde der älteren Kirche
ZTK   Zeitschrift für Theologie und Kirche
ABSTRACT

The law (nomos) functions as a central piece of Paul’s argument in the second chapter of his letter to the community in Rome. Throughout his argument Paul’s references to nomos carry such complexity that there is significant disagreement about how to understand this nomos. On the one hand, scholars debate over the degree to which Greco-Roman conceptions of nomos shape the understanding of nomos present in Romans 2. On the other hand, Paul appears to have the Jewish law in mind, and there is no consensus about how Paul conceives of the Jewish law in his argument, given the similarities with Greco-Roman conceptions of nomos.

In this dissertation, I attempt to explain the conception of nomos in Romans 2. I begin in chapter one by isolating three central components of Paul’s conception of nomos: (1) it is universal, (2) its instruction applies to Gentiles—they are capable of doing “the things of the law,” (3) it is somehow particularly Jewish. To explain this complex conception of nomos I propose to focus on explanations of the Jewish law found in Second Temple Diaspora Jewish literature which participates in a common political-ethical discourse within the Greco-Roman world. Chapter two outlines a “grammar” of nomos among Greek and Roman writers, and it focuses on how expressions of universal and transcendent nomos grew out of problems with particular nomos. Chapter three discusses the relation between particular and transcendent nomos and the ethical claims that Greek and Roman writers made on the basis of the common nomos discourse in
order to elevate Greek or Roman ways of life as most virtuous. Chapter four investigates important Diaspora Jewish writers who participate in this common web of discourse in their attempts to explain and interpret the Jewish law and elevate it as the most virtuous. In chapter five I interpret Romans 2, arguing that Paul makes use of elements common to the Diaspora Jewish explanations of the law to argue that both Jews and Gentiles are indeed equal in that neither group lives up to God’s one universal nomos.
CHAPTER ONE
INTRODUCTION

Introduction to the Study: The Law in Romans 2

“Romans 2…offers the greatest difficulties of any Pauline text in determining the meanings of nomos.” So wrote Douglas Moo nearly thirty years ago in his essay, “Law, ‘Works of the Law,’ and Legalism in Paul.” Others have since acknowledged the problem of understanding the meaning of νόμος in Romans 2. The purpose of this study is to clarify the complex conception of νόμος in Romans 2 that causes so many difficulties for interpreters, both past and present. In so doing this study will also make a claim about the sort of perspective(s) with which Paul was in conversation in Romans, one of Paul’s most important letters for understanding the nature of Paul’s perspective on Judaism and the Jewish law.

“Paul and the Mosaic law.” A little over a decade ago, one’s response to this phrase might have been keen interest because the topic was the center of significant debate. Today one’s response might actually question the ongoing pursuit of the topic, reflecting a scholarly weariness from going over the issue, or a sense of stability, that nearly everything has been said. Indeed, there is even reason to think that Pauline


scholarship has moved on in the pursuit of new vistas. But this does not mean everything has been said about Paul and the law. The flurry of studies in the 1980s and 1990s probed the issue deeply and moved the discussion forward in important ways. Yet controversy, unanswered questions, and a need for further contextualization and clarification remain. Calvin Roetzel’s comments, written in 1995, remain valid today:

> While scholars have solved some problems (concerning Paul’s understanding of and relationship to the Mosaic law), overall the number of problems has multiplied while scholars have sought to untangle the nest of problems associated with Paul and the law. Discontinuities outnumber continuities. A bewildering mass of complexities, intricate and involved, remains snarled. Gordian knots abound.

It has been nearly twenty years since Roetzel wrote these words. In spite of a notable decrease in studies on the topic A. Andrew Das’ recent comments suggest that not much has really changed since Roetzel. Summarizing the present landscape, Das writes: “the controversy (about Paul and the law) shows no sign of abating.”

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3 Because of the centrality of the law for Paul, it is sometimes difficult to sort out where the law is a central topic of scholarly discussion and where it is not. An example of this may be seen in Stephen Westerholm’s *Perspectives Old and New on Paul: The “Lutheran” Paul and His Critics* (Grand Rapids: Eerdmans, 2004), where the law is part of a complex of issues that relate to the “New Perspective on Paul.” Nevertheless, to find the most recent substantial treatment of the law in Paul’s letters (outside commentaries) we must turn to Preston Sprinkle’s 2008 *Law and Life: The Interpretation of Leviticus 18:5 in Early Judaism and in Paul* (Tübingen: Mohr Siebeck, 2008). Prior to that one must go back to F. Adeyemi, *The New Covenant Torah in Jeremiah and the Law of Christ in Paul* (New York: Peter Lang, 2006) and Kari Kuula’s *The Law, the Covenant, and God’s Plan, volume 2: Paul’s Treatment of the Law and Israel in Romans* (Göttingen: Vandenhoeck & Ruprecht, 2003). One may include Westerholm’s aforementioned book, but with the caveat that the law is only one of several focal issues (Judaism, justification/ righteousness, grace). The decline in studies on Paul and the law is noticeable when one contrasts sporadic nature of published studies that focus on the law in recent years with those from the period of 1983 through 2003, where at least one book per year was published on the issue of Paul and the law (with the exceptions of 1991 and 1998; see bibliography for a more extensive list). Other topics have, on the other hand, flourished in recent times (though some are never completely distinct from the topic of the law): justification, Paul and empire, Paul and Scripture; Paul and Judaism; Pauline ethics.


recognize problems still remain, but little ground has been broken by way of new
research or new angles on the issue.

Romans 2 is a key text where such controversy looms, unanswered questions
linger, and where there remains need for greater contextualization and clarification. The
word *nomos* plays a significant role especially in 2:12-29:

12 For however many sin lawlessly will also perish lawlessly; and however many
sin in the law will be judged through the law, 13 for not the ones hearing the law
are just with God, but the ones doing the law will be made just. 14 For whenever
Gentiles, those not having the law by nature do the things of the law, these not
having law among themselves are law, 15 such ones demonstrating the work of the
law written in their hearts, their conscience testifying and the reasonings between
one another accusing or even defending, 16 in the day when God judges the secrets
of humanity according to my good news through Jesus Christ.

17 But if you are called “Jew” and if you rest upon the law and you boast in God
and you know the will (of God) and you discern things of worth, having been
instructed from the law, 19 being certain to be yourself a guide of the blind, a light
of those in darkness, 20 an educator of the imprudent, a teacher of the immature,
having the form of knowledge and truth in the law— 21 therefore the one teaching
the other, do you not teach yourself? The one proclaiming do not steal, do you
steal? 22 The one saying do not commit adultery, do you commit adultery? The
one detesting idols, do you rob temples? 23 You who boast in the law, through the
transgression of the law you dishonor God, 24 for the name of God is blasphemed
on account of you among the Gentiles, just as it is written.

25 For on the one hand, circumcision benefits if you practice the law; but on the
other hand if you are a transgressor of the law, your circumcision has become
uncircumcision. 26 Therefore, if the uncircumcised keeps the requirements of the
law, will not his uncircumcision be considered as circumcision? 27 And the
uncircumcised from nature accomplishing the law will judge you the transgressor
of the law through the letter and circumcision. 28 For it is not the Jew in the visible
sense and not the circumcision in the visible sense in the flesh, 29 but the Jew in
the inward sense, and the circumcision of heart in spirit not in letter, of whom the
approval is not from humans but from God. 6

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6 Unless noted, all translations of ancient or modern texts are mine.
Over the course of these seventeen verses Paul uses the word νόμος (nomos), typically translated “law,”\(^7\) nineteen times.\(^8\) The nineteen uses of nomos draw the reader’s eye to the fact that any interpretation of Romans 2 depends on a clear understanding of nomos. The uses of nomos also suggest that Romans 2 stands as one of the most crucial sections for understanding nomos in Paul’s letters; whatever we might conclude about Paul’s view of the law, Romans 2 must be taken into account.

It is predictably fitting that one of the most significant sections for understanding nomos in Paul’s letters is also one of the most difficult to understand. There is a two-fold problem when it comes to understanding nomos in Romans 2. The first part of the problem concerns the meaning and referent of nomos. Several questions drive the debate: Is nomos in Romans 2 just the Jewish Torah?\(^9\) Is it not also “law of nature” in verses 14–15? Might it be both? If so, then how? Attempting to answer these questions affirms one’s suspicion that a singular concern with the “meanings” or referent of nomos in Romans 2 is to see the problem too narrowly. Even if one explains what nomos Paul has

\(^7\) Throughout this study, I will use the Greek νόμος (plural: νόμοι) when necessary, but otherwise I will use the transliteration nomos (plural: nomoi) instead of the English “law.” I do this to avoid easy assimilation of and confusion between modern understandings of the word “law” and ancient νόμος. Put briefly, νόμος in the ancient world signified much more than “legal command” or “law-code” if by that one means simply “commandments to follow.” While there is significant overlap between ancient and modern understandings of “law” I do not want to assume that they are the same, and by using the transliteration hope to draw attention to the specific nature of the usage in ancient Greco-Roman culture. As we shall see, the Greek νόμος signifies normative life for a particular people, and it holds together ethical, political, and religious elements.

\(^8\) Romans 2:12 (2x), 13 (2x), 14 (2x), 15, 17, 18, 20, 23 (2x), 25 (2x), 26, 27 (2x). This frequency in such a brief section is second only to Romans 7 out of the entire Pauline corpus. In Romans 7, the word occurs 23 times in twenty-five verses: Romans 7:1 (2x), 2 (2x), 3, 4, 5, 6, 7 (3x), 8, 9, 12, 14, 16, 21, 22, 23 (3x), 25 (2x).

\(^9\) Cf. N.T. Wright, “The Law in Romans 2.” Wright intends to deal with the problem of the law in Romans 2, but interestingly, or problematically, Wright’s essay does not really solve any of the problems with nomos itself, but more deals with issues of Paul and Judaism and the issue of justification. He too simply identifies nomos as “the Jewish law” without drawing attention to or dealing with the complexity involved.
in mind in various sections of the chapter, problems remain. For example, if one concludes that *nomos* refers to “law of nature” in 2:14–15, but the Jewish *nomos* in 2:25–29, one must then explain how the two relate to one another. In a similar manner, how does the *nomos* in vv.14–15 relate to the *nomos* in vv.12–13? Or vv.17–20? Is the same conception of *nomos* operative in each of these places? In order to understand the meaning and referent of *nomos* in Romans 2 one must investigate the entire proverbial iceberg lying under the surface of the water. As we shall see, Paul does not refer to more than one *nomos* in Romans 2. At present, however, scholars have not clearly explained the contours of what lies beneath the surface. This is not because Paul is unclear, though from our 2,000 year removed vantage point this may seem so.

The second part of the problem with *nomos* concerns identifying and elucidating the context—that which lies beneath the surface and supports what we see on the surface of the page. At the least, this means better explaining the Jewish conception of *nomos* to which Paul seems to refer. As Brian Rosner has pointed out recently, Paul’s view of *nomos* in Romans 2 is crucial for understanding the Judaism with which Paul interacted.\footnote{10} For Rosner, “Romans 2:17–29 is arguably the most extensive and illuminating text in the Pauline corpus concerning Jewish identity,” and it presents essentially the main text that describes how Jews understood and appropriated the law.\footnote{11} Because of this Romans 2 functions as Rosner’s starting point for assessing how, by contrast, Paul says that


\footnote{11} Rosner, “Paul and the Law,” 406. This identity, Rosner goes on to point out, is inextricably tied to the law (406).
believers should relate to the law. Rosner’s essay is one recent example of not only the importance of Romans 2 for understanding nomos, but also of the important point that Romans 2 stands at a crucial intersection between Paul’s understanding of nomos and Paul’s interaction with his Jewish context. In short: nomos in Romans 2 is a window into the Jewish context that is central for understanding Romans; at the same time this context is central for understanding the nomos at the center of Paul’s argument. Both issues remain debated; neither nomos nor the Jewish context have yet been clearly explained.

In this study, I contend that beneath the words we read on the page lies a complex web of discourse which functions as the proverbial iceberg, giving existence to what we see on the page. I will argue that this web is made up of explanations of the Jewish nomos common in Diaspora Jewish literature. These explanations find their voice in conversation with a widespread Greco-Roman discourse wherein nomos is at the center of ethical-political discussions. This context not only provides the language and framework Paul uses to describe nomos, it also provides a window into the cultural discourses common to Paul and his contemporaries and in which they participated. When we see Paul’s statements about nomos in conversation with Diaspora Jewish interpretations of the Jewish nomos, we will also see Paul’s argument in a new light. Specifically, we will see that Paul was not arguing for the universalization of the law in the face of an opposing Jewish view that understood the law as exclusive and marking ethnic superiority.12 We will see, rather, Paul argues on the basis of universalizations of the Jewish nomos.

12 As stated for example by James Dunn, Romans 1-8, 77; Mark Seifrid in “Natural Revelation and the Law in Romans,” Tyndale Bulletin 49 (1998) 120-25.
In the following pages, I will introduce the reader to the specific focal issues that any attempt to understand nomos in Romans 2 must address. Following this we will turn to past attempts to provide a context that will make sense of the conception of nomos. This will help us see how previous interpreters have made valuable points, but also where there is a need for more to be said.

**The Text and the Issues**

According to most interpreters, Romans 2 is the central argument of the larger section in Romans 1:18–3:20. For the majority of scholars Paul’s main point in this section is that all humanity exists under the power of sin (3:9–20). Some dissent, noting that Paul’s argument does not adequately demonstrate this point. For example, Klyne Snodgrass writes that interpreting Romans 1:18–3:20 as Paul’s argument to persuade his audience about the universal sinfulness of Jew and Gentile is a “distortion” of Paul’s argument. However one understands the main objective of the argument, Romans 2 plays a central role in the development of the argument through a dialogue with an interlocutor, or dialogue partner, that progresses in three stages: 2:1–11; 12–16; 17–29.

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In the first stage of his argument, Paul addresses his interlocutor as someone who judges those who commit the transgressions mentioned in 1:18–32:

1Therefore, you are without excuse, O man—everyone who judges—for in that which you judge the other, you condemn yourself; for the one judging, you are practicing the same things. 2 But we know that the judgment of God is according to truth upon the ones practicing such things. 3 But are you considering this, O man—the one judging the ones practicing such things and doing the same things—that you will escape the judgment of God? 4 Or do you despise the wealth of his goodness and forbearance and patience, being ignorant that the kindness of God leads you to repentance? 5 But you are storing up wrath for yourself according to your stubborn and unrepentant heart, on the day of wrath and of revelation of the just judgment of God, 6 who will give out to each person according to his works: on the one hand to the ones seeking glory and honor and immortality according to perseverance of good work—he will give out eternal life, but on the other hand to the ones disobeying the truth out of selfish ambition, being persuaded by injustice—he will give out wrath and anger. 7 Tribulation and distress upon every human soul of those working evil, both of the Jews first and the Greek; 10 but glory and honor and peace upon everyone working good, both the Jew first and the Greek, 11 for there is no partiality with God.

In challenging the one who judges, Paul states that God will judge the works of all people; no one is exempt. Not only that, but this judgment is impartial. Indeed, others have pointed out that the central theme in 2:1–11 is God’s impartial judgment of all humanity, a point Paul makes, saying that “[God] will give to each according to their works” (2:6) because “with God there is no partiality” (2:11). Even though at the end of this first section Paul has made an important point about God’s judgment, he has not yet clearly identified the measure of judgment—on what basis someone’s works (and ultimately life) will be judged “just” (δίκαιος) or “unjust” (ἀδίκος).

In the next stage of the argument, 2:12–16, Paul continues to develop the point about God’s impartial judgment:

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For however many sin lawlessly will also perish lawlessly; and however many sin in the law will be judged through the law, for not the ones hearing the law are just with God, but the ones doing the law will be made just. For whenever Gentiles, those not having the law by nature do the things of the law, these not having law among themselves are law, such ones demonstrating the work of the law written in their hearts, their conscience testifying and the reasonings between one another accusing or even defending, in the day when God judges the secrets of humanity according to my good news through Jesus Christ.

In these verses Paul writes of *nomos* for the first time in the letter, and provides in 2:13 what he had not yet supplied in 2:1–11: the standard by which one’s life and works will be measured. He writes, “for (it is) not the hearers of *nomos* (who are) the just ones, but the doers of the law will be made just.” In this statement and the surrounding context Paul distinguishes between Jew and Gentile when he writes of those who sin “apart from law” and those who sin “in the law.” This is confirmed in vv. 14–15 when he writes that Gentiles are those “not having law.” At the same time, however, God’s judgment is impartial and the just or unjust status of all people is determined by one standard. This standard is described as νόμος. On the surface it appears to be the Jewish νόμος to which Paul refers.

In 2:17–29 the argument focuses on claims made by the one who calls himself a Jew, the one who possesses the law in its physical form. Here the argument takes an interesting turn in light of what Paul had just said. Even though the Jewish *nomos* is a universal standard, Paul acknowledges that the Jew holds an important position because of possessing the law. Writing of this Jew, he says:

But if you are called “Jew” and if you rest upon the law and you boast in God and you know the will (of God) and you discern things of worth, having been

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instructed from the law, being certain to be yourself a guide of the blind, a light of those in darkness, an educator of the imprudent, a teacher of the immature, having the form of knowledge and truth in the law … (Rom. 2:17–20)

Paul recognizes the importance of possessing the law for the Jew. In spite of this, the Jew, like the Gentile, is under God’s judgment because of not keeping the commands. Paul reiterates a point made earlier, that it is doing the law that matters:

21 therefore the one teaching the other, do you not teach yourself? The one proclaiming do not steal, do you steal? 22 The one saying do not commit adultery, do you commit adultery? The one detesting idols, do you rob temples? 23 You who boast in the law, through the transgression of the law you dishonor God, for the name of God is blasphemed on account of you among the Gentiles, just as it is written.

In the last section of the argument, Paul reiterates that the uncircumcised non-Jew can indeed keep the law, that true “circumcision” is not necessarily contingent on possessing the written code, and that circumcision and possession of the law do not equate to being “just” (δικαιος) before God:

25 For on the one hand, circumcision benefits if you practice the law; but on the other hand if you are a transgressor of the law, your circumcision has become uncircumcision. 26 Therefore, if the uncircumcised keeps the requirements of the law, will not his uncircumcision be considered as circumcision? 27 And the uncircumcised from nature accomplishing the law will judge you the transgressor of the law through the letter and circumcision. 28 For it is not the Jew in the visible sense and not the circumcision in the visible sense in the flesh, but the Jew in the inward sense, and the circumcision of heart in spirit not in letter, of whom the approval is not from humans but from God.

All of this moves Paul toward his overall point: all people, Gentiles and Jews, are accountable to God and will be judged impartially according to the degree to which they have followed the one standard of nomos. According to this situation, “no one is just” (Rom. 3:19–20).
The Issues: The Components of Nomos

For Paul’s argument to carry any rhetorical weight, the referent of νόμος must be consistent throughout the entire argument. It is most probable that Paul refers to the Jewish nomos throughout. We have no reason to think that Paul shifts from one conception of nomos to another as the argument progresses, even in the infamous reference in 2:14–15. Nevertheless scholars have struggled to reconcile all of the references to nomos in Romans 2 into one understanding or conception of nomos.

From the train of thought in the argument, we can isolate three interrelated components that compose the conception of the Jewish nomos in Romans 2. It is my contention that any interpretation of Romans 2 and any explanation of the conception of the Jewish nomos in this argument must address and make sense of these three components:
1) it is a universal nomos which applies to both Jews and Gentiles;
2) Gentiles can do what it says. This raises the question of how the commands of the Jewish nomos relate to Gentiles. The key here is that when writing about the “things of the law” Gentiles apparently observe, Paul does not discriminate between “Jewish” obedience and “Gentile” obedience;
3) it is a particular and written nomos, the possession of the Jews. In spite of its universality, it remains the nomos of the Jewish people.

17 W. Gutbrod, νόμος, etc., TDNT, 4:1070; H. Ridderbos, Paul: An Outline of His Theology (Grand Rapids: Eerdmans, 1975) 106; Raisänen, Paul and the Law, 26.

18 Raisänen, Paul and the Law, 26; Sanders, Paul, the Law, and the Jewish People, 126; Stowers, Rereading, 138; Dunn, Romans 1–8, 98–100.
There is one final point: Paul *relies upon* this tripartite conception of *nomos*. He does not explain or justify these three elements; rather, they are taken for granted structural components of the conception of *nomos* in Romans 2. Our goal in this study is to offer a satisfactory context that provides a coherent explanation of this complex conception of the Jewish *nomos*, and to understand Paul’s argument in conversation with this.

In the next pages I will briefly draw attention to some of the issues and questions raised by scholars with regard to each of these components of *nomos* in Romans 2.

**A Universal Nomos**

The *nomos* of which Paul writes in Romans 2 functions as a universal standard of judgment for all humanity. Paul’s statement in 2:6 that God “will render to each according to his deeds” establishes the notion of one equal judgment of all. In vv.12–13 Paul clarifies that “the doers of the law will be made just.” As noted above, Paul speaks of all humanity in these statements and does not offer different standards of judgment—different *nomoi*—for Jews and Gentiles. As Adolf Schlatter put it, “one and the same code applies to both parts of humanity without partiality.”¹⁹ This universalization of *nomos* is not just a means of condemning Gentiles, as is somewhat common among various Jewish writers.²⁰ In other words, the application of the *nomos* to Gentiles is not limited to the fact that they are part of the universal humanity who will be judged by the standard of the law, but who are in a worse position because they do not possess it. Paul’s argument positively relates *nomos* to all humanity; it is somehow able to be kept by all

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humanity. Paul states this clearly when he says that Gentiles can “do the things of the law” in 2:14–15, a point repeated in 2:26–27 when Paul challenges any reliance on circumcision because Gentiles (“the uncircumcised”) are able to also keep the law.

Paul does not specify that Gentiles keep the law perfectly. Nevertheless, all humanity is accountable to this nomos and there is no distinction between Jewish and Gentile obedience to this one ethical standard.

Gentiles Can Keep the Law: But What Parts?

Not only do we find Paul alluding to a general concept of nomos that is at once both universal and particular, but he also specifies in the details that Gentiles can keep the universalized Jewish law. This surfaces when Paul says in 2:14–15,

14 For whenever Gentiles, those not having the law by nature do the things of the law (tα μη νόμον ἔχοντα φύει τά τού νόμου ποίησιν), these not having law among themselves are law, such ones demonstrating the work of the law written in their hearts

What he says in 2:26–27 likewise assumes this:

26 Therefore, if the uncircumcised keeps the requirements of the law, will not his uncircumcision be considered as circumcision? And the uncircumcised from nature accomplishing the law will judge you the transgressor of the law through the letter and circumcision.

21 According to H. Lietzmann, vv.14–15 show “nothing other than that the Greeks know the law” (“nichts anders, als daß die Heiden das Gesetz kennen”) (Römer, 41). It is important here to recognize an important point made by Stephen Westerholm that Paul does not necessarily come out and say whether or not and to what extent there are actually righteous Gentiles (Perspectives Old and New, 270 n.22).

22 There is a good deal of disagreement over whether the dative φύει (“by nature”) modifies “those not having the law” (tα μη νόμον ἔχοντα) or the verb “do” (ποίησιν). My translation is deliberately ambiguous. At this point the issue does not affect our point here about νόμος in any significant way. It only speaks to the means by which Paul says that Gentiles “do the things of the law.” However one comes down on the issue of the placement of “by nature,” one is still left with the puzzle of Gentiles knowing the Jewish nomos without possessing it, and of doing it as Gentiles. This goes to the point about whether or not the Gentiles are Christian or non-Christian Gentiles. This issue likewise does not have great significance here because the problem of the conception of the Jewish νόμος that allows such keeping of the law remains. We will address both points more fully in chapter five.
Given that the main referent is the Jewish *nomos*, it is inevitable to wonder: Is Paul referring to the Jewish law in its entirety, or just the Decalogue, or “moral commands” when he claims that Gentiles keep the law? Is there a conception of this universalized Jewish *nomos* that enables Paul to *fairly* hold Gentiles accountable to it?

What Paul insinuates in these statements goes beyond the issue of a general knowledge of God communicated in Romans 1. Paul is writing about knowledge of and obedience to *nomos*, not awareness of the works of God. The language Paul uses to describe this varies: in 2:14 he says that they “do the things of the law” (τὰ τοῦ νόμου); in 2:15 they “demonstrate the work of the law (τὸ ἔργον τοῦ νόμου) written in their hearts”; in 2:26 the “uncircumcised keep the decrees of the law” (τὰ δικαιώματα τοῦ νόμου); in 2:27 he writes of “the uncircumcised from nature completing the law” (τὸν νόμος τελοῦσα). Nevertheless, we can agree with most commentators that these phrases refer generally to the same thing.²³

An important element of this is that in these statements Paul claims that Gentiles can keep the law as uncircumcised Gentiles (2:14–15, 26–27).²⁴ If these Gentiles “do the things of the law” as Gentiles, then what version or understanding of the Jewish *nomos* is

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²⁴ That Paul takes these points hypothetically cannot be the case, even if Paul may not or would not have acknowledged actual Gentile righteousness as some are quick to point out (so Westerholm, *Perspectives Old and New*, 270 n.22). Nevertheless, in vv.26–27 Paul seems to do more than recognize the theoretical possibility of non-Jews doing what the law says. If Paul did not consider these points to be realities, or assume that his audience would, his argument would not work. Similarly, that Gentiles fulfilling the law “are merely a means to an end” (Räisänen, *Paul and the Law*, 106) does not explain sufficiently that Paul assumes this as a reality.
operative? Does Paul refer here to some aspect of it? Or has Paul already selected certain elements of more importance, but not made it clear to us? (Why should he!) One would think that such a statement about Gentiles keeping the law would easily be exposed with a simple response, rendering Paul’s arguments ineffective: Paul errs in reducing the law to some “moral core,” or Paul simply overlooks key elements of the law, thereby misunderstanding it altogether. E.P. Sanders puts the problem very clearly:

If we take the position that Paul did not compose 2:12–15 de novo, but used traditional material, we must admit that we do not know the contents of “the law” in the original setting of the passage…The law which Gentiles are to obey, and which is ascertainable by nature, cannot be the same as the Torah if one thinks concretely and in detail.25

Sanders draws attention to the problem very clearly: “the law which Gentiles are to obey…cannot be the same as the Torah if one thinks concretely and in detail.” What if one thinks of the law otherwise? Is it possible to do so? Throughout Romans 2, nomos is consistent. Somehow the “law” that Gentiles keep is the same as the Jewish Torah.

Scholars have yet to offer a sufficient explanation of how Gentiles keep the Jewish nomos. Simple recognition of the universal status of or universal knowledge of the Jewish nomos does not adequately explain this. An unnuanced appeal to Greek philosophical “law of nature” or “unwritten law” alone does not settle the problem of how the particularly Jewish nomos works in the life of the Gentile. We need an understanding of how the universality of the particular Jewish law was expressed and how the commands of the law were interpreted so that Paul can suggest that Gentiles can keep it as Gentiles. How we might the answer this affects how we understand the

25 E.P. Sanders, Paul, the Law, 130. (italics mine)
particularity of the Jewish nomos. That is, if Paul works with a conception of the Jewish nomos that does not require circumcision for Gentiles, what is to be said of this central Jewish command and Jewish particularism based in the law?

**A Particular and Written Nomos**

In Romans 2, this nomos is not just a universal nomos; it is also a particular written nomos, the possession of a particular people (the Jews). This goes hand-in-hand with a division of the world into two groups that Paul also takes for granted—Jews (Ἰουδαῖοι) and the nations/Gentiles (ἐθνῆς)—expressed in 2:14 and implied in vv. 17–18. In other words, this universal nomos is also identified with Jewish customs, history, and tradition—all of which separates the Jew from the non-Jew. According to 2:17–24, the main section that expresses how this particularity is understood, the distinction to which possession of this nomos leads is understood in terms of ethical superiority: through this nomos the Jew knows God’s will and, “having the form of knowledge and truth in the law,” is a “guide to the blind, a light to those in darkness, educator of fools, teacher of infants” (2:17–20).

The emphasis Paul places on the written form of nomos plays a significant role in Paul’s argument, whether implied or explicitly stated as in 2:27. The written nature of the Jewish nomos was patently clear to all Jews and Gentiles. In 2:12 when Paul speaks of those “without the law” (ἀνομοί) and those “in the law” (ἐν νόμῳ), it is not that Paul naively thinks Gentiles have no law at all. This claim would be ridiculous, especially

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26 The grammar of the sentence draws attention to the importance of the law. First, νόμος is used three times in vv.17–20. Second, the main clauses in both v.18 and in vv.19–20 have participial clauses with νόμος as the source of knowledge of the will of God and as that which has the form of knowledge and truth. See also B. Byrne, *Romans*, 97.
writing to Rome. Rather, the point seems to be more complex: Gentiles do not possess this particular yet universal νόμος in written form, whereas Jews do. Somehow this means that Gentiles are “law-less” (ἀνομοί). In 2:27 Paul draws explicit attention to the written form of the nomos when he makes the point that the “uncircumcised” (Gentile) who keeps the law will judge the Jew who, possessing the “letter” transgresses it. In other words, it seems that νόμος is known in two ways. There are not two nomoi, but ultimately one nomos available and applicable to both Jews and Gentiles.

This juxtaposition of the Jewish nomos as both universal and particular has been a point of question for some time. Stephen Westerholm puzzles over it when he writes, “in certain passages Paul maintains that the law was a peculiar gift to Israel, in others its domain appears to be universal. How are we to account for the inconsistency?” Heikki Räisänen draws out this point with regard to Galatians 2 and 3, but his comments apply equally to Romans 2. He suggests that

Paul is thus tacitly operating with a double concept of ‘law’…(o)ne cannot avoid noticing ‘a strange oscillation of the concept of law in Paul’ – an oscillation between the notion of an historical and particularist Torah and that of a general universal force.

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27 Walter Gutbrod made a similar point in his article on νόμος: “So far as Paul was aware, there was no people which did not have a law (νόμος) of some kind.” It is that Gentiles “do not know the specific law of the OT” (TDNT, 4:1070). We should add, Gentiles do not know the specific law “in its written manifestation.” In this regard, the connection between not possessing the Jewish νόμος and being ἀνομοῖ is very striking and will be explored later.

28 Stephen Westerholm, Perspectives Old and New, 412.

29 Heikki Räisänen, Paul and the Law, 18–23; quote from p.21.
An Already Existing Perspective on the Jewish Nomos

The problem is not just that these three components are individually difficult to explain. Significant questions arise when they are set in relation to each other. Yet these components must be understood and explained collectively—as components of a coherent conception of the Jewish nomos. There is no sense that Paul is putting forth a multiplicity of statements about the Jewish nomos fittingly applied to the individual points Paul wants to make; that all three components are loosely related claims about the Jewish nomos. In addition, the conception of nomos is not entirely sui generis; the conception of nomos is not the product of Paul’s creative mind. Paul makes these statements about nomos in such a way that requires no explanation; Paul assumes his readership understands him. As Neil Elliott states, Paul relies upon the statements he makes:

Paul apparently expects this argument to be intelligible to his audience. He does not explain how, or whether Gentiles may be found who ‘do the things of the Law’, nor does he justify the claim that Gentiles who ‘by nature’ do the things of the Law show that they have the ‘work of the Law written in their hearts’. He does not treat any of these propositions as if they were controversial. Rather he relies upon them, and on the axiom in 2:11, to support the principle embodied in his indictment (2:1–6): No one is exempt from God’s judgment.

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30 One objection to the main inquiry of this study is that Paul is not concerned with providing a full understanding of how Gentiles can keep the law, but rather to make the point that they keep the law in some way. Further, Paul does not emphasize the details of how Gentiles keep the law, but remains imprecise due to the nature of his argument, and consequently pursuing such questions is to miss the point (cf. Maertens, “Une étude de Romains 2:12–16,” NTS 46, 513–14; Leenhardt, L’épître de Saint Paul, 48). But this is to avoid the real issue, I think. For Paul’s argument to bear any weight whatsoever, he must be working with some common understanding of the law, and for us to understand what Paul is saying about the law, these questions need to be pursued.

31 The Rhetoric of Romans, 123. Others have registered similar statements. See A. Andrew Das, Paul, the Law, and the Covenant (Peabody: Hendrickson, 2001) 180.
Succinctly put, we need to establish a coherent conception of the Jewish *nomos* of which both Paul and his readers are aware; one that is part of a larger dialogue or web of discourse, which Paul works with in his argument.

**Excursus: Two Interpretive Problems in Romans 2:14**

Before going on, two key elements of Romans 2, raised in verse 14, need to be addressed: 1) the question of *who* keeps this *nomos* – Gentiles or Gentile *Christians*, and 2) the question of *the means by which* it is kept—φύσιν, “by nature,” or not. These have both been weighty issues of interpretation in Romans 2. While we will address these points more fully in chapter five, a few things should be said at this point.

With regard to the first issue, one might think that the trend is to agree that Paul is writing about non-Christian Gentiles. But the actual work being produced by scholars recently suggests otherwise. There exist a number of scholars to argue that Paul is writing about Gentile *Christians*. It is important to note that there is not one particular stance on this issue that corresponds completely with interpretations that argue for use of Greco-Roman “law of nature” or those that argue against it. While it is true that the dominant tendency of those who argue for use of “law of nature” seem to also agree that Paul is writing about Gentiles, there are a number of interpreters who argue *against* any use of “law of nature” who agree that Paul is talking about

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Gentiles and not Gentile Christians. In one respect, one’s position on this interpretive issue avails little in understanding the nature of the *nomos* to which Paul refers. Simon Gathercole, for example, supports the view that Paul is referring to Gentile Christians. He comments, “(t)he Gentile-Christian interpretation of these verses…sees the Gentiles who carry out the Torah as Christian believers, and thus to be justified on the final day.” For an interpretation such as Gathercole’s the unanswered question remains: what “law” do these Gentile Christians keep? Do these Gentiles (Christian or not) carry out the entire Torah, or just some of it? What conception of the Jewish nomos helps explain this?

The second issue, about the placement of the Greek φύσει, “by nature,” has been equally problematic. For the most part, scholars who argue that this modifies the verb ποιοῦσιν (“they do [the law] by nature”) also argue that Paul makes use of the Greco-Roman concept of “law of nature,” or those who argue against any use of the Greco-Roman concept tend to also argue that φύσει modifies τὰ μὴ νόμος ἔχοντα (“those not having the law by nature”). But, neither of these are necessary positions. While this is a very important point of interpretation, one’s stance on this point does not solve the problems of the understanding of νόμος in Romans 2. Whether the people in Romans 2 “do not have the law by nature,” or whether they “do the things

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35 An example of this is James Dunn, who argues that Paul is writing about those who “do by nature the things of the law” (*Romans* 1–8, 98; or “they do the things of the law by nature” on p.105). Dunn, as we will discuss below, goes on to argue against any use of the Greco-Roman “law of nature” (99, 105).
of the law by nature,” the question still remains: what law is Paul talking about? At the root of Paul’s argument is the claim that some Gentiles who do not possess the Jewish law still do what it says; how they do this is secondary to understanding the nature of the nomos to which Paul refers.

**Previous Attempts at Explaining Nomos**

Our task is to identify the larger web of discourse that supplies a coherent conception of the Jewish nomos that may have been familiar to both Paul and his readers in Rome, a conception of nomos that sufficiently explains the three components that compose the understanding of nomos in Romans 2. While numerous articles exist on Romans 2, and while some of these address pieces of the puzzle of nomos outlined above (some to a greater degree than others), there currently exists no full study devoted to offering a context that sufficiently explains nomos in Romans 2.

To set the context for how nomos in Romans 2 has been understood in prior scholarship, and to see where and why more work needs to be done, we will survey main lines of interpretation. In the following survey, I will focus on how scholars have attempted to account for the three components of nomos in Romans 2 and what context or “web of discourse” they have offered to explain the conception of nomos. Because the primary identifiable referent of νόμος in Romans 2 is the Jewish nomos, I will focus on those scholars who attempt to explain nomos in relation to already existing Jewish perspectives. Specifically we want to see how scholars explain how the particular, written Jewish nomos can be universalized, and how they explain the “things of the law” that Gentiles apparently keep. Do scholars offer a coherent perspective of the Jewish nomos
that fully accounts for these components, and that may have been known and used by Jews?

This review will not be exhaustive, but will attempt to isolate basic trends by highlighting important interpretations. Among previous attempts, we can identify three main contexts that scholars have emphasized in their attempts to explain Paul’s conception of nomos: 1) the context of Jewish appropriation of Greco-Roman concepts of nomos; 2) the context of Jewish wisdom traditions which associate nomos with sophia (wisdom); 3) a general Jewish context that emphasizes neither appropriations of Greco-Roman concepts of nomos, nor the law-wisdom context. It will become clear that these lines of categorization are more like dashed lines than solid lines, and that scholars who emphasize one context also sometimes and to varying degrees include elements of another. As we shall see, this is part of the problem.

Jewish Appropriation of Greco-Roman Concepts of Νόμος

In this line of interpretation, the emphasis lies on understanding nomos within a larger cultural dialogue in which Jewish writers attempted to explain the Jewish nomos by relating it to Greco-Roman conceptions of nomos, most notably “natural law” or “law of nature.” There is no shortage of those who have drawn attention to the Greco-Roman concept of “natural law” in relation to Romans 2:14–15. These scholars understand that in Rom. 2:14 Paul writes of Gentiles who “by nature do the things of the law,” and that they “show the work of the law written on their hearts.” In addition the language of “conscience” is seen to allude to Stoic philosophical discourses related to the idea of “natural law” and the corresponding idea of the “wise man” who follows this universal
and transcendent law inherently. 36 On the positive side, this sort of interpretation draws attention to the importance of the Greco-Roman context for understanding Paul’s statements about nomos in Romans 2. There is no doubt that Paul is drawing on concepts and language common to Greco-Roman ethical and philosophical discourse. The problem, however, is that these interpretations do not really address nomos as a whole in Romans 2, nor do they address in any developed manner how Jews would have understood their nomos in relation to this context. 37 In contrast, our concern is not with Paul’s use of Greco-Roman concepts alone, but with identifying Jewish articulations of the Jewish nomos that can help us make sense of the nomos in Romans 2.

C.K. Barrett

In his 1957 commentary on Romans C.K. Barrett writes that in the universalizing statements, primarily in 2:14–15, Paul draws on Hellenistic-Jewish conceptions wherein


37 Bornkamm does mention Philo’s adaptation of Greco-Roman conceptions in his essay, “Gesetz und Natur.” He writes that Philo shows that the Greco-Roman idea of inwardly following the law of nature apart from written law made its way into Hellenistic Judaism (105). But elsewhere, concerning the “instrumental” use of φύσις in 2:14, Bornkamm actually puts Paul in opposition to Philo’s apologetic claim that the Jewish law was the “true reason and natural law” (111). Bornkamm shows knowledge of Philo’s use of Greco-Roman concepts, but does not seem to have a fuller picture of this to compare with Paul. In another essay, “The Revelation of God’s Wrath: Romans 1-3,” in Early Christian Experience (London: SCM Press, 1969), Bornkamm mentions Jewish writings which show that the “philosophical understanding of the law (present in the Greco-Roman world) exerted a decisive influence on the apologetic argumentation of the Hellenistic-Jewish writings that have as their theme the demonstration of the agreement of the Mosaic law with the law of reason” (52). He cites Aristeus, 4 Maccabees, Sibylline Oracles, and Philo. He states that “Paul speaks the language of this Hellenistic-Jewish apologetics, but this is concerning Romans 1 (53-54). This is not carried into his interpretation of Romans 2. Both of these references are in passing, and do not give any developed discussion about how Paul’s statements in Romans 2 interact with them. Ultimately for Bornkamm, the point of interest is that Paul’s language and expression comes only from Greek thought, and he is not really all that interested in probing how Jews who made claims about their nomos within this framework might inform how we interpret Paul in Romans 2.
Hellenistic-Jewish writers adopted the Stoic concept of “natural law.”\(^{38}\) Barrett mentions the ancient distinction between “nature” (φύσις) and νόμος—“nature” being the “inward nature of things” and νόμος being convention – and the Stoic development within this context which “taught that true law was rooted in nature.”\(^{39}\) In this environment, Barrett states, “the Jews had come to believe that their law was the ground and means of creation, so that the Hellenistic synagogue was able to adopt the Stoic doctrine of ‘natural law,’ with the further proposition that their (revealed) law was the supreme expression of natural law.”\(^{40}\) While Barrett references the rabbinic Pirke Aboth 3.15, the clearest expression comes from Philo of Alexandria, specifically De Opificio Mundi 3:

The world (κόσμος) is in harmony with the law (νόμος), and the law with the world, and...the man who observes the law is constituted thereby a loyal citizen of the world (κοσμοπολίτης), regulating his days by the purpose and will of nature (φύσις), in accordance with which the entire world itself also is administered.

Barrett also mentions Philo’s argument that the patriarchs were “living laws” who followed the divine law before it was given in written form (De Abrahamo, 5).\(^{41}\) Barrett concludes, “it can scarcely be doubted that this Stoic-Jewish use of nature was in Paul’s mind, though he makes of it something different from what Philo made of it.”\(^{42}\)

For Barrett, the “things of the law” which Gentiles keep are “not the detailed precepts of the Mosaic code.” Yet, Paul “never distinguishes between ‘ritual law’ and


\(^{39}\) Barrett, *Romans*, 49.

\(^{40}\) Ibid., 49.

\(^{41}\) Ibid., 50.

\(^{42}\) Ibid., 50.
‘moral law’” either.\textsuperscript{43} Rather, the “things of the law” refers to “believing obedience.”\textsuperscript{44} Commenting on the obedience of the Gentile in 2:27, he acknowledges that “it is possible to neglect so weighty a command as circumcision—and fulfill the law.” To explain this he writes, “this is not Rabbinic Judaism, or any other orthodox kind of Judaism.” Rather, it seems to be just Paul’s radical new understanding.\textsuperscript{45} Barret’s Stoic-Jewish context gives us a starting point, but we lack a fuller understanding of the points of connection between the Jewish \textit{nomos} and “natural law” arguments. This context is also not developed enough to explain how it would have made practical sense with regard to how uncircumcised Gentiles can be said to keep the law. Moreover, there is no clear explanation as to how this understanding related to Jewish claims to superiority based in the law.

\textbf{E.R. Goodenough}

Before his death in 1965, Erwin Ramsdell Goodenough had written the majority of an essay titled “Paul and the Hellenization of Christianity.”\textsuperscript{46} With this essay he began to turn his sights toward Paul and early Christianity after a long career of working with Philo and “Hellenistic” Judaism. Goodenough garners an understanding of the Jewish law in Romans 2 via Philo who, according to Goodenough, exemplifies Hellenistic Judaism—the Judaism which Paul knew. Though Goodenough’s essay on Romans

\begin{itemize}
  \item \textsuperscript{43} Ibid., 48-49.
  \item \textsuperscript{44} Ibid., 49, 55.
  \item \textsuperscript{45} Ibid., 56.
\end{itemize}
appeared in the 1960s, he thoroughly articulated an understanding of the law in Hellenistic Judaism thirty years prior in his book, *By Light, Light*.47 Because of the crucial importance of Goodenough’s book for understanding the view of the Jewish *nomos* that “is carried over directly” into Paul’s writing,48 we will spend a brief time sketching the main lines of the conception of *nomos* held by Hellenistic Jews that is articulated in this book.49

One of the main points of the book is to show how “Hellenistic” (Diaspora) Judaism by the time of Philo had become a “mystery.” He means by this that Judaism had participated in a larger tradition in the Hellenistic world in which rationalistic concepts of ancient Greek religious and philosophical traditions blended with Oriental mysteries, and the Oriental religious traditions adopted Greek philosophical language and concepts. This led to the transformation of the central goal of both of these traditions, expressed as “the path to Reality, Existence, Knowledge, Life, of which Isis or Attis (or Zeus, etc.) is the symbol.”50 For Goodenough, Judaism transformed by means of expressing itself in terms of this goal. The Jewish *nomos*, within this general framework, is understood in terms of its relationship to *physis* (φύσις) and *logos* (λόγος), which were identified with true reality and meaning. Philo, the main voice of Jewish engagement with this context, gave


49 A thorough treatment of Goodenough’s hypothesis about Judaism cannot be conducted here, though I am eager to note that such a critical treatment has not yet been given, and that because of the learned nature of his book and the thoroughness of his analysis of Judaism (even if on Philo’s terms), such a treatment is well overdue.

significance to the Jewish nomos in the Platonist and Pythagorean manner according to which “written law (as) only a reflection or image of the Idea-law.”\(^{51}\) Within the larger mystical framework, “as one goes up in the mystic flight, he learns that the written laws are not for him.”\(^{52}\) Nomos is a means by which the individual progresses toward his mystic goal of union with the One.

Drawing on this context, nomos in Romans 2 has “two meanings”—the Jewish law and the natural law. Goodenough paraphrases 2:14–15 saying, “when the gentiles do by nature what the Jewish law requires, they are a law to themselves, even though they do not have the Jewish law. For what the universal law requires is written on their hearts…”\(^{53}\) He goes on, “clearly a gentile never had the Jewish law, the Mosaic code, “written in his heart,” but a few righteous gentiles have known the natural law, the real law…and have obeyed it.”\(^{54}\) The Jewish law exists “in addition to” the natural law and its commands point to or reflect natural law.\(^{55}\) Concerning the statements in 2:27–29 Goodenough writes, “clearly there are two laws, the law of the spirit and the law of the letter, i.e. the law written down, the law in nouns and verbs.”\(^{56}\) For Goodenough, Paul is writing about “natural law” in these statements, which it is somehow related to the Jewish nomos. But it is not the Jewish nomos itself which is claimed to be universal.

\(^{51}\) Goodenough, *By Light, Light*, 87.

\(^{52}\) Ibid., 91.


\(^{54}\) Ibid., 146.

\(^{55}\) Ibid., 146.

\(^{56}\) Ibid., 146.
In this interpretation the ethical element takes a back seat to the mystic element. While there is a clear relationship between Jewish nomos and “natural law,” Goodenough’s interpretation does not clearly address what the “the things of the law” are and how they relate to this mystical conception of the law. Goodenough implies that there is some relationship to the Decalogue and to the way in which Philo allegorized the Jewish law to relate to “higher principles of morality.” But how this connection is made and whether it is something known to Paul or his audience is not clear.

For Goodenough the Jewish nomos remains a thoroughly particular nomos, but finds its significance in its relationship with “natural law.” The Jewish law was the revealed version, or “incarnation” of this true nomos. The patriarchs of Judaism, by living righteous lives, “revealed the higher law directly and before there was any written code.” By drawing on a Platonic framework, Philo asserted that the Jewish law revealed through Moses was the truest revelation of the law of nature. He writes:

According to Philo, the great advantage of the Jew with his Jewish tradition and scripture was not that the letter of the law was revealed to him, but that Moses, the supreme incarnation of the law, had made verbal the true law and that the Jew had access to it in the persons of the great patriarchs.

Since it is only in the Jewish nomos that the natural law is concretely revealed, the Jew could legitimately claim in some way that through the Jewish nomos, he is a teacher to the world, “a light for those in darkness.” Concerning 2:17–24 Goodenough writes: “in

57 Ibid., 146–47, 148.
58 Ibid., 147–48.
59 Ibid., 147.
60 Ibid., 148.
addition to this natural law available to all men, the Jews have had the Jewish law, which is a wonderful revelation but which they have not kept (vs. 12f., 17ff.).”\(^{61}\)

The problem with Goodenough’s interpretation is two-fold. First, it is not necessarily the case that Goodenough’s Greek mystery framework was the only context by which to understand nomos in the ancient world. Such a mystical discourse probably existed in the Greco-Roman world, and perhaps Diaspora Jews did draw on this. The pervasiveness of this, however, is probably overstated. Second, Goodenough’s treatment of Diaspora Judaism revolves around Goodenough’s interpretation of Philo. Goodenoughs’ investigation of other Jewish writers is determined by the terms of Philo’s engagement with this context; they are discussed on their own terms. As one reviewer of the book wrote about Goodenough’s discussion of other Jewish writers, “(t)hese writers are not allowed to speak freely for themselves, but are closely categorized for testimony for or against the mysticizing interpretations of Philo. Where that testimony is not clear or considerable, the author sometimes proceeds to argue from silence.”\(^{62}\) The question, then, is whether non-Philonic Jewish literature interprets the Jewish law using frameworks other than Goodenough’s mystery framework. Also at issue is whether Romans 2 reflects an engagement with Goodenough’s Philonic-mystery context or with something else. Paul never seems to allegorize the commands of the law in the way that Philo does, and Paul’s argument doesn’t seem to presume two different nomoi—“natural law” and the Jewish nomos as Goodenough claims. While Goodenough offers a thorough

\(^{61}\) “Hellenization,” 146.

construction of a framework according to which we can understand Diaspora Jewish articulations of the law, it is not entirely satisfying.

**Ulrich Wilckens**

Ulrich Wilckens was one of the first to write a multi-volume commentary on Romans. For Wilckens, *nomos* in Romans 2 is the Jewish law which stands as the measure for judgment of both Jews and Gentiles. Paul confronts the Jew with the real possibility that “Gentiles do by nature what the law demands.” To explain how Paul reached this possibility of Gentile obedience, Wilckens draws attention to the Greco-Roman νόμος-φύσις contrast and, like Barrett, points to Philo’s adaptation of the Greek association of *nomos* with *physis*. According to Wilckens, Philo adapted the concept of living in accordance with the universe by merging the Stoic φύσις with the Jewish God, which allowed him to equate the Jewish law with the Greek universal νόμος. The result of this is that the guidelines of the “law of nature” are of “identical content with the commands of the Torah, but are accessible to all people through reason, so that the law-abiding Jew is identical with the Stoic world-citizen because both align their actions with

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64 Wilckens, *Römer*, 131–33.

65 Ibid., 133.

66 Ibid., 134.
the will of nature.”

According to Wilckens Paul says “the same thing of Gentiles” and of the law in Romans 2.

There does not seem to be any clear sifting of what of the Jewish law actually applies to Gentiles in Wilckens’ interpretation. On more than one occasion he communicates that the things of “nature,” or the morality known via the Greek concept of natural law, are “identical” (“identisch”) with the commands of the Torah. But Wilckens avoids pursuing more precision noting that “it is of no concern to Paul…to identify the concrete fulfillment of the law on the part of the Gentiles.”

In his interpretation, Wilckens appeals to a similar context as Barrett and Goodenough. Yet he diverges from Barrett and Goodenough on a few points. First, the Greco-Roman context within which Philo (and “Hellenistic Judaism”) understood the Jewish nomos is not that of Goodenough’s mystical religious environment, and more like Barrett’s suggestion. Unlike Barrett, however, Wilckens does not make a reference to creation. Second, according to Wilckens Philo associates the Jewish law with natural law. There is no sense of “two laws” here, unlike Goodenough. Wilckens adds the possibility of the role of the context of Jewish wisdom speculation about the law, but if and how this may be part of the same context as Philo’s adaptation of “natural law” is not spelled out.

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67 Wilckens, Römer, 134: “Diese sind mit den Geboten der Tora inhaltlich identisch; doch sind sie jedem Menschen durch die Vernunft zugänglich, so daß der gesetzestreue Jude identisch ist mit dem stoischen Weltbürger, weil beide πρὸς τὸ βουλήμα τῆς φύσεως ihr Tun ausrichten.”

68 Ibid., 134: “Das gleiche sagt Paulus hier von den Heiden.”

69 Ibid., 134, 135.

70 Ibid., 136: “Es geht ihm nicht darum, auf seiten der Heiden…konkrete Gesetzeserfüllung aufzuweisen.”
Finally, Wilckens, unlike Barrett and Goodenough, suggests that the commands of the Jewish *nomos* were “identical” with “natural law.” This association, if it is correct, requires more explanation, especially since uncircumcised Gentiles keep “the requirement of the law.”

*Thomas Tobin*

Thomas Tobin continues this tradition of associating the Jewish law with Greco-Roman concepts. Furthermore, he constructs a Jewish framework of thought within which to situate Paul’s understanding of *nomos*. According to Tobin, Paul’s audience consisted of a community rooted in the Diaspora synagogue in Rome, and “Hellenistic Jewish thought” in general. Describing Hellenistic Jewish thought, Tobin writes that there was

a widely known and long-standing distinction made... between the ethical commandments of the law, on the one hand, and all other regulations, on the other, especially dietary and purity regulations of the law. The purpose of this distinction for Hellenistic Jewish writers was to emphasize the superior ethical standards of the Mosaic law in comparison with the laws of other peoples. While Jews were still to observe these other regulations of the law, their observance was not because of their inherent value. Rather, their observance was to be maintained because they pointed to or symbolized some significant ethical value.

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72 Tobin, *Paul’s Rhetoric*, 57. By “Hellenistic Jewish thought” Tobin does not necessarily mean all Judaism of the first century. From his arguments, Tobin relies mostly on Diaspora Jewish literature, but the term “Hellenistic Judaism” is used, it seems, so as not to imply a return to a pre-Hengel dichotomy between Palestinian Judaism and Diaspora Judaism.

73 Tobin, *Paul’s Rhetoric*, 57. Main representatives of this sort of perspective include *Letter of Aristeas* as the starting point of such a line of thought; Philo, Josephus, and Pseudo-Phocylides (57).
In his interpretation of Romans 2, Tobin asks important questions, the second of which seems to question Goodenough’s interpretation that there are “two laws”:

how can those “without the law,” that is, Gentiles, do by nature what the Law requires and even have the reality of the Law written in their hearts? Is he using the term “law” in two very different senses, one in the sense of the Mosaic law and the other in the sense of some sort of “natural law”?

To answer these questions Tobin draws on Hellenistic Jewish thought such as that he describes and draws attention to “some strands of Hellenistic Judaism,” primarily Philo for whom “the law was explicitly revealed to Moses on Mount Sinai,” but “was also reflected in the structures of the universe.” Consequently, Philo identified the Mosaic law with Greco-Roman concept “the law of the world” and the “law or laws of nature.” According to Tobin, and similar to Wilckens, “the two laws (the Jewish nomos and the “law of nature”) are ultimately identical.” Because of this, (Jews like) Philo can say that there are people who “apart from the explicit commandments of the Mosaic law…are nevertheless “embodied law” (νόμος ἐμψυχος) by their observing “unwritten laws” (νόμοι ἀγραφοι).

Tobin’s interpretation does not dwell on how the details of the Jewish nomos might apply to Gentiles. And while he suggests that Hellenistic Jews emphasized the

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75 Ibid., 309.
76 Tobin, Paul’s Rhetoric, 114.
77 Ibid., 114–115.
79 Ibid., 310. Citing Philo, Abr. 5, 275–76; Mos. 1.162; 2.4; Dec. 1; Spec. 149–50; Virt. 194.
ethical commands, how these applied to Gentiles is not developed in any detail. Tobin’s overall interpretation draws on a framework similar to that described by other scholars such as John Collins, who writes of a “common ethic” in Diaspora Judaism. He also stands in line with Barrett and Wilckens. At the same time, Tobin brings in concepts other than just “law of nature” which causes one to wonder about the relationship. Tobin also says that the Mosaic law is “identical” to law of nature. This appears to be saying the same thing as Wilckens. Wilckens, however, says that the “commands” are “identical.” This raises a question of whether Second Temple Jews, like Philo, were asserting that the Jewish law was identical to forms of Greek nomos in nature or intent, or in the details of the commands themselves. This is a distinction worth noting, and one in need of clarification with regard to what the Jewish writers were saying about the Jewish nomos. In other words, there are still details that need further explanation as far as how Jews might have articulated the relationship between the Jewish nomos and Greek concepts of nomos.

**Douglas Moo**

With Douglas Moo we encounter a different sort of complexity in understanding how Paul refers to nomos. Initially Moo states in his commentary that Paul uses νόμος to refer to the Mosaic law in Romans 2. When Moo comments on how the law is universally known in vv.14–15, however, nomos becomes “law in the generic sense”

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related to the “God’s moral demands.” Initially this appears to be distinct from the Mosaic law, though it is not clear how. Helpfully, Moo develops his thought, writing that Paul is making use of “a widespread Greek tradition...that all human beings possess an “unwritten” or “natural” law—an innate moral sense of “right and wrong.” In a footnote he expands, noting that “Hellenistic Jews, like Philo, used (“natural law” or “unwritten law”) to demonstrate the universal applicability of the Mosaic “moral” standards.” Like these Jews, Paul uses the Greek idea in conjunction with an understanding of the Mosaic law, but without “the philosophical baggage that accompanied the conception...in an untechnical way.”

The “things of the law” for Moo are “those requirements of the Mosaic law that God has made universally available to human beings in their very constitution.” This includes things like obedience to parents, refraining from murder and robbery. But, when he comments on vv.26–27 which is about the uncircumcised person obeying the law, νόμος refers to the Mosaic law as a whole with no clear sense of such distinctions. Concerning the statements in vv.17–24, Moo writes that everything Paul says of the Jew

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82 Moo, Romans, 149, 151.
83 Ibid., 151 n.41.
84 Ibid., 150.
85 Ibid., 150 n.34.
86 Ibid., 150 n.35.
87 Ibid., 150. His understanding of the “work of the law” in v.15 is along this line as well. Concerning what “things of the law” Gentiles do, Brendan Byrne similarly claims that they are likely “the moral kernel of the law such as is contained in the Decalogue” (Romans, 93).
88 Ibid., 170–73.
and the law “can be paralleled in Jewish literature of the time”\textsuperscript{89} and more particularly, “Paul’s description (of the Jew and the role of the law in 2:17–20) uses language drawn particularly from Jewish propaganda directed to the Hellenistic world”—particularly Paul’s Diaspora context.\textsuperscript{90} The law elevated the Jewish people in the Gentile world in a way not unlike \textit{Sibylline Oracles} 3:194–95.\textsuperscript{91}

Moo’s interpretation provides a good example of how potentially confusing it can be to explain \textit{nomos} in Romans 2. Moo carries the torch of previous scholars: Paul uses conceptions like those in Judaism where the Jewish law is associated with Greek conceptions. Differently, however, Moo does not focus only on “law of nature.” Moo raises also the question of how philosophically technical Paul’s conception of \textit{nomos} was, perhaps distancing Paul from dependency on his Greek environment. Yet, one wonders: does the conception of \textit{nomos} used by Paul in Romans 2 reflect a good degree of philosophical sophistication, or is such correspondence with more robust philosophical understandings minimal? Moo suggests the possibility of more than just “law of nature,” but it is not clear how different Greek conceptions are related and whether this affects Jewish understandings of the law. Moo does push in the direction of trying to describe “the things of the law” by suggesting some general commands that Gentiles keep. This is intriguing, but Moo does not strongly develop the relationship of this to the ways in which Jews universalized their law.

\textsuperscript{89} Ibid., 159.
\textsuperscript{90} Ibid., 162.
\textsuperscript{91} Ibid., 162.
Conclusion

We have seen how the context of Jewish appropriation of Greco-Roman concepts of *nomos* has been offered by important interpreters to explain *nomos* in Romans 2. Positively, these interpreters reckon seriously with the ways in which Jews adapted Greco-Roman language and concepts, and heartily engaged in the larger Greco-Roman discourse. There is a need for further clarification, however.

First, explanations of how Jews universalized the law are diverse in that they reflect more than one way to explain the relationship between the Jewish *nomos* and Greco-Roman conceptions. Questions arise: Is the connection being made between the Jewish *nomos* and “law of nature,” or some other Greco-Roman concept (“unwritten law”)? Is there a difference between these Greek concepts, and might this difference affect how the Jewish law is understood? Furthermore more clarity is needed with regard to how the Jewish *nomos* related to Greco-Roman concepts. Is the Jewish *nomos* was “identical” with law of nature? Or do Diaspora Jews see any distinction between the Jewish *nomos* and Greek concepts, as Moo suggests? What is the distinction and how does it affect interpretations of the law?

Second, the above interpreters do not give a clear description of what parts of the Jewish *nomos* Gentiles were expected to keep and why, even though this is a significant part of the conception of the law in Romans 2. One assumption seems to be that “the things of the law” are something similar to the expectations of “natural law.” This needs more explanation, however. How do the particular commands of the Jewish law relate to the expectations of “law of nature” or other conceptions of Greco-Roman “higher law”?
This is particularly important, since most of these conceptions lacked any clear "commands." Moo represents one interpretive move that isolates the Decalogue, but he gives no clear explanation as to whether or how Jews might have come to this understanding of the commands of the law. Other scholars, however, would not agree with such a separation of the Decalogue. C.K. Barrett’s claim that Paul does not distinguish between moral and ritual law is one example.\footnote{Barrett is not alone in this claim. Cf. Käsemann, Romans, 64.} This all suggests a need for closer investigation of how Jewish writers articulated these expectations for Gentiles in relationship to the ways in which they also universalized the Jewish nomos.

A third problem is that while these interpreters isolate Diaspora Judaism as the context for understanding, in reality Philo is the main voice used to express the universality of the Jewish nomos. This reliance on Philo as the main voice that explains the universality of the Jewish nomos is problematic. With regard to how this might affect our understanding of Romans 2, we might ask whether did Philo’s particular understanding of the law influenced Paul. Philo wrote not very long before Paul.\footnote{The range for most of Philo’s treatises is sometime during the first four decades of the first century (Barclay, Jews, 159; Jenny Morris, “The Jewish Philosopher Philo,” 816). According to most scholars, Philo did not live very many years beyond the mid-40s C.E. (Kenneth Schenck, A Brief Guide to Philo, 14; Nickelsburg, Jewish Literature between the Bible and the Mishnah, 212).} While it is not inconceivable that Paul knew of Philo, it is highly unlikely, and probably the above scholars would agree. Some of the scholars above would probably suggest that Philo is exemplary of certain interpretive moves that were more common among Diaspora Jews. This requires more investigation, however. If Philo’s interpretations of the Jewish nomos are to be of value, then we need to be sure that Philo was not an
anomaly, that his associations of the law with “law of nature” are more common to Diaspora Judaism. We know that other “Hellenistic” Jewish writers interpreted the law in ways similar to Philo, but more needs to be said on this point. We must be cautious of turning Philo into a representative of Diaspora Jewish thought.\[^{94}\] If there are other Jewish writers who related the Jewish *nomos* to “natural law” or “unwritten law,” closer investigation of how they did so would be fruitful. Such an investigation seems to be needed if we are to understand more clearly the nature of the Jewish explanations of the law that Paul engages.

### Jewish Wisdom Traditions

Another way many scholars have explained the conception of *nomos* in Romans 2 is through appeal to Jewish wisdom speculation. According to this context, as explained by these scholars, Jewish writers associated the Torah with wisdom (*sophia*), sometimes connecting it with God’s creative wisdom or with wisdom present at creation. Through this connection Jewish writers could give the law universal status and thus make Gentiles accountable to it because the law is part of the foundations of the world. Several of these scholars attempt to emphasize this wisdom context apart from Jewish use of Greco-Roman concepts of “natural law” or “unwritten law.” This context provides a helpful balance because these scholars largely emphasize non-Philonic Jewish writings. At times, however, this goes along with various levels of opposition to any use of Greco-Roman conceptions of *nomos*.

\[^{94}\] John Barclay’s comments on this point are insightful: “It should be clear…that the fullness of our knowledge about Philo cannot be used to construct that myth of lazy scholarship, the ‘typical’ Diaspora Jew. Philo is not typical of Jews in Alexandria, still less of Egyptian or North African or Mediterranean Jews. Of course, he is not wholly *sui generis*” (*Jews in the Mediterranean Diaspora*, 159).
Eckhard Schnabel

Eckhard Schnabel’s thorough study, *Law and Wisdom from Ben Sira to Paul*, stands as a significant work and thus a good starting point.\(^95\) Schnabel’s objective is to investigate associations of law (νόμος) and wisdom (σοφία) in Second Temple Judaism and draw out important lines of thought that developed throughout Second Temple Judaism with regard to the connection between law and wisdom. His investigation begins with associations of law and wisdom found in *Ben Sira*, dividing Jewish literature into Palestinian, Diaspora, and post-70 C.E. categories. At the end he concludes that each of the writers shows a development of the association that began in a new way with *Ben Sira*\(^96\) and that “the identification of law and wisdom, which had been carried through most explicitly by Ben Sira was known, presupposed, implied, and stated explicitly” by a number of Second Temple Jewish writers.\(^97\)

According to Schnabel, Romans 2:17–20 gives us “a clear proof that Paul was familiar with, and prepared to apply, the correlation of law and wisdom” common to Judaism.\(^98\) According to Schnabel these verses represent “the only explicit occurrence of this correlation in the Pauline corpus.”\(^99\) There are particular statements Schnabel emphasizes: that in the law the Jew possesses “the form of knowledge and truth” (2:20),

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\(^97\) This includes: Baruch, Enoch, Aristeas, the Third Sibylline Oracle, 4 Maccabees, 4 Ezra, Apocalypse of Baruch, Psalms of Solomon, and Wisdom of Solomon (*Law and Wisdom*, 162).


\(^99\) Ibid., 234.
and that the Jew, because of the law, is “the Torah teacher of the non-Jewish world” and “a light to those in darkness.”\textsuperscript{100} Were one to press and ask how Paul construes the relationship between wisdom and law Paul in Romans 2, a clear answer would not follow. This uncertainty emerges when Schnabel, commenting on the universality of the Jewish law in Romans 2:14–15 writes, “we do not know exactly in what matter Paul shared this view” (of Torah as a “cosmic and creational principle…as a result of its correlation with wisdom”).\textsuperscript{101} Schnabel acknowledges that “Paul knew of the reality of a νόμος ἀγραφός or νόμος φύσεως among the pagans (Rom. 2:14–15),” but this is not really brought into conversation with the association of law and wisdom.\textsuperscript{102} In spite of this, Schnabel goes on to state that the wisdom tradition provides the explanation of a “norm of behavior” to which non-Jews are bound: “as the normative, divinely revealed Torah found expressions in the orders of the world and in the orders of intact life—resulting from the fact that the Torah is identical with (divine, cosmic, and ethical) wisdom—these orders are also, essentially normative.”\textsuperscript{103}

Schnabel’s interpretation does not explain “the things of the law”—what they are or how this wisdom-law interpretation might help us understand this. But, from what Schnabel offers, we can infer that all of the Jewish law would have been binding on non-Jews. This appears to be different than what Paul suggests in Romans 2, and certainly different than the suggestions of Wilckens, Tobin, and Moo above.

\textsuperscript{100} Ibid., 233–34.
\textsuperscript{101} Ibid., 319.
\textsuperscript{102} Ibid., 319.
\textsuperscript{103} Ibid., 320.
Schnabel gives us one of the more thorough discussions of the ways in which Jewish writers associated law and wisdom, and as such it provides a thick context within which to understand *nomos* in Romans 2. One of the main problems with his construction of the Jewish framework, however, is that the Jewish book *Ben Sira* is the chronological and analytical starting point of Schnabel’s analysis. It functions as the primary keystone that determines what wisdom language is in later books, and it also sets the framework for how he identifies a wisdom-law correlation. In fact, Schnabel rules Philo out of his investigation on the grounds that Philo’s correlation of law and wisdom is different than *Ben Sira*’s. This is problematic, however, and raises the issue of why and how Schnabel can determine that books like *Aristeas* or *4 Maccabees* or *Wisdom of Solomon* are sufficiently different from Philo and like *Ben Sira* so as to warrant their inclusion. Moreover, Schnabel’s use of *Ben Sira* is not unlike Goodenough’s emphasis use of Philo to construct a Jewish view of the law. Whereas in Goodenough’s work Philo determined the nature of the ways that the Jewish *nomos* was conceived, with Schnabel the book *Ben Sira* sets many of the parameters of the ways to describe the “identification” or “correlation” of law and wisdom.

In his work Schnabel sets up two basic trajectories of thought that stem from *Ben Sira*’s association of law and wisdom—Palestinian and Alexandrian. But more needs to be said. We may see the problem particularly by addressing his treatments of *Aristeas* and *4 Maccabees*. Concerning *Aristeas* he writes that “the identification of law and

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104 Ibid., 92.

105 The similarities between Philo and *Aristeas* and even *4 Maccabees* on their understanding of the Jewish *nomos* is not given adequate attention in Schnabel’s treatment (cf. p.92).
wisdom which was taught and presupposed in the Palestinian wisdom and scribal schools had started to exert a significant influence in Alexandria too.“ With Aristeas, Schnabel does not really address in any fullness the very real possibility that the concepts and language concerning law and wisdom in Aristeas come equally, if not more, from Greco-Roman philosophy, and not Ben Sira’s circle. In his treatment of 4 Maccabees, Schnabel states that the law-wisdom connection makes use of both Palestinian and Alexandrian streams of thought. He is able to do this in part by leaving the provenance of 4 Maccabees ambiguous—it could equally be either Antioch or Alexandria. But, very few scholars seriously entertain the suggestion that it was written in Alexandria. Whether or not one accepts a provenance other than Alexandria, however, the interpretation of the law in 4 Maccabees is different enough from Aristeas to suggest that 4 Maccabees was engaged with voices other than Alexandrian or Palestinian associations of law and wisdom. With both Aristeas and 4 Maccabees we have examples where more

106 Ibid., 123.

107 Schnabel acknowledges that statements in Eleazar’s speech serve to highlight the “purpose and benefits of the law” in Hellenistic terms” (121). But, ultimately for Schnabel, the Jewish foundation for Aristeas’ statements win out. Gabrielle Boccaccini’s chapter on Aristeas brings an interesting voice to the table, suggesting that Aristeas was actually reacting against Ben Sira’s view (Middle Judaism: Jewish Thought 300 B.C.E. to 200 C.E. [Minneapolis: Fortress Press, 1991] 161–67). On the importance of Greco-Roman philosophical and ethical discourse for Aristeas, see Moses Hadas, Aristeas to Philocrates (New York: Harper & Brothers, 1951); R. Weber, Das Gesetz im hellenistischen Judentum: Studien zur Verständnis und zur Funktion der Thora von Demetrios bis Pseudo-Phokylides (Frankfurt: Peter Lang, 2000) 127–153.


needs to be said in order to be clear on how these Jewish writers understood the Jewish law in relation to wisdom, and this affects how we understand the sort of perspective on *nomos* that undergirds Romans 2. Part of this problem is that it is difficult to think that many of the Jewish writers did not engage with, and even make competent use of Greco-Roman concepts and language *while also correlating law with wisdom*. Schnabel’s analysis does not really clarify this integration, but given the previous group of interpreters, it is difficult to avoid this concern.

**Peter Stuhlmacher**

Continuing the Torah-wisdom interpretation is German scholar Peter Stuhlmacher in his commentary on Romans.\(^{110}\) Stuhlmacher writes that “the main thoughts of the text (of Rom. 2:12–16) have been prepared for by Jewish tradition.”\(^{111}\) He refers specifically to “the equation already known to us of the creative word, wisdom, and the law” by which “early Judaism accepted the philosophical thesis of the Stoics that the truly wise person has no need of any written Law when he or she follows the unwritten Law of nature, which rules through reason.”\(^{112}\) With this Jewish context in mind, Stuhlmacher writes of the Gentiles in Romans 2 that “by virtue of their having been created according to the standard of wisdom (which according to Sirach 24:23ff. is manifest in the Law), they themselves can by all means declare what is good and evil.”\(^{113}\) In other words, they

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111 Stuhlmacher, *Romans*, 42.

112 Ibid., 42.

113 Ibid., 43.
know the law of God well enough to keep it or not keep it. For Stuhlmacher, in addition to the *Ben Sira* passage cited above, 2 Baruch 57:2, Testament of Judah 20:3, and Rabbinic literature are strung together to create a general perspective that related law to creation / nature. He also refers to *Wisdom of Solomon* which associated wisdom with creation. Interestingly David Winston offers a different understanding of the association of wisdom with nomos in *Wisdom of Solomon*. Stuhlmacher’s interpretation offers no real explanation as to what parts of the Jewish nomos Gentiles actually could be expected to keep, and one assumes that the whole of the Jewish law is in mind.

**Richard Bell**

In 1998 Richard Bell continued the Torah-wisdom interpretation with a bit more detail and vigor, especially in the attempt to distance the Jewish context from the Gentile context. Bell specifically raises the key questions surrounding the universality of the Jewish law, like Tobin before, but with very different answers:

what precisely is the relation of this law (the one Gentiles do) to the Torah of the Jews? Is it “qualitatively the same law as that which had been given to the Jews” or is it just an “Analogie”? Or is Paul thinking of “natural law”?...Or is this law “nur durch logischen Rückschluß aus den konkreten Taten verifizierbar” (only verifiable through logical conclusions from concrete actions)?

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114 Cf. David Winston, *The Wisdom of Solomon: A New Translation with Introduction and Commentary* (Garden City: Doubleday & Company, 1979) 42: “It is significant that the author, unlike Ben Sira, nowhere explicitly identifies Wisdom with Torah...although he refers to Israel’s mission of bringing the imperishable light of the Law to the world.” This statement is very instructive on two points. First, *Wisdom of Solomon* is contrasted with Ben Sira on the point of the association of law with wisdom. Secondly, Winston draws attention to the claim made that Israel is to be a “light” to the world, not unlike Paul’s statement in Romans 2:19 that the Jew is a “light for those in darkness” because of the law. Reference to Jewish wisdom association with law must contain more careful sifting of the ways in which Jewish writers may or may not have made this connection.


In explaining the conception of *nomos* in Romans 2, Bell is adamant that there is no “direct pagan influence” and that “natural law” is not present. Rather he cites passages from what he calls a “rich Jewish background” to point out how Jews viewed the law universally, and he focuses on a few second temple Jewish writers to point out how they connect the Torah with creation and wisdom.\(^{117}\) He states his case clearly:

I believe the background for Paul’s thought concerning the law in Rom. 2:14–15 is to be found in Palestinian Judaism which, as Hengel has conclusively shown, had undergone a process of hellenization during the Hellenistic era. During this time…an ontological view of the Torah developed and the cosmic function of wisdom was passed on to the law. So in Paul’s time it is most likely that the Torah was viewed as pre-existent and as involved in the creation of the world.\(^{118}\)

Bell, drawing on Hengel, claims that this connection between the Torah and wisdom, “came about because of the encounter with Hellenistic thought. So the view in Stoicism of the relation between law and nature influenced the view found in Ben Sirach concerning the link between law and wisdom.”\(^{119}\) According to Bell “the ontological view of the Torah which developed during the time of hellenisation, where the cosmic function of Wisdom was passed on to the law, is important for Rom. 2:14–16.”\(^{120}\) The Jewish writings that serve to illustrate this perspective include Testament of Judah 20 and Rabbinic literature.\(^{121}\) While Bell recognizes Jewish interaction with, or perhaps reaction to, Hellenistic culture, Bell’s interpretation of Paul’s understanding of *nomos* does not

\(^{117}\) Ibid., 156, 176–81.

\(^{118}\) Ibid., 156.

\(^{119}\) Ibid., 176.

\(^{120}\) Ibid., 177.

\(^{121}\) He does this in two excurses titled, “Excursus on Testament of Judah 20 as a Background for Romans 2:14–16,” (162–64) and “Excursus on Rabbinic Views of the Law Revealed to the Gentiles” (165–69).
allow for “law of nature” or other Greek concepts. In passing, he mentions some Jewish
texts which “(refer) to a sort of natural law which, while not perhaps directly influencing
Paul, do show that Jews were saying roughly similar things.”¹²² These texts include:
Testament of Judah 20, 2 Baruch 57:2, Philo (De Abrahalhmo, 175–76; De vita Moses,
2,51; De Spec. Leg., 2.13) and 4 Maccabees.¹²³ Yet, in Bell’s interpretation these writers,
especially Philo and 4 Maccabees, did not have any influence on Paul. This is quite
different from Schnabel who also espouses a wisdom-Torah connection, for whom both 2
Baruch and 4 Maccabees are part of the Jewish context that does associate Torah with
wisdom and presumably, influenced Paul. In short, Bell is going to lengths to argue for
Palestinian Jewish influenced wisdom-law connection, rather than any Diaspora Jewish
or Greco-Roman influence, primarily because “Paul the Pharisee would probably find
Philo’s Alexandrian theology alien or even heretical.”¹²⁴ And as with those before him,
Ben Sira plays a significant role in determining the nature of the association of law and
wisdom.

Bell is not clear on the relation of this view of the Torah with Gentile
obedience—what of the Jewish nomos Gentiles do. In one place he asserts that “it is not
the body of commandments given to Moses; neither is it some core of the law such as the
decalogue.”¹²⁵ In his conclusion, he states that

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¹²² Ibid., 177.

¹²³ Ibid., 177.

¹²⁴ Ibid., 177–78.

¹²⁵ Ibid., 153–54.
in Rabbinic Judaism, as well as in wisdom literature and in “Hellenistic Judaism”, the torah was seen as a “Weltgesetz”, valid in different ways for Gentiles and Jews. Such ideas about law therefore form an important background to Paul’s argument in 2:14–16.126

The problem, other than his dependence on Rabbinic literature, is that he is not clear what he means that the law is “valid in different ways.” He briefly alludes to the “seven commands given to Noah” and agrees that the Gentiles “have far fewer commands than the Jews.”127 Most scholars recognize that such “Noachic” laws emerge later than Paul, and Bell does not offer any solid textual support among Jewish writers for explaining this interpretation.

It is tempting to either conclude that Bell is correct and others are misguided in their arguments that find influence of Greco-Roman conceptions, or to conclude that Bell’s arguments should be dismissed because of his emphasis that there is no influence of Greek conceptions on Paul. But it is more complex than this. Bell raises the issue of influence on Paul and which strains of Jewish interpretations of the law were more likely to shape Paul’s thought. With Bell we encounter an emphasis on what Paul said and what sort of perspectives had “direct influence” on Paul’s thought, rather than on the Jewish perspectives with which Paul might have been in dialogue. This makes a significant difference in Bell’s interpretation, as it allows him to rule out certain Jewish perspectives because their direct influence on Paul is not likely. Apart from the fact that the direct influence argument is very difficult argument to prove, our procedure in this study will be

126 Ibid., 169 (emphasis mine).
127 Ibid., 167.
to try and draw attention to the sorts of explanations of the law with which Paul was likely in conversation.

**Conclusion**

The Torah-wisdom connection does offer a way of explaining the universalization of the Jewish *nomos*. The association of law with wisdom is an important, and as Schnabel points out, widespread way of understanding the Jewish *nomos* among Second Temple Jews.

There are two categories of problems, however, with this line of interpretation. First, there are general problems with the wisdom-Torah framework—at least as it has been articulated by the above interpreters. Even though the law-wisdom correlation is widely used, *Ben Sira* plays a formative role for how this is understood by other writers. Furthermore, there is no clarity on the Jewish writers who may play a role here in setting the context. Schnabel’s study leaves open the possibility that writings such as 4 Maccabees or *Aristeas* may play a role, while Bell explicitly rules them out. The questions need to be asked more precisely with regard to the conception of *nomos* articulated in Romans 2. Second, there is a general assumption that the wisdom tradition interpretation is a more “Jewish,” that is, it has no influence of Greco-Roman concepts. At the same time, however, many of these scholars cannot avoid mentioning some relationship with Greco-Roman concepts. Of course none of the above scholars would agree that Judaism was not affected by Hellenism. But in terms of their interpretations of how Paul universalizes the Jewish law, they tend to favor the ‘less-Hellenized’ explanation. The problem is that it is very difficult to explain Paul’s statements in
Romans 2 without some understanding of Greco-Roman discussions—particularly ethical and philosophical—as well as some conceptions of *nomos* common in the Greco-Roman world. This is not to say that any Jewish traditions that associate law with wisdom are not viable. It is to say that the wisdom-Torah context needs to reckon more fully with Judaism’s engagement with Greco-Roman discussions.

The second problem concerns more specifically how this interpretation explains the components of *nomos* in Romans 2. While this interpretation, as mentioned above, does explain the universalization of the Jewish *nomos*, it does not give us a clear understanding of how the Jewish *nomos* applied to Gentiles, even though it suggests some sort of relationship. Different than the scholars who argue for the Jewish adaptation of Greco-Roman concepts, these interpreters generally stress the unity of the Jewish *nomos*, so that it seems that what is expected of Gentiles is the entire law. The difference, for example, between Moo and Bell is too strong to ignore. This issue needs to be clarified, as Paul’s statements in Romans 2:26–29 rule out that circumcision is required to define obedience to the law.

**General Jewish Background**

Some scholars have suggested a more general Jewish context for understanding the view of the law in Romans 2. These interpreters are clear that neither “natural law” or other Greco-Roman conceptions nor Torah-wisdom associations take center stage. This interpretation offers important insights, as it gives us a wider net of ways in which Jews understood their law. But again this interpretation reflects the difficulty in making sense
of what Paul says about the Jewish *nomos* and points to a need for fuller investigation and explanation of how Jews understood their law.

**Ernst Käsemann**

In his important commentary\(^\text{128}\) Ernst Käsemann writes that he is concerned with “bring(ing) out the specific understanding of the apostle.”\(^\text{129}\) At times this ventures into insinuating that what Paul says about the Jewish *nomos* is entirely unlike anyone else of his time: it is neither Jew nor Greek. Käsemann explains the universalization of the Jewish *nomos* with the claim that in Romans 2 the Mosaic Torah “is so identified with the divine law that there is no overall species νόμος.”\(^\text{130}\) The Jewish *nomos* is to be understood as the *law* and not limited by its particularity, as “one law among others.” It “reaches out in a distinctive way beyond the sphere of Israel to the world.”\(^\text{131}\) Yet, when he comes to 2:14–15 his interpretation reflects the problem posed by these verses. Käsemann suggests that there is another *nomos* when he writes that Gentiles “have an analogue to the γραφή” to which they are accountable. This *nomos*, interestingly, is not related to “natural law.”\(^\text{132}\) What is in view is something like the Greek νόμος ἀγαρμοσ —a “universal obligation” for all humanity, but “on Jewish premises.” It is not

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\(^{129}\) Käsemann, *Romans*, 52.

\(^{130}\) Ibid., 62.

\(^{131}\) Ibid., 62.

\(^{132}\) Ibid., 64.
“unwritten law, but law written in a special way.”\textsuperscript{133} It is a conception of law that is, it appears, unique and defies categories that would make it comprehensible in the first century.

The “things of the law” which Gentiles do are not moral commands, since Paul does not so restrict the law. Rather, Gentiles “experience the transcendent claim of the divine will.” For Käsemann this is something other than the “Adamic or Noachic commandments” one finds among some Jewish writers who hold Gentiles accountable to the Jewish \textit{nomos}.\textsuperscript{134} It refers to “the concrete act demanded by the law in a general sense.” Confusingly, when he comes to vv.25–29, Käsemann states that the requirement of the law refers “to the whole Torah, defined by legal statements.”\textsuperscript{135} At this point, it seems that there is a conflict between what he said about the “things of the law” and the “work of the law” on the one hand and the δικαιώματα in 2:26 on the other. To make some sense of this Käsemann states that “Paul is probably following the spiritualizing of cultic matters in the Diaspora synagogue.”\textsuperscript{136}

In his comments on vv.17–24, Käsemann relates Paul’s statements to Diaspora Jewish formulations about the universal appeal of the Torah, specifically from \textit{Wisdom}, Josephus, and Philo. In these statements, Paul, he says, “is using existing formulations taken from the Diaspora synagogue.”\textsuperscript{137} Rather than specify these writers’ use of Greco-

\textsuperscript{133} Ibid., 64.
\textsuperscript{134} Ibid., 64.
\textsuperscript{135} Ibid., 72–73.
\textsuperscript{136} Ibid., 73.
\textsuperscript{137} Ibid., 70.
Roman “natural law” or an association of wisdom with Torah, he specifies that these Jewish writers appealed to a different discourse in their attempts to claim the superiority of their Jewish nomos: “νόμος could even mean the book of the law, which in the Diaspora was read from the standpoint of divine paideia.”

Käsemann’s interpretation is suggestive but very vague. This goes back to his concern to find the specific and unique thought of the apostle Paul. He offers no precise context or explanation for how we should understand the universalized conception of the Jewish nomos. Paul for Käsemann speaks and thinks in ways that bear similarity to his environment, but remains distinct. One wonders if the connection with “unwritten law” is stronger than he allows; he uses language of “divine law” but what this means is not explained; his appeal to Diaspora Judaism’s association of nomos with “divine paideia” is an intriguing possibility, but this needs more explanation, especially in relation to how the Jewish nomos might have been understood in a universal way and how “the things of the law” may be understood in this context.

James Dunn

In James Dunn’s 1988 commentary we find another voice trying to make sense of the conception of nomos in Romans 2. Among other things, Dunn’s commentary is a groundbreaking effort to interpret the entire letter from the vantage point of a post-E.P.

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138 Ibid., 71.

139 George P. Carras, “Romans 2:1–29: A Dialogue on Jewish Ideals,” follows Käsemann’s interpretation. Carras really only deals with nomos in Romans 2:12–16, and neglects the role of nomos throughout the rest of the chapter. In his explanation of vv. 12–16, he follows Käsemann’s vague claim that Gentiles possess a norm or law “analogous” to the Torah (197–98).

140 James Dunn, Romans 1–8, WBC 38A (Dallas: Word, 1988); Romans 9–16, WBC 38B (Dallas: Word, 1988).
Sanders “new perspective” lens.\textsuperscript{141} According to Dunn, Paul’s objective in Romans 2 is to universalize the understanding of the law in a way that erases social distinction between Jew and Gentile.\textsuperscript{142} In other words, Paul’s point is to argue that the law, rather than being a possession of the Jews alone, is a “standard of judgment” for Jew and Gentile alike.\textsuperscript{143} Paul’s point is expressed over against what Dunn refers to as an interlocutor who “is envisaged as a Jew.”\textsuperscript{144} This Jew is one who maintains strict social boundaries between Jews and Gentiles, and the possession of the law is at the root of these distinctions.

According to Dunn, Paul universalizes the Jewish law in Romans 2 by setting it as a “standard of judgment” for all humanity. Following the Jewish \textit{nomos} happens through a vague “moral awareness” which loosely relates to the Jewish law.\textsuperscript{145} Dunn contends that Paul is not drawing on Greco-Roman conceptions, that this moral awareness is not “natural law as such,” nor is it “universal” or “unwritten law.”\textsuperscript{146} Rather, Dunn asserts that Paul has in mind the Jewish law \textit{in contrast to} such concepts and instead posits a “moral sensitivity which one would sooner expect to find in the people of the law.”\textsuperscript{147} Dunn also suggests that Jewish wisdom traditions supply the “possibility of a broader

\begin{itemize}
\item[\textsuperscript{141}] Dunn, \textit{Romans 1–8}, xiv.
\item[\textsuperscript{142}] Ibid., 95–96.
\item[\textsuperscript{143}] Ibid., 104.
\item[\textsuperscript{144}] Ibid., 78.
\item[\textsuperscript{145}] Ibid., 105.
\item[\textsuperscript{146}] Ibid., 99, 105.
\item[\textsuperscript{147}] Ibid., 105.
\end{itemize}
view” in their “identification of universal divine wisdom with the law.” But he does not clearly emphasize this as the main context.

The “work of the law” which Paul says Gentiles do is explained in terms of this “moral sensibility.” It refers to a “widespread sense of the rightness or wrongness of certain conduct.” Problematically, we are not given an understanding of how this moral sensibility relates to circumcision, dietary laws, or other more particularly Jewish laws. The problem with this is that in part of his exegesis Dunn makes an implicit distinction within the law by separating the command of circumcision from the rest of the law as an “identity marker.” Thus, Dunn can say that Paul’s point is that the Jew who truly approves the business of the law (v.15) should recognize the acceptability to God of those who meet the demands of the law (apart from circumcision and other “works of the law”). Such a non-Jew who lacked only the physical mark of the covenant was surely in reality the equivalent in God’s eyes to the full member of the covenant people. Paul’s object, of course, in pressing for such agreement is precisely to undermine the assumption that the distinction between those within and those without the covenant…cannot be determined except by reference to the rite of circumcision. The rabbis would not have accepted the line of argument, but Paul could expect his Roman audience to be more sympathetic to the point.

The difficult thing about Dunn’s statement is that he sees Paul making a distinction within the law, between certain commands of the law. But Dunn offers no conception of the Jewish law that clearly explains why or how Paul can claim without explanation that circumcision should not be understood in terms of the more general “moral sensibility.”

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148 Ibid., 99.
149 Ibid., 105.
150 Ibid., 98.
151 Ibid., 122 (emphasis mine).
According to Dunn the Jewish particularity is one that is linked with a sort of “nationalistically exclusive” claim on the basis of possession of the law.\textsuperscript{152} Dunn writes that Paul’s point is to “undercut the assumption that Israel and the law are coterminous, that the law is known only within Israel and possible of fulfillment only by Jews and proselytes.”\textsuperscript{153} At the same time, however, Dunn finds a universalizing view of the law reflected in the statements in 2:17–24 that resonates most with Diaspora Judaism, “that what everyone of gravitas aspires after has been given to Israel in the law.”\textsuperscript{154} Dunn points out that Paul’s point is to emphasize the universality of the Jewish nomos, in contrast with the more particularistic view of the law. If this is the case, then again is it not clear how the more universal claims about the Jewish nomos for which Paul argues, and which seem to be reflected in 2:17-24, relates to the particularistic view Dunn attributes to Paul’s interlocutor. How is circumcision to be understood? Can it be understood universally, or is it a command that distinguishes Israel from the Gentiles? And how might Paul’s attempt to universalize the law deal with commands such as circumcision? Paul addresses this in 2:25-29, but is there a certain conception of the law upon which Paul makes his argument?

Dunn’s analysis presents mixed conceptions of the Jewish law. On the one hand, Paul is engaging with the “nationalistic” Jew who maintains social (ethnic and national) boundaries on the basis of the law. On the other hand, Paul seems to be participating in

\textsuperscript{152} Ibid., 110.

\textsuperscript{153} Ibid., 99.

\textsuperscript{154} Ibid., 113.
another discourse, presenting a conception of the law that stresses universality. Do these two conceptions of the Jewish law relate to one another? Or are they from different worlds? Although Dunn’s interpretation finds dueling conceptions of the law meeting in Romans 2, his comments on the particularity of the Jewish nomos raise an important point in drawing attention to the ethnically exclusive nature of the superiority based in the law. This is an important element not yet addressed by the scholars previously discussed in this review. Dunn’s interpretation falls short, however, in explaining how this ethnically exclusive conception relates to an understanding of the Jewish nomos that is also universal. We also do not find in Dunn’s analysis an explanation of how the things of the law that Gentiles keep relate to Dunn’s Jewish exclusivist view of the law—specifically the “particularly Jewish” commands and the central “identity marker” of circumcision.155

**Stanley Stowers**

In his book *A Rereading of Romans*,156 Stanley Stowers states that in Romans 1 and 2 Paul assumes Gentiles are “potentially knowledgeable of the Mosaic law,”157 and that Jews and Gentiles will be judged according to the same standard—the Mosaic law.158

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155 I must acknowledge an important essay by N.T. Wright—important because it is included as part of the collection from the third international Durham-Tübingen research symposium in 1994 which focused on ‘Paul and the law’ (“The Law in Romans 2,” in *Paul and the Mosaic Law*, ed. James D.G. Dunn [Grand Rapids: Eerdmans, 2001] 131–150). I leave mention of it to a footnote for the reason that Wright does not really address the key problems surrounding nomos in Romans 2, in spite of the way his essay is presented.


157 Ibid., 113.

158 “Two different laws are not in view. One law constitutes the criterion for God’s judgment” (*Rereading*, 139).
Stowers is clear that he does not think “law of nature” is the best explanation since it was not necessary for Jews to turn to natural law. For Stowers “Paul assumes” that “with or without explanations, many Jewish writings assume that the law of Moses was given publically and continued to be a publically available body of teachings.”159 To explain his point Stowers presents a loosely connected stream of Jewish claims about Gentile accountability to the Mosaic law. He begins with the claim that “the Hebrew Bible, the LXX, and most later Jewish writings simply assume that the non-Jewish peoples know what God expects of them and are responsible for their disobedience.”160 Stowers refers to passages from the Old Testament which seem to assume accountability of non-Israelites to God’s standards.161 This is important, but as Richard Bell notes, it is worth inquiring into later development of these passages in their own milieu.162

Stowers then points out ways in which second temple Jewish literature describes Gentile accountability to the Mosaic law. He cites Sibylline Oracles book 3, Aristobulus, Eupolemus, Philo, and Josephus—all of whom address “the universal knowledge of God’s law.”163 He appeals to these writers’ attempts to establish the antiquity of the Jewish law, stating that “in supposing the law of his own people to be the foundation of

159 Stowers, Rereading, 114 (italics mine).
160 Ibid., 113.
161 None of these passages does justice to the robust assumption of Gentile accountability Paul makes. He references Psalm 48 and 100, both of which call out to “the nations”; passages which call other kings to rule according to God’s standards; Amos 6 which speaks of punishment of Gentiles for not keeping God’s laws; the book of Jonah, which assumes Gentile accountability; Leviticus 18, which holds Gentile inhabitants of the land of Israel accountable for sexual transgressions (Rereading, 113).
162 Bell, No One Seeks for God, 176. In this context, Bell is addressing the use of Old Testament passages such as Deut. 4:6 and Psalm 119 in claims of natural law in Judaism.
163 Stowers, Rereading, 114.
truth and reality imperfectly mirrored in other cultures, Paul has entered the larger transcultural exchange of the ancient Mediterranean world.¹⁶⁴ This transcultural exchange meant that the second temple writers did not have to use “natural law” but argued for the superiority and universality of the Jewish law by claiming that Moses was the first lawgiver and thus the source of other laws. They assimilated Greeks and Romans into their “master narrative,” claiming Jewish origin for Greek or Roman ways of life.¹⁶⁵ In doing this, Stowers concludes, the Jewish *nomos* was given universal status, and Gentiles must therefore know enough to live in accordance with the law. Stowers offers an important context, yet it is important to note that this assimilation into the Jewish “master narrative” and dialogue with this “larger transcultural exchange” alone does not necessarily equate to a universally known and universally binding Jewish *nomos*. Most clearly, this only is an argument for the *antiquity* and *superiority* of the Jewish *nomos*, but not necessarily its universality. The universality of the Jewish *nomos* may be a part of this interpretation of the Jewish *nomos*, but Stowers does not clearly explain how universality figures into this dialogue.

Stowers concludes his entire discussion on a vague note:

The most likely explanation for Paul’s assumption that gentiles can know the truth about God and are morally responsible to the law comes from a commonsense reading of the Hebrew scriptures and the long-established claims that the gentiles derived their knowledge of righteousness from the Jews. Rom 1–3 treats *some* *such explanation* as a basic assumption shared between writer and audience.¹⁶⁶

¹⁶⁴ Ibid., 115.

¹⁶⁵ Ibid., 115.

¹⁶⁶ Ibid., 115 (italics mine).
In light of his entire argument, one still wonders: what is the explanation? Stowers makes a clear point that Paul assumes Gentile accountability, and that this assumption draws upon already existing claims made about the Mosaic law by Jews contemporary to Paul and before him. But the reader gets no clear articulation of which perspective Paul assumes, other than it is not some Jewish appropriation of “natural law.” Because Stowers’ explanation lacks precision, it is difficult to determine how Paul was in dialogue with it. Second, as previous scholars have shown, at least for some Jews some appropriation of “natural law” of other Greco-Roman conceptions was used to universalize the Jewish nomos. The problem with Stowers’ work is his assumption that use of “natural law” would imply that Gentiles are held to a different nomos than the Jewish nomos. He states, “Paul so obviously places gentiles in a relation to the Jewish law that one has difficulty imagining a role for the law of nature.” At the least, the interpretations of Goodenough, Barrett, Wilckens, and others suggest things are more complex.

Certain aspects of Stowers’ work moves things forward, however. Stowers draws on Philo and Josephus, and while acknowledging Philo’s use of “natural law” he draws attention to “another way” in which these Jews explained the importance of their nomos, even if what Stowers refers to does not immediately transfer to an argument for universality. Stowers’ point begs us to go a bit deeper to see what larger cultural

\[167\] Stowers, Rereading, 138. This also seems to be a problem for Dunn, Romans 1–8, 99, 105.

\[168\] Stowers, Rereading, 112.

\[169\] Ibid., 114.
discussion about nomos Jews engaged in, and to reckon with the complexity of discussion about nomos in antiquity.

**Conclusion**

These more general interpretations suggest ways to understand nomos without emphasis on “natural law” or wisdom traditions. Where the natural law interpretation specified Diaspora Judaism and Philo specifically, and the wisdom-law interpretation drew on a broader spectrum of Jewish writings, these scholars present a more loosely defined Jewish context. This sort of interpretation opens up possibilities and raises questions. If Paul uses, as Käsemann suggests, an understanding of the Jewish nomos that is “like” the Greco-Roman counterpart of “unwritten law,” but “on Jewish premises,” can we explain this more precisely? Dunn’s interpretation brings an interesting element into this discussion when he draws attention to the way Paul is dealing with an ethnic exclusivism and superiority. Is this part of the conception of the Jewish nomos upon which Paul draws to make his argument against such an exclusivist view? Or is Paul developing a new way to understand the Jewish nomos in Romans 2, but with little explanation? Stowers’ explanation also has some merit in suggesting that Jews may have tapped into a larger cultural dialogue that includes more than just “natural law.” But does this mean a rejection of any use of such Greco-Roman concepts or Jewish wisdom traditions?

**Conclusions to Entire Review**

This review of scholarship has discussed three different contexts offered by scholars for understanding nomos in Romans 2: 1) a “natural law” or “unwritten law”
interpretation that emphasizes Jewish adaptations of Greco-Roman concepts of νόμος; 2) a wisdom tradition interpretation that argues that nomos is best understood in light of Jewish wisdom literature which associated the law with universal wisdom and creation; 3) a more general interpretation whose common basis is that Paul uses neither Greco-Roman adaptations nor wisdom traditions. One thing is clear: there is no winner. Each of these interpretations brings an important voice to the conversation; none of them fully explains all three components of the conception of nomos in Romans 2. In addition, as is clear from the survey, each of these interpretations offers not only a different understanding of the Jewish nomos, but also potentially a different Judaism that lies behind the conception of the Jewish nomos with which Paul seems to be in dialogue.

All of this points to the need for a more thorough and precise investigation of how Second Temple Jews understood and explained the Jewish nomos in terms of its universality and how its commands apply to Gentiles. It is clear that Second Temple Jews universalized the Jewish nomos; it is clear that they did so in a context where other conceptions of nomos were common. What needs to be done? The above review shows that to achieve a clearer understanding of the conception of nomos in Romans 2 we need a fuller understanding of how Second Temple Jews universalized the law, why they did so, what language and concepts they used to do so. The above review suggests that we would not do justice to the question if we were to argue for one or the other of the above contexts for understanding the law. The question is not whether Greco-Roman concepts are employed, but how are Greco-Roman concepts employed? It would be naïve to think that appeals to Greco-Roman concepts cannot co-exist with Jewish wisdom traditions.
The question is how. It would also be too simplistic to think that the matter is as simple as Jewish adaptation of Greco-Roman concepts.

To remind of the basic issues: *nomos* in Romans 2 consists of a complex web of three main claims about the Jewish *nomos*: 1) it is universal; 2) it is particular to Jews; 3) there seem to be things of this law that Gentiles can do, that they keep its commands. Additionally, in Romans 2 Paul says these things in such a way that requires no explanation. To return to Neil Elliott’s statement:

Paul apparently expects this argument to be intelligible to his audience. He does not explain how, or whether Gentiles may be found who ‘do the things of the Law’, nor does he justify the claim that Gentiles who ‘by nature’ do the things of the Law show that they have the ‘work of the Law written in their hearts’. He does not treat any of these propositions as if they were controversial. Rather he relies upon them, and on the axiom in 2:11, to support the principle embodied in his indictment (2:1-6): No one is exempt from God’s judgment.¹⁷⁰

Scholars have not yet supplied a context or larger discourse within which Paul’s statements about the Jewish *nomos* can be understood collectively. Until this happens there will remain a degree of “we’re not sure exactly where the conception of the law in Romans 2 comes from” among scholars.

**Proposal**

In the following chapters, we will attempt to provide a context that explains the conception of *nomos* with which Paul was in dialogue in Romans 2. We will focus particularly on Diaspora Jewish explanations of the law. The main reason for this is that the context of the community at Rome is that of Diaspora Judaism. This is not to say that Paul was not influenced by Jewish thought outside of this spectrum. But my concern in

this study is to understand what sort of perspective about the law Paul would have presumed of his audience since his statements about the law are made in such a way that suggests that Paul thought that his audience knew what he was talking about.

The question of “audience” is more complex today than it used to be, when for example C.E.B. Cranfield wrote his commentary in 1975 and argued that the Roman community to which Paul wrote was a mix of Jews and Gentiles.\(^\text{171}\) For Cranfield the matter was one of determining the physical make-up of the people to which Paul wrote. In his book *A Rereading of Romans*, Stanley Stowers represents a more complex way of addressing the issue. Stowers, drawing on literary theory, writes of three types of audience: (1) the empirical readers, (2) the encoded explicit readers, and (3) the encoded implicit readers.\(^\text{172}\) The “empirical readers” are those who are the actual audience in the Roman church(es). The “encoded explicit” readers are “the audience manifest in the text.”\(^\text{173}\) This audience is basically a construct of internal cues in the letter itself. The “encoded implicit” audience is known as the “ideal readers.” These are also constructed from the text. The difference between the “encoded explicit” and the “encoded implicit” is one of identity and understanding. If one wants to identify the “encoded explicit” audience, one asks, *who does Paul identify as his audience?* This audience may be identified as Jew or Gentile. The “encoded implicit” audience is explained in terms of what things Paul assumes his audience will understand: ideas, practices, and values/beliefs. Stowers ex-

\(^{171}\) Cranfield, *Romans* 1–8, 16–22.


plains that one can “conceptualize” the “encoded implicit” audience by asking: “what assumptions, knowledge, frame of reference, and horizon of expectations does Romans implicitly assume in order to be well or fully understood?”\footnote{Ibid., 21.}

Attempts to describe both Paul’s “empirical audience” and his “encoded explicit audience” often alternate between positing an ethnically mixed audience of Jew and Gentile or an entirely Gentile audience, made up of those less sympathetic to Judaism and the law and those who are. When it comes to understanding what perspectives about the Jewish \textit{nomos} Paul might think his audience knew, however, such ethnically driven attempts to identify the audience do not help us. From what we know of first century Judaism in Rome, an ethnically Jewish audience does not preclude Jews from thinking in Greco-Roman philosophical frameworks or using Greek conceptions to express elements of Jewish faith and practice. Likewise, Gentiles (“smypathizers” or “God-fearers”) who knew well and lived according to Jewish custom and norms – \textit{nomos} – is well known.\footnote{Das, \textit{Solving the Romans Debate}, 115–202. Before him Thomas Tobin made this argument as well (\textit{Paul’s Rhetoric}, 16–46).} In other words, ethnic identity does not get us very far. This means that when it comes to understanding what Paul assumes of his interlocutor in Romans 2 we want to focus on the “assumptions, knowledge, and frame of reference” of Paul’s “encoded implicit” audience, and not necessarily the ethnic identity. Even if we assume that Paul is addressing only Gentiles, or that Paul is addressing a mix of ethnic Jews and ethnic Gentiles, such descriptions to not carry with them inherent “nomos-ologies.” As Thomas Tobin succinctly puts it: “the fact that the Roman Christian community was made up largely of Gentiles
with a minority of Jews does not automatically tell us anything about their beliefs and practices.”

All of this means that the “encoded implicit” audience is the one that interpreters must finally reckon with as having most heuristic potential for understanding Paul’s audience, what perspectives Paul may have attributed to his interlocutor, and ultimately, Paul’s argument itself. Because of the way that the interlocutor functions rhetorically, the point of connection with the addressee(s) must be at the level of ideas and beliefs. No doubt these ideas and beliefs are social. Runar Thorsteinsson makes a good point that whereas many letters in antiquity are addressed to individual recipients, Paul’s letter is addressed to a community. This is an important point, and we need to keep in mind that the epistolary interlocutor in Romans represents not just an individual’s perspective, but one with which the larger group would be familiar, even if rhetorically an individual

176 Tobin, Paul’s Rhetoric, 40. This is not to minimize the importance of the ethnic identity of Paul’s audience. There is evidence, however, to suggest that the lines between ethnicity and ethical living were not always clearly defined, at least in principal, if not also in practice. For example, in the passage we encountered in chapter 2 from Plutarch, Alexander the Great wanted to created a world in which foreigners were not identified ethnically, but according to whether or not they were “evil” (τοὺς πονηροὺς) (Plutarch, On the Fortunes of Alexander, 329). This was, no doubt, a Greek way of life, but it was pitched as something universal and common—regardless of one’s ethnic or political associations. Likewise Josephus, in the context of saying that the Jewish law is for all people, comments that “it is not family ties alone (οὗ τῶ γένει μόνω) which constitute relationship, but agreement in the principles of conduct” (Josephus, Against Apion, 2.210, Translation by Thackeray). See also the statement by Dionysus of Halicarnasus, who wrote that “Hellenicity” consists in “speaking the Greek language, having a Greek way of life, acknowledging the same gods and having fitting, reasonable laws” (Romans Antiquities, 1.89.4). While there is a clear preference on the “Greek” way of life, division in humanity is not demarcated according to ethnicity or blood. See more in Jonathan M. Hall, Hellenicity: Between Ethnicity and Culture (Chicago: University of Chicago Press, 2002) 224–25. The widespread ethical discourse, of which nomos was a crucial part, operated largely on the basis of attempts to turn what was particular and ethnic into something universal. In this environment, and in the environment of the early Christian community in Rome, the ethnically Gentile identity of some in Rome does not negatively impact their knowledge of Jewish life and customs, nor even perhaps their manner of living. On this see Thomas Tobin persuasive analysis in Paul’s Rhetoric, 16–46. Tobin concludes that the community in Rome was well versed in Diaspora Jewish perspectives and convictions—especially about the Jewish nomos.

177 Thorsteinsson, Paul’s Interlocutor, 143–44.
is addressed. Paul’s use of this device in a letter written to a community suggests that Paul is not addressing a particular individual, but rather with a certain perspective or position that Paul thinks is known to or to be identified with his readership. This means that in order to get at the conception of nomos in Romans 2, the question we need to ask is: what context or web of discourse will provide us with the most plausible set of “assumptions, knowledge, frame of reference, and horizon of expectations” about nomos that Paul would expect his audience to hold?

Whether the “encoded explicit” audience may have been ethnically Gentile as Das and others argue, or a mix of Jew and Gentile, from the standpoint of ethical living and conceptions of nomos, many of those in the Roman community likely adopted their ethical outlook and their understanding of νόμος from Diaspora Judaism. It is well known that the early “Christian” community in Rome, if not still part of, emerged out of the Diaspora Jewish community in Rome. Runar Thorsteinsson writes that “it is evi-

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178 In light of this, those studies that claim Paul is arguing with a specific individual “teacher” in Romans 2 may rightly present the perspective with which Paul is in dialogue, but wrongly understand the function of the form of the diatribe and use of the interlocutor (see Francis Watson, Paul, Judaism, and the Gentiles, 197–205; 215–16; Campbell, The Deliverance of God, 559–71. Stowers also focuses on an individual “teacher” but in a slightly more complex manner in that the teacher is representative to some degree (Rereading, 143–65)).

179 A. Andrew Das, Solving the Romans Debate; Neil Elliott, The Rhetoric of Romans; Stanley Stowers, A Rereading of Romans; R. Thorsteinsson, Paul’s Interlocutor, 34–46; Fitzmyer, Romans, 25–36; Hultgren, Romans, 7–11; Dunn, Romans 1–8, xlv–liv.

180 So e.g. Richard Hays, “Power of God,” 35–41 and most other scholars. See Douglas Moo, Romans, 9–13; while acknowledging the strength of the Gentile-only argument).


dent that Paul was writing not to gentiles at large but to a certain group of gentiles whose knowledge of Jewish writings and experience of Jewish ways of life was substantial. Every aspect of Paul’s message in Romans must be read in light of this particular audience.”

A Diaspora Jewish context seems to be the best starting point as a fitting context for unearthing the “knowledge, frame of reference, or horizon of expectations” of the interlocutor and thus also Paul’s audience in Romans 2, and also the perspective on νόμος Paul relies upon in his argument. As an additional point, Paul from Tarsus was likely well versed in not only the Greco-Roman world, but also the world of Diaspora Judaism, and by the time he wrote Romans he had been living and working among Diaspora Jews for close to twenty years.

How will we accomplish reading Paul in conversation with Diaspora Jewish views of the law? As we move ahead, chapters two and three will address the larger Greco-Roman context for understanding nomos. In these chapters we will provide a framework for understanding nomos in the ancient Greco-Roman world. This is important because Diaspora Jews were not isolated from the cultural discourses in the world around them. Indeed, as we shall see, Diaspora Jewish writers made use of the Greco-Roman discourses in their attempts to interpret and explain the Jewish nomos. In chapter two we will describe elements of a “grammar” of nomos based on a wide spectrum of Greek and Roman writers. That is, we will describe common and important issues related to nearly any discussion of nomos in the political-ethical matrix of the

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*a connection with the synagogue community in Rome, and Paul’s argument is meant to distance the Christian community from the Jewish community (Paul, Judaism, and the Gentiles, 175–88; 214–16).*

183 Thorsteinsson, *Paul’s Interlocutor*, 122.
Greco-Roman world. Our particular focus will be on particular *nomos* and its relationship to conceptions of transcendent *nomos*. We will focus on the ethical, political, and inherently theological elements related to this discourse in the context of important socio-political developments. In chapter three we will investigate how this “*nomos*-discourse” shaped ethical living and related to ethical and political concerns of Greek and Roman writers. We will see in particular how these ethical debates and the “grammar” of *nomos* enabled writers to make claims about Greek and Roman ways of existence. In short, we will at the end of these chapters have a good sense of how *nomos* functioned as an important piece of political, ethical, and religious concerns of ancient writers.

In chapter four we will conduct an investigation of Diaspora Jewish interpretations of the Jewish *nomos*. We will investigate the ways in which Jews explained the law in conversation with this complex Greco-Roman context. We will analyze how Diaspora Jewish writers universalized their *nomos*, how they explained the commands of their *nomos*, and how they asserted the importance of the “Jewishness” of the law. We will especially be concerned to explain these elements in conversation with the Greco-Roman web of discourse described in chapters two and three, and to see how their explanations and views both affirm and challenge elements of this discourse. At the end of this chapter we will have a sense of common elements of the various Diaspora Jewish interpretations of the Jewish *nomos*. Within this we will also find diversity, not only in expression but also in more weighty matters of understanding.

In chapter five I will turn to Paul’s argument in Romans 2:1–29. I will pay particular attention to the way that the use of the interlocutor impacts what Paul says and
how he says it. We will focus particularly on situating what Paul says of the Jewish nomos in relation to Diaspora Jewish articulations and explaining how he works with these views. This will also necessitate paying attention to the ways in which Paul engages with the larger Greco-Roman discussion. Our goal is to interpret Paul’s argument as one participating in this larger web of discourse.

Finally, a concluding chapter will reflect on how the interpretation offered helps us better understand the Judaism Paul was dealing with in Romans and offer some suggestions for how this study might bring new light to the issue of the law in Second Temple Judaism, the problem of the law in Paul’s letters, and the issue of Paul’s ethical instruction.

**Issues of Method**

**Overall Method: History Construction**

In this study I seek to apply no new “cutting edge” methodological concepts or insights. This study is both historical and exegetical in nature. I find Kavin Rowe’s point regarding “method” a welcome reminder: “an exegetical work is most compelling when it moves actual exegesis up from an after dinner mint to the main course of the meal.”

Rowe’s point is that one’s method should be clear from the work itself, and need be explained and mapped out only to the extent that is helpful for the reader. Any more than that is distraction from the exegetical task at hand: explaining the text. Put simply, this study will be concerned with reading ancient literature (Greek, Roman, Jewish, and Paul),

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185 See Rowe’s brief discussion and engagement with Hans Frei and Clifford Geertz on this point *(Early Narrative Christology, 9–10)*.
attempting to make sense of what ancient writers are saying about *nomos*, and placing them all in conversation by trying to situate them all on a common field of discourse.

Our goal in this study may be put in terms of history *construction*. I say “construction” because I have been persuaded by Udo Schnelle and others that all such attempts at making sense of Paul’s first century context are not *reconstructions*, but themselves are attempts at *constructing* history and the meaning of ancient texts from pertinent data.\(^{186}\) We all create our own connect-the-dot pictures, not simply drawing the lines between dots we have to uncover, but to some degree establishing the dots as well. As N.T. Wright puts things, Biblical scholars are in the business of offering hypotheses constructed from the data of ancient texts and history, and the best hypothesis given to explain a text is the one that best accounts for the data and issues involved. The strength depends on what data is used, what is left out, how it is put together and construed, and above all, its explanatory power.\(^{187}\)

Not “Origin” or “Sources” of Thought: Paul in Conversation with His Contexts

Sometimes stating what something is *not* helps better clarify what it is. This study is not an exercise in “history-of-religions” in a strict sense. By this, I mean that I am not trying to determine the extent of direct influence of the Greco-Roman or Jewish worlds of thought on Paul, assuming a one-way path of influence.\(^{188}\) I do not turn to Greco-Roman


or Jewish perspectives on law in order to supply Paul’s “background” or the “source” of his thought.

This study will be concerned with how Paul’s statements about *nomos* in Romans 2 are *in conversation* with his contexts. Abraham Malherbe states the perspective well when he writes, “it is potentially fruitful, and certainly more realistic” to interpret Paul in the context of discussions of his time. While Malherbe speaks of discussions among Greek and Roman philosophers, the point equally applies placing Paul in conversation with his Jewish contemporaries, or all of the above. Calvin Roetzel makes an important point in this regard: “Paul’s theology must be viewed as an emergent theology and not a systematic theology, as an interactive theology rather than just a proclaimed theology, and as a product of a dialogue rather than a monologue.” So, we are asking not how Paul came to his conclusions or viewpoints about the law; nor are we assuming that Paul had a clear and stable understanding of *nomos*. He may have, but to determine that is not our concern here. Our concern is with how Paul worked with already existing perspectives to make his arguments or explain his points. In this case our focus is the Jewish law. What this means is that what we learn about Paul’s view of the law is to be understood not as a static view, but a view that is *explained* within a particular context, as part of a conversation within a larger web of discourse in which Paul participated. What

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Paul says in Romans 2 (and ultimately the rest of Romans), because it is in conversation with a particular set of ideas about the Jewish *nomos*, may very well be different than what he says in other letters. The emphasis lies on how Paul articulates his arguments in conversation with the likely conceptions of his readers, and not on what Paul’s own view of the law is—though this certainly may be derived from his argument.

In relation to this, our task will be not to understand Romans 2 as drawing on *either* Greco-Roman or Jewish backgrounds or contexts, but both. Judaism and Hellenism both contributed to make the ancient world what it was. Each no doubt brought its own backgrounds and traditions to make “Hellenistic” culture what it was, but at the same time they “all liv(ed) within the comprehensive mix of Hellenistic culture.”

Paul, and Judaism for that matter, cannot be removed from the fabric of the society they inhabited. Not only that, they were parts that constituted the ancient world, “coplayer(s) within a shared context.” With this in mind we will investigate both Greco-Roman and Diaspora Jewish perspectives on *nomos*, and we will attempt to give some shape to the discourse about *nomos* in which they participated. We will then interpret Paul’s argument in Romans 2 in conversation within this web of discourse. Our task as Troels Engberg-Pedersen has very clearly put it is “to extract (meaning) from the comprehensive cultural web in which (in our case Diaspora Jewish interpretations of *nomos*) had (their) occurrent

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191 Engberg-Pedersen, “Paul Beyond the Judaism / Hellenism Divide,” 2.

192 Ibid., 1.
place and that it took its overall meaning, not primarily from its cultural root, but from its place within the contemporary cross-cultural web.”¹⁹³
CHAPTER TWO

THE GRAMMAR OF NOMOS IN THE GRECO-ROMAN WORLD

Introduction

It is stating the obvious to say that Diaspora Jewish literature reflects significant interaction with the language and thought of Greco-Roman culture and philosophy.¹ Many writers engaged with it head-on, even adopting many of its premises and co-opting them to defend, explain, or shape their own understanding of Judaism and the Jewish nomos.² Although this is widely accepted, the contours and details of this engagement

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¹ For two different perspectives on the nature and degree of Diaspora Judaism’s interaction with Greco-Roman philosophy and culture see John Collins, Between Athens and Jerusalem: Jewish Identity in the Hellenistic Diaspora, 2nd ed. (Grand Rapids: Eerdmans, 2000) and John Barclay, Jews in the Mediterranean Diaspora: From Alexander to Trajan (323 BCE–117 CE) (Berkeley: University of California Press, 1996). One would also do well to consult Erich Gruen’s Diaspora: Jews amidst Greeks and Romans (Cambridge: Harvard University Press, 2002). It is now ubiquitous that such interaction with Greco-Roman culture holds true for Palestinian Jewish writings as well (Martin Hengel, Judaism and Hellenism [Philadelphia: Fortress Press, 1981]). In spite of the attempts by previous and current scholars to minimize or even erase altogether a distinction between Palestinian and Diaspora Judaism (see e.g. Frank Thielman, Paul and the Law: A Contextual Approach [Downers Grove: IVP, 1994] 31–33), one should not overlook the differences that exist (Collins, Between Athens, 1–18; Barclay, Jews, 4–9, 82–91). The claim made by W.D. Davies that there should be no “dichotomy” between Palestinian and Diaspora Judaism is true (Paul and Rabbinic Judaism: Some Rabbinic Elements in Pauline Theology [London, 1948. 4th edition: Mifflintown: Sigler Press, 1998] xli). Yet, it would be a mistake to think that by erasing a “dichotomy” we should also erase any sense of difference, even significant difference. One example of the difference is that we have no Palestinian writings in which a Jewish author writes under a Gentile name (cf. Collins, Between Athens, 16–18). On the one hand, this may appear to be relatively cosmetic: the Jewish author is just trying to broaden a Jewish message that could also have been promoted by a Palestinian Jewish writer. But, on the other hand, this phenomenon speaks volumes about how these Diaspora Jews saw themselves and their particular strains of Judaism.

² Doing this seems to accomplish several things. Jewish writers could articulate an element of Judaism on the playing field of the broader culture. This enables Jews to stake a claim in various debates or discussions in order to communicate the significance of Judaism in cultural milieu, even if the target audience were other Diaspora Jews. The reasons and motivations behind this are no doubt complex, but it seems that in part the effort was to explain things to a largely acculturated Diaspora audience. It is likely
and its effects on Diaspora Jewish interpretations of the Jewish law have not been examined on a larger scale. Furthermore, there is some disagreement about the nature and degree of Jewish writers’ use of these Greco-Roman concepts when writing about the Jewish law. We saw this in the review of interpretations in the previous chapter. While our ultimate interest is in understanding Paul’s references to nomos in Romans 2 and placing him in conversation with Diaspora Jewish views on nomos, we first need to push toward further clarification about how Diaspora Jews worked in conversation with Greek and Roman discussions about nomos. In order to accomplish this we need to first familiarize ourselves with the landscape of the more widespread Greco-Roman discourse about nomos.

that Greco-Roman ideas about nomos and ethical living were imbedded enough in Jewish life and thought that such explanations of the Jewish law were not really all that “un-Jewish.” It should not be ruled out, then, that many of these Jewish writers were themselves well versed in the Greco-Roman dialogue that it just formed their understanding of nomos.


4 This can be seen by comparing the ways that the following scholars interpret how these Jewish writers conceived of the Mosaic law in light of Greco-Roman concepts: Eckhard Schnabel, Law and Wisdom from Ben Sira to Paul (Tübingen: J.C.B. Mohr, 1985), who finds some limited interaction with and use of Greco-Roman ideas; Richard Bell, No One Seeks for God (Tübingen: J.C.B. Mohr, 1998) 173–82, who finds nearly no need to posit use of Greco-Roman ideas; C. Marvin Pate, The Reverse of the Curse: Paul, Wisdom, and the Law (Tübingen: J.C.B. Mohr, 2000), who sees limited and cautious use of Greco-Roman ideas; Weber, Das Gesetz, who finds that Diaspora Jewish writers use Greco-Roman ideas freely and frequently.
I want to state at the outset that a complete overview of the Greco-Roman perspectives on nomos cannot be undertaken here. To set parameters for our discussion of nomos in the next two chapters, we will focus on three main elements which emerge from the conception of nomos in Romans 2. First, we will focus on nomos as it was understood within what we will call the political-ethical matrix within the emerging Greco-Roman world. It is important to draw attention to the fact that our focus is on the

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5 The topic is quite vast in terms of its scope among ancient writers, and there are many facets to any discussion of ancient law. As a testimony to the insurmountability of the topic nomos, there exists no one comprehensive treatment of it. There are a handful of books, the scope of which is limited to “early” law during the pre-Hellenistic era of classical Athens: Michael Gagarin, Early Greek Law (Berkley: University of California Press, 1989); The Cambridge Companion to Ancient Greek Law, ed. Michael Gagarin and David Cohen (Cambridge: Cambridge University Press, 2005); Douglas MacDowell, The Law in Classical Athens (Ithaca: Cornell University Press, 1978); Martin Ostwald, From Popular Sovereignty to Sovereignty of Law: Law, Society, and Politics in Fifth-Century Athens (Berkeley: University of California Press, 1986). It is difficult to find significant treatments on the topic of theory of law in the Hellenistic period. Many of the treatments on the topic of Roman law focus less on how law was understood, and more on the details of the types of Roman law, the variety of laws put into place by Rome, and how Roman law was carried out as a system within the Mediterranean world (D. Johnston, Roman Law in Context [Cambridge: Cambridge University Press, 1999]; J.A. Crook, Law and Life of Rome, 90 B.C.–A.D. 212 [Ithaca: Cornell University Press, 1967] ). One general and more theoretical treatment is H.L.A. Hart, The Concept of Law, 2nd ed. (Oxford: Oxford University Press, 1994).

6 An additional point to note is that our focus will largely be on more-or-less well known writers of Greco-Roman antiquity. We will not consider in any detail such things as inscriptions or papyri. These may illuminate what we know about nomos, but such data would increase the length of this chapter. Some may think that there is some dichotomy between the more literate elite writers and what we find in inscriptions and papyri. This may be true to a limited degree. But it is not so clear that what we read from the more literary sources does not reflect what is common in society at the time, either. We do not have the evidence to assume that, even if certain expressions found in philosophical writers might possess a more technical nature, the ideas and general frameworks of thought were not commonly known. To my mind it is more reasonable to think that the discussions about nomos and ethical living we will encounter in the next two chapters were known more widely than to just a privileged few of the educated philosophers.

7 By “political” I mean that which concerns matters of civic life in a community, whether that community is thought of as the polis or even the kosmos. Political discussions were concerned with how the larger community can best flourish. According to Aristotle, political discussions were basically discussions of a social nature (Eth. 1.2.7). In Aristotle’s case the social context was the polis. For later writers and thinkers, the context was broader than this: the kosmos. Alexander the Great and a number of Hellenistic philosophers, for example, wanted to promote the idea of a one-world polis, a kosmo-polis. Much of the literature in the wake of this understood political matters also in terms of this idea of a world community. The language “political” includes a number of things that affect the community. Our focus will be on the social-cultural elements as they relate to ethics. We are not specifically concerned with political theory in the sense of government and rulership, thought these also find their way into the discussion at points and cannot be completely separated.
emerging Greco-Roman world. This is important, since there is also much to say about “law” with regard to Ancient Near Eastern culture and civilization. Addressing this is well beyond the scope of this study, though it is not insignificant. An investigation of how ANE conceptions of “law” might have interacted with or even informed Greek and Roman conceptions would certainly be fruitful. But for this study, our scope is limited to the how nomos was understood in the formation of the commonly termed “Greco-Roman” world of Second Temple Judaism and Early Christianity.

Explaining this matrix as “political-ethical” is essentially a way of bringing into clear focus the important point that ethical concerns nearly always corresponded with political life and its social and cultural elements. As a consequence, I will not be focusing on narrower “legal” aspects of discussions about nomos—the various laws

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8 Lawcodes in the ANE certainly predate evidence about law in early Greek thought and society. There certainly is more than enough to warrant another book on the topic. Particularly of interest is whether and, more probably, how, understandings of the function and significance of law in ANE literature provide earlier predecessors for how Greeks and more generally the Hellenistic or Greco-Roman world conceived of law.

9 According to Diogenes the 4th century B.C.E. philosopher, “it is impossible for society to exist without nomos; for without a city no benefit can be derived from that which is civilized. But the city is civilized, and there is no advantage in nomos without a city; therefore nomos is something civilized” (Diogenes Laertius, Lives, 6.72).
themselves and the legal matters involved in carrying them out. As we shall see, this political-ethical matrix is inherently theological. In other words, in a variety of ways, the political and ethical discussions we encounter in Greek and Roman writers assume a divine basis; discussions of nomos and ethical living, as well as political concerns are regularly associated with divinely ordained expectations for humanity, whether that is expressed as God, Zeus, or “nature” (φύσις). The reason we want to identify and focus on this political-ethical aspect is because nomos in Romans 2 concerns ethical living and its intersection with the Jew-Gentile relationship and God’s expectations for human life.¹⁰

Second, we will focus on the issues that revolved around the relationship between particular nomos and concepts of “transcendent” nomos within the political-ethical matrix. I will highlight central challenges put to particular nomos, the development of alternative understandings of nomos—what has been called “higher law” or “transcendent law”—and describe in general the contexts of these developments. Our goal is to highlight important and common understandings of particular and “transcendent” nomos that emerged over time and how these were broadly understood. This will not only illuminate the general atmosphere of how nomos was understood, but it will also give us a sense of the language used to talk about nomos. Illuminating this larger discussion will be helpful

¹⁰ Implied here is that the Jew-Gentile relationship is somehow “political.” This is based on an understanding of “political” as I stated above: that which concerns matters of civic life in the community, whether the polis or even the kosmos. The Jew-Gentile issue was, in light of this, quite political in that it concerned matters of the Jewish and Gentile communities, and how they were to function and get along, within the context of both the early Christian community in Rome and the kosmos. In Romans 2, nomos plays a key role in this dynamic, as many scholars have rightly drawn attention to. I am not opposing this. I suspect that what we refer to as “social” pertains to what ancients would have thought of as “political.” The distinction, on the one hand is very slight. Yet, with regard to the issue of nomos, it is meaningful. Nomos in the ancient world was not simply a social regulation, but rather was understood in relation to larger political distinctions and ordering. It related to various social distinctions, but these were the consequences of it being related to larger political structures and realities. As we will see, “law of nature” concepts found their meaning by positing a universal standard over a worldwide political community, and not just a social contract.
since the understanding of nomos in Romans 2 straddles the line between particular and universal, and the widespread Greco-Roman discourse plays an important role in how particular nomos could find meaning on a universal stage.

Third, in the next chapter I will highlight the ways Greek and Roman writers expressed the relationship between particular and transcendent nomos and how the purposes of nomos merged with certain ethical and philosophical understandings. We will attempt to describe how the discourse about nomos could enable claims of superiority with regard to the traditions, manners, and laws of particular communities. In other words, we will investigate the social and cultural effects of the larger ethical-political dialogue about nomos. This will draw attention to a phenomenon that seems to have emerged as particular or written nomos, understood in terms of a particular community’s way of living, collided with various understandings of transcendent, universal nomos. This phenomenon is particularly noticeable in the claims made by Greek and Roman writers about the cultural and ethical superiority of Greek or Roman ways of living over the rest of the ἔθνοι, sometimes referred to as ὁ βάρβαρος (the barbarians)—a term more often than not used in a derogatory fashion to describe the “unvirtuous” or those who did not abide by the manners of life advocated by a particular writer and his community. As a result of this we will have a broader canvas and important points of comparison by which to understand how Jews explained the superiority they claimed to possess on the basis of their nomos.

This overview will provide us with a “grammar” of nomos in the Greco-Roman world. That is, we will have a sense of the “ABCs” of nomos—the fundamental elements of how nomos was thought about and of how it functioned. It is within this “grammar”
that we will situate Diaspora Jewish interpretations of the Jewish law, which was a
written νῷμος, but universalized and used to promote the ethical superiority of the Jewish
people. This will help us situate Paul in conversation with his Diaspora Jewish context, a
context in which Paul grew up, and with which Paul engaged throughout much of his
ministry.  

**Nomos in the Greco-Roman World**

**Introduction**

As a topic, νῷμος (*lex* or *ius* for writers who wrote in Latin) was very much in the
air of the Greco-Roman world. The topic is widely attested. First, many Greek and

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11 Without taking too much space in the text, I want to address the work of John Martens, since his
Philo made use of Greco-Roman concepts of “higher law” to validate the Jewish law. As part of his study
Martens explores the intersection between particular *nomos* and Greco-Roman “higher law” (*One God, One Law*, 1–66). Martens explores how conceptions of “higher law” were described in ways that rendered
particular *nomos* “superfluous” (*One God, 2*). Martens is careful to note that this result is only occasional
and limited, nevertheless the study includes little discussion of the wider political issues involved, and no
investigation of alternatives to the conclusion that “higher *nomos*” left particular *nomos* “superfluous.”

From my reading, Martens seems to rely too heavily on Stoic frameworks in his understanding of “higher
law” and on the concept of “living” or “animate” law, which results in an emphasis on certain
understandings of living in accord with nature that stress the uselessness of particular law. His conclusion,
then, is that “Philo, though he has adopted the language and the conceptual framework of Greek legal
thought which could potentially undermine the law of Moses, adapts these potentially troubling Greek
concepts of higher law, and by so doing strengthens the place of the law of Moses” (159). But, as I hope to
show, there is more to the Greco-Roman discourse on *nomos*. Rather than rendering particular *nomos*
“superfluous,” it was a much more complex discourse that actually could be used to affirm the *nomoi* of
particular communities. Philo did not just draw on a cultural dialogue that could by its nature “potentially
undermine” the particular Jewish law. Philo and other Diaspora writers were able to say what they did
about the Jewish *nomos* because the wider Greco-Roman discourse provided the grammar or framework to
strengthen particular *nomos*, even while creating conceptions of “higher law” that transcended particular

12 The prevalence of discussions on νῷμος has been noted by New Testament scholars, though less
acknowledged than by classicists and historians. The application of this widespread topic to New
Testament study is minimal in comparison. Major works (or significant sections in major works) written on
the issue of “Paul and the (Mosaic) Law,” surprisingly or not, scarcely mention the topic of νῷμος among
and the Mosaic Law* (Grand Rapids: Eerdmans, 2001; orig. published Tübingen: J.C.B. Mohr, 1996); idem,
*The Theology of Paul the Apostle* (Grand Rapids: Eerdmans, 1998) 128–61; 625–69; A. Andrew Das, *Paul,
Roman writers wrote about *nomos* in writings focused on political or ethical topics, but in a variety of *genres* including poetry, history, hymns, and many speeches or essays.

Secondly, a number of philosophers devoted treatises specifically to the topic of law, commonly titled ΠΕΡΙ ΝΟΜΟΥ (typically translated, “Concerning Law”). Many of these actual treatises are no longer extant, though we have records that they were written.\(^{13}\) Each of the various approaches to discussing *nomos* that will emerge in the following investigation will giving us a sense of the pervasiveness of the topic.

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\(^{13}\) According to Diogenes Laertius in *Lives of Eminent Philosophers*, a number of philosophers wrote treatises titled “Concerning (the) Law” (ΠΕΡΙ ΤΟΥ ΝΟΜΟΥ): Crito (Lives, 2.121); Simon, who took notes of “all that he could remember” from Socrates’ instruction (2.122); Demetrius, the student of Theophrastus (5.80); and Zeno (7.4), to name a few.
The Foundations of Nomos

Our focus is on νόμος understood as denoting a standard for political-ethical life in the emerging and developing Greco-Roman world. Use of νόμος as a political-ethical standard has a long history. In fact, one could argue, nomos is foundational to Hellenistic political and ethical life. Rosalind Thomas writes that “Greeks in the classical period identified the Greek polis with the rule of law and looked askance at imaginary or real communities of non-Greeks who lacked law.”¹⁴ There are three main components understandings of nomos that seem to have been common.¹⁵ What I say here may not have applied to all writers in every instance where they write of νόμος, but these three components do, as we will see throughout this study, significantly shape how it was understood and how writers reflected upon it.

First, in its role in the early political development of the 6th-5th centuries B.C.E., nomos was often seen as the partner of “justice,” even sometimes defining justice.¹⁶ The laws of Solon, for example, were highly regarded laws because they established justice,

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¹⁴ Thomas, “Writing, Law, and Written Law,” 42.

¹⁵ Michael Winger identifies seven components of νόμος on the basis of usage in Paul’s letters, which bear some similarities to what I point out here. His components are: 1) νόμος is verbal; 2) it is a standard for judgment; 3) it is a guide; 4) it controls; 5) it is tied to a particular people; 6) it has a source; 7) people put themselves under it (that is, under its authority) (By What Law? The Meaning of Νόμος in the Letters of Paul (Atlanta: Scholars Press, 1992) 21–49, 197. He moves beyond Paul, if only briefly, to corroborate this multifaceted understanding of nomos with other Greek and Roman writers (89–108).

¹⁶ See e.g. Xenophon, Memorabilia, 4.4.12: “what is just is lawful.” Though, as we will see, Xenophon’s Socrates explains nomos in terms of not only particular nomos but also as divine “unwritten nomos.” Cf. Gottlob Schrenk, “δίκη, δίκαιος, δικαιοσύνη, δικαιόμα, δικαιώμα, δικαίωσις, δικαιοκρισία,” TDNT, 2:178–79, 182–83, 192–93, where the various dik* words all relate closely with νόμος. See also Josiah Ober, “Law and Political Theory,” in The Cambridge Companion to Ancient Greek Law, 394–96; James Luther Adams, “The Law of Nature in Greco-Roman Thought,” JR 25 (1945) 97–99. The close association between νόμος and δικαιοσύνη, δίκη, or δίκαιος has resulted in some confusion about how exactly they are different, and whether “natural law” is the same thing as “natural justice” (See G. Striker, “Origins of the Concept of Natural Law,” 82–89).
creating a way of living that benefited the rich and poor alike. Aristotle defined justice and injustice in relation to *nomos* in a way that held currency among many writers and thinkers who followed. In his *Rhetoric* he writes that “justice (δικαιοσύνη) is a virtue which assigns to each man his due in conformity with the law (καὶ ὁς ὁ νόμος); injustice (ἀδικία) claims what belongs to others, in opposition to the law (οὐχ ὁς ὁ νόμος).”

Second, *nomos* had an authoritative and foundational role in the political community that involved more than defining “justice.” *Nomos* defined the very way of life for a particular community. While prescriptive, the commands or instructions of *nomos* also defined and described life for a political community. In other words, as Martin Ostwald describes it, *nomos* expressed “the ‘way of life,’ ‘mores,’ and ‘customs’ of a people.” Ostwald goes on to note that “although the term ἔθος took on some of these elements, *nomos* never really relinquished them.” Law was an attempt to bring order and definition to a political community. Helmut Koester sums up the point well: “‘Law’ (νόμος)...does not designate just any law or rule one might find somewhere; but “law” also is a realm, the world of human beings and their activities, customs, morality, and deliberate efforts of ordering.” The best thing for all people in the *polis* was to

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18 Aristotle, *Rhetoric*, 1366B.

19 Martin Ostwald, “Was There a Concept ἔγραφος νόμος in Classical Greece?”, 96. See also Michael Winger, *By What Law?*, 93: “The association of a νόμος with a people is thus standard.”

20 Martin Ostwald, “Was There a Concept ἔγραφος νόμος in Classical Greece?”, 96.

follow nomos because the polis and its nomoi upheld one another. To disregard one was to disregard the other. This is illustrated in the account of Socrates in Plato’s Crito. According to Socrates the nomoi create a binding agreement between the citizens of the polis and the polis. Disregarding nomos is equal to treason against the polis and is potentially disastrous for everyone. It would be an act of disowning one’s polis and ancestors—the very way of life of the community of which one was a part and which defined one’s identity.22

A third important component was that people believed that nomos possessed a divine quality. This may be because nomos came directly from a deity or from a lawgiver guided by and given authority from a deity.23 Heraclitus illustrates this relationship writing in the early part of the fifth century B.C.E. that “all human nomoi (οἱ ἄνθρωποι νόμοι) are nourished by one nomos, the divine one (ὑπὸ ἐνὸς τοῦ θείου).”24 But, this is where the potential exists for tension between nomos of the divine realm and nomos of the human realm. As later writers would point out, human nomos may have been associated with some conception of divine nomos, but the two were not the same. As we shall see, difficulties with particular human nomos and changes in

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22 Plato, Crito, 50c–53a. The laws, in an imaginary dialogue with Socrates, state: “he who is a destroyer of the laws might certainly be regarded as a destroyer of young and thoughtless men.” Likewise, for Heraclitus, nomos upheld the existence of the polis and things such as “insolence,” an unlawful vice are more of a threat to the existence of the polis than fire (Diogenes Laertius, Lives, 9.2). The above cited reference in n.8 to the 4th century philosopher Diogenes, quoted by Diogenes Laertius is also important: “it is impossible for society to exist without nomos; for without a city no benefit can be derived from that which is civilized. But the city is civilized, and there is no advantage in nomos without a city; therefore nomos is something civilized” (Diogenes Laertius, Lives, 6.72).


worldview led to a distancing of human or particular nomos from the divine. At the same
time, however, this did not terminate the attempt to continue to relate nomos to the divine.

These three are important components that undergirded nomos: it stood as the
regulating norm for ethical living, defining “justice” in the polis; its significance was
socially and politically bound; it was related to a higher power and authority. These
central components do not really change over time. What changes are the contexts in
which this complex understanding of nomos functioned, and this made all the difference
for how Greek and Roman writers when they wrote about nomos and its importance.

Written Nomos

We begin with the beginnings of ancient Greek life and culture, which historians
commonly define with the founding of the Olympic games and the slow but gradual
development of a “polis-society” as Joseph Bryant puts it. According to Bryant,
important foundational elements of what became Hellenistic culture begin to take shape
during a period he refers to as “Archaic Greece,” the beginnings of which may be
identified with the Olympic games in 776 B.C.E., and the end of which can be identified
with the Persian invasion in 490 B.C.E. During this period we have the earliest
evidence of written law among Greeks from Dreros on the island of Crete around 650
B.C.E. The weight and significance of writtennomos, however, took some time to
develop and it is not until the sixth century and the early fifth century that written nomos

25 Joseph M. Bryant, Moral Codes and Social Structure in Ancient Greece: A Sociology of Greek
26 Bryant, Moral Codes, 41.
really had a large-scale effect on how *nomos* was understood, when what came to mind when one spoke or wrote about *nomos* was the written code of the polis.  

Although the normative form became written, we should be cautious of reducing *nomos* to mere written command. *Nomos* continued to be understood in terms of the policies, manners, and customs which defined and determined the way of life of a particular community. To act “as it is written” was to act according to the particular expectations and manners of a particular people solidified in authoritative writing. The purpose and significance of *nomos* continued to be found in its authority to maintain justice and define good and bad behavior. Putting *nomos* in writing only solidified its fixedness and enforced its authority, a point affirmed by the ancients.

The written form of *nomos* also reinforced its political ties. It is no coincidence that the emergence of written *nomoi* as a significant element of Greek political life occurred at the same time that individual *poleis* were asserting their independence and developing more formal political identities. In such circumstances, putting *nomos* into written form was part of the attempt by political communities to define who they were.

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28 Ibid., 44.

29 According to Rosalind Thomas, the phrase “as it is written” or “in the writing,” or referring to written *nomos* simply as “(what is) written” were relatively familiar in sixth-fifth century Greek writers (“Writing, Law, and Written Law,” 48–50).

30 “By the latter part of the fifth century, written law was increasingly identified as a necessary factor in providing justice for all (in the polis)” (R. Thomas, “Writing, Law, and Written Law,” 42; parenthetical clarification mine).

31 “When the laws are written down, then both the weak and the rich have equal justice” (Euripides, *Suppliants*, 430–34); “written laws are the guardians of justice” (Gorgias, *Palamedes*, 30 in H. Diels and W. Kranz, *Die Fragmente der Vorsokratiker* (Berlin, 1951–52) 82, 11a 30.


33 Ibid., 55–56.
Putting *nomos* into written form was not just an attempt to create a clearly expressed set of rules to be followed, but to put into writing clear markers of expectation for political communities, and to do so in a way that solidified distinction from other communities. It was an attempt to define and solidify an identity and an ethic for a particular community.

Some communities, however, continued without putting their *nomoi* in writing.³⁴ Initially this was not a problem, for it was not for nearly a century that a conceptual distinction between *written nomos* and *unwritten nomos* became clear.³⁵ In other words, written and unwritten *nomoi*, understood as the unwritten customs of a community, existed alongside one another to prescribe the way of life for a particular polis. Putting *nomos* in writing was more of a way to draw attention to the significance of the law and issue a greater level of stability to it.³⁶ During this time, *nomos*—both written and unwritten—existed for a common purpose. It represented that which was constitutive to a particular ethic or way of living for a particular community and that community’s understanding of the good or *telos* for human life and the polis. Martin Ostwald sums up well the job of the lawgiver: “the lawgiver…must not merely issue written commands and prohibitions which can be enforced by the magistrates and the courts, but he must also inculcate a way of life which will make the citizens better men.”³⁷

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³⁴ Ibid., 44–45.

³⁵ By this, I mean that for a short time, written and unwritten *nomoi* referred generally to the same thing, only different in form. The first clear distinction we find is in Sophocles’ *Antigone*, 450f., where Creon’s *nomoi*, the example of which in the story is a verbal decree, are contrasted with the “unwritten laws of the gods.” On this see below.


³⁷ Ostwald, “ἀγροφός νόμος,” 96.
In spite of its significance for the polis, *nomos* as it had been understood did not go unchallenged. During the fifth century B.C.E. significant challenges to social custom and to *nomos* began to rise. While some were taking steps to solidify *nomos* in writing, others were beginning to question the foundations of its authority. At this time, a number of things were happening to disrupt the political and ethical systems that had been established, and it is difficult to isolate all of the issues here.\(^38\) W.K.C. Guthrie has drawn attention to two important issues.\(^39\)

First, some people began to question the role and importance of the gods in human affairs. This happened primarily in conjunction with a shift in how people understood the physical world. While it may be common to associate changes in cosmological perspective to “the dawn of the Hellenistic period,”\(^40\) I suggest that, even if not a unified picture, this new cosmological perspective had been making significant waves before Alexander and the Hellenistic period. W.K.C. Guthrie has pointed out that the cosmological-theological shift and the “new cosmology” that served as part of the foundation of Sophistic criticisms of *nomos* was known to Plato.\(^41\) An image of the earth

\(^{38}\) As W.K.C. Guthrie states, “the causes of the reasoned rejection of tradition which marked the middle of the fifth century were exceedingly complex, and, even if the inflammable mixture can be analyzed, it may remain difficult to see why the spark was applied to it just when it was” (*The Sophists*, 17).


\(^{40}\) Martin, *Hellenistic Religions*, 7.

\(^{41}\) In Plato’s *Republic* 10.616B–617D there is a description of the heavens that depends not on a three-tiered system commonly associated with the ancient world, but rather one that involves planetary revolutions in circular patterns. In this description, which is by no means intended to be a purely scientific or astronomical, we nevertheless discern a certain understanding of the “heavens” that involves more “natural” movement and involvement of intermediary figures (Necessity, Sirens, and the three Fates) than
surrounded by concentric planetary spheres was elaborated on as early as the fourth century B.C.E. by Plato’s student Eudoxus (390-340 B.C.E.). According to Luther Martin, the philosopher Anaximander (611-547 B.C.E.) “suggested that the earth was an unsupported cylinder suspended in the middle of the universe.

These shifts were making waves as early as the Sophists, and the waves were slowly washing away what had been stable: God/the gods were being considered by some as more distant. According to Guthrie, there was a division between those “piously inclined” and the “rationalists.” Physical events or “natural” phenomena were seen as just that—“natural” phenomena—rather than divinely ordained. Direct divine involvement in the sustaining and ongoing operation of the polis could not be assumed.

The second issue point is that interactions between political communities, each with their own nomoi and understanding of the gods and world around them, also had an effect on perceptions of nomos. It was becoming widely recognized that “the customs and standards of behavior which had earlier been accepted as absolute and universal, and of divine institution, were in fact local and relative.” It was not a huge leap to draw the

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42 Martin, Hellenistic Religions, 7.

43 Luther Martin, Hellenistic Religions, 7. See also Wendy Cotter, “Cosmology and the Jesus Miracles,” in Whose Historical Jesus, ed. W.E. Arnal and M. Desjardins (Waterloo: Wilfrid Laurier University Press, 1997) 118–31. Cotter draws attention to how ancients began to describe the kosmos as an “orb within an orb.” The earth was in the center surrounded by an outer orb where the gods dwelled, which was a place of peace away from the disturbances of earthly life (120–21).

44 See also Antonia Tripolitis, Religions of the Hellenistic-Roman Age (Grand Rapids: Eerdmans, 2002) 9–16.

45 Guthrie, The Sophists, 15.

46 Ibid., 16.
conclusion that each community’s expression of nomos was in reality only a particular expression of justice and was more like a localization of that which should be universal. This need not be seen negatively, but the consequences of this were noted by many: nomos was not itself necessarily universal or authoritative.

These words, universal and authoritative, sum up a two-fold problem that emerged from this context. Does nomos prescribe something universal? How does nomos in its particular forms carry any real authority? The problem of universality seems to have centered on the recognition of various other nomoi which all had differences, as well as the growing suspicion that the God/the gods might not be directly behind the laws of the polis as many had assumed. Gisela Striker puts it this way:

laws differ greatly from one society to another. What counts as right and just in one country, may count as wrong and unjust in another. So there can be no universally valid, objective answer to what is just? Justice will be a matter of custom or convention, depending upon the consensus of a community.47

The different nomoi of different communities represented potentially competing ways of living and existing in the world. This was because nomos at its core represented more than just sets of commands to follow or transgress. As we have suggested, nomos prescribed a manner of life. A famous statement by Herodotus, writing at the time of the unsettled fifth century, illustrates the problem well:

For if one were to propose to all humans that out of all nomoi they select the best nomoi, all, after examination, would choose their own—all are so convinced that their own nomoi are by far the best.48

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47 Gisela Striker, “Origins of the Concept of Natural Law,” in Proceedings of the Boston Area Colloquium in Ancient Philosophy, vol. 2, ed. J. Cleary (New York: University Press of America, 1987), 82. In this paraphrase Striker is drawing on Plato, Theaetetus, 172B and Laws, 889E. Striker emphasizes that the problem was one of “objectivity” (82). I see the problem of objectivity as a key component, but it seems that the problem of universal applicability was the real issue for the ancients.

48 Herodotus, Histories, 3.38.
Herodotus illustrates what was becoming a common truth: *nomos* was not truly universal. It stood for what was particular and conventional, identified with this community or that. Because of cosmological, theological, political, and social changes, *nomos* was no longer seen as establishing justice or common life for all humanity, but rather was often seen as limited to describing competing systems of living.

Herodotus’ statement also draws attention to the other problem: authority. The universality of *nomos* was limited and thus it was becoming clearer that the authority of *nomos* was also limited to the particular community who recognized its authority. A divine source could not be assumed as it had been. Plato, in spite of his preference for written or particular *nomos*, makes it clear that *nomos* can be deficient when he explains that there is a “divine *nomos*” (θεῖος νόμος) which stands behind the particular, written *nomos* and asserts that God is “the measure of all things.” Ultimately, according to Plato good *nomoi* are those “like” (ὁμοίοις) God (and God’s *nomos*), and justice judges or rewards those, including lawgivers, who either follow or do not follow the divine *nomos*.49 While Plato’s point is to establish a basis for good *nomoi*, the implication is that *nomos*—particular and written—can be deficient and thereby lack authority. If the *nomos* which had defined justice and life for a particular community was human, representing human convention, and not inherently universal or divine, from where did it have any authority to define justice and virtue? Guthrie writes, “A code of laws drawn up by a human lawgiver whose name was known…could not be accepted in the old way as part of the everlasting order of things.”50

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49 Plato, *Laws*, 716–718B.

In relation to this two-fold problem of universality and authority, many observed that *nomos* inconsistently or infrequently brought about justice.\(^1\) It became a common criticism that the various *nomoi* fed the concerns of the human authorities and powers. For most of the ancient Greeks, this was related to the problem of authority; *nomoi* written up by human lawgivers, naturally would result in a manner of living that fell short of a higher standard and would not produce “justice.” Other related criticisms leveled against particular *nomos* included: the human authority behind particular *nomos* meant that it enslaved people to human convention\(^2\), and it divided people.\(^3\)

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\(^1\) The Cynic Heraclitus chastised the Ephesians, saying that the *nomoi*, “the things most seeming to be symbols of justice” (τὰ μάλιστα δοκῶντα δικαιοσύνης ἔλναι σύμβολα) are “signs of injustice” (ἀδίκιας τεκμήριον) (*The Cynic Epistles*, 206). In his treatise “Concerning Virtue” (*ΠΕΡΙ ΑΡΕΤΗΣ*), the first-century writer Dio Chrysostom acknowledges that without *nomos* and justice, men are no different than wild beasts—savage and evil. He uses the Scythians as an example, who he calls nomads, a people without law and justice (ἀνεῦ νόμου καὶ δικαίου) (6). Inferior judges and *nomoi* (δικασταὶ καὶ νόμοι) results in this people who are in poor condition morally and ethically: they are full of factions (στάσεις), injustice (ἀδίκια), arrogance (ὑπερεξία), and impiety (ἀσέβεια) (6). These people do not know that they are in such condition, but think they are just fine because “they consider that the (written) *nomoi* are sufficient for them” (νομίζουσι τοὺς νόμους αὐτοὺς ἰκανοὺς εἶναι πρὸς τούτο τοὺς γεγραμμένους) for the purpose of living justly and virtuously. In other words, they have mistakenly held to the authority of *nomos* without recognizing its human downfalls.

\(^2\) According to Callicles, who was not a Sophist, living according to *physis* is the ethical goal of humanity. The animal world demonstrates that what is “natural” for humans is for the stronger to rule over the weaker. In relation to this the *nomoi* of the polis are an attempt by the majority—the “weak”—to tame the natural impulses of the stronger few (*Gorgias*, 483b). This attempt to deprave one’s desires is contrary to nature (491E–492A; 494C), and to impose *nomos* upon one’s life would be the equivalent of becoming a slave (492B). He says that those under the *nomoi* are hampered by chains, imprisoned, and enslaved (493b). In contrast, those who act in service of their true human nature are free. Dio Chrysostom criticizes written, human-made *nomoi* in his discourse “Concerning Freedom” (*ΠΕΡΙ ΕΛΕΥΘΕΡΙΑΣ*). True freedom is not gauged by following human *nomoi*, but it is living in accord with higher things. He speaks of living in obedience with written *nomoi* in terms of slavery (7). The freedom of which Dio writes is that of the philosopher, who is free to do as he pleases, and free to keep the *nomos* of Zeus, rather than being bound to finite, human written norms.

\(^3\) Epictetus, in a remark critical of slavery, states that the deed of slavery is something that pertains to “these wretched *nomoi* of ours, the *nomoi* of the dead.” Those who endorse slavery “are not looking to the *nomoi* of the gods” (τοὺς τάλαπωρός τουτοὺς νόμους τοὺς τῶν νεκρῶν, ἐὰν δὲ τοὺς τῶν θεῶν οὐ βλέπεις) (*Diss.*, 1.13.5). The basis of his judgment is that all people, by virtue of reason, are kin, brothers by nature. The practice of slavery is one based on life lived according to the human rather than the divine *nomos*, and this results in a division of humanity into such categories as slave and free.
It is traditionally pointed out that the Sophists stood behind these initial challenges and questions posed to *nomos*.\(^5^4\) The Sophists, within the context of ancient Athens, called attention to these various problems with *nomos* and claimed that “nature” (*physis*; \(\phi\upsilon\sigma\iota\varsigma\)) rather than *nomos* was the only true norm for life because it was universal—applicable to everyone, everywhere.\(^5^5\) “Nature” also held greater authority, and thus was the one true standard for human life. But the Sophists were not the only ones raising questions about *nomos*.

**Excursus: Physis (\(\phi\upsilon\sigma\iota\varsigma\))**

The concept of “nature” has the potential to be misunderstood. It would be a misunderstanding, for example, to think that the Sophists and later Stoic writers such as Cicero were both saying the same thing when they asserted that nature is the universal standard for human life. To be sure, the meaning of *physis* is very complex, and there is no singular definition or understanding of *physis*, even among Stoics. While we cannot go into all of the complexities of *physis* here, we can say a few things about it for this study. First, its meaning, like that of any word, was not static. It evolved and was adapted to chronological and contextual change. While it could have different referents, it seems to have denoted generally 1) the origin of something, and 2) the constitution of something.\(^5^6\) Something’s origin affects how its constitution is understood, which in turn


\(^5^5\) The one exception to this is the Sophist Protagoras, for whom “nature,” while the common denominator of humanity, was not a desirable state of existence. I discuss Protagoras more fully below.

\(^5^6\) “\(\phi\upsilon\sigma\iota\varsigma\),” in *A Greek-English Lexicon*, 9th ed. With supplement, ed. Henry Liddell, Robert Scott, and H.S. Jones (Oxford: Oxford University Press, 1996) 1964–1965; H. Koester, “\(\phi\upsilon\sigma\iota\varsigma\), \(\phi\upsilon\sigma\iota\kappa\omicron\varsigma\),
affects what is expected as “natural” for said thing. Perhaps we can say that *physis* connoted what should be normative, which is derived from a particular understanding of origin and constitution. This is not to say that there is a “basic meaning” of *physis*. It is to say, however, that however *physis* was used, the origin or constitution of a particular entity was in view. The specific usage, however, wherein the meaning of the word is determined, could and often did differ from one writer to another with regard to how “normative” was explained in relation to that to which *physis* referred.

This leads to the second point: to understand what *physis* denoted, one must be clear about the object of *physis*. In other words, we must ask “the *physis* of what?” *Physis* did not pertain only to the abstract; ancient writers are concerned to speak of the *physis* of something in particular. This is where the understanding of *physis* can get quite complex. It was first put forth as a contrast to *nomos*, which was seen as an external standard for ethical living that was created by human minds and served the interests of a limited group. *Physis* in this context, then, stood for an ethical standard unrestrained by such conventions. The Sophists, the main proponents of this, drew on a particular view of human *physis* based on what they observed about what was “natural.” They understood

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57 “φύσις is everything which by its origin or by observation of its constitution seems to be a given. To call it “given” is already to go beyond the sphere of naive description and implies a judgment on its actual constitution or true nature” (Koester, “φύσις, φυσικός, φυσικῶς,” *TDNT*, 9:254). As this explanation of *physis* suggests, there is a degree of overlap between what is connoted by to *physis* and *nomos*.


*physis* in both a constitutional and an ethical sense. The Sophists determined that humans were not made to be restrained by convention or social concerns because social convention, *nomos*, was not *physikos*, or “natural”; it often opposed what the visible world makes clear. Thus, humans should not be concerned with others’ needs or the social structures of the polis, but rather with their own self-preservation. Ethical living was understood as an outgrowth of this. For some this meant that following *physis* was living life unharmed and unhindered. It could involve the good of the polis, but did not need to. For others, following *physis* was something like a pre-Darwinian rule: the strong survive. This way of living was based on the way that the universe operates, and so was *physikos*—“natural”—for life. For still others following pure *physis* understood in this way was negative—the equivalent of chaos. To live according to *physis*, that is, according to “natural” human desires, was not to be desired. Instead, the goal of human life was to live in harmony with one another—contrary to the inclinations of *physis*,

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59 I do not mean “constitutional” in the legal or political sense, but in the sense of the constitution or inherent make-up of something, in this case the human person.

60 As an example, the Sophist Antiphon found that *nomos* had severe inadequacies relative to the individual good. Because the laws exist as part of a social pact, keeping them in the presence of others maintains social stability — he even identifies this as “justice” which he understood as “not breaking the laws of the people.” When others were not present, however, priority went to nature — looking out for one’s self. *Physis* for Antiphon denoted the nature of the individual. Antiphon made a distinction between the individual and the community, stressing that *physis* related to the individual’s pursuit of justice, which was elevated above the polis (see Guthrie, *The Sophists*, 107–113).

61 The Sophist Callicles goes further than Antiphon in understanding *physis* in terms of the good of the individual. In Plato’s *Georgias* he opposes *nomos* to *physis* and accuses Socrates of wrongly assimilating the two (483A). According to Callicles, as the animal world demonstrates, what is “natural” for humans is for the stronger to rule over the weaker (from whom we get the common phrase “might is right”). The *nomoi* of the polis are an attempt by the majority—the “weak”—to tame the natural impulses of the stronger few (483B). Therefore, laws actually work in opposition to human *physis*, not only on the level of the individual, but at the level of the polis as well. To argue for ‘justice’ in the sense of not taking advantage of one’s neighbors is contrary to nature. Those who posited that justice has to do with concern for the well-being of others and the ordered function of the polis had not correctly understood “justice.” To deprave them ones desires would be contrary to nature (491E–492A; 494C). To impose *nomos* upon one’s life would be the equivalent of becoming a slave (492B).
which was seen in a more negative light because humans were inclined toward savagery.\textsuperscript{62}

Shortly after the Sophists, Aristotle articulated his understanding of \textit{physis} as the end product or the \textit{telos} of the development of something.\textsuperscript{63} For Aristotle \textit{physis} was both ethical and political. Individual humans achieved their “natural” purpose by fully applying and integrating themselves into the full functioning and good of the \textit{polis}.\textsuperscript{64} As Stoics later took up the concept and used it, they applied it not to the polis, but to the entire \textit{kosmos}. We will address this in more detail later. But, generally speaking, according to most Stoics to live according to \textit{physis} was understood as aligning one’s life with one’s human \textit{physis} understood in terms of rationality and submission of passions (ethical); it was also aligning one’s life with the \textit{physis} of the entire \textit{kosmos} and its overall good (political). This was something quite different than the Sophists’ understanding.

The important points we want to keep in mind about \textit{physis} for now are: 1) \textit{physis} was initially understood as a contrast to \textit{nomos}; 2) it was \textit{not limited} to “nature” in the

\textsuperscript{62} In Plato’s \textit{Protagoras}, the Sophist Protagoras argues that virtue—excellence within the polis—can be taught. To make his point Protagoras tells a “myth” (\textit{μυθος}). According to the myth, humans originally existed without the moral attributes necessary to function together in a society. They were in essence no different than the animals. In response to the human need, Hermes at the behest of Zeus gave to humanity two characteristics: justice (\textit{δικη}) and respect for others (\textit{ἀληθέω}) (322c). The reasons for the myth are two: first, Protagoras wants to claim that virtue is intimately related to social living; the goal of human life is a social one realized within the polis. Second, he wants to claim that humans need to be taught this virtue since it is not “by nature” (322c-324a). That is, human \textit{physis} is an animal state, and they must rise out of this primitive state. Protagoras goes on to say that the laws (\textit{nomoi}) of the polis serve to instruct those within the polis toward this virtue.

\textsuperscript{63} Aristotle, \textit{Politics}, 1252B: “every city-state exists by nature, inasmuch as the first partnerships so exist; for the city-state is the end of the other partnerships, and nature is an end, since that which each thing is when its growth is completed we speak of as being the nature of each thing, for instance of a man, a horse, a household. Again, the object for which a thing exists, its end, is its chief good.”

\textsuperscript{64} See Aristotle, \textit{Politics}, 1253A–B. For Aristotle, the \textit{polis} is “by nature” (\textit{φύσει}) and “man is by nature a political animal” (\textit{ἄνθρωπος φύσει πολιτικὸν ζῷον}).
sense of the natural workings of the universe; 3) it was related to ethical living when used in the context of discourse about *nomos*; 4) it represented something transcendent of the traditional social and political limitations imposed by *nomos* and could be used in conjunction with the divine; 5) importantly, it denoted not just the standard opposite the (written) *nomos* of the polis that regulated and determined ethical and political life, but also the desired goal or purpose of human life.

The Challenge to *Nomos*: Beyond the Sophists

It appears that the Sophistic criticisms of *nomos*, for various reasons, left the greatest impact. But criticisms of *nomos* came also from other sectors. In Sophocles’ *Antigone* we find a criticism of *nomos* that is not based on a contrast with φύσις. When Creon accused Antigone of breaking his *nomos* against honoring traitors, she responds:

> Yes, for it was not Zeus who proclaimed that edict to me, Nor did Justice who dwells with the gods below lay down such *nomoi* (νομοῦς) for humanity; And I did not suppose that your decrees had such power that you, a mortal Could outrun the gods’ unwritten and unfailing rules (ἀγράπτα κασφαλήθεων νομίμων).

In this passage the contrast is not with “nature” but with Zeus and “justice” (δίκη), which at that time was not just a virtue but a personified, even divine, being.\(^\text{66}\) The main point in the passage is that human laws are inferior in relation to those of the gods, which are “unwritten.” While we cannot say exactly how Sophocles’ criticism related historically to the Sophists’, we can say that Sophocles gives evidence that at an early stage things were

\(^{65}\) In 449 Creon refers to his edict as “laws” (νόμους).

more complex than just a contrast between *nomos* and *physis* (“law” and “nature”). Helmut Koester correctly assesses the complexity of the issue when he writes that what ensued from the Sophists’ challenge (and the challenges of the fifth century) was not a conflict “of particular laws and a “law of nature,” but rather…conflicts between the law of the polis and the law of the gods or between written and unwritten law.” While Koester’s point is correct, his phrasing could be clarified. The contrast is not just between written and unwritten law, but between *particular* and *transcendent nomos*. The laws of the *polis*, as we have seen, could be both written and unwritten. The problem concerned not just the form of *nomos*, but how *nomos* was regarded.

What the Sophists and Sophocles reflect is an ongoing discussion that began in the fifth century continued through the next several centuries. It was an ongoing discussion in which philosophers and other Greco-Roman writers attempted to establish an understanding of *νόμος* that was meaningful for ethical and political life, while navigating the issues with *nomos* that were brought to the surface. In particular, the discussion was one of attempting to articulate an understanding of *nomos* that was not hampered by the problems of authority and universality. It was a discussion that tried to strike a balance between particular *nomos* and a standard that transcended particular *nomos*. As this discussion spanned many centuries, it was accordingly shaped by changing circumstances.

The Larger Socio-Cultural and Political Context: The Development from *Polis* to *Kosmos*

Over the course of these next centuries, the social, political, and religious contexts of the ancient Mediterranean world would experience significant change. According to a

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67 “Natural Law (Νόμος Φύσεως) in Greek Thought,” 127.
number of scholars these changes occurred in association with Alexander the Great and his mission.\textsuperscript{68} John White itemizes that these changes were: 1) the move away from “autonomous city-states” toward a universal world kingdom as a result of Alexander the Great’s conquests; 2) a cosmological revolution which brought in a “new cosmology” which contributed to 3) the distancing of the gods.\textsuperscript{69} We have seen above that two of these changes—the shift in cosmological understanding and its effects on how people understood the gods—had been in process before Alexander the Great and the rise of the Hellenistic era. To be sure, the cosmological shift and distancing of the gods did not pervade all people everywhere. But as Wendy Cotter argues, explaining and understanding divine involvement in the world and in human affairs was a far more complex endeavor than it had been.\textsuperscript{70} A wanting for divine involvement continued, and it is likely that a need for divine involvement within this new cosmological-theological perspective had an effect on how Alexander and later Hellenistic rulers understood their role, replacing the direct rule of the gods with the rule of divinely inspired rulers.\textsuperscript{71} The world was no longer subject to direct divine rule, but a divine rule mediated by (semi-divine) human rulers.\textsuperscript{72} Changes in cosmological-theological outlook may have had their


\textsuperscript{69} John White, \textit{The Apostle of God}, 94–95.

\textsuperscript{70} Cotter, “Cosmology,” 122.

\textsuperscript{71} According to Antonia Tripolitis, the questioning of the traditional view of the gods contributed to a need for a more “personal” representation of the divine, which led to an attempt to “replace the traditional city-gods in whom the populace had lost confidence” (\textit{Religions of the Hellenistic-Roman Age}, 15).

\textsuperscript{72} White, \textit{Apostle of God}, 95. The information we have of Hellenistic (Pythagorean) kingship theories also suggests that the king and the concept of the king as “living” or “animate” law (νόμος
origin prior to the Hellenistic era, but their influence was still felt, and perhaps the effects were felt on a larger scale.

The more significant change in the Hellenistic era was that the stage upon which people understood their existence expanded from the polis to the kosmos. During 6th–4th centuries B.C.E., the polis was the shaping context even though some of the theoretical and philosophical structures that supported it were questioned. In the Hellenistic period, by contrast, the importance of the polis itself as the main social, political, and ethical institution was relativized. Bruno Blumenfeld writes, “while the poleis declined in importance externally and deteriorated internally, the ideal of the polis remained undiminished.”73 That is, although the polis remained an important means to identify social community, it no longer held the significance and even authority it once did.74 Alexander the Great’s conquests and his push for a universal kingdom played a role in the change in the significance of the polis.75 According to Luther Martin,

(t)he goal of this young student of Aristotle was to transform the diverse local peoples (of the Mediterranean basin)...into a universal empire, unified by Greek language and culture. His empire irreversibly altered the sociopolitical world of the Greeks by replacing the local world of the polis, the Hellenic model of the

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independent, democratic city-state, with an internationalizing vision of the entire world as a polis.\textsuperscript{76}

Alexander’s dream of political unity may not have been fully achieved, if by that we mean the idea of one unified kingdom. His kingdom was quickly divided, nearly the day after his death.\textsuperscript{77} Nevertheless, something of his dream was achieved. The world became a Greek world, at least culturally, socially, and in some ways ideologically. Politically speaking, the once autonomous polis became one among many which all had to reckon with and find their place under a larger power and authority and within a larger world community.\textsuperscript{78}

It has been argued that this change in the significance of the polis resulted in a lack of confidence with regard to traditional religion and even morality, which “drove men inward on themselves.”\textsuperscript{79} Peter Green writes that the disruption of the political stability and breaking of “old certainties, the subversion of traditional patterns and values, in particular those associated with the world of the polis” “compelled men to seek self-sufficiency.”\textsuperscript{80} This may be a valid interpretation of the events of the 4\textsuperscript{th} century B.C.E., but there is another side. These changes did not just lead to a situation of “everyone for


\textsuperscript{77} Cf. Martin, \textit{Hellenistic Religions}, 4–6.

\textsuperscript{78} Blumenfeld, \textit{The Political Paul}, 16; Adams, “The Law of Nature,” 109. In relation to this, it is common in scholarship to assert that along with a widening of the world outside, a sense of security deteriorated as well (so Everett Ferguson, \textit{Backgrounds}, 325). Graham Shipley counters this view noting that the sense of security was never really that strong (\textit{The Greek World After Alexander: 323–30 BC} (New York: Routledge, 2000).

\textsuperscript{79} Peter Green, \textit{Alexander to Actium: The Historical Evolution of the Hellenistic Age} (Berkeley: University of California Press, 1990) 53.

\textsuperscript{80} Green, \textit{Alexander}, 53.
themselves” or of people scrambling to make sense of place in a vast and unstable world. They also moved some to find their significance as part of something bigger than the particular polis.

As we have seen, the Sophists questioned *nomos* and promoted life in accordance with *physis*. But they never really promoted the idea of a universal *kosmopolis*. This did not happen until the gradual shift away from the centrality of the polis in the wake of Alexander. According to Plutarch, Alexander hoped that Greeks would “consider as their fatherland the whole inhabited earth” and that foreigners would not be those who are not Greeks, but those who are “wicked” (τοὺς πονηρούς). According to this dream humanity as a whole should not distinguish between Grecian and foreigner by Grecian cloak and targe, or scimitar and jacket; but the distinguishing mark of the Grecian should be seen in virtue, and that of the foreigner in iniquity; clothing and food, marriage and manner of life they should regard as common to all, being blended into one by ties of blood and children.

There are a few elements of this passage worth pointing out. First, it shows a view according to which the traditional identity markers that correspond with political and social distinctiveness (“Grecian cloak and targe”) are *not* dismissed, but are no longer seen as defining markers. Rather, the focus is on a manner of life common to all people that somehow transcended traditional distinctions. Second, this perspective envisages a political community, as the language of “foreigner” suggests. This political community was envisioned as one which united humanity, in contrast to the many *poleis* which

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existed. Third, the passage envisions one common manner of life—a common *nomos*—for this community.

Plutarch goes on to state that Alexander the Great “desired to render all upon earth subject to one law of reason and one form of government and to reveal all men as one people.”\(^8^3\) Plutarch’s report has its problems, especially that he seems to place Alexander after Zeno, which is not possible since Alexander died at least two decades before Zeno began to teach as a philosopher.\(^8^4\) Nevertheless, the passage gives us an important link that contributes to the move from a view of life that was *polis*-oriented to one that was *kosmos*-oriented. Karl Galinsky draws attention to the related phenomenon of the “*oikumenē*” (*ôikoumènē*):

*Oikumenē* literally means “the inhabited world.” The concept had been enunciated before Alexander but took on new meaning in the wake of his conquests. They were a watershed: the windows of the Greek world were opened up as never before, and there was no turning back to previous horizons. *Oikumenē* came to denote not only the changed geography, which included the Middle East and parts of Asia, but also its social, political, and ethnic dimensions. A cosmopolitan variety of peoples and cultures lived under the aegis of a ruling power. Even though that power was fragmented soon after Alexander’s death into three major Hellenistic successor states, the cultural and physical reality of the *oikumenē* persisted.\(^8^5\)

Plutarch’s statements are significant in that they illustrate the political, ethical, and ethnic shifts that, whether or not they fully became a reality, were part of the mission of the Hellenized world and became the dominant lens through which the world was viewed.

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\(^8^3\) Plutarch, *On the Fortune of Alexander*, 330D.

\(^8^4\) According to traditional dating, Alexander died in 323 B.C.E. Zeno lived from 334 B.C.E.–262 B.C.E. and did not officially began to teach until around 301 B.C.E.

The challenges and possibilities opened up by Hellenization contributed to a concern to find unity and human significance on new level—not just turning “inward” for meaning and significance. We see the first real seeds of this with the Cynic Diogenes of Sinope. Eschewing tradition (nomos) and the idea of being identified with a particular polis (and its particular ways of identification), he proclaimed “I am a citizen of the world” (κοσμοπολίτης). This idea was taken up by a onetime follower of early Cynicism and founder of the Stoic school, Zeno of Citium (334–262 B.C.E.). According to Plutarch’s account of Zeno’s Republic, Zeno proposed a dream that all inhabitants of this world of ours should not live differentiated by their respective rules of justice into separate cities and communities, but that we should consider all people to be of one community and one polity, and that we should have a common life and an order common to us all, even as a herd that feeds together and shares the pasturage of a common field.

Zeno desired that all traditional elements of the polis—those things which set one polis in contrast with another—should be abolished. We should not think that this was out of a desire for some form of anarchy, but rather out of a desire to move past the constraints of the polis. According to Katja Vogt’s treatment of the passage, Zeno’s concern is not that people abandon their particular poleis or that they seek some form of lawless existence,

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86 Diogenes Laertius, Lives, 6.63.

87 Plutarch, On the Fortune of Alexander, 6.1. How reliably we can attribute Plutarch’s account to Zeno has been questioned by scholars (Cf. Katja Maria Vogt, Law, Reason, and the Cosmic City: Political Philosophy in the Early Stoa [Oxford: Oxford University Press, 2008] 86–90). The elements that fall under question concern the way in which Plutarch seems to assimilate all humanity into this ideal community. It is argued that Zeno never had in mind all humanity, but more narrowly the community of the sages (so Joseph Bryant, Moral Codes and Social Structure in Ancient Greece: A Sociology of Greek Ethics from Homer to the Epicureans and Stoics [Albany: State University of New York Press, 1996] 439–43). It seems, at the least, that Plutarch’s record comes from received tradition or even a record of Zeno’s statement that had undergone some alteration over the course of time. I am in agreement with Vogt that it is unlikely that Plutarch would have so misrepresented Zeno that nothing can be attributed back to him.

88 Green, Alexander, 63–64.
but that people should “not consider (themselves) to be citizens of these cities.”\textsuperscript{89} According to Vogt, Zeno is not claiming that all people are \textit{in fact} citizens of a common city, but that “actual cities and peoples should not be our point of reference in how we see ourselves and others” and that people should “relate to everyone as we do to those who belong to the same city and people.”\textsuperscript{90} One of the important elements of the passage concerns the different notions of “rules of justice” and that all people have a “common order.” It is with particular regard to this matter of ethical living that Zeno wants people to have common life. In other words, Zeno seems to be promoting an understanding of political existence that centers on a certain understanding of ethical living. The decline of the ideal of the \textit{polis} opened up to new ways of imagining human political and ethical life on a more universal scale.

This sort of idea of a universal world \textit{polis} informed Roman-era writers as well. On the one hand, this idea of the known world as one great community continued in philosophical and political writers. For example Cicero comments in his \textit{Laws} 1.23 that the great achievement of the “mind” is to realize that it “is a citizen of the whole universe, as it were of a single city.” On the other hand, the rise of the Roman republic, and later the Roman empire, was one of fusing many cultures into one.\textsuperscript{91} There is no questioning the fact that the Roman empire which emerged after Augustus had subjected all of the Mediterranean world—the \textit{oikumenē} of the time—under its authority as one massive,

\textsuperscript{89} Vogt, \textit{Law, Reason, and the Cosmic City}, 88.

\textsuperscript{90} Ibid., 99.

even if diverse, *polis*, united politically, economically, and culturally, and socially.\textsuperscript{92} The idea became a reality.

Let us sum up the situation. During the 6\textsuperscript{th}–4\textsuperscript{th} centuries B.C.E. political life was articulated in terms of the polis and situating the individual within the good of the polis. As the transition into the Hellenistic period there developed (not overnight), there also developed a tendency to place the individual and her community as well as ethics on a larger stage. The ideal was not *just* to be a just citizen of one’s particular community, but to think in terms of one worldwide *polis*, a perspective which informed also the understandings of Roman-era writers and even the mission of the Roman empire. The starting point for how ethical living was understood became the entire inhabited world, not the particular polis or ethnic community.\textsuperscript{93} The marks of this community to which all people belonged, in theory at least, were not defined by being Athenian, Spartan, Greek, Egyptian, or Jew, but *good* and *evil* or *just* and *unjust*. The entry point for how differences were understood focused less on *ethnic* and more on *ethical*. To be sure, ethnic distinctions did not entirely dissolve. Even in the midst of this there existed tensions, as ethnic identities and concerns related to particular political or social ways of living could not be completely dismissed. As Günther Bornkamm points out, “the ancient power of the political understanding of existence, though freed from its concrete political associations, is never quite extinguished by a view of the world and God dominated by


\textsuperscript{93} Peter Garnsey, “Introduction: The Hellenistic and Roman Periods,” in 403. As Everett Ferguson writes: “the philosophies originating after Alexander’s time, in a more universal setting, concentrated on the individual and his or her place in the cosmos” (*Backgrounds*, 325).
the ideas of individualism and cosmopolitanism. In other words, these changes in perspective did not result in some universalistic utopia. This one world city idea still involved defining people in terms of citizenship and other modes of identity marking. For Alexander according to Plutarch’s account, the virtuous community was still defined according to Greek conceptions of virtue and a citizen of this universal polis lived according to Greek ideals. For some Roman writers the epitome was Roman life, which may have looked very Greek, but was nevertheless defined on Roman terms under the Roman rule. We will address these issues more in the next chapter. At this point it is important to recognize that the ideal of one universal polis became the dominant lens through which political and ethical living was understood.

When we relate these changes to the discussion of nomos, it becomes clear that understandings of nomos would have to adapt to these changes. As it was with the ancient religions which experienced some change as they became “aspects of a common Hellenistic religious system rather than expressions of historically discrete traditions,” how people understood nomos also experienced change. But as Luther Martin expresses, and as we will see, it is far too simplistic to think that changes in thought with regard to nomos were merely “responses…to the cultural situation.” In some ways changes in how the significance of nomos was understood were indeed responses to the surrounding environment; but in other ways it is difficult to pry the changes in thought about nomos apart from the surrounding political and social changes. They often happened

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95 Martin, Hellensitic Religions, 10.
96 Ibid., 10.
simultaneously and were equally parts of one grand symphony of ongoing change in the ancient world. It was part of the constant struggle between the local or particular and the universal. To confine the positive value of *nomos* to the polis simply would not do if it were to continue to have any significance in defining ethical and political life. As a result, concepts of a universal *nomos* developed quickly and diversely. The ability of *nomos* to transcend the particularity and relativity attached to it was necessary for its survival, both if it were to continue to have *any* significance or value, and if the *nomoi* of particular communities were to have any real meaning and not become useless or arbitrary.

A Transcendent *Nomos*

Concurrent to and developing from the problems surrounding particular *nomos* and the changes in the socio-political landscape, ancient writers devised alternative ways of thinking about *nomos*. These alternatives to particular or written *nomos* trace a parallel path in terms of thinking about something that could be universal and unite humanity under something common. These alternative conceptions of *nomos* took various forms and are known to us by more than one expression. The main commonality among these expressions was in the way they tried to define *nomos* in a way that addressed the issues of universality and authority that caused many to question particular *nomos*. But these were not just attempts to articulate a universally authoritative standard or to overcome the problems with particular *nomos*. The expressions of transcendent *nomos* point to a collective concern and effort to maintain the rule of *nomos* and to bring a sense of the transcendent into personal interaction with human life.

In his monograph *One God, One Law*, John Martens identifies three types of “higher law” that emerged in antiquity: “unwritten law” (*ἄγραφος νόμος*), “law of
nature” (νόμος φύσεως), and the Pythagorean ideal of “living law” (νόμος ἔμψυχος).97

In addition, there existed the concept of “universal law” (κοινός νόμος).98 According to John Martens, the result of this was that the various types of “higher law” rendered particular law “superfluous.”99

In what follows we will write of “transcendent” nomos rather than “higher law.” The difference is in part mostly one of preference. But there is another reason. In using the word “transcendent” I wish to draw attention to the way that these conceptions of nomos attempted to transcend the limitations identified with particular nomos with regard to universality and authority. I also want to state in an anticipatory way that we will find that while Martens’ point about rendering particular nomos “superfluous” may be true in some cases, the relationship between particular nomos and transcendent nomos is more complex. We will see that conceptions of transcendent nomos, understood on a broader canvas, became drawn into a larger discourse whereby they actually provided stepping stones for writers to assert universality and authority to particular nomos. In addition, articulations of transcendent nomos allow us to see how Greek and Roman writers continued to find a place for nomos as a concept and what shape nomos would have to take if it were to remain meaningful. Our overall goal in this section is to highlight the ways in which these expressions universalized the concept of nomos which by its very


98 Martens addresses κοινός νόμος, but too briefly (One God, 18–19). This is an improvement, according to Martens, from some previous treatments (One God, 18 n.24). See also Katja Maria Vogt, Law, Reason, and the Cosmic City, 213–16. Vogt identifies the concept with Stoics, but as a concept separate from “law of nature.” I will address the distinction a bit more below.

99 Martens, One God, 1–2; 65–66.
nature had denoted that which was particular and local.\footnote{A good deal of what follows owes to John Martens’ work (One God, One Law), and his discussions of these types of higher law are both informative and helpful for setting the context for Diaspora Judaism. Yet his purposes are different than ours here. Specifically his discussion does not dwell on the larger social-political contexts of nomos as we have touched on and will also below. While the following discussion will build on Martens’ work, but will also go in a different direction in what is emphasized and focused on.} In what follows I focus on how conceptions of transcendent nomos overcome the problems voiced against particular nomos as it had been understood in the ancient world. To what do writers appeal in order for these understandings of nomos to overcome the limits of particular nomos? What language or frameworks are used? How is the transcendent nomos described? Our goal here is not to give comprehensive explanations of all the facets of these conceptions of transcendent nomos, but rather to focus on important examples that illustrate patterns and distinctive elements of the various types of transcendent nomos.

**Unwritten Law (ἀγραφός νόμος)**

The idea of “unwritten law” (ἀγραφός νόμος) seems to have been one of the earliest attempts to communicate a conception of nomos that transcended social and political limitations. Evidence suggests that it emerged around the same time as the challenges to νόμος in the 5th century.\footnote{The still unsurpassed treatment of the concept remains Rudolf Hörzel’s Agraphos Nomos (New York: Arno Press, 1979) 1–100. This version is a reprint of the original AGRAFOS NOMOS (Leipzig: B.G. Teubner, 1900).} The idea continued to find use well into the first century C.E. Over this span of time, there is no strong evidence to suggest that one singular and defined concept ἀγραφός νόμος ever existed. This is especially true in the early stages of its development.\footnote{V. Ehrenberg, Sophocles and Pericles (Oxford: Basil Blackwell, 1954) 46–47; Martin Ostwald, “Was there a Concept ἀγραφός νόμος in Classical Greece,” in Exegesis and Argument: Studies in Greek} It could be understood variously as ancestral custom,
unwritten ordinance, or a transcendent norm. If there is one aspect that unifies the various uses of the phrase it is that its primary significance is as a contrast to written nomos. Given this point, there still could be variety in how writers would describe its relationship to written nomos. The contrast could be one of opposition (as in the passage from Sophocles below), supplementary, secondary, or transcendent to particular nomos. While one should not assume that ἀγραφὸς νόμος by default refers to transcendent nomos wherever it is found, our focus in this section will be to understand how writers used the concept or language to express a nomos that transcends particular or written nomos. How do writers use the phrase in a way that exposes or overcomes problems with written or particular nomos? It will become clear that the various ways of expressing the contrast are not all that distinct from one another.

Pre-Hellenistic References

The first clear mention of the concept as referring to a nomos that transcends particular nomos is found in a passage from Sophocles’ Antigone which we’ve already

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103 Hirzel, Agraphos Nomos, 14–36; Martens, One God, 3–12.


105 Aristotle, Politics, 6.1319B; Rhetoric, 1373B.

106 In Andocides’ On the Mysteries, the concept is of a lesser status than written law, which as we have seen, took on more importance by virtue of being set in writing during the 5th century B.C.E. (Andocides, On the Mysteries, 1.86).

107 Aristotle, Rhetoric, 1368B. In a short span of time Aristotle can use the phrase in nearly contrasting senses. This illustrates the fluidity of the concept at this time. Its meaning and significance were largely based on the context of its usage.
encountered. One of the central themes of the play is that “divine law is superior to human law.” Antigone’s famous statement comes in response to Creon’s accusation that Antigone broke his nomos against honoring traitors. I cite the passage again here for convenience:

Yes, for it was not Zeus who proclaimed that edict to me, Nor did Justice who dwells with the gods below lay down such nomoi (νόμους) for humanity; And I did not suppose that your decrees had such power that you, a mortal Could outrun the gods’ unwritten and unerring rules (ἄγραπτα κασφαλήθεων νόμιμα).

The problem with Creon’s nomos is that it violates a sense of what is just—in this case Antigone’s right to bury a family member. The appeal to unwritten νόμιμα is an appeal to a standard of justice that exists apart from written human law, that transcends the human decree of a particular political community. Whereas Creon maintains that his decrees are νόμοι (481) Antigone calls them κήρυγμα (454). There is a sense here that

108 Martens, One God, 7; Ostwald, “ἄγραφος νόμος,” 83–84.

109 Martin L. D’Ooge, ed., Sophocles Antigone (Boston: Ginn & Company, 1890) 6. Ehrenberg argues that Sophocles did not coin either the phrase or the overarching concept it represents, namely, the positing of a nomos or of nomoi that are distinct from and in tension with human nomos or nomoi. The appeal to the concept carries weight only because the idea of “unwritten law(s)” has persuasive force (Sophocles and Pericles, 33).

110 In 449 Creon refers to his edict as “laws” (νόμους).

111 In this passage, the term νόμιμα should be understood as nearly synonymous to νόμος. Any difference is insignificant (cf. Ostwald, “ἄγραφος νόμος,” 84–85; Martens, One God, 7). It may be, in the context of the passage, that νόμιμα is used because of a slight aversion to νόμος. The point is that Sophocles is attempting to give expression to a standard that transcends particular νόμος which is how Sophocles has Creon refer to his edict. It may also be that νόμιμα is used because it fits the Greek meter of the poem better than νόμος.

112 This is a point not dwelt upon by Ehrenberg, who makes the argument that according to the story, the tension is not one between written and unwritten laws (Sophocles and Pericles, 35). He mentions Creon’s reference to the laws in 481, but does not contrast the perspective of Creon with that of Antigone. The issue, I think, is more complex than Ehrenberg’s statement implies. Ostwald, however, picks up on this point, noting that “it is perhaps more natural to interpret khrugmata as an attempt on Antigone’s part to minimize the validity of Creon’s νόμοι” (“ἄγραφος νόμος,” 85–86).
what is at stake is not just written vs. unwritten *nomos*. In fact, the play appears to question over whether Creon’s edict should really be called *nomos*, and the issue at stake rather is one of defining what is true *nomos*. The play itself illustrates “the conflict between two fundamental concepts of the order of the world,” where “Creon stands for the world of man-made politics, and Antigone for that of divine guidance and order.”

Where the human laws conflict with divine *nomoi*, the human laws fail to truly be *nomoi*. The contrasting option to the human and inferior *nomoi* is expressed as unwritten *nomos* and *nomima*.

In this passage, the universality of *nomos* is expressed through an appeal to the gods. Because ἀγράφων νόμος is divine, its commands appeal to all people, regardless of political or ethnic affiliation. The point seems to be to give a universal idea of what is just and expected of all people, especially with regard to what the gods have established for humanity.

We find another important example of the concept in the fourth century writer Xenophon’s *Memorabilia* in a dialogue between Socrates and the Sophist Hippias. In response to Socrates’ declaration, “I say that what is lawful is just” (4.4.12), the Sophist Hippias says that the *nomoi* of the polis are of no account in explaining justice because they are merely covenants among people which are often disregarded. Socrates responds that the issue is beside the point—the *nomoi* of the polis when kept lead to harmony and agreement amongst the people and also to justice (4.4.15–18). As if anticipating a rebuttal by Hippias, Socrates brings up “unwritten *nomoi*” (ἀγράφους νόμους) as a way of supporting the claim that keeping *nomos* results in justice. These unwritten *nomoi* are not

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made by humans, but by gods, and are observed in every country (4.4.19). They even have a certain content: the first is to “fear the gods”; then “honor parents”; there are nomoi against incest; and nomoi concerning the returning of good deeds (requiting benefits). As the discussion proceeds, these “unwritten nomoi” are referred to as πανταχοῦ (“all encompassing”), and “nomos of God” (θεοῦ νόμος). As “nomoi ordained by the gods” (τῶν υπὸ τῶν θεῶν κειμένων νόμων) they exist in some tension with those ordained by humans, not only because they are universally observed, but also because particular nomoi can be transgressed with no retribution (4.4.21–24). These laws can reinforce the laws of the polis, even while they transcend them.

This passage gives us a short list of commands of “unwritten nomos.”

Interestingly, this short list of commands includes things that would show up in many particular or written lawcodes. These commands are isolated because in the view of Socrates (or Xenophon?) they are the laws that all communities should follow. What stands out is that these unwritten nomoi, being divine, do not fall prey to the problems of the particular nomos. The point in the discussion between Socrates and Hippias is to identify a nomos that is valid for all people and is taken seriously; even if the human written law can be transgressed without any punishment, the unwritten cannot. The claim made in the dialogue is that “obedience not only to the laws of men but also to those of the gods makes a man νόμιμος and δίκαιος.”

114 Victor Ehrenberg notes, “it would be a mistake to connect the idea of unwritten laws with any definite rules beyond the fact that they were not put down in writing” (Sophocles and Pericles, 47). This may be the case in a general sense, but in Xenophon’s passage there does seem to be an attempt to isolate the sort of things characteristic of unwritten nomos.

115 Ostwald, “ἀγραφος νόμος,” 93.
“obedience not only to the laws of men but also to those of the gods makes a man
νόμιμος and δίκαιος.”

Both Aristotle (384–322 B.C.E.) and the political orator Demosthenes (384–322
B.C.E.) write on the cusp of the Hellenistic era. Both of them write of “unwritten nomos”
in a similar fashion. In Aristotle’s Rhetoric he writes of “unwritten nomos” as a species of
κοινός νόμος (“universal law”). As a type of “universal law” the “unwritten nomos”
signifies a standard that transcends political bounds and applies to all people. Because
he frames it this way, we will defer treatment of this passage until the next section on
κοινός νόμος.

In his On the Crown 274–75, Demosthenes writes about various punishments for
an individual who sins. It is assumed, it seems, that a “sin” is a violation of nomos. A
person who sins willfully should receive punishment; a person who sins unintentionally
should receive pardon; a person who fails at a task approved by all in the polis, yet
without “sinning,” should not receive reproach, but condolence. Such distinction,
according to Demosthenes, is “found not only in the laws, but also nature herself has set
(it) in the unwritten laws and in human customs (ἅllα καὶ ἡ φύσις σύτη τοῖς
ἀγράφοις νομίμοις καὶ τοῖς ἁθρωπίνοις ἔθεσιν διώρικεν).” Interestingly,
Demosthenes uses the same word that Sophocles used when writing about the “unwritten”
nomos: νόμιμος. This may be coincidence, or it may be that Demosthenes is taking the
idea used by Sophocles and expanding on it. In Demosthenes’ use of the phrase, nomos is

117 Aristotle, Rhetoric, 1368B.
118 Demosthenes, On the Crown, 274–75. The quotation is from 275.
universal by means of a connection with “nature.” This connection will receive further comment in the section on associations of nomos and physis. Demosthenes’ universalized “unwritten” nomos seems to be something that exists in addition to the laws of the polis. It is a concept used to substantiate the idea of a standard that exists as a regulation greater in authority than the written laws of the polis.

Hellenistic References

The Pythagorean writing attributed to Archytas,\(^{119}\) titled περὶ νόμου καὶ δικαιοσύνης (Concerning Law and Justice), mentions the “unwritten laws of the gods, which are opposed by the laws of wicked custom.” These “unwritten laws” are “the fathers and guides of the written laws and teachings which men enact.”\(^{120}\) In this Pythagorean text the unwritten laws are given universalization through their divine origin. They are “opposed by the laws wicked custom,” but a guide for the particular nomoi.

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\(^{119}\) The date of the Pythagorean writings is a debated issue. Some argue that their origin is during the fourth century BCE, perhaps before Plato and Aristotle (A. Delatte, Études sur la littérature pythagoricienne [Paris: Champion, 1915] 121–24). According to Holger Thesleff, it comes from the late 4\(^{th}\) century, likely after Plato and Aristotle, largely on the basis of three main points: that the writings do not reflect the sort of Pythagorean thought with which Plato and Aristotle were familiar; that the writings do not reflect elements of Stoic-Cynic diatribe; that the Doric character of the prose reflects the late 4\(^{th}\) century (Holger Thesleff, An Introduction to the Pythagorean Writings of the Hellenistic Period [Åbo: Åbo Akademi, 1961] 71–96). Others argue for a later date (3\(^{rd}\)-2\(^{nd}\) centuries BCE) and pseudonymous authorship (Theiler, “R. Harder: Ocellus Lucanus”, review in Gnomon 2 [1926] 585–97; E.R. Goodenough, “The Political Philosophy of Hellenistic Kingship,” Yale Classical Studies 1 [1928] 60). John Martens’ analysis makes a good case in favor of the conclusion that these are Hellenistic writings from sometime in the 3\(^{rd}\)-2\(^{nd}\) century B.C.E. on the basis of the philosophical and political worlds these writings seem to presuppose (Martens, One God, One Law, 165–74; see also Glenn Chesnutt, “The Ruler and the Logos,” 1313–15). Another addition to the argument is that the use of ἀγραφὸς νόμος as we find in ps-Archytas seems to reflect a more developed understanding of the phrase that reflects Hellenistic philosophical thought on nomos. As Bruno Blumenfeld puts it (An Introduction to the Pythagorean Writings of the Hellenistic Period [Åbo: Åbo Akademi, 1961]): “(the pseudonymous Pythagorean writings) produced...manuals of instruction and philosophical propaganda for nonprofessionals, in circles where Pythagoreanism continued to be a cultural factor and to exert philosophical authority even after the closing of the original Pythagorean School in the fourth century BCE” (The Political Paul, 120).

\(^{120}\) Translated from E.R. Goodenough, “The Political Philosophy of Hellenistic Kingship,” in Yale Classical Studies 1 (1928) 59; cf. also Blumenfeld, The Political Paul, 126. The citation may be found in John Stobaeus, 4.1.132.
Here there seems to be a sense in which the concept exists on its own. It is not just a set of commands that all communities follow, but rather is the gauge by which to determine good and bad particular nomos. It is important to note that the “laws of wicked custom” oppose the unwritten law, and not the other way around. In other words, the unwritten laws are the starting point, not the contrast. The main point seems to be to express a universal standard that not only contrasts, but rules over human nomos.

One of the significant points that Bruno Blumenfeld draws attention to is that the Pythagorean writings give “a significant cross-section of the popular political, ethical, and religious feelings of the urban Hellenistic liberal individual.”

Given that the Pythagorean writings present an “eclectic” sort of philosophy, the reference shows that the concept of “unwritten law” may demonstrate a popular idea in the Hellenistic world.

Roman Era References

The first century political orator and philosopher Dio Chrysostom (40–120 C.E.) writes about unwritten nomos in his discourse titled “On Custom” (ΠΕΡΙ ΕΘΟΥΣ). He says that

Custom (ἔθος) is a judgment common to those who use it, an unwritten law (νόμος ἀγραφός) of a people or city, a voluntary principle of justice…an invention made not by any human being, but rather by life and time.

According to this reference, unwritten nomos is also called “custom.” One might argue that Dio is not really writing about ἀγραφός νόμος as a transcendent nomos but rather “custom” instead. I suggest that Dio is applying a common understanding of ἀγραφός

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121 Blumenfeld, The Political Paul, 122. Blumenfeld’s phrase “the urban Hellenistic liberal individual” is not explained and quite uncertain in its meaning. It would be better to just say that the writings give a “cross-section” of popular political, ethical, and religious Hellenistic thought.

νόμος to the idea of “custom” (ἔθος). This becomes clear as the discourse proceeds. “Custom” in the rest of the discourse takes on attributes very much like “unwritten nomos” as it has been used by previous writers. According to Dio, it stands in opposition to written nomos and is universally “accepted by all” whereas written nomos are only the “opinions of the majority” (76.1). While Dio seems to limit its scope of unwritten law as custom to a particular people or city, what he says later in the discourse suggests that its scope is broader. He writes that the unwritten nomos as custom applies in times of war, to matters of burial of the dead (cf. Sophocles!), and he gives an example of the Spartans (Λακεδαιμόνιοι) who violated “custom” when they killed the messengers of the king of Persia. These examples suggest that unwritten nomos as “custom” still applies across time and across political boundaries. Dio also suggests that it has the authority of time and experience, giving it a sense of divine authority. Those who transgress it are punished by the gods, as Dio suggests was the case for the Spartans who transgressed the custom concerning “heralds” when they killed the heralds who came from the king. According to Dio, transgression of this “custom” which is “unwritten nomos” resulted in punishment “by the divine power itself.” Overall, Dio’s statements resonate with what we have seen from Xenophon and even from Sophocles, suggesting that Dio is using ideas common to “unwritten nomos” and applying them to shape his understanding of “custom.”

The example of Dio Chrysostom suggests that the ideas given expression through the concept unwritten nomos seem to have remained part of the undercurrent of discourse about nomos well into the first century C.E. It continued to refer to an idea of nomos that is universally valid and to which the gods hold all humans accountable, in spite of

123 Dio Chrysostom, 76.5.
political distinctions. In other words, it is a loosely articulated way to express a transcendent standard to which all people are accountable. Though Dio clearly is educated and reflects relatively sophisticated philosophical knowledge, his speeches also reflect common thought and were given for a popular audience of the many cities he travelled. While Dio is just one example, we can reasonably surmise that what he said had some currency in the general culture of the first century as seems to have also been the case with the Pythagorean reference. This popular sense of the term and the ideas behind it may owe themselves to its early use in Sophocles’ Antigone.

Conclusion

What shall we say about ἀγραφῶς νόμος? First, understood as an expression of transcendent nomos, it presented a “challenge and claim.”\(^\text{125}\) It challenged the understanding of the particular norm (νόμος), while simultaneously laying claim to an alternative norm—also referred to as νόμος. As an appeal to something transcendent and universal, unwritten nomos enabled writers to assert some norm of justice or virtue that particular written nomos failed to reach. In doing this, writers did not necessarily appeal to anything strikingly different than what one would have found in particular nomos; it was more a way to lay claim to the universality and authority of certain ethical expectations. Those laws or expectations considered universally binding were called ἀγραφῶς νόμος. Second, it is a loosely defined phrase and not limited to one system of thought or literary genre. As Victor Ehrenberg has shown, this concept of unwritten law


\(^\text{125}\) Ehrenberg, Sophocles and Pericles, 36–37.
as divine and transcendent has a popular origin, and there is no clear evidence that it originated with one particular thinker; rather it reflects more a popular idea.\textsuperscript{126} As such, it cannot quite be called a “technical term” or really a stable concept. Rather, it gives expression to a common idea of a universally applicable, divinely ordered, standard.

Third, the relationship of unwritten nomos to particular, written nomos was not just one of opposition.\textsuperscript{127} For Xenophon it was a way of not only claiming a nomos that was universally just, but also a way of confirming certain nomoi one might find in particular lawcodes. Even in the pseudo-Archytas’ passage, there is no stark opposition between written and unwritten nomos; the opposition is to “wicked” laws, not to all particular law. In fact, unwritten law can be a guide for particular nomos. It asserts a norm that is both universal and authoritative, not linked with φύσις, but with the divine.

\textit{Universal Law (κοινὸς νόμος)}

A second important way that Greco-Roman writers would express the idea of transcendent nomos is κοινὸς νόμος.\textsuperscript{128} This concept is often encountered in early Stoic writers, and according to some scholars the concept of κοινὸς νόμος may have been a forerunner to the Stoic “law of nature.”\textsuperscript{129} Its close ties to “law of nature” have

\begin{itemize}
\item \textsuperscript{126} Ibid., 36–37.
\item \textsuperscript{127} Martens, \textit{One God}, 11–12.
\item \textsuperscript{128} As with many Greek words, it is difficult to encapsulate what the word denotes with one English word. Some translate κοινὸς νόμος as “common law” while others use the phrase “universal law.” Both translations attempt to transmit the sense of ubiquity that the Greek κοινὸς suggests. In other words, the idea suggests a type of nomos that is shared or common. Given the larger context of the discourse about nomos and the issues involved, I find “universal” to be a better translation.
\item \textsuperscript{129} Martens notes: “Before (the phrase νόμος φύσις) was developed, the Stoics talked of a κοινὸς νόμος as did Aristotle” (\textit{One God}, 18). As we will see, the Stoic expression is not the same as Aristotle’s understanding of the concept. Katja Maria Vogt also has commented that “(T)he early Stoic conception of the common law (koinos nomos) is an ancestor of what has later come to be called the natural law” (\textit{Law, Reason, and the Cosmic City}, 161).
\end{itemize}
unfortunately resulted in the concept receiving minimal attention on its own. My own research has led me to the conclusion that it deserves fuller treatment as its own concept. Though the two types of transcendent nomos (universal law and law of nature) sometimes occur in similar and at times the same contexts, we should not quickly conflate them into one idea. As John Martens has noted, κοινός νόμος “existed as a concept beside nature, closely related, but not yet fully integrated with (law of nature).”

Pre-Hellenistic References

There are not many references to κοινός νόμος in the pre-Hellenistic era. One important reference to the idea, however, is found in a well known discussion in Aristotle’s Rhetoric about making a case for or against unjust and unvirtuous actions. He begins by defining justice and virtue as in accord with νόμος. Injustice, by contrast, is defined as “voluntarily causing injury contrary to the law” (παρὰ τὸν νόμον). But what is the “law”—the νόμος—of which he writes? Aristotle divides nomos into two categories: particular (ἴδιος) and “universal” (κοινός). Particular nomos is understood as that “according to which, having been written, people are citizens (καθ’ ὄν γεγραμμένον πολιτεύονται),” while κοινός νόμος refers to “whatever unwritten (laws) which appear to be confessed by all” (όσα ἢγραφα παρὰ πᾶσιν ὀμολογεῖσθαι δοκεῖ). In other words, κοινός νόμος finds its meaning by contrast with the political limitations of particular nomos.

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130 Martens, One God, 18-19.
131 Aristotle, Rhetoric, 1366B.
132 Aristotle, Rhetoric, 1368B.
As this passage from Aristotle attests, early conceptions of κοινός νόμος are not too clearly distinguishable from unwritten nomos. This is likely because of Aristotle’s social and political context. Aristotle was still writing during the period when the polis was the central social and political organizational structure. Conceptions of transcendent nomos did not yet exist as entities on their own, but more as contrasts to particular nomos. As we noted above, “unwritten nomos” was not yet clearly distinguished from particular nomos. For Aristotle, the difference between ἄγραφος νόμος and κοινός νόμος seems to be that κοινός νόμος provided language to express the concept of a nomos that transcended both the written and unwritten nomoi of the polis, whereas unwritten nomos could represent those laws of the particular community that are unwritten, as well as those laws that all people recognize. In other words, for Aristotle, “unwritten nomos” refers more to the form and not the identity of the nomos. This seems to be the best understanding given Aristotle’s later comments in Rhetoric 1373B where he returns to define nomos a second time, using the same two general categories of “particular” and “universal.” The particular are “those established by each people in reference to themselves” (τὸν ἐκάστοις ὄρισμένον πρὸς αὐτούς) and he divides these into “written and unwritten.” By contrast, the κοινός νόμος is “according to nature” (κατὰ φύσιν).

The emphasis for Aristotle in his expression of κοινός νόμος lies on the point that it transcends the limits of particular written nomos which is limited to the administration and defining of the polis. There is no sense of any association with the divine that sets the universal nomos apart here. His mention that universal nomos is “according to nature” should not be taken to refer to a divine or pervasive source of
existence. It is, as I pointed out above, a way or referring to the goal or purpose of humanity. In other words, this universal *nomos* represents those common expectations which all people hold in common, regardless of one’s political citizenship, because it is in accordance with the purpose or goal of human life. The basis of the concept for Aristotle in these passages was the concern to find a rationale for actions, decisions, and practices that was shared by people across political and social lines; it pertained to what was defining of human-ness, rather than to what was defining of political identity.

Demosthenes also mentions “universal” *nomos* in his *Against Aristocrates*. We find the reference in a section where Demosthenes discusses a written law concerning “lawful homicide.”\(^{133}\) As part of his argument he asks, “is it not manifestly contrary to law (παράνόμον)—not only contrary to written law, but also contrary to the universal (law) of all humanity (οὐ μόνον παρὰ τὸν γεγραμμένον νόμον, ἀλλὰ καὶ παρὰ τὸν κοινὸν ἀπάντων ἀνθρώπων)—that I should not be permitted to defend myself against one who violently seizes my goods as though I were an enemy?”\(^{134}\) John Martens sees this as an example of “unwritten law” based on the contrast with “written law.”\(^{135}\) But a contrast with written law does not necessarily imply “unwritten law.” In this instance the concept is not clearly set in contrast to or opposition to written *nomos*. It is a *nomos* to which Demosthenes appeals to enhance the gravity of the issue at stake. The word Demosthenes uses is κοινός, and the parallelism of the phrase suggests that he has, in fact, *koinos nomos* in mind: οὐ μόνον παρὰ τὸν γεγραμμένον νόμον, ἀλλὰ καὶ παρὰ

\(^{133}\) Demosthenes, *Against Aristocrates*, 59–61.

\(^{134}\) Demosthenes, *Against Aristocrates*, 61.

\(^{135}\) Martens, *One God*, 8–9.
Demosthenes’ use here suggests that the identifying mark of universal *nomos* is that it is valid for all humanity. There is again no clear divine connection here, but rather a sense of what is common or universal because some sort of agreement on what is a given for human life. *Nomos* is universalized through the adjective *koinos*, which attributes an authority to *nomos* as that which determines what is right on the basis of a universal, or common, humanity.

Hellenistic References

Early Stoic references to *κοινὸς νόμος*, articulated in new contexts, give the concept slightly new meaning. The early Stoic Cleanthes gives us an important example in his *Hymn to Zeus*. In the hymn *κοινὸς νόμος* is that by which Zeus is “governing all things.” It is an ethical standard for humanity: the evil ones of the earth “neither see nor hear God’s universal law” (*οὔτ’ ἔσορῶσι θεῷ κοινὸν νόμος οὔτε κλύωσιν*), obedience to which leads to the good life. The ultimate goal for humanity, stated in the closing of the hymn, is for humans and gods to “always praise the universal *nomos* in justice” (*κοινὸν ἄει νόμον ἐν δίκη ἕμπνεῖν*).

Here we find a strong theological component; the idea of *κοινὸς νόμος* is understood as a transcendent *nomos* by which Zeus governs all things. It is not set in contrast to written *nomos*, rather it is a concept of *nomos* that exists on its own and pervades the universe. It is the one norm for all humanity, and Cleanthes divides humanity according to whether they follow this law or not. Regardless of whether or not

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136 *Hymn to Zeus*, v. 2: *νόμοι μέτα πάντα κυβερνῶν.*

137 *Hymn to Zeus*, vv. 23–24.

they follow particular or written *nomos*, evil people are those who do not follow God’s *koinos nomos*.

In Cleanthes’ use we find a clearer sense of how one follows this transcendent *nomos*. The behaviors or actions that define those who do not follow *koinos nomos* include being without good (ἄνευ κολού), seeking glory (δόξα), advantage (κερδοσύνος), and the pleasures of the body (σωματικός ἡθελή ἑργα). By contrast, good people follow God’s law (again no concern for following particular *nomos*) and it leads them to the good life. Cleanthes associates the “universal *nomos*” with “justice” when he prays “grant that (human beings) obtain the insight on which you rely when governing all things with justice” (34-35).

With Cleanthes, we see that the concept takes on a fuller meaning than with previous writers. It is the main way that Cleanthes describes the ethical standard for all humanity, and humanity is divided not according to ethnic or social lines but according to those who keep *koinos nomos* and those who do not. Like Aristotle, Cleanthes defines this *nomos* broadly in relation to justice and virtue, and negatively explains it by pointing out the vices of those who do not follow it. Here, however, there is a clear connection with the divine and a more robust universalization of *nomos*.

An additional component in Cleanthes’ understanding of universal *nomos* is λόγος. At the beginning of the hymn, Cleanthes says that Zeus “govern(s) all things” through νόμος (v.2). Later, Cleanthes states that Zeus directs the universe with

139 *Hymn to Zeus*, 26–29.

140 It is also important to note that Cleanthes makes no reference to “nature” in the hymn. This is not to suggest that Cleanthes had no working understanding of *physis* (φύσις) in his ethical thought. It is, however, significant that it does not figure into his description of *nomos* and ethical living in the hymn.
“universal reason” (κοινὸν λόγον; v.12), which, like the universal nomos, permeates all things. Both the λόγος and νόμος function as ways by which Zeus guides or directs the universe, and it appears that the two are related, and that both apply universally to all humanity. This connection of nomos with logos appears to suggest that Cleanthues is working with the Stoic concept “law of nature.” It is important, however, that logos and nomos are not explicitly identified with each other, and the universal nomos is not identified with Zeus. As Johan Thom importantly states, “Cleanthes distinguishes Zeus from his “modalities” νόμος, κεραυνός, λόγος, and γνώμη; in the Hymn, Zeus as king controls and uses these to create and maintain order in the universe.”141 A fuller expression of “law of nature”—at least in the Stoic usage—does not allow for such distinctions. In spite of the Stoic affinities of the author, it has been observed that “there is nothing particularly Stoic” about Zeus and that in the Hymn “very little technical terminology is used that is demonstrably Stoic (other than κοινὸν λόγον and κοινὸν νόμον and the statement about reason “permeating everything” [διὰ πάντων φοιτῶν]).”142 Much of the thought in the hymn is in fact more “traditional” or common philosophical language that had not yet developed into what many identify with fuller expressions known in Stoic thought.143

After Cleanthes, the Stoic Chrysippus (280-206 B.C.E.) associated universal nomos with “logos” in a slightly different way, and more closely with “nature.” He wrote:

141 Thom, Cleanthes’ Hymn, 51.
142 Ibid., 20–21.
143 Ibid., 21–24: “Cleanthes thus intertwines traditional religious and moral traditions with Stoic ideas undergirded by phrases taken from Heraclitus, but without allowing philosophical concepts to predominate” (24). With very few exceptions, what Thom says of Cleanthes is very likely true for all of the other writers considered in this chapter.
the goal (τέλος) may be defined as life in accordance with nature, in other words, in accordance with our own human nature as well as that of the universe; a life in which we refrain from every action forbidden by the universal law (ὁ νόμος ὁ κοινός), that is to say the right reason which pervades all things, and is identical with Zeus, lord and ruler of all that is.\textsuperscript{144}

In Chrysippus’ statement nomos is identified with the cosmic logos “which pervades all things.” By connecting nomos to logos the κοινός νόμος becomes not just some external standard given by God; it refers to an inner principle that unites humanity to nature and the kosmos. What is “common” or universal to humanity is the shared possession of logos, and so the universal nomos is also identified with “right reason.”

This association also provides a very close connection between nomos and physis in that living in accordance with universal nomos is the same thing as living in accordance with physis. We will postpone discussion of the significance of Chrysippus’ association with physis until the next section. For now, it is important to recognize that for Chrysippus κοινός νόμος gives nomos universal scope in a new and more complex way through association with an all permeating λόγος and an association with φύσις. Moreover, it is not an association with physis that is like Aristotle’s; rather, Chrysippus’ association incorporates a more cosmic understanding of physis. For Chrysippus, koinos nomos is not just set in contrast with particular or written nomos. It is, as with Cleanthes, its own full independent ethical standard.

Roman Era References

In Dionysius of Halicarnassus’ Antiquitates Romanae, we encounter a “a law universal to all” which is “of nature” (φύσεως γὰρ δὴ νόμος ἀπὸ σύνος κοινός) and which time cannot destroy.” This law “ordain(s) that superiors shall always govern their

\textsuperscript{144} Diogenes Laertius, 7.88 (SVF 3.4); trans Long and Sedley. See also Johan Thom, Hymn, 85–86.
inferiors.”\footnote{Dionysius of Halicarnassius, \textit{Antiquitates Romanae}, 1.5.2.} The nominative use of the words νόμος and κοινός suggests we are dealing with the concept of κοινός νόμος. Dionysius’ understanding of the concept universalizes nomos by appealing to its ability to transcend time; from generation to generation, from one political community to another, this law is valid. Dionysius writes this in defense of the subjection by the Romans over others. For Dionysius koinos nomos supports Roman dominance; the principle espoused is a nomos that all people over time share in common. The relationship of the genitive φύσεως (“nature”) to the rest of the phrase, νόμος ἁπασὶ κοινός, is difficult to define. It appears that this “universal nomos” to be identified with “nature.” But from this passage alone we are not certain as to how Dionysius understands “nature.”

Another passage in Dionysius’ \textit{Antiquitates} helps clarify this. This time the idea of κοινός νόμος occurs in a speech attributed to the Alban Fufetius, which is addressed to his fellow Albans before battle with the Romans. Fufetius exhorts the crowd by stressing that their fight with the Romans is an attempt to “restore to its original force the compact which the Romans have violated…that fathers shall rule over and give just commands to their children, and mother-cities to their colonies.”\footnote{Dionysius of Halicarnassius, \textit{Antiquitates Romanae}, 3.23.19.} This “compact” according to the passage is “the universal law of both Greeks and barbarians” (ὁ πάντων κοινός Ἑλλήνων τε καὶ βαρβάρων βεβαιοὶ νόμος) and is a law “human nature has established” (φύσις ἡ ἀνθρωπεία κατεστήσατο). In the speech, Fufetius goes on to contrast this law with the Roman imposition, with the resulting indictment that the
Romans are positing “the law of man above that of heaven.” As a consequence of violating the κοινός νόμος the Romans have also brought the anger of the gods. While this law is associated with “nature” the emphasis lies on seeing it as a divine and universally transcendent law as opposed to a human law which is represented by the Roman enslavement of the Albans. The emphasis is on the universality of the law for all people. It may be that the use of “nature” in this speech is intended to mock Roman claims than it is an actual part of the understanding of κοινός νόμος in this speech. It is held in tension with his understanding of universal nomos in the passage from Antiquitates. What is important is that physis refers to “human nature.” It is the emphasis on what is common to humanity that makes this universal nomos a heavenly (divine) law. By contrast the imposition of the Romans is opposed to the heavenly nomos and reflects an attempt to impose a human rule over that of the gods because it violates what is “natural” or constitutive of humanity.

Conclusion

Like άγραφος νόμος, through the concept κοινός νόμος writers attempt to express a standard that transcends social and political bounds. The concept does not exist just an antithesis to particular nomos. The emphasis with κοινός νόμος lies on the way it appeals to common humanity. This comes across in two shades. On the one hand the concept exists as a standard that unites humanity into a common people, united by one manner of life. On the other hand, the concept is expressed as a standard that necessarily issues from the premise of a common humanity, rooted in what is “natural” for humanity. The way that this nomos is understood as part of the intrinsic fabric of what it means to be human, it is also transcendent and even “divine.” The logic seems to run both ways:
because it is divine it appeals to what is “natural” to humanity; or because it defines what is “natural” or intrinsic to human existence it is thus divine. Like unwritten nomos this law has no clearly defined content. It is identified by association with justice, and more loosely with various virtues, and it is contrasted with vices in Cleanthes’ Hymn.

Whatever the κοινός νόμος expresses, all humanity is accountable to it, and to violate it is to violate common human expectations, and even the gods in some circumstances. It is a concept that seems to have existed for some time, finding currency in multiple schools of thought, even though it also had close ties to early Stoic references and as a forerunner to “law of nature.” It does find use in connection with appeals to φύσις, as we have seen, but the situation is more complex than to say that κοινός νόμος and “law of nature” are the same. It is to associations of νόμος and φύσις we now turn.

Law in Accord with Nature

Some may consider the concept “law of nature” the capstone of approximations of transcendent nomos. In one way it is, since the phrase νόμος φύσις brings together what was initially kept apart: nomos and physis Yet, it would be a mistake to think that

147 I am in agreement with A.A. Long’s clarifications in his article “Law and Nature in Greek Thought,” in The Cambridge Companion to Ancient Greek Law, 412–13, concerning the translations and meanings of the phrase νόμος φύσις. On the one hand, there are “laws of nature” in a scientific or physical sense. These laws are the patterns and laws by which the physical world operates (e.g. gravity). For convenience we will call this conception “nature’s law(s).” On the other hand, there is the concept as it applies to ethical and political life. For convenience we will call this “law of nature” (in some places “natural law” will be used because this is how some scholars refer to it). According to Long, “a universal moral code is a quite different notion from that of the basic principles governing physical reality.” He notes that “the conduct prescribed by natural law can be infringed, whereas laws of nature are completely predictive with respect to compliance.” For Long, much scholarly literature “overlooks (this) basic distinction” between the two concepts (“Law and Nature,” 413). While I agree with Long, the primary literature suggests that the two are not completely unrelated, either. If “nature’s laws” and “law of nature” were viewed in a Venn diagram, there would be a slice of overlap between them in the ways some writers articulate the concept, and for some of the early Stoics the “ethical” concept is indeed related to the “physical.” Nevertheless, Long’s distinction sets the stage for our discussion, and our focus will be on the “law of nature.”
that all other conceptions of transcendent *nomos* were moving toward “law of nature,” or that they find their “fulfillment” in this concept, or even that there is one singular understanding of “law of nature.” For one, opposition to *physis* was not the only criticism of *nomos*. The problems with *nomos* are more complex than a simple opposition to *physis* and bringing *nomos* and *physis* together does not necessarily “complete the circle.” In addition, we have just seen other attempts to articulate a transcendent norm that need not by necessity have any significant appeal to “nature”; where it is associated with another expression of transcendent *nomos*, it seems to be a secondary or supplementary addition. Rather than thinking of “law of nature” as the capstone of transcendent *nomos*, we should consider it as one of a number of ways by which Greco-Roman writers articulated a transcendent *nomos*.

When we are talking about “law of nature” what are we talking about? The origins of the concept and how we should understand the “true” expression of the concept has been a topic of significant discussion and debate. Helmut Koester has shown that the actual Greek phrase νόμος φύσις occurs very infrequently in Greek writers before Philo, that it is found “not even half a dozen (times) in all extant Greek literature of pre-Christian times.” According to Koester this is because,

Stoicism has not overcome the deep-rooted antithesis of νόμος and φύσις.
Neither does nature ever have the status of a divine legislator…nor could law lose

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149 Helmut Koester, “Natural Law (Νόμος Φύσις) in Greek Thought,” 133; also 127, 141: “Most probably, Philo was its creator.” Koester makes some very good points that should caution a too hasty identification of “law of nature” in earlier writings, but on the other hand perhaps attributes too much individual creativity to Philo.
its connotation of existing by “thesis” (i.e. by enacted agreement and contract) and thus it does not quite agree with all things that exist by φύσις.\textsuperscript{150}

Koester argues that one does not really find the concept “law of nature” (νόμος φύσεως) even in Stoicism. Rather, “Philo was its creator, at least insofar as the evidence from the Greek literature is in question.”\textsuperscript{151} In making this conclusion, Koester has focused his sights on the terminological juxtaposition itself—νόμος φύσεως. So, as far as this goes, Koester seems to be correct. But there are two problems with Koester’s statement, problems which suggest that it may not be the most fruitful to think in terms of the phrase νόμος φύσεως or a singular conception of “law of nature.” First, Koester states that law could not lose its connotation of existing by “thesis.” By this he seems to mean that law always connotes some sort of established or agreed upon contract of commands to which people are bound. This may be true to a degree with regard to particular nomos, but as we have seen, expressions of transcendent nomos which had been popular for some time, suggest that nomos connoted more than just “thesis.” This suggests that particular nomos does connote the idea of “thesis” to a good degree, but it does not allow for nomos as a concept to be categorized in this way and thus that nomos by definition is opposed to physis. Second, a number of scholars have pointed out that there is more to the issue of “law of nature” than the terminological connection of nomos and physis. They have argued that there is a long process of development of the idea, and that the key components of the idea may be found earlier than Philo.\textsuperscript{152} These scholars make

\textsuperscript{150} Koester, “Natural Law,” 133.

\textsuperscript{151} Ibid., 141.

important points, and press us to make an important distinction between the actual phrase νόμος φύσεως and other positive conceptual associations of nomos and physis. Even though the actual phrase uniting νόμος and φύσις may not be found until later writers, we should not think that the concept behind the actual phrase νόμος φύσεως suddenly emerges at a certain point in the history of the development of nomos.

But then where does one draw the line to determine where one association of nomos and physis is not properly “law of nature” and where another is? We have read some writers already who positively associate nomos with physis. Have we encountered in these texts “law of nature” or just a less developed association of nomos with physis? This is not an easy question to answer. If there is an “ideal” expression of the concept, where would it be found? Approaching the topic with the intent of finding the “ideal” or “pure” articulation of the concept tends to minimize the significance of other formulations in light of the “pure” formulation, however it might be conceived. One might reply that the association of nomos and physis made by Stoic writers, an association that includes the unifying logos, is where the true idea of “law of nature” is to

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153 By “positive” association of nomos and physis, I mean associations wherein nomos is not opposed to physis, but rather where it somehow reflects physis or in some way defines a standard in accord with physis.

154 I imagine that Koester would probably agree on this point, but with hesitation to acknowledge that the real essence of the concept did not emerge until the uniting of the two once antithetical terms in Philo’s writings.

155 See, for example, the disagreements between Paul Vander Waerdt, “The Original Theory of Natural Law,” in SPhA 15 (2003) 17–34 and Philip Mitsis, “The Stoics and Aquinas on Virtue and Natural Law,” in SPhA 15 (2003) 35–53. One key point on which Vander Waerdt and Mitsis disagree concerns how Stoics conceived of the concept and what it entailed. Given the disagreement, there is room to wonder if there is possibly more than one articulation among Stoics as to what “law of nature” is, and whether we can without remainder think that there was one definite and singular concept.
be found. But the problem is that even Stoics express the concept in various ways. Which is the correct one?

There are also Greek writers who positively correlate *nomos* and *physis*, but without the accessory understanding of *logos* or Stoic conception of God or nature. If certain expressions are not “law of nature” proper, what are they? Alternatively, there are some formulations that include the accessory Stoic elements but do not actually use the phrase νόμος φύσεως. Is there evidence to suggest that the later expression νόμος φύσεως points to the same thing as earlier formulations that lack the phrase? Is it the phrase νόμος φύσεως that we should be looking for, or something else? Or should we think of a “spectrum within a spectrum” that defines the “true” idea of “law of nature” as distinct from other associations of *nomos* and *physis*?

Rather than describe a definite singular concept of “law of nature,” I suggest that what we have among ancient writers is a series of approximations whereby writers positively link *nomos* and *physis*: ‘law corresponding to nature,’ or as Alan Millar has put it, “the Follow Nature doctrine.”156 The associations made between *nomos* and *physis* by some Stoic writers may be more developed expressions, but only from the perspective of thinking that the inclusion of *logos* and an association of *physis* with Zeus make it so. Another way to see things is that expressions within the Stoic sphere of thought represent a set of related associations along a wider spectrum which includes other non-Stoic associations of *nomos* and *physis*. Seeing things in this way, I think, is more helpful for understanding the concept on the larger landscape of the Greco-Roman *nomos* discussion. This also will help us make sense of the concept with an eye on situating how Diaspora

Jewish writers and Paul may have associated nomos with physis, if they did at all. Our concern in this section, then, is with the various ways that writers positively related nomos with physis as a way of giving transcendence to nomos, and as a way of giving nomos a universality and authority that is not subject to the limits of particular nomos.

Pre-Hellenistic References

As we have seen, the term physis was generally opposed to nomos in the fifth century. But the opposition was not simply terminological in nature. As A.A. Long points out, both nomos and physis could be used to denote normative status of something. Furthermore, Long points out that if the problem were inherent in the words themselves, we would have never seen them being brought together. Rather, the nature of the opposition or contrast had to do more with the social and contextual limitedness of νόμος as it had been understood in the 6th–5th centuries B.C.E. and the conviction that φύσις transcended such social constraints. The relation of nomos and physis is also complicated by the fact that physis took on slightly different meanings for different writers. Asking ‘the physis of what?’ question and inquiring into how a certain writer understood and applied this concept makes a difference in how it might have been set in relation to nomos. The early Sophists understood physis in contrast to nomos. But, this contrast was not always negative or one of opposition. For those writers for whom there was a positive connection between nomos and physis, it was that physis provided a basis upon which they could claim that nomos is transcendent and universal.


In Plato’s *Gorgias* we find a reference to “law of nature” in a dialogue where Callicles discusses those who triumph and show their strength over “weaker” people enslaved by *nomos*. He makes the claim that “justice consists in the sway and advantage of the stronger over the weaker” (483D). He goes on to say that those who fulfill this truth

act according to nature—the nature of (what is) just (κατὰ φύσιν τὴν τοῦ δικαίου), according to the law, indeed that of nature (κατὰ νόμον γε τὸν τῆς φύσεως)—though not, dare I say, according to the one we have set in place…but, when someone arises with a nature of sufficient force, that one shakes off all that we have taught, bursts the bonds and breaks free; he tramples underfoot our written codes (τὰ γράμματα) and juggleries, our charms and laws (νόμους), which are all against nature (τοὺς παρὰ φύσιν ἀπαντος)...and here the full light of that which is just by nature shines forth (ἐξέλαψεν τὸ τῆς φύσεως δίκαιον).\(^\text{159}\)

For some scholars this passage is cited as an example that is *not* actually a reference to “law of nature.”\(^\text{160}\) This may be true if by “law of nature” we have in mind the idea of a *nomos* based in *physis* understood as an all-encompassing ethical system. In Callicles’ statement *nomos* is understood as that which regulates what is normative and just for humanity. For Callicles, *nomos* is both in accord with *physis* and contrary to it. The difference is the character of the *nomos* to which he refers. The emphasis on Callicles’ formulation lies on the contrast with the particular and socially constructed *nomoi* of the polis. The *nomos* that is understood in terms of the written codes does not reveal true justice. It is *nomos* in accord with *physis* that does this. By “nature” he means that of the individual living in full accord with one’s desire and strength. The *nomos* according to *physis* is an attempt to give expression to a standard that is in accord with

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\(^{159}\) Plato, *Gorgias*, 483E–484B.

natural human desires and inclinations, specifically for the strong to rule over the weak.\textsuperscript{161} It is not a universal ethical standard found in the very workings of the entire \textit{kosmos}, but an expression of a standard intended to oppose and transcend the constraints of the \textit{nomos} of the polis. It is the basis for ethical living in that it is his starting point for how a person should conduct their life. In Callicles’ expression, there is no real sense of the content of this transcendent \textit{nomos}; but this is not the point. It is a \textit{nomos}—a standard—which is just in that it realizes the proper functioning of the human person. As such, for Callicles, it was a \textit{nomos} that all humanity should strive toward as that which would free humanity.

We find a slightly different expression in Aristotle’s \textit{Rhetoric}, 1373A–B, a passage we have already encountered. In this passage Aristotle writes of universal \textit{nomos} (κοινός νόμος). This type of \textit{nomos}, he claims is “according to nature” (κατὰ φύσιν).\textsuperscript{162} This is based on Aristotle’s idea that “there is, which all people surmise, by nature a common/universal (idea of) just and unjust (φύσει κοινὸν δίκαιον καὶ ἀδίκον), even if there is neither communication nor agreement between them.”\textsuperscript{163} Because there is such a conception of justice according to nature, there must also be such a conception of \textit{nomos}, for justice and injustice are defined in relation to \textit{nomos}, a point he made earlier in the discourse.\textsuperscript{164} This “universal law” “prescribe(s) what is naturally just in the sense of

\textsuperscript{161} Cf. Guthrie, \textit{The Sophists}, 103–06.

\textsuperscript{162} Aristotle, \textit{Rhetoric}, 1373B.

\textsuperscript{163} Aristotle, \textit{Rhetoric}, 1373B.

\textsuperscript{164} Aristotle, \textit{Rhetoric}, 1366B–1368B. In 1368B, he states that “injustice” is defined as “voluntarily causing injury contrary to the law” which is both “particular” and “common/universal.”
being a necessary part of the order of any human community.”165 This law, being in accord with nature, transcends any ways that particular customs might express what is just and unjust. By associating nomos with physis, Aristotle finds a universal human basis for κοινός νόμος. This is not just a nomos common to all people, but it is part of human physis—it is in accord with the ideal purpose of humanity.

Gisela Striker comments that the connection to nature in this passage is different from the later conception “law of nature” because these laws of which Aristotle writes do not represent an entire “system of law that defines right conduct.”166 This is an important point. We may also add that “nature” for Aristotle is not quite the same thing as it is for later writers. For Aristotle, “nature” is best understood in terms of the proper ethical-political telos of humanity, like Callicles. However, it is the complete opposite of how Callicles’ understands this. But, like Callicles, physis has little to do with the entire kosmos as some vast principle that should regulate all life. Nevertheless, for Aristotle these laws are universal because they prescribe what belongs to the physis of humanity as he understood it. This universal nomos therefore is properly κατὰ φύσιν.167 This is not the origin of “law of nature.” Neither is it necessary for us to posit that Stoics developed their concept from Aristotle. It is simply one approximation of a transcendent nomos wherein Aristotle’s notion of physis forms the basis for what he defines as just.

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165 Striker, “The Concept of Natural Law,” 86.

166 Striker, “The Concept of Natural Law,” 86. This may be due to the fact that Aristotle’s context was the polis, not the kosmos. It may be just that he had no need to develop a massive, universal system of nomos such as we find in writers of a post-Alexander world.

167 See also A.A. Long on the similarities and differences between Aristotle and the later Stoics ("Law and Nature," 421–424).
Hellenistic References

An important change that affects associations of *nomos* and *physis* in Hellenistic formulations is, as we saw above, “a turn to the cosmic at a time when the civic no longer framed the ambit of meaning and purpose.” This affected writers’ understandings of *physis* in that some common understandings of *physis* move toward a more cosmic concept that is greater than simply the goal of human existence.

The founder of the Stoic school, Zeno of Citium (334 B.C.E.–262 B.C.E.) was naturally the first of the Stoics to begin to frame ethics and politics within such a cosmic framework. There is some difficulty piecing together his views because we are dealing with scattered statements in different authors. From what we can gather, according to Zeno the *telos* of life was to live according to *physis*. In his *Lives of Eminent Philosophers* Diogenes Laertius records that

> Zeno was the first (in his treatise *On the Nature of Man*) to designate as the end ‘life in agreement with nature’ (or living agreeably to nature), which is the same as a virtuous life, virtue being the goal towards which nature guides us.

From the passage, *physis* referred to human nature, which was to be a rational, just, and virtuous being. For Zeno what stood in contrast to civic convention was rationality (*logos*) which united all wise people and demonstrated their communion with *physis*. This is where Zeno differs from Aristotle. For Zeno and many Stoics after him *physis*, *logos*, and God were one and the same. There was a “divinity of Nature” as A.A. Long

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puts it.\textsuperscript{171} Long goes on to say that Aristotle “did not conceive nature as a rational agent” and “by setting nature/God within the world, (the Stoics) have united under a single principle functions which Aristotle kept apart.”\textsuperscript{172} At the same time, however, this understanding of \textit{φύσις} reflects a more widespread attempt to continue to associate a transcendent standard for living with the divine realm.

According to Zeno, one lived in accord with \textit{physis} by cultivating one’s \textit{logos}, because \textit{physis} itself was rational. According to Anthony Long, for Zeno “correct reason is…sufficient by itself to fulfill the function of (particular) law” and “because it is the function of normative human nature, its scope is universal or common. Hence natural law simply is the correctness of reason that any human being, in principle, can achieve and act on.”\textsuperscript{173} Zeno does not use the word \textit{nomos} here, but in Plutarch’s account of Zeno’s \textit{Republic} humanity possesses all things “common” and there is an ideal of a “universal \textit{nomos}” that governs all people.\textsuperscript{174} Nevertheless, from what we can surmise Zeno begins the process of a development of a way of universalizing \textit{nomos} through an appeal to \textit{physis}.

It is with Chrysippus that we have a fuller statement connecting \textit{nomos} with \textit{physis}. We have already considered this passage above. According to Diogenes Laertius, Chrysippus held that:

\begin{footnotesize}
\footnotesize{\textsuperscript{171} A.A. Long, \textit{Hellenistic Philosophy: Stoics, Epicureans, Sceptics}, 2\textsuperscript{nd} ed (Berkeley: University of California Press, 1986) 149.}

\footnotesize{\textsuperscript{172} A.A. Long, \textit{Hellenistic Philosophy}, 151–152.}

\footnotesize{\textsuperscript{173} A.A. Long, “Law and Nature,” 425.}

\end{footnotesize}
Our individual natures are parts of the nature of the whole universe. And this is why the goal may be defined as life in accordance with nature, or in other words, in accordance with our own human nature as well as that of the universe, a life in which we refrain from every action forbidden by the universal law (ὁ νόμος ὁ κοινός), that is to say the right reason which pervades all things, and is identical with Zeus, lord and ruler of all that is. And this very thing constitutes the virtue of the happy man and the smooth current of life, when all actions promote the harmony of the spirit dwelling in the individual man with the will of him who orders the universe.\(^{175}\)

The *nomos* to which Chrysippus refers is common to humanity by virtue of the *logos* which pervades all people and all things. Diogenes draws attention to an important distinction when he says, “by the nature with which our life ought to be in accord, Chrysippus understands both universal nature and more particularly the nature of man, whereas Cleanthes takes the nature of the universe alone as that which should be followed, without adding the nature of the individual.”\(^{176}\) *Nomos* here is equated with that which is in accord with both human *physis* and cosmic *physis* which are united to Zeus through the concept of *logos*. From the overall content of the statement, *nomos* functions as the standard of justice and injustice which defines the existence of those who lived as part of common humanity. As Phillip Mitsis writes, “the cosmos itself is viewed by the Stoics as having a political structure which is administered by Zeus’ divine reason and whose natural laws provide the basis for moral values and a life in accord with nature.”\(^{177}\) Chrysippus’ formulation most clearly presents the key ingredients for what many scholars refer to as natural law proper: a *nomos* that is not external to, but rather

\(^{175}\) Diogenes Laertius, 7.88.

\(^{176}\) Diogenes Laertius, 7.89.

\(^{177}\) Mitsis, “The Stoic Origin,” 163.
identified with the universe itself, *physis* and her ways, which ultimately is God, united with the human individual via *logos*.

A central element of the association of *nomos* and *physis* for these Stoics is *λόγος*. For most Stoics, the divine *λόγος* ordered things and produced harmony in the world.\(^\text{178}\) It not only issued from Zeus, as we saw in Cleanthes’ *Hymn*, but could also be identified as Zeus as we find in Chrysippus’ statement. This *λογός* which permeated the universe also was constitutive of humanity; it was the way that the *physis* of the *kosmos* was united with the *physis* of the individual human.\(^\text{179}\) There was a logic, it seems, to this way of understanding things. By possessing *λογός* all people possessed something of God and of nature. Living according to *λόγος* was understood in terms of complying with the divine *φύσις* that ordered the world, and this was living according to not only the *φύσις* of the *kosmos*, but also of one’s own humanity.\(^\text{180}\) To do this, humans are to follow *logos* because the distinctive element of human life is rationality; just the same, following *physis* for a horse is to eat hay.\(^\text{181}\) This central place of *λογός* solidified an “inner” element to what otherwise was a transcendent *φύσις* independent of the human person.\(^\text{182}\)

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\(^\text{180}\) Striker, “Concept,” 90–91.


This connection of *nomos* and *logos* is a crucial element for Stoic formulations that universalize *nomos* via a connection with *physis*. The “law” in accord with *physis* within this system designates “the perfected rationality of the Stoic sage, whose disposition enables him infallibly to ascertain the natural course of action in every circumstance, rather than with a system of legislation or code of moral rules.”\(^{183}\) This, according to Vander Waerdt, is how early Stoics such as Zeno and Chrysippus understood the concept. They, in a sense, redefined *nomos*.\(^{184}\) *Nomos* became not just a transcendent norm, but something constitutive of the universe itself and of God, sometimes even identified as God.

Not all associations of *nomos* and *physis* from the Hellenistic period onward, however, were necessarily Stoic in this sense. We also have evidence of what appears to be a less technical association from during this period in the Orphic hymns.\(^{185}\) The Orphic hymns are a collection of eighty-seven hymns written to gods or divine figures in the ancient world—some more obscure than others. They seem to reflect not one consistent school of thought even though according to Thomas Taylor, “they are full of Greek philosophy.”\(^{186}\) It is difficult to precisely date these hymns, which most likely do not come from Orpheus. The general date assigned to them spans from the 4\(^{th}\) century B.C.E. to the 4\(^{th}\) century C.E., though many believe that the perspectives in these hymns


\(^{184}\) Ibid., 21.

\(^{185}\) I express thanks to Dr. Wendy Cotter, CSJ, for drawing my attention to this example.

come from the earlier side of this spectrum. In this collection hymn 64 is titled: Νόμου.

The first few lines read:

The holy king of Gods and men I call,
Celestial Law (οὐράνιον νόμον), the righteous seal of all;
The seal which stamps whate'er the earth contains,
Nature's firm basis (φύσεως τὸ βέβαιον), and the liquid plains.

Here the hymn associates nomos with physis, but it is not the same sort of association we have found in Stoic writers. The writer of this hymn gives nomos a divine status, and even says something very similar and common among other Greek philosophers going back to Pindar that nomos is “king of gods and men.” The association with physis seems rather to suggest that nomos is the “firm basis” of physis, which is understood as the natural world, and not some cosmic principle that can be identified with Zeus or associated with human logos. Nevertheless, this nomos is still related to human ethical living. The hymn goes on to say:

For thy command and alone, of all that lives
Order and rule to ev'ry dwelling gives:
Ever observant of the upright mind,
And of just actions the companion kind;
Foe to the lawless (ἀνόμοις), with avenging ire,
Their steps involving in destruction dire.

This divine nomos which is the basis of nature also orders human life; it is the “companion” of “just actions” and opposes the lawless and injustice.

Roman Era References

With the Roman era, some suggest that we find a major turn in how “law of nature” was understood. According to Joseph Bryant, “universalistic social elements

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188 The translations of the Greek here and below are from Taylor, The Hymns of Orpheus, 195–96.
implicit or latent within the Stoic system...were for the most part made explicit only with
the Middle and Late Stoa, in conjunction with Rome’s expanding suzerainty over the
Mediterranean world.”  

For some scholars, Cicero provides the most frequent use of the expression of
“law of nature”, especially as regards a consistent use of the phrase *lex naturae*.  

According to one statement in Cicero’s *De Legibus*, we can see that he follows squarely
in the steps of some of his Greek Stoic predecessors: “Law is the highest reason,
implanted in nature, which commands what ought to be done and forbids the opposite.
This reason, when firmly fixed and fully developed in the human mind, is law.”  

In his earlier writing, *Republic*, we encounter perhaps one of his fullest
articulations of law in relation to nature:

True law (*lex*) is right reason in agreement with nature; it is of universal
application, unchanging and everlasting; it summons to duty by its commands,
and averts from wrongdoing by its prohibitions. And it does not lay its commands
or prohibitions upon good men in vain, though neither have any effect on the
wicked. It is a sin to try to alter this law, nor is it allowable to attempt to repeal
any part of it, and it is impossible to abolish it entirely. We cannot be freed from
its obligations by senate or people, and we need not look outside ourselves for an
expounder or interpreter of it. And there will not be different laws at Rome and at
Athens, or different laws now and in the future, but one eternal and unchangeable
law will be valid for all nations and all times, and there will be one master and
ruler, that is, God, over us all, for he is the author of this law, its judge, and
lawgiver. Whoever is disobedient is turning from himself and denying his human
nature, and by reason of this very fact he will suffer the worst penalties, even if he
escapes what is commonly considered punishment.  

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192 Cicero, *De Republica*, 3.22 (33).
There are a few important elements of Cicero’s formulation. This “true law” is one that not only unites humanity, but it transcends all particular laws of various political and national communities. Its basis is in the idea of the universe as one single polis and the unity of humankind within this kosmo-polis.\(^{193}\) This law is authored by god, who sustains and unites all things, who is the “founder, judge, and lawgiver.” Further, this “law” is the basis of the unity of humanity and the one standard by which right and wrong are determined. To transgress it, then, is to threaten the unity and justice of humanity; to follow it is to live in accord with Cicero’s idea of the fulfillment and well-being of humanity and the kosmos.

Richard Horsley draws attention to an important change in Cicero’s understanding of law of nature: God is distinct from this nomos in Cicero’s thought. This is a return of sorts to an earlier formulation that we find in Cleanthes’ Hymn to Zeus, as well as earlier writers such as Plato where law issues from God but is not God.\(^{194}\) According to Horsley’s study, this can be linked to “middle” era Stoics in conjunction with Platonic (or Middle-Platonic) influence. Specifically, Horsley suggests Cicero followed his teacher Antiochus of Ascalon, who attempted to return to earlier positions under the influence of Stoics influenced by Platonic teaching, namely, Panaetius and Posidonius.\(^{195}\) These thinkers set their work within a framework which expressed God as transcendent above and separate from the cosmos, not identified with it as we find in earlier Stoic writers.


\(^{194}\) Ibid., 42.

\(^{195}\) Ibid., 43–45. Cf. also E. Asmis, “Cicero on Natural Law,” 16 n.51; Brad Inwood, “Natural Law in Seneca,” 81.
This results in a “significant shift in meaning” for how “law of nature” was understood.\(^{196}\)

Two other Roman-era writers present slightly different variations on *nomos* in association with *physis*: Dio Chrysostom and Epictetus. Dio Chrysostom discusses written lawcodes in contrast with the “law of nature” in his discourse “On Freedom.”\(^{197}\) According to Dio, the “law of nature” ( ὁ τῆς φύσεως νόμος) is the law which ought to be followed by all people. This law is referred to as the “the law (which is) true and authoritative and manifest” (νόμον τὸν ἀληθῆ καὶ κύριον καὶ φανερὸν). That is, as a divine *nomos*, and unlike the human written *nomos*, it has true authority. Dio stresses this point, calling it “ordinance of Zeus” (Διὸς θεσμὸν) and “laws of Zeus.” Rather than a law that constrains humans in accord with a human lawmaker’s inferior desires, this *nomos* brings freedom.\(^{198}\) The association with “nature” here is not clearly part of a system that involves *logos*; rather “nature” refers to the purpose for which humanity exists: not to be constrained by human and thus inferior *nomoi*, but to be free to live in accord with the universal standards ordained by Zeus.

In Epictetus’ discourses we find frequent appeal to a “higher” *nomos* that should govern all people. In *Discourse* 1.26, titled “What is the *nomos* of life? (Τίς ὁ βιωτικὸς νόμος;), he writes that “the most important law of life” is “to act (in accord with) nature”


\(^{197}\) Dio Chrysostom, 80.4–7. The phrase “law of nature” occurs in 80.5. In his article, Horsley associates Dio Chrysostom with Cicero, Philo, and Arius Didymus as another example of the same kind of law of nature argument (“The Law of Nature,” 38). This, however, is not clearly the case. In Dio’s expression, there is no reference to *logos* or “right reason” that is associated with this law in accord with nature.

\(^{198}\) Dio Chrysostom, 80.7.
Elsewhere he appeals to a “higher” law for ethical living, writing of the “law of God” (ὤ τοῦ θεοῦ νόμος) and calling it also “a law of nature and of God” (νόμος τῆς φύσεως καὶ τοῦ θεοῦ) which is the “most good and most just” (κράτιστος ἔστι καὶ δικαιότατος).

He makes this appeal in the context of arguing that this law of “nature” is that the better should prevail over the worse—that the strong should rule over the weak. Epictetus takes this common sentiment and reinterprets it to mean that the “better” are not the stronger but those who are just and virtuous. While Epictetus is a Stoic, and he makes a connection between “law of nature” and the “law of God,” the law of nature here seems to be distinct from God. It is not: “a law of nature, which is also God.” The “nature” to which he appeals here is not clearly an all encompassing cosmic principle identified also as “God.” “Nature” refers to the common understanding of humanity that all humans are in some way equal as rational human beings and as “offspring of Zeus.” It is interesting in light of this that Epictetus’ understanding of the

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199 Epictetus, Diss., 1.29.13; 1.29.19.

200 Epictetus, Diss. 1.29.20–21.

201 On this point, see A.A. Long’s comments that Epictetus differs from his Stoic predecessors in that Epictetus “proceeds from rather than to God.” There is an external standard to which humans must align themselves, rather than a strictly internal association with god (the logos) that humans must live in accord with. This is largely the result of a different conception of god that is more “providential” and “personalist” than his Stoic predecessors. That is, god is not one with “nature” but distinct from it, even though “nature” is fashioned by god to lead humans to virtue (A.A. Long, Epictetus: A Stoic and Socratic Guide to Life [Oxford: Clarendon Press, 2002] 142–85).

202 See Long, Epictetus, 147–48, 174–75: “(Epictetus) assert(ed) God’s presence throughout nature as distinct from explaining it in physical terms or by identifying God with the world (i.e. with nature itself)” (147–48). This is precisely one key point where Epictetus differs from his Stoic predecessors.

203 See Epictetus, Diss., 1.6.15; 1.13.
telos of humanity is not to “follow nature” as earlier Stoics had put it, but rather “to follow God” who seems to be distinct from nature.204

One important result of these variations is that “law of nature” should not be tied down to one strict “Stoic” conception. The concept is more “eclectic” and it could be adapted to changes in thought and worldview, even within the broad spectrum of Stoic thought and ideas. As Horsley puts it, the natural law argument was handled differently by writers in “a genuine and creative search for new combinations of ideas, for intellectual solutions to live issues of the day for which the answer of any particular doctrine from the traditional philosophical schools no longer seemed adequate.”205 Cicero and Dio Chrysostom both have knowledge of Stoic ideas and use them well. Epictetus is a Stoic, but like Cicero, distinguishes God from physis in a subtle way. Thus, nomos in accord with physis is understood slightly differently.

Conclusion

On the basis of the above discussion of nomos in accord with physis we can make a few points about how associations with physis served to universalize nomos. First, associating nomos with physis serves to express a nomos grounded in a transcendent reality in order to emphasize common human ties rather than social or political differences. The main distinction here from koinos nomos is for some the use of physis as that which unites humanity, and for others the attempt to use the concept of physis as a way of rooting nomos in something transcendent of human limitations. An individual could live in accord with the law of nature wherever they were, and whoever they were,

204 Cf. Epictetus, Diss. 1.12.5; 1.20.15; 4.8.12.

and it was something to which all humanity could and should be held to account. This is because this *nomos* governed humanity on the basis of a shared *physis*, whether that relates to what is natural and just for human life, a shared λόγος, or some intangible embedded in the inherent fabric of the *kosmos* itself. Second, the concept could differ depending on how one conceived of *physis*. This is not just a distinction that evolves chronologically—that is, it became more “developed” as time went on. Differences in how “law in accordance with nature” was expressed are often the result of differences in socio-political location and philosophical frameworks. For some earlier Stoics *nomos* was essentially redefined to refer to the disposition and actions—the *logos*—of the wise man in unity with *physis*. For others like Dio Chrysostom and Epictetus, the cosmic unity of *logos, physis*, and God is not there, and the appeal to all humanity is stronger and more explicit. The law is not necessarily limited to the actions of the wise man in accord with *physis*, but rather is a universal standard to which all people should be held accountable.

Let me make a final point about the relative popularity of the association of *nomos* and *physis*. While earlier formulations may have been more peculiar to the Stoic school, later associations of *nomos* and *physis* very likely held a wider appeal. According to Runar Thorsteinsson, Stoicism, particularly in the Roman era, had become very well established as “the most favored philosophical school in Rome” and likely supplied that basis for much political-ethical thought and deliberation among those with little interest in Stoicism or adherence to particular philosophical sects. The diversity in expression and application of associations of *nomos* and *physis*, both before Stoicism and during its

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development, as well as the later popularity of Stoic ethics, all make a difference when one asks whether or how Diaspora Jews may have used the concept of “law of nature.” It still remains to be seen if, how, and to what degree Diaspora Jews may have associated *nomos* with *physis*, but this discussion should help see things on a broader horizon, and see how associations of *nomos* and *physis* stand in relation to other attempts to express transcendent *nomos*.

Excursus: The Concept of “Living” Law (*νόμος ἐνένυχος*)

The reference to unwritten *nomos* in Pseudo-Archytas above is related to another important concept: *νόμος ἐνένυχος*. According to the treatise attributed to Archytas there are two types of *nomos*: animate law (*νόμος ἐνένυχος*), which is the king, and the inanimate, written law. The king who is the most just and virtuous ruler of his people embodies justice and the unwritten *nomos*. The king “is himself not only a law, but the vivid representation to men of the law, that will of the gods to which all local state law must conform.”^207^ The term *νόμος ἐνένυχος* has been variously translated as “animate law”^208^ or “living law.”^209^ According to John Martens, *νόμος ἐνένυχος* is its own version of “higher law.”^210^ While the concept certainly seems to have had a great deal of significance, especially with regard to matters concerning Hellenistic kingship, it is not fully a stand-alone expression of transcendent *nomos* on the same level as unwritten *nomos*, “common” or “universal” *nomos*, or “law of nature.” An important distinction

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must be made between a concept of transcendent nomos, and the embodiment of it.

Simply put, the king is not himself the transcendent nomos; he is the embodiment of it.

The Greek word ἐννυχος suggests the idea of something having life or animate as opposed to lifeless or inanimate. Thus, the concept pertains more to the form in which transcendent law is manifest than to a species of transcendent law itself.

An important point in this regard is that the king himself can transgress unwritten nomos, a point that suggests a distinction between the king and the unwritten nomos. The author “Archytas” goes on to say:

Law is primary; for with reference to it the king is lawful, the rulership fitting, the ruled are free, and the whole community happy. But when the law is transgressed, the king is a tyrant, the rulership unfit, the ruled are slaves, and the entire community wretched.

The ruler, according to the author “must be lawful” and “the best ruler would be the one who is closest to the law.” In his interpretation of the fragment, E.R. Goodenough points out that we have here “an additional form of unwritten law...that of the monarch, who is himself not only a law, but the vivid representation to men of the law, that will of the gods to which all local state law must conform.” The ruler is a “form” of the unwritten nomos, not the transcendent nomos itself. It is the ruler’s conformity to transcendent unwritten nomos that is the key point.

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211 Cf. “ἐννυχος,” LSJ.

212 Adapted from Goodenough, “Political Philosophy,” 59.

213 Goodenough, “Political Philosophy,” 60.

214 Ibid., 61.

215 Goodenough points out that the ruler is weighed according to his conformity “to higher natural law” (“Political Philosophy, 61). Here Goodenough uncritically merges unwritten nomos with “natural law.” His intention seems to be that both unwritten nomos and “natural law” both represent “higher law” in
The important elements of this idea are those of representation and imitation. The king is a representation of the transcendent unwritten *nomos*, embodying the divine will to humanity. A statement in the writing attributed to the Pythagorean Diotogenes verbalizes this point well: the ruler is to “begin by fixing in his own life the most just limitations and order of law.”\(^{216}\) According to Plutarch, writing in the late first century or early second century, the idea continues, but in modified form. The ruler is to possess the divine *logos* and thus embody the divine *nomos*.\(^{217}\) As such, rulers present a manner of living that makes available to all people the divine *nomos* that they might follow it and be governed by it.

As one can see, the association of the ruler with law appeared in ancient writers in a variety of ways and occurred in “an impressive range of philosophical systems.”\(^{218}\) Depending on the philosophical system, the ruler could be said to embody *nomos*, possess the *logos* in the most perfect way, or even embody the divine essence. It was not a version of transcendent *nomos* in itself, but depended on other conceptions, whether “unwritten *nomos*” or the idea of the *logos* as part of formulations of law in accordance with nature. According to Chesnutt, however, all of these expressions communicated the contrast to particular or written *nomos*. While he is correct on this point, it is not correct to assimilate unwritten *nomos* with “natural law” as if they were the same thing. The Pythagorean writings do not contain the Stoic influences or cosmological view upon which the traditional Stoic concept of “natural law” exists (a point Goodenough makes in his article, “Political Philosophy,” 60, 76). Goodenough may be assuming that the idea of “natural law” precedes the Stoics, which is a debatable point. A point I will make below is that the there is a spectrum of positive associations of *nomos* and *physis*, and the Stoic conception is one, albeit a very developed and influential, approximation.

\(^{216}\) Quoted and translated in Chesnutt, “The Ruler and the Logos,” 1316.

\(^{217}\) See especially Plutarch, *A Discourse to an Unlearned Prince (Ad Principem Ineruditum)*, 780B-782A.

\(^{218}\) Chesnutt, “The Ruler and the Logos,” 1310.
same basic idea: it was an attempt to bring god’s “cosmic order” “down to earth” and thereby bring “salvation” to the people. This concept was a way to address the problem of particular nomos, as well as the problem of the gods being removed from earthly matters. In this potential state of chaos and meaningless existence, the ruler embodied for the people the expression of the higher standard that sustained political-ethical life.

Conclusions to the Discussion of Transcendent Nomos

The distinctions notwithstanding, the various expressions of transcendent nomos represent attempts to articulate a nomos that is universally authoritative and transcendent of human political and social limitations. This was to overcome the traditional understanding of nomos which was marked by its human finitude and particularity. In short, the common link is the attempt to “transcend the mundane and arbitrary” of written and particular law.

There were, to be sure, more technical understandings and expressions of these concepts. Each one seems to have its own distinctive traits, even if not consistently. “Unwritten nomos” appealed to a standard that was, in a sometimes vague way, greater than what particular nomos could achieve because of its limitations. Rather than being bound only to one particular polis or community, this nomos consisted of those things which apply to all people. “Universal nomos” was quite similar to “unwritten nomos” but had a greater emphasis on common humanity. On the basis of a vague idea that humanity shared something in common, these laws provided an ethical norm or standard for this common human community. This form of nomos was in some writers linked with the

\[219 \text{Ibid., 1312.}\]

\[220 \text{Martens, One God, 66.}\]
logos commonly found in early Stoic conceptions of nomos in association with physis, but should not be completely identified with it. Associations of nomos and physis appealed also to a common humanity, but in a more complex way than “universal nomos.” The appeal to physis was variously understood. For some writers this was the “nature” of humanity understood in terms of how a writer conceived of the goal or purpose of human life. For others, however, physis had a more cosmic scope, being the physis of the entire universe, even identified with God, but even then not all writers went this direction.

There seems to have been also some fluidity in the various expressions. This fluidity was such that the various formulations bled into one another. Some writers used more than one expression with little sense of distinguishing among them. We saw this with the combination of “unwritten law,” “universal law” and “nature” in Aristotle. We also saw this in the way that “universal law” merged with articulations that associated nomos and physis, in the writings of Dionysius of Halicarnassius, as well as the diversity in the writings of Cicero, Dio Chrysostom, and Epictetus. From the examples of these writers, this fluidity suggests that all of these various expressions of transcendent nomos were attempts to articulate a common concern to establish a political-ethical standard for humanity. The fluidity among expressions also allowed for particular expressions to exist outside of particular philosophical frameworks or to be applied to a writer’s particular concerns and contexts. As Richard Horsley stated with regard to the “law of nature” formulation, this is a result of a creative eclecticism, or as Troels Engberg-Pedersen puts it, “genuine creativity.”

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There are three particular points worth noting about these conceptions of transcendent *nomos*. First, as an attempt to formulate a universal conception of *nomos*, many of these formulations are related closely with God. In other words, with few exceptions, the discourse maintains a theological aspect. This seems to be a response to the issue of the authority of υόμος. With these expressions of transcendent *nomos*, the understanding of the deity likewise takes on a universal tone. Though Zeus is often specified, he was not singled out as the god of the Greeks, for example, but the God of the whole universe whose *nomos* applies to all people. And it is not necessarily an impersonal divine connection, either. From the earliest stages through the Roman era a concept of “divine providence” was important. Many philosophers held to some understanding of the “existence of cosmic order and design, the benevolent intervention of the divine order in worldly and human affairs, and even God’s paternal care for the world and man.”

Second, transcendent *nomos* pertains to all humanity, not just a particular polis or community. Often this is clear in the way that the conceptions of transcendent *nomos* are set in contrast to particular and written *nomos*. In doing this Greco-Roman writers attempt to solve the problem of universality. All people are accountable to transcendent *nomos*, and in theory at least, all people have the chance to follow it.

Third, there is often no concrete itemization as to the content of transcendent *nomos* as one might find in particular written lawcodes. There is the language of

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command and prohibition in a few writers. There are also a few instances where certain commands or expectations are mentioned, such as in Xenophon’s *Memorabilia.*

According to Phillip Mitsis, some elements of universal law are quite fixed which have no exceptions. These include “unjustly dishonor(ing) one’s parents or…act(ing) imprudently.” There are “no circumstances in which such actions are to be chosen.”

More often, however, transcendent *nomos* defines an ethical standard that fully encapsulates justice and virtue.

**A Grammar for Nomos**

At this point in our study, we can begin to describe some of the elements of a “grammar” for *nomos* in the ancient world. It is clear that νόμος was a complex concept.

As a foundational understanding of *nomos* we can put forth that it denotes a normative standard that influences and establishes expectations for ethical and political life. The commands or prohibitions of *nomos* prescribed the way of life for a particular community.

If we think of this metaphorically in terms of a grammar of *nomos*, we might say that the first inflection of *nomos* refers to the manner of life which is limited to a particular community defined in terms of traditional political, ethnic, or social distinctions. In this inflection, *nomos* often distinguished one community from another. Problems with this understanding of *nomos* in the 5th century B.C.E., the ongoing changes in the Greco-Roman world, and shifts in the nature and scope of how people saw their community evolve from *polis* to *kosmos* led to the development of a new inflection of *nomos*.

This new inflection of *nomos* addressed problems of universality and authority that plagued particular *nomos* and it quickly became normative. As an alternative to

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particular *nomos*, this new inflection denoted something universal, transcendent, and *not* written—signaling that it is not bound to human limitations of justice or particular communities. The basic idea of *nomos* remained: it was an authoritative ethical-political norm for a community. But the new inflection was a way to enable *nomos* to be used in new phrasings—to be applied to a broader community and possess a wider scope of those over which it reigned and to have real, lasting authority for ethical-political life.

This new inflection could be declined in a few different ways: unwritten *nomos*, universal *nomos*, and *nomos* in accord with nature were the main ones. Each of these had their own particularities. But, as part of the grammar of *nomos*, they all signify a way of providing language to articulate a political-ethical standard for a larger, trans-political community. While the specific concepts of transcendent *nomos* are important, it is also important to see the more complex conversation about *nomos* of which these conceptions of transcendent *nomos* are a significant part. As we saw above, all of the conceptions of transcendent *nomos* undergo some change and modification over time and even differ from one writer to another. But they each remain attempts to articulate a universal and authoritative basis for ethical and political life. These new forms of *nomos* did not result in the demise of the original idea of *nomos*. Rather, they represent new ways to apply *nomos* to more complex phrasings—even possibilities for continued use of the first inflection, particular *nomos*.

At the end of this chapter, we have a sense of the development of *nomos* in the ancient world and main components of how *nomos* was understood. This provides us with the important larger context into which Jewish writers spoke when they wrote about *nomos*. There is more to this, however, for we have not seen how writers dealt with
particular *nomos* and ways of living that constituted particular communities within this framework. We have seen a new inflection of the concept *nomos* as a way of adapting the general concept to new circumstances. But the first inflection—*nomos* as representative of the way of life of a particular community—remained meaningful. In the next chapter we will take a look at how particular expressions of *nomos*, many in written form, continued to find significance on the basis of and in relation within this larger discourse.
CHAPTER THREE
THE GRAMMAR OF NOMOS AND THE PURSUIT OF VIRTUE

Introduction

In the previous chapter, we discussed *nomos* as it was understood within the political-ethical matrix of the Greco-Roman world. At the end of the chapter I outlined a ‘grammar’ of *nomos* which highlights important components of how *nomos* was understood by Greco-Roman writers. We saw that *nomos* defined an ethical-political standard of expectation for people within a set community. It was closely identified with socio-political identity: *nomos* was what *so-and-so* did. On the one hand this was because there were multiple *nomoi*, related to different communities, each claiming authority. As we have seen, over the course of developments in the Greco-Roman world particular or written *nomos* and the contexts in which it held authority experienced change. Particular *nomos* was seen as inadequate to the task of prescribing ethical living within a vast Hellenistic world where the idea of a universal, common humanity became more widespread. The socio-political ramifications of this were such that particular *nomos* often was seen as dividing rather than uniting humanity under one political-ethical standard. As a contrast or alternative to particular *nomos*, conceptions of transcendent *nomos* grew in importance.

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1 Cf. Michael Winger, *By What Law?*, 109: “*Νόμος* is what Jews do. To be a Jew is to do *νόμος*; and to do *νόμος* is to be a Jew.” This may be applied beyond just the Jewish people.
To write or speak about *nomos* from the fifth century B.C.E. through the first century C.E., was to enter into a widespread discourse about *nomos* that centered around the attempt to define and give expression to a universally authoritative standard for living. To write or speak of νόμος was to say something about the question: which νόμος? This question was not just inquiring about which particular *nomos* was best; it was also a question that brought to the surface the tension between particular and transcendent *nomos*. Conceptions of transcendent *nomos* gave *nomos* new life, universalizing a concept that once was hindered by its finitude and lack of universal authority. They also brought a new complexity to how *nomos* could be understood. These conceptions demonstrate that in order to speak of *nomos* in a meaningful way one had to think in terms of a universal standard for political-ethical life to which all humanity was accountable and which would lead to the realization of justice and virtuous life for all, to which all people should be accountable.

**Competing Νόμοι or Complimentary Νόμοι?**

One important realization about this discourse is that the concept νόμος continued to be meaningful. In other words, *the various expressions of transcendent νόμος remained νόμος*. They did not displace *nomos* itself, but rather they displaced or challenged a type of *nomos*. One way to put it is that writers and thinkers did not abandon *nomos* in favor of φύσις, δικαστερία, or ἀρετή. As formulations of transcendent *nomos* became more normative in use, it became commonplace to use the unmodified Greek word *nomos* to refer to such concepts; transcendent *nomos* was simply νόμος. One thing that this demonstrates is an attempt to salvage the concept of *nomos*; *nomos* held ongoing

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importance in the Greco-Roman world. This also created a problem of potentially competing understandings of *nomos*.

In his article “Nomos in Attic Rhetoric and Oratory,” C. Carey writes that in the time of Aristotle, it was not common to see written and unwritten or transcendent *nomos* in competition with one another. We may extend Carey’s point to include the entire period from the fifth century B.C.E. to the first century C.E. As the worldview developed from *polis* to *kosmos*, and as alternatives to particular *nomos* developed, there grew the potential” for the two types of *nomos*—the particular and the transcendent—to be “competing sources of authority.” While this was certainly is a possibility, more complexly understood, the two conceptions of *nomos* more often functioned as “interlocking parts of a system of constraint which makes civilized society possible.”

To conclude that transcendent *nomos* automatically rendered particular *nomos* useless or superfluous would be an incomplete conclusion. People and particular communities in the ancient world could not just abandon their own *nomos*! The two could be in competition, but they also could be complimentary. The second century Roman jurist Gaius wrote in his *Institutes* that

All peoples who are ruled by laws and customs partly make use of their own laws, and partly have recourse to those which are common to all men; for what every people establishes as law for itself is peculiar to itself, and is called the Civil Law, as being that peculiar to the State; and what natural reason establishes among all men and is observed by all peoples alike, is called the Law of Nations, as being the law which all nations employ.

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4 Ibid., 40.

As we shall see, Gaius’ statement reflects a real possibility in the centuries prior to him. Let me offer two ways in which particular nomos continued to carry significance in relation to transcendent nomos.

First, it was a matter of course that the particular nomoi—the customs, ways of life, and commands—of particular political groups could not go away. This would result in a state of anarchy in the ancient world. Even attempts to situate the ruler as the embodiment of transcendent nomos had to reckon with nomoi and traditions of particular political communities. James O’Neil’s gives evidence of this interplay in his article “Royal Authority and City Law under Alexander and His Hellenistic Successors.”

According to O’Neil, philosophical theories of ancient Hellenistic kingship, which as we have seen promoted the king as “living law,” did not necessarily displace and replace the particular nomos of the polis. One example given by O’Neil is when Ptolemy I liberated the people of Cyrene and then began to establish new laws, the authority of which came from his kingship. But, Ptolemy did not completely dispose of the current laws of the people. They remained only “in so far as they did not conflict with his own decree.”

O’Neil cites an edict that states that where there is no explicit royal edict (διάγραμμα) then the city laws (πολιτικοί νόμοι) are to hold authority. While it is clear that the king’s law was superior to the city law, it did not abolish it or render it superfluous. Keeping in mind that the “living law” ideal was in some way a form of transcendent nomos, this

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7 Ibid., 427.

8 Ibid., 427. O’Neil gives a number of such examples of the interplay between particular nomos and the law of the king in his article.
example illustrates that transcendent *nomos* and particular *nomos* could stand together, even if in some tension, because they both retained ongoing significance for ethical and political life. While in theory transcendent *nomos* was the supreme ruler, in practice particular *nomos* still governed in local places and could not be dismissed completely.

The second way particular *nomos* continued to have significance is that transcendent *nomos* was a difficult concept not only to grasp, but also to live in accordance with. It was really for only a select few that written or particular *nomos* was actually optional. The Stoics and Cynics were the ones who most vigorously championed the idea of an individual who did not need particular manifestation of *nomos*. But they did so for quite different reasons. Stoics traditionally held to the concept of the “wise man” who lived in harmony with the *logos* and thus in harmony with the *nomos* that was according to *physis*. This individual needed no exterior *nomos* for his own life, because this person, through the *logos*, lived in harmony with *physis*. Some Stoics, it seems, thought more in terms of a progression than a static state. Even so, there were few who actually carried this out, even though it was the desired goal of Stoicism.

Cicero, who was not strictly a Stoic but “an Academic by inclination as well as by choice” who drew on Stoic concepts, recognizes that the true ideal of the wise man rarely, if ever, existed. For Cicero, not even some of the greatest Romans of the past can

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10 Long, *Hellenistic Philosophy*, 183: Long points out that most Stoics stressed “aiming at rather than achieving the desired result (of life in accordance with nature).”

11 Brad Inwood, “Natural Law in Seneca,” in *Studia Philonica Annual* 15 (2003) 81; E. Asmis, “Cicero on Natural Law,” 16. Though Cicero’s overall thought was not limited to Stoicism, he did draw on Stoicism considerably.
be considered “wise” in the fullest sense. They only bore a “likeness” to true wise men. Furthermore, every-day people must live up to the moral standard that they can comprehend and put into practice.¹² Not only was the perfect sage rare, there was enough lack of clarity that it was a source of difficulty.¹³

The Cynics—the fifth century Sophists in a new context—also contended that they did not need to follow any law, but lived according to their own desires, which they often referred to as physis. Theirs was a system bent on rejecting social norm in favor of individual nature. Joseph Bryant writes that the “Cynic call to virtue was basically devoid of positive content, as primitive naturalism and a mocking antinomianism did not go far in providing a constructive guide to moral conduct.”¹⁴ Like the Stoic view, the Cynic understanding of ethical living did not provide much guidance for people.

This difference between the Stoic and Cynic views led some to actually turn to particular nomos as a solution. As we saw above, the Stoics reconceptualized physis in terms of a “cosmic totality” or an “all embracing cosmic order.”¹⁵ In contrast with the Cynic idea, Stoics understood physis not in extreme contrast to the polis and to convention, but rather in a way that united the individual with the overall purposes of the universe, which included the functions of the polis. According to Joseph Bryant, this resulted in “an ethical axiology that succeeded in moderating Cynic extremism while still

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¹² Cicero, *De Off.*, 3.15–17. See also his thoughts on the wise man in *De Rep.*, 3.5–6.


safeguarding the individual from all “external” disturbances.”\textsuperscript{16} The problem with the Cynics’ apparent antinomianism lead Cicero, who otherwise was a proponent of \( \nu \omega \omicron \varsigma \phi \upsilon \sigma \epsilon \omega \varsigma \), to actually argue in favor of the efficacy of particular customs and conventions for pursuing the virtuous life in accord with nature:

But no rules need to be given about what is done in accordance with the established customs and conventions of a community; for these are themselves rules; and no one ought to make the mistake of supposing that, because Socrates or Aristippus did or said something contrary to the manners and established customs of their city, he has a right to do the same; it was only by reason of their great and superhuman virtues that those famous men acquired this special privilege. But the Cynics’ whole system of philosophy must be rejected, for it is inimical to moral sensibility, and without moral sensibility nothing can be upright, nothing morally good.\textsuperscript{17}

Cicero’s statement does not just refute the Cynic way of thinking. Cicero also implicitly makes the claim that not everyone possesses “great and superhuman virtues.” It would not be unrealistic to think that Cicero may have also been guarding against the possibility that people who misunderstand Stoicism will, in their attempt to claim to follow \textit{physis}, disregard all sense of morality. In other words, for the non-sage, following particular \textit{nomos} is the best or only alternative.

One of the central pieces of the problem with the idea that one could live without particular \textit{nomos} was that the details of these forms of “higher” \textit{nomos}—the “commands” if there were any—were not itemized or clearly known. According to Raymond Bellotti, “natural law” provides for Cicero “a secure foundation for moral and political judgments.”\textsuperscript{18} At the same time Cicero also appealed to “social traditions, customs, and

\textsuperscript{16} Bryant, \textit{Moral Codes}, 431.

\textsuperscript{17} Cicero, \textit{De Off.}, 1.148.

\textsuperscript{18} Raymond A. Bellotti, \textit{Roman Philosophy and the Good Life}, 22.
practices.” This is largely out of Cicero’s concern to give some substance to the sorts of actions that “flow from natural law.” Why would he do this? Because

reliance upon natural law as the supreme authority for normative judgments is spectacularly problematic. Reliance upon…objective standards of morality which are allegedly part of the structure of the universe seems mysterious and dubious to critics of natural law.\footnote{Bellotti, Roman Philosophy, 22.}

The idea alone could be an open door to antinomianism. This was a problem especially for the majority of the Greco-Roman world who held on to the importance of particular nomos as the glue that held political life together.

The overall point here is that there was great potential for particular nomos to have significance, even among writers and thinkers who otherwise attributed a greater value to forms of transcendent nomos. It was not just an issue related to Stoic and Cynic moral systems, either. The Epicureans, for example, held that following the laws was not necessarily inimical to natural justice.\footnote{Ibid., 22.} For the majority of the Mediterranean world particular nomos remained important for ethical and political matters. At the same time, however, the discourse about transcendent nomos was too pervasive and it was difficult to overcome that particular nomos lacked universal authority on its own and could fall short of transcendent nomos. But, at the least, the ‘grammar’ of nomos does not include the complete demise of particular nomos.

Articulating the relationship between particular and transcendent nomos was tricky. There are good particular nomoi and bad particular nomoi. Cicero is one of the

\footnote{A.A. Long, Hellenistic Philosophy, 69–72.}
few who seems to reflect an attempt to provide a more studied proposal of how particular
law related to “law of nature.” In De Legibus, Cicero stated that a nation or state can only
be called so if they have law and he does not eschew crafting laws for the ideal state that
are in accord with that community’s character as the ideal community.22 However, in
order to be called a nation, particularly a good state or nation, the laws must be good —
in accord with nature.23 To be called “law” they need to be in the service of the safety of
the people, preservation of the states, tranquility and happiness of life. Ultimately this law
must be in accord with what is just and true (2.12). While law is important to a nation or
state, the laws themselves can be abrogated if they are not in accord with the eternal law,
which cannot be abrogated.24 As we shall see in more detail later, Cicero applies this
basic idea of “true law” to Roman law. According to Elizabeth Asmis, in his Laws Cicero
“attempts to frame the best code of laws by using a conception of natural law.” She goes
on, “To the surprise of Cicero’s interlocutor in the text, as well as the modern reader,
Cicero’s laws coincide very largely with the ancestral laws of the Roman state.”25 In part,
according to Asmis, Cicero tried to give some substance to the actions commanded by the
law of nature, especially for imperfect humans who do not fully understand the
commands of law of nature.26 But Cicero was also a Roman citizen who valued the
significance of legal prohibitions and commands of Roman law. This finds its way into

22 Cicero, De Legibus, 2.8–10.
23 Cicero, De Legibus, 1.44.
24 Cicero, De Legibus, 2.11–15.
his writing, and he finds Roman law and ways of life the best example of “law of
nature.”

The Goal of Nomos and the Pursuit of Virtue

Cicero more systematic connection between particular and transcendent law is
rare. Asmis and others even question the degree to which Cicero had really thought
through his theory. Expressions of relationship between particular and transcendent
nomos was more vague and less systematic in other writers. This is largely because, as
the early Stoics seem to have believed, “Zeus’s law is not a law-code, given with divine
authority.” In other words, there are no clear commands; it is more of an innate ethical
standard referred to as nomos. As such, it cannot easily be embodied in commands and
prohibitions. We saw this reflected in many of the writers we discussed in the previous
chapter: concepts of transcendent nomos never reached the point of development wherein
its commands were itemized. At the same time we saw that some writers in a very limited
way described transcendent nomos in terms of certain actions. In Xenophon’s
Memorabilia, unwritten nomos was given some content in terms of a few more or less
traditional commands: fear the gods, honor parents, do not commit incest, equity.
Cleanthes itemized several behaviors—virtues and vices—related to Zeus’ κοινός νόμος.
But not all writers did this. More often than not, concepts of transcendent nomos
functioned to support the idea of a transcendent and universal ethic, while they placed
elaborating on the details of that universal ethic on the back burner. Epictetus, for

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27 It is also true that Cicero did not concede that Roman law and “law of nature” were the same
thing. But, this did not keep him from making a case in favor of Roman law being the truest embodiment of
“law of nature” (cf. Elizabeth Asmis, “Cicero on Natural Law and the Laws of the State,” Classical

28 Vogt, Law, Reason, and the Cosmic City, 216.
example, writes that the truly educated person who follows God’s law is the one who knows what piety (εὐσεβεία) is, what is holy (σάρα), and what is just (δικαιοσύνη).

According to O’Neil, the both the king’s decrees and the particular nomoi of the community should be “based on general criteria of justice and equity.”

To understand the relationship between transcendent nomos and particular nomos it will be helpful if we consider how writers would comment on written or particular nomos in light of transcendent nomos. There are two ways this helps us. On the one hand, often we get lists of virtues or behaviors that particular nomos should lead to. Just as transcendent nomos embodied these things, if particular nomos was to have any appeal it too had to point to these. On the other hand, we find writers critiquing particular nomos for falling short of various virtues and behaviors. If the problems were identified with certain vices or falling short of virtue and justice, then the alternative transcendent nomos embodied the opposite.

Excursus: Common Understandings of Virtue (ἀρετή) in Relation to Ethical-Political Discourse

The concept of virtue (ἀρετή) in the ancient world is complex, even if we focus the sphere of use to ethical discourse. I cannot give a full description of these words and their nuances here, but I do want to highlight what scholarship has shown are at least common understandings that we rely upon in this chapter.

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29 Epictetus, Discourses, 1.29.
Virtue (Ἀρετή), has a complex history of use. In earliest instances, it pertained to “excellence” in a general sense. This “excellence” could vary, however, like \textit{physis}, depending on that to which one ascribes “virtue.” According to Christoph Jedan, when we encounter \textit{aretē}, it can mean one of two things, generally: “the overall excellent state of a human being,” or it can be a “generic term of which virtues like courage or justice are species.” Jedan continues to note that this distinction is more of a modern scholarly one, and “it is possible that (ancient philosophers, Stoics in particular) failed to see (this difference).”\textsuperscript{32} According to A.W.H. Adkins virtue in the 5\textsuperscript{th} century B.C.E. concerned “excellences deemed most likely to ensure the success, prosperity, and stability of the group” which, in the 5\textsuperscript{th} century was the \textit{polis}.\textsuperscript{33} According to Diogenes Laertius, in his discussion of Zeno, virtue is “the perfection of anything in general”\textsuperscript{34}—a statement which is more “common Greek usage” by the time of Diogenes than it is anything specifically Stoic.\textsuperscript{35} There is some evidence that for some Stoics, particularly Chrysippus, it concerned excellence in rationality, since the essence of human nature was possession of \textit{logos}. But later Stoics and many other philosophers held to a more “inclusive” understanding that was not “directly defined” or limited to rationality.\textsuperscript{36}

\textsuperscript{32} Jedan, \textit{Stoic Virtues}, 52. I apply what Jedan says here about Stoics in particular to the general philosophical discourse of the Hellenistic world for two reasons. First, Stoics used concepts and language that were common to the ancient world. Second, of all philosophical groups of the ancient world that would have made a hair-splitting distinction between categories of virtue such as this one, the Stoics would have been that group. That they did not suggests that other groups did not either.


\textsuperscript{34} Diogenes Laertius, 7.90.

\textsuperscript{35} Jedan, \textit{Stoic Virtues}, 55.

\textsuperscript{36} Ibid., 51–58.
From the Hellenistic period through the 1st century C.E., “virtue” language was standard to refer more to ethical life, but not without political or social implications. This “excellence” was understood in terms of fulfilling or exemplifying certain individual virtues. Plato influentially itemized four “cardinal” virtues in his Republic: “wisdom” (σοφία), “temperance” (σωφροσύνη), “courage” (ánδρεία), and “justice” (δίκαιοσύνη). While Plato prized “wisdom” as the main virtue encompassing all others, “the number, identity, hierarchy, and meaning of the virtues in the canon were subject to a considerable amount of variation throughout antiquity, depending on the differing views or objectives of particular individuals of philosophical systems.” Cicero highlighted “justice” as the greatest virtue in De Officiis 1.7. In addition to Plato’s four cardinal virtues, lists often would include: “practical wisdom” (φρόνησις), “piety” (εὐσέβεια). Other virtues could be in addition to, or subordinate to other cardinal or major virtues. Particularly, the subordination of other virtues allowed writers to bring more substance to what were otherwise quite abstract ethical-political concepts that were supposed to inform human action.

“Virtue,” in distinction from individual virtues, represented the overarching concept that referred to moral living, and the attainment of certain characteristics. In some writers, it was interchangeable with “justice” as representing the full human ethical and political goal. These were then often broken down into a number of individual virtues.

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39 Cf. the lists in: Aristotle, Rhetoric 1366B; Virtues and Vices, 1250B; Cicero, De Officiis, contains a lengthy discussion of the virtues; Diogenes Laertius, Lives, 7.92–93. See also the recent work of Christoph Jedan, Stoic Virtues.
“virtues” which were desirable ethical traits. These traits were part of the individual pursuit of the “good life” or of right ethical living. But they were also understood socio-politically as well in that pursuit of “virtue” and the virtues was part of one’s overall contribution to either the polis or the universe. As Joseph Bryant notes, the pursuit of aretē in the Greek system of education was “primarily moral, though no less “civic” in orientation: to instill in each succeeding generation a resolute commitment to the twin ideals of devotion to the polis and excellence as a citizen.” Naturally, as the locus of these discussions expanded from the polis to the kosmos, the understanding of virtue also adapted.

Positive Associations between Particular Nomos and Virtue

The Sophist Protagoras\(^4\) provides an early example of positively associating particular nomos with justice and virtuous behavior. While acknowledging the limits of particular nomos, he found good in it because it educated in justice and a deterrent for injustice.\(^5\) He states this in response to Socrates’ question as to whether “virtue” can be

\(^4\) Joseph Bryant, *Moral Codes*, 160. It seems from the context that by “excellence as a citizen” Bryant refers to moral excellence, understood primarily in terms of virtue and vice, good and evil, right and wrong.

\(^5\) He is thought to have lived through the middle of the 5\(^{th}\) century BCE; his date of birth may have been around 486–85 BCE (M. Untersteiner, *The Sophists*, trans. K. Freeman [Oxford: Basil Blackwell, 1954]: 1). Protagoras is often spoken of as the greatest of the Sophists and is famous for his dictum: “Man is the measure of all things” (DK 80 B1). On this brief saying, see Schiappa, *Protagoras*, 117-40.

taught. To argue that virtue—excellence within the polis—can be taught, Protagoras tells a “myth” (μῦθος). According to the myth, humans originally existed without the moral attributes necessary to function together in a society. They were in essence no different than the animals. He goes on to say that because virtue is not inherent in physis (nature), nomoi are crafted to restrain nature (lest people live like savages), and to educate in virtue. Protagoras describes this in terms of learning justice (δικαιοσύνη), temperance (σωφροσύνη), and piety (σεσιου) (324e–325a). Expanding on their educational role, he states that nomoi act as “paradigms” (παράδειγμα) for proper behavior in the polis and undergird the instruction of the youth (326C). He compares the written νόμοι to the patterns of writing given in school for students to learn, and states that the polis puts these laws in writing (ὑπογράφω) (326D) for the education of people. According to Protagoras, the most “unjust” person brought up “in nomoi” is a “just” person in comparison with those lacking “education,” “courts of justice,” and “nomoi”—all of which function in the pursuit of virtue.

In his Rhetoric Aristotle relates nomos to the pursuit of “justice” by noting that injustice is “voluntarily causing injury contrary to the nomos” (παρά τον νομον). In Rhetoric 1.9.1–13 while discussing virtue and vice (περί ἀρετῆς καὶ κακίας)—how one

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44 Plato, Protagoras, 327cd.

45 Aristotle, Rhet. 1368; Nic. Eth. 5.11.1. His definition of justice in Nic. Eth. 5.1.3 illustrates this: “justice (means) that moral disposition which renders people apt to do just things, and which causes them to act justly and to wish what is just” (Ὀρῶμεν δὴ πάντας τὴν τοιούτην ἔξιν βουλομένος λέγειν δικαιοσύνην ἢς πρακτικοὶ τῶν δικαίων εἰσί, καὶ ἢς δικαιοπραγοῦσι καὶ βουλοῦνται τὰ δίκαια).
attains the one and avoids the other—he defines the components of virtue, namely, justice (δικαιοσύνη), courage (ονορία), and self-control (σωφροσύνη) in relation to nomos:

Justice is ως ὁ νόμος (“as the law [assigns]”)
Courage is ως ὁ νόμος κελεύει (“as the law [assigns]”)
Self-control is ως ὁ νόμος κελεύει

A passage from Nicomachean Ethics also relates nomos more generally to promoting virtue and hindering vice:

the actions that spring from virtue in general are in the main identical with the actions that are according to law, since the law enjoins conduct displaying the various particular virtues and forbids conduct displaying the various particular vices.\(^{46}\)

It is not immediately clear from this passage whether Aristotle is referring to particular nomos (ιδιος νόμος as he called it in Rhetoric), or universal nomos (κοινος νόμος). Both types of law held value for Aristotle and the value of both was that they led to virtue and away from vice.

In Dionysius of Halicarnassius’ Roman Antiquities, Romulus’s laws are considered a high achievement, and lead to justice and virtue for people. Dionysius’ voluminous writing had political and cultural intentions, and were not pure historiography.\(^{47}\) A primary concern was, in the footsteps of earlier writers such as Isocrates, to embrace “cultural universality” and to apply the Greek ideals found in Isocrates to Rome, placing the growing Roman rule within the framework of a universal

\(^{46}\) Aristotle, Nic. Eth., 5.2.10; σχεδον γαρ τα πολλα των νομιμων τα απο της ὀλης ἀρετης πραττομενα έστιν καθ’ έκαστην γαρ αρετην προστατευει ζην και καθ’ έκαστην μοχθηριαν καλει ο νομος. The failure of the Spartans to follow the guidance of written code (γραιματα) is considered “dangerous” (ἐπισφαλε) to Aristotle (Politics, 2.1272A).

Greek *polis*. He views the laws established in the early Roman republic in light of this. The laws established by Romulus, one of the founders of the Roman people according to popular lore, served the interests of piety and virtue. He praises Romulus’ laws because “he recognized that good laws and the emulation of worthy pursuits render a state pious, temperate, devoted to justice, and brave in war.” This all begins with worship of the Gods, especially but not limited to Roman Gods, though in legislating such he followed in the customs of the Greeks while eschewing the “myths” of the Greeks that are not “useful” to humanity. In 2.74 he remarks that one of the purposes of law is to create bounds which keep people from becoming too greedy, and he goes on to state the benefit of Romulus’s laws was that they brought “moderation” (σωφροσύνη) and “justice” (δικαιοσύνη) to the polis (2.75). Diodorus of Sicily records a speech of an Athenian named Nikolaüs, who says that the application of the laws of the Athenians “advanced” the manner of living of humanity from “the savage and unjust existence to a civilized and just society.”

Negative Evaluations of Particular Nomos in Relation to Virtue

Just as writers would positively relate *nomos* to justice and virtues, it could also be related negatively. In his *Histories*, the second century BCE writer Polybius writes that laws and customs set the minds of the people to desire what is just and forbids the opposite. When the laws and customs are good, then the individual people are good, as is

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48 Gabba, *Dionysius*, 75–76.

49 Dionysius of Halicarnassius, *Roman Antiquitites*, 2.10: “so superior was their manner of life to all pleasure; for they measured their happiness by virtue, not by fortune.”

50 Dionysius of Halicarnassius, *Roman Antiquitites*, 2.18.

the whole polis. He judges the laws and justice of Crete in this way: they and their laws are reckoned unjust because they are full of “lust of wealth…constant broils…murders, and civil wars.” Likewise in an epistle attributed to the Cynic Heraclitus the Ephesians are chastised because the nomoi, “the things most seeming to be symbols of justice” (τὰ μάλιστα δοκοῦντα δικαιοσύνης ἕιναι σύμβολα) are actually “signs of injustice” (ἀδικίας τεκμήριον). Even while being curbed by the nomoi, the people act wickedly.

In his treatise “Concerning Virtue” (ΠΕΡΙ ΑΡΕΤΗΣ) Dio Chrysostom acknowledges that without nomos and justice, men are no different than wild beasts—savage and evil. He uses the Scythians as an example, who he calls nomads, a people without justice and nomos (ἀνευ. ωμου καὶ δικαίου). But it is not that they do not possess nomos at all; rather, their nomos—their norm for living—results in such a poor state. He explains this by making the point that inferior judges and nomoi (δικασταὶ καὶ νόμοι) results in a people—in this case the Scythians—who are in poor condition morally and ethically: they are full of factions (στάσεις), injustice (ἀδικίαι), arrogance (ὑβρεῖς), and impiety (ἀσέβεια). These people do not know that they are in such condition, but think they are just fine because “they consider that the (written) nomoi are sufficient for them” (νομίζουσι…τοὺς νόμους αὐτοῖς ἰκανοὺς ἕιναι πρὸς τοῦτο τοὺς γεγραμμένους)

52 Polybius, Histories, 6.47.1–6.
53 Polybius, Histories, 6.46.9.
54 The Cynic Epistles, 206.
55 Dio Chrysostom, Disc., 69.
56 Dio Chrysostom, 69.6.
57 Dio Chrysostom, 69.6.
for the purpose of living justly and virtuously. In other words, they have mistakenly held to the authority of their *nomos* without recognizing its downfalls. Dio does not quite criticize the laws because they are particular laws. Rather he uses the language of justice and virtue/vice to criticize the laws of a particular people as bad laws.

The examples from these writers give us a sense of the desired universal ethical goals by giving examples of those sorts of vices and behaviors to avoid. The association between *nomos* and virtue and justice became normative enough that when we come around to articulations in which *nomos* is positively related to nature (*physis*), it is expressed in terms of the pursuit of virtue and justice. According to Diogenes Laertius, “living consistently with nature is living in accordance with virtue, since nature leads us to virtue.”58 Much of Cicero’s *Laws* is devoted to describing how living in accord with “true law” which is accord with nature is a life of virtue.59 In short, the sort of life that resulted from living in accordance with transcendent *nomos*, φύσις, or even νόμος ἐν φύσει was ultimately a just and virtuous life.60

Through these examples we see that, explicitly or not, universal conceptions of virtue, and avoiding certain behaviors, provide the goals to which *nomos* leads—both transcendent and particular. The above passages focus on typical virtues, but they also move beyond them in describing behaviors that each writer (and their communities!) finds either laudable or reprehensible. Transcendent *nomos* was not inherently something put in competition to particular *nomos*. Neither did it render particular *nomos*...
“superfluous.” The relationship is more complex. In some cases particular *nomos* may have been rendered superfluous, there is no doubt. But, it seems that a major result of this larger discourse is that transcendent *nomos* was the *nomos* that fulfilled these purposes perfectly, and all the time. The importance for particular expressions of ethical living was that they should align with or serve the universal language and ideals of virtue and justice, and the avoidance of vice and other immoral behaviors.

To end this section, I draw attention to Dio Chrysostom’s 75th discourse, “Concerning Law” (*ΠΕΠΙ ΝΟΜΟΥ*) which provides an important first century perspective on the importance of *nomos*. Dio’s discourse encapsulates the image of *nomos* as that which guides an individual and an entire people toward virtue and justice. This discourse is also significant because in this eulogy to *nomos* Dio moves easily between particular and transcendent *nomos*, so that it is difficult to determine which is which.61 In other words, Dio does not see a real tension between the two types of *nomos*, but rather sees them both working in unison as *nomos*. In his introductory statements he writes that “*Nomos* is a guide for life, a universal overseer of cities, and a just standard for affairs toward which it is necessary for each person to direct his way of life; otherwise he will be crooked and wicked.”62 Dio associates this *nomos* with the cosmos, and sets this above the gods. He cites Pindar here: “the law…has been called king of men and gods.”63 All that is necessary is “to learn from the laws (*παρὰ τοὺς νόμους*”

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63 Dio Chrysostom, 75.1.
πωθάνεσθαι)” when one has a question concerning certain matters, he also says that nomos “plainly puts forth all things (ἀπλῶς ἀπαντᾷ ἀ προσήκει) which are related to those in need.” This is in particular response to oracles which can be misunderstood and is a description more characteristic of particular nomos than transcendent. Those keeping the law have “salvation” (σωτηρία) and those who live κατὰ τὸν νόμον reach their proper end (75.8–10). The law is above human guidance, and determines that which exalts virtue (75.8). In verse 9, Dio calls nomos a διδάσκαλος νεότητος (“a teacher of youth”) and in verse 10 he writes that a city without the law is without “salvation” (πόλιν δ’ οὐκ ἔνι σωθηναι τοῦ νόμου λυθέντος) and will “be brought to a state of utter madness and confusion.”

The above examples of positive and negative evaluations of nomos show an important point. The purpose and good of nomos among most writers was determined by the degree to which it led people in or educated toward the pursuit and cultivation of virtue, understood in both ways described in the excursus above. The implied point is that commands of particular nomos, then, were under this microscope and the value of particular commands would have to be described on these terms.

Nomos, Philosophia (φιλοσοφία) and the Pursuit of Virtue

I want to briefly draw attention to another component we find in ancient writers who engage in this discourse. It is not uncommon to encounter writers associating the pursuit of philosophy (philosophia; φιλοσοφία) with the ideals of virtue and justice, just as nomos was associated with these things. This is not surprising, since at its root, the

64 Dio Chrysostom, 75.3.

65 Dio Chrysostom, 75.4.
entire nomos discourse, though focused on ethical and political matters, had been
clicked within a broadly philosophical framework. In his book *A Short History of
Ethics*, Alasdair MacIntyre draws a direct connection between the problems raised by the
nomos discourse, wherein the question asked was “what shall be the νόμος by which I
live?”, and the realm of philosophia—particularly understood in terms of moral
philosophy.66 Beginning with the Sophists, Plato, and Aristotle, moral philosophers and
the task of philosophia was to address the pursuit of ἀρετή and δικαιοσύνη—to answer
the question, “how shall I live?” Engagement in moral philosophy and its pursuits
provided a way to answer the question that could transcend the bounds of particular
nomos.67

A number of writers witness to what MacIntyre describes and make associations
between “philosophy,” the pursuit of wisdom (σοφία), and the pursuit of virtue—all
bearing some relation to the larger nomos discourse. For such writers, living a life in a
manner to which “nature” calls humanity, or in accord with virtue, is not just related to
nomos; the life that achieves the universal ethical goals of humanity is also achieved
through philosophy or the pursuit of wisdom.

*Philosophia* was not understood in exactly the same way by different writers.
Etymologically the word denotes the “love of wisdom.” Owing its development to the 5th
century B.C.E., philosophia concerned the “reflection and investigation in relation to

66 Alasdair MacIntyre, *A Short History of Ethics: A History of Moral Philosophy from the Homeric

67 MacIntyre, *A Short History*, 11–12.
ethical knowledge.” It pertained to ethical and political action for Plato and related to the pursuit of “higher” things and of God for the good of the polis. For Aristotle understood “primary” philosophia concerned investigation of the divine, and “secondary” philosophia the investigation of physical reality. In the Hellenistic period, philosophia becomes the domain of the educated philosopher upon whom the wider public was dependant. It takes on different forms within specific schools, but not with loss of the main objective: to grasp reality and to live ethically good lives. The Stoics associated it with the suppression or extermination “passion” or “desire” (ἔπιθυμία), which was associated with the pursuit of life in accordance with logos and nomos in accord with physis. For Middle-Platonists, the importance of philosophia is “likeness to God.”

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71 Michel, “φιλοσοφία, φιλόσοφος,” TDNT, 9:175–78. For the Epicureans, the life of philosophia was associated with the pursuit of the life of pleasure and avoidance of pain or vice. The pursuit of the life of pleasure is, ultimately, the pursuit of virtue. This is described, according to the record of Diogenes Laertius record of the teachings of Epicurus:

By pleasure we mean the absence of pain in the body and of trouble in the soul. [132] It is not an unbroken succession of drinking-bouts and of revelry, not sexual love, not the enjoyment of the fish and other delicacies of a luxurious table, which produce a pleasant life; it is sober reasoning, searching out the grounds of every choice and avoidance, and banishing those beliefs through which the greatest tumults take possession of the soul. Of all this the beginning and the greatest good is prudence. Wherefore prudence is a more precious thing even than philosophy; from it spring all the other virtues, for it teaches that we cannot lead a life of pleasure which is not also a life of prudence, honour, and justice; nor lead a life of prudence, honour, and justice, which is not also a life of pleasure. For the virtues have grown into one with a pleasant life, and a pleasant life is inseparable from them (Diogenes Laertius, Lives of Eminent Philosophers, 10.131–32).

For the Stoics, the pursuit of philosophia was associated with exterminating the passions, or at least controlling them (on the distinction within Stoicism see Sandbach, The Stoics). The Stoic pursuit of philosophy was, as we have seen, a life in accord with “nature” (physis). This was essentially put in terms of life in accord with reason (logos), which, was stated in terms of virtue—progress in the moral life. This becomes more central for later Stoics than earlier ones, although, this element was always present.

Interestingly, and very likely not accidentally, for Plato the one who is “like” God follows the divine *nomos*! Most importantly, this connection points out that the discourse about *philosophia* and the *nomos* discourse overlapped significantly, to the point that they can be considered components of one large, widespread ethical discourse.

There is also a striking phenomenon wherein many writers make statements about *philosophia* using language that also resonates with statements made about *nomos*—both particular and transcendent. Some speak of *philosophia* in terms of “knowledge of human and divine things.” This is also a way that some writers defined “wisdom” (*σοφία*), which was not clearly distinct from *philosophia*. Cicero is a prime example of this when he writes that

> those who seek after (wisdom) are called philosophers; and philosophy is nothing else, if one will translate the word into our idiom, than “the love of wisdom”. Wisdom, moreover, as the word has been defined by the philosophers of old, is “the knowledge of things human and divine and of the causes by which those things are controlled.”

Seneca attempts to make a distinction between wisdom and philosophy writing that “wisdom is the perfect good of the human mind; philosophy is the love of wisdom and the endeavor to attain it.” Philosophy is defined just as Cicero had defined it. Seneca goes on to say that “philosophy does the going, and wisdom is the goal.” Nevertheless,

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75 Strabo, *Geography*, 1.1.

76 Cicero, *De Officiis*, 2.2.5.

77 Seneca, *Epistles*, 89.4.

78 Seneca, *Epistles*, 89.5–6.
in spite of Seneca’s distinction, he admits to the fact that many people in his time and before him fail to make such a distinction.\textsuperscript{79} For Seneca, philosophy and virtue cannot exist apart from one another, and wisdom stands as the climax of the virtue-seeking path of \textit{philosophia}.\textsuperscript{80} As we saw in the previous chapter and in our discussion of connections between \textit{nomos} and the pursuit of virtue in this chapter, \textit{nomos} was seen in this same manner. A number of writers we have discussed attributed to \textit{nomos} significance in relation to human affairs, by insinuating that \textit{nomos} communicates knowledge of god or god’s expectations for life, even if they have not used the exact definitions of \textit{philosophia} or \textit{Sophia} we have just seen.\textsuperscript{81} The telos of both transcendent and particular \textit{nomos} is concerned, like the pursuit of \textit{philosophia} and \textit{Sophia}, with the pursuit of virtue.

Plutarch’s \textit{The Education of Children} provides a significant example of how the concerns of \textit{philosophia} merge with what we have seen in our descriptions of the \textit{nomos} discourse. According to Plutarch’s treatise, \textit{philosophia} is the highest good for humanity—the goal of \textit{paideia}. From \textit{philosophia} one attains

knowledge of what is honorable and what is shameful, what is just and unjust, what, in brief, is to be chosen and to be avoided, how a man must bear himself in relation to the gods, with his parents, with his elders, with the laws, with strangers, with those in authority, with friends, with women, with children, with servants; that one ought to reverence the gods, to honor one’s parents, to respect one’s elders, to be obedient to the laws, to yield to those in authority, to love one’s friends, to be chaste with women, to be affectionate with children, and not to be overbearing with slaves; and most important of all, not to be overjoyful at success

\textsuperscript{79} Ibid., 89.7–8.

\textsuperscript{80} Ibid., 89.8–9.

\textsuperscript{81} In Cleanthes’ \textit{Hymn to Zeus}, \textit{no/moj} gives expectations for human living which issue from Zeus and Zeus’ divine ordering of the \textit{kosmos}; Epictetus writes of the “law of God” (\textit{ο του θεου νομος}) in \textit{Diss.}, 1.29.13; and “law of nature and law of God” (1.29.19); the third century jurist Marcian quotes from Chrysippus’ \textit{On Law} that “law is the king of all things human and divine” (reference in Christoph Jedan, \textit{Stoic Virtues}, 123).
or over-distressed at misfortune, nor to be dissolute with pleasures, nor impulsive and brutish in temper. These things I regard as pre-eminent among all the advantages which accrue from philosophy.\textsuperscript{82}

All of the things Plutarch attributes to \textit{philosophia} have elsewhere been associated with \textit{nomos}, both particular and transcendent. Plutarch does not remove \textit{nomos} from this equation to any great degree, as \textit{philosophia} achieves that to which obedience to the particular laws lead. In other words, pursuing \textit{philosophia} for Plutarch here achieves that which following transcendent \textit{nomos} also achieves. Likewise, according to Seneca, an important representative of first century Stoic philosophical thought, the goals of wisdom and philosophy are knowledge of the good and the bad, instruction of the mind.\textsuperscript{83} Even more pointedly, philosophy is identified with “the law of life” which is ultimately akin to life in accordance with \textit{physis}.\textsuperscript{84}

Our purpose here is not to unite \textit{nomos} and \textit{philosophia} as one and the same. The important point is that \textit{nomos}, \textit{philosophia}, and the pursuit of \textit{Sophia} all inhabited a common discourse of the pursuit of virtue and ethical living. There is a sense in which \textit{philosophia} was the means of a connection with “nature” or the way in which one understood right living, divine things, and even lived in accord with transcendent \textit{nomos}. This evidence suggests a relationship between \textit{philosophia} and the \textit{nomos} discourse, that both discourses overlapped considerably with regard to the ethical goal of the pursuit of virtue in the ancient world. While for some writers it seems that \textit{philosophia}, like

\textsuperscript{82} Plutarch, \textit{On the Education of Children}, 10. Epictetus also reflects very similar statements in \textit{Diss.}, 2.11 (“What is the Beginning of Philosophy?”).


\textsuperscript{84} Seneca, \textit{Epistles}, 15.94.39.
transcendent _nomos_, supplanted particular _nomos_. Yet, for other writers all of these concepts are used together in the pursuit of ethical virtue.

**Nomos, the Pursuit of Virtue, and Particular Political Entities**

As we have seen, the grammar of _nomos_ and the pursuit of _philosophia_ are concerned with the attainment of virtue and express concerns of ethical and political life in the ancient Mediterranean world. Situating the value of particular and written _nomos_ in terms of its relation to acknowledged virtues and vices, justice and injustice, and good and evil opened up into a larger web of discourse. There was the lofty goal of virtue and justice toward these discourses generally pointed; there were ways to speak of a transcendent ethical-political standard that encapsulated virtue; and there were particular ways to express the ethical standard. I now will draw attention was the way that this complex web of discourse made it possible for claims about the superiority of particular ways of life. In short: _because_ particular or written _nomos_ was set in relation to universally accepted standards, and _because_ written law by its nature was socially and politically situated, writers could claim some leverage or superiority on the basis of their laws by associating particular ways of living or particular _nomoi_ with either desired virtues or a form of transcendent _nomos_. This was the natural result of the inevitable need to demonstrate what was just and virtuous, the high value transcendent _nomos_ held in this context, and the importance of _nomos_ for the particular community. It revolved around the central question with which we opened this chapter: what manner of living—which _nomos_—best leads to virtue, justice, and wisdom?
Greek Paideia: Virtue for the World

For many Greek writers, *paideia* represented much of Greek life and culture. The concept of *paideia* (παιδεία) is a complex one. In his three-volume study on the concept Werner Jaeger points out that for Greeks *paideia* played a key role in the development of humanity. It referred primarily to education—the formation of humanity in accordance with an ideal.\(^85\) It, like *nomos*, concerned both individual and political moral development; it was the ideal of the human as a “political being.”\(^86\) As Jaeger puts it, “Greek education (*paideia*) is not the sum of a number of private arts and skills intended to create a perfect independent personality.”\(^87\) It is intended to create the just and virtuous society, and by extension, universe.

For Greeks, *paideia* denoted not only “education” but also Greek life and culture itself. Along with the attempt to turn the known world into one vast Greek *polis* in the wake of Alexander there was an attempt to establish one “shared cultural identity” which was Greek.\(^88\) Most Greeks held to the belief that their ways of life, their institutions, and their laws not only provided but indeed embodied *paideia*—the essential moral and political formation of humanity.\(^89\) This is because for most Greeks *paideia* encompassed all of Greek life—its history, its heroes, and its *nomoi*—and education into this would


\(^87\) Ibid., xxv–xxvi.

\(^88\) S. Swain, *Hellenism and Empire*, 68.

produce a virtuous humanity.\(^{90}\) Tim Whitmarsh rightly notes that “paideia can never escape from its Hellenocentric orbit: it is fundamentally and incorrigibly bound up with the articulation of Greek superiority.”\(^{91}\) This is not just the case for the early development of the concept. Graham Anderson points out that in the period of the second sophistic (1\(^{st}\)-3\(^{rd}\) centuries CE), defining the concept of paideia includes the values that go with (education) to make men civilized, as in the case of ‘the Humanities’ in English. It presupposes someone who has read the approved canon of classical texts and absorbed from them the values of Hellenism and urban-dwelling man alike, and who applies those values in life.\(^{92}\)

Ultimately, paideia was instruction in virtue for the whole known world—the oikumenē. It may have been the privilege of mostly the elite, but its purposes and goals were universal.\(^{93}\) Paideia was embodied in the possession of virtue. Plutarch, for example, feels perfectly comfortable drawing attention to the limits and shortcomings of certain Roman individuals, for whom paideia did not really exist, on the basis of their lack of paideia. In his treatise on Caius Marcus Coriolanus, the 5\(^{th}\) century B.C.E. Roman general, Plutarch writes that Coriolanus is a good example of how someone of “a generous and noble nature” can turn out fruitless and without virtue if paideia is

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\(^{93}\) While the “educated” and the possibility of such formal education pertained to mostly the elite, there are examples of Jews undertaking Greek education, and the influence of paideia cannot be limited to only those who experienced the formal education in the gymnasium. Indeed, the model of this sort of training of a culture influenced Diaspora Judaism.
lacking.\textsuperscript{94} For Plutarch, part of the criticism is directed at Roman understandings of virtue. They missed the mark not by attributing certain virtues (\textit{γρατία} and \textit{δίκαιοσύνη} and \textit{ἀνδρεία}) to Coriolanus, but equating virtue with \textit{ἀνδρεία}, and in thinking this means to be warlike and succeed in military conquests.\textsuperscript{95} Not all Roman writers would have agreed with Plutarch, but this is precisely the point. Plutarch is attempting to uphold the superiority of Greek \textit{paideia} through criticizing an ancient Roman ruler and Roman understandings of virtue; understandings with which he finds fault because they are not informed by Greek \textit{paideia}. But as Simon Swain writes, this is not necessarily “anti-Roman” either. Plutarch had a subtly different emphasis, a view “commonly held by educated Greeks that there was only one culture worth pursuing in the ancient world—not the modern notion of a unitary Greco-Roman culture, but the Greek idea of Hellenic culture that Greeks were more likely to possess than Romans.”\textsuperscript{96}

There is one significant expression of the way that \textit{paideia} may have been popularly understood by the time of the first century C.E. We find this expression in the \textit{Tabula of Cebes}, a “moralizing dialogue” attributed to the Pythagorean Cebes of Thebes.\textsuperscript{97} The \textit{Tabula} records a discussion about a tablet in the temple of Cronus which had “an unusual painting with peculiar fables” (1.1). A certain “old man” comes up to some people gazing at the tablet and explains its meaning to them. According to the old man, the tablet portrays a journey to “the dwelling place of the happy” because “all the

\textsuperscript{94} Plutarch, \textit{Coriolanus}, 1.2.

\textsuperscript{95} Plutarch, \textit{Col.}, 1.3–4.

\textsuperscript{96} S. Swain, \textit{Hellenism and Empire}, 143.

\textsuperscript{97} The \textit{Tabula} was likely written sometime in the first century BCE-first century CE (see John Fitzgerald and L. Michael White, \textit{The Tabula of Cebes} [Chico: Scholars Press, 1983], 1–16).
virtues and happiness spend their time here” (17.3). The picture communicates to those who understand it, “the kind of path (people) must take if they are to be saved in life” (4.3).

In this moralizing dialogue, there are a few significant elements to note about paideia. First, paideia stands at the gate of the “dwelling place of the happy” also referred to as “life”.

In other words, paideia stands as the main entry point into true life. Second, paideia gives gifts of virtue to those who come to her and are “purified,” having the diseases of vice and other evils cured by her. Through paideia people receive a host of common virtues: knowledge (ἐπιστήμη), courage (ἀρετή), justice (δικαιοσύνη), goodness (καλοκαγαθία), moderation (σωφροσύνη), orderliness (εὐταξία), freedom (ἐλευθερία), self-control (ἐγκράτεια), and gentleness (προστιτις).

In short, paideia is the key that allows the evil and non-virtuous to turn and become virtuous and just, and enter into the beautiful (eternal) dwelling of the happy.

It is striking that much of what is associated with paideia was also associated with nomos and the pursuit of philosophia. This, I think, is no coincidence. The ideal of paideia had, in essence, become significant as a means toward achieving the ethical-political ideals that stood as the goal of nomos and the pursuit of philosophia. At the same time, however, paideia represented particularly Greek life.

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98 Tabula, 3.1–4.3.

99 Tabula, 20.3.
Paideia and Nomos

In his article on Greek nomos, C. Carey notes that one way Greeks separated themselves from barbarians was respect of nomos. According to Werner Jaeger, the Greek idea of a legislator was compared with a sculptor, who through education (paideia) shaped the lives of people toward the ideal.

The idea of παιδεία, understood as “education,” had been associated with nomos from an early point. In relation to the norm of “justice,” Plato gives particular nomos the role of “instructor.” It teaches justice and curbs injustice for both good people who need instruction in the best course of action, as well as those “who have gotten away from education” (παιδεία) and have no way to prevent being overtaken by wickedness (κακία). In Laws, 870A–E Plato states that the failure to educate (παιδεύω) the individual leads to not only the destruction of the individual, but also to the damage of the polis. This education comes through the laws.

Other writers share in this trajectory, associating paideia more thoroughly with Greek life and culture. According to Jonathan Hall, many Greek writers distinguished their Greek ways of life from other peoples, often referred to as barbarians, on the basis of paideia. Moreover, insofar as nomos signified the ways and manners of a particular

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101 Jaeger, Paideia, xxvii.

102 For discussions of this see Jaeger; Bertram, “παιδεύω, παιδεία, παιδευτής,” TDNT, 5:596–625; Werner Jaeger states that early on the education is based in written or unwritten laws which bind its members (Paideia, xiv).

103 Plato, Laws, 880E. It should be noted here that κακία does not only translate into “evil” in terms of moral vice. It is the opposite of ἀρετή which holds a wider scope of meaning. The moral element is present in Plato, as noted; however, the meaning is not limited to this.
people, Greek life had *in effect* become identified with universal *nomos*. When it came to defining the best life for humanity, and in distinction with all other peoples, the Greeks were generally of one accord: Greek culture was the surest path to the most just and virtuous life.

In Thucydides’ *The Peloponnesian War*, Pericles praises Athens as the *paideusis* of Hellas — the educator of Greek life.\(^{104}\) Prior to this statement, Pericles had stressed the greatness of Athens’ laws and customs — both written and unwritten. These laws and customs are not those of other peoples, and are far superior, and an essential part of the way Athens educates.\(^{105}\) A bit later than Thucydides, Isocrates, in a famous statement in his *Panegyricus*, asserts that Athens is the *paideusis* of the entire Greek world:

> And so far has our city distanced the rest of mankind in thought and in speech that her pupils have become the teachers of the rest of the world; and she has brought it about that the name Hellenes suggests *no longer a race but an intelligence*, and that the title Hellenes is applied rather to those who share our culture than to those who share a common blood.\(^ {106}\)

Commenting on Isocrates, Werner Jaeger’s states:

> In Isocrates, national feeling is that of a culturally superior nation which has realized that the efforts it has made to attain a universal standard of perfection in all its intellectual activities are its highest claim to victory in competition with other races — since these other races have accepted the Greek forms as the absolute expression of civilization.\(^ {107}\)

The first century writer Plutarch, as we saw above, emphasized that the goal of *philosophia* was the attainment of virtue. Plutarch also associates the role of the lawgiver

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\(^{104}\) Thucydides, *The Peloponnesian War*, 2.37.


\(^{106}\) Isocrates, *Panegyricus*, 50.

with paideia and virtue. According to Plutarch the Spartans of ancient times, under the laws of Lycurgus, were the most virtuous people, an example for later generations. The laws of Lycurgus meant not only that the Spartans were the most virtuous, but that all others lacked in this training (ἀπαίδευτων). In short, the best laws educate in virtue.

The above writers reflect the sentiment expressed by Jaeger that Greeks had a sense of one divine law for all humanity and “tried to make their life and thought harmonize with it.”

Not everyone agreed with these claims about paideia. But in their disagreement, certain writers demonstrate the pervasiveness of this sort of perspective. In his 28th epistle, the Cynic Diogenes chastises the Greeks for their failure to live justly. They are evil and without reason. What’s worse, their nomoi demonstrate no greatness among the people because they continue to live as animals and practice evil. He goes on to say that their paideia does not train people in justice, but only in the basic arts. He concludes by turning the tables and calling the “so-called Greeks” (οἱ καλούμενοι Ἑλληνες) “barbarians,” since the barbarians who have no paideia are “more refined” (χαριέστεροι) in their way of life (τρόπος) than the Greeks, and this in spite of the fact that the Greeks claim greatness over the barbarians because of their laws and paideia. Epicurus also

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108 Plutarch, Lycurg., 13.1, 2; 14.1.
109 Plutarch, Lycurg., 27.3.
110 Jaeger, Paideia, xxi.
111 The Cynic Epistles, 120–21.
112 The Cynic Epistles, 121–23.
113 The Cynic Epistles, 124–25.
gave a negative assessment of Greek paideia in a manner similar to the way Sophists and Cynics talked about being free from nomos. He encouraged people to seek true freedom from the constraints of Greek paideia.¹¹⁴

**Paideia and Philosophy**

As we have suggested, the promotion of Greek paideia could also be related to the pursuit of philosophia. According to Isocrates, Athens brought order and justice to all of the world, bringing law to the lawless and subduing the barbarians. Athens brought virtue to the world, as well as philosophia, “which has educated us for public affairs and made us gentle towards each other.”¹¹⁵ What is striking here is the interconnection between paideia, nomos, and philosophia. The passage from Plutarch’s *On the Education of Children* cited above is another important example. Plutarch creates a direct series of connections between paideia, philosophia. For Plutarch paideia and philosophia are nearly one and the same. If there is a distinction, it seems that Greek paideia educates the individual (and humanity) in philosophia, leading to virtue and behaviors commonly also associated with the purpose of nomos.

These examples show how Greek writers made use of the larger discourse about nomos to champion their claims about paideia, which defined Greek life and culture. What we see is that the Greeks drew upon the basic contours of the wider discourse about nomos and used this framework to the advantage of promoting the superiority and universality of that which was particularly Greek. There seems to have been a general

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¹¹⁵ Isocrates, *Panegyricus*, 40–47.
interest in promoting Greek life and culture, and this was achieved through associations that are related to, and perhaps even dependent upon the widespread nomos discourse.

Rome’s Law and the Nomos Discourse

With the rise of the Roman empire, life in the Mediterranean took on new changes. Two ways in which the Roman empire most affected the world were political domination and economic domination.\(^{116}\) Yet, as many have noted, the ancient Mediterranean was defined in terms of borrowing and adapting Hellenistic culture.\(^ {117}\) Thus, in spite of Roman domination in some ways, much of the ancient Mediterranean culture remained in many other ways Greek well after the rise of Rome.\(^ {118}\)

The Greek culture and thought that pervaded the cities and towns, even the ideal of paideia, provided a shared platform on which various people could express their own traditions and ways of life and also evaluate their relative worth. This borrowing and adapting, however, was often not benign. Rather, it could be used in an attempt to claim superiority at many levels: ethical, political, religious, cultural. In this interaction Greek aspirations and even Greek language had a lot of mileage. As Martin Goodman aptly states, “(t)he adoption of Greek culture provided opportunities for…people not to abandon their native traditions but to express them in different ways.”\(^ {119}\)


\(^{117}\) Goodman, Rome, 100–102.


\(^{119}\) Ibid., 101.
When it comes to nomos and the Roman borrowing of things Greek, we have quite a happy marriage. Greek philosophers and writers had established a widespread and complex discourse on in which nomos played a central role. Romans did not have to borrow from this discourse; it provided a foundation upon which Roman ideology could build. Much of the basis of the identity of the Roman empire was “law.” We see this in a frequently cited passage from Virgil’s Aeneid which proclaims rule according to law as a key part of the mission of Roman rule:

Remember, O Roman, to rule the nations with your power—these shall be your arts—to crown peace with law, to spare the humbled, and to tame in war the proud!120

This passage is a prophecy through the mouth of Aeneas’ father speaking from the underworld: Rome, in the rhetoric of Virgil’s poetic masterpiece, is destined to fulfill this mission. The emphasis Roman writers placed on Roman law was slightly different from the Greeks. James Luther Adams puts it,

the Greeks had laws…the Romans had law. Greek law had retained the character of primitive law in that it was “uncertain with respect to form” and was lacking in “uniformity of application.” Roman lawyers (and Roman law), on the other hand, came into contact with philosophy in the transition from strict law to the stage of equity. Hence “the Stoic creed (of law of nature) was better adapted for Rome than for the land whence it first arose.”121

Adams’ point may be a bit overstated, and I think he dismisses Greek law too simply, but nevertheless there is truth to his point about Roman law. Roman life had a rootedness in law. In Rome’s early days jurisprudence even was a flourishing

120 Virgil, Aeneid, 6.851–53.

profession. It had a well defined and organized system of law, with clearly identified categories of law for different aspects of life. We may say that where Greeks emphasized *paideia* associated it with the discourse on *nomos*, Rome had law.

Virgil’s *Aeneid* illuminates our points. In its perspective and style it exhibits both the borrowing of Greek things and the triumph of Rome and its law. In varying degrees, the *Aeneid* quickly became known and widely used outside of the circles of the literary elite. It had enough “canonical standing” by the time of Nero that Neronian writers could make use of it and adapt the praises and prophecies about Augustus to Nero. According to some, the *Aeneid* is a “Roman national epic” with an emphasis on promoting the national superiority of Rome. As such, one main purpose of the *Aeneid* was not just to imitate the great Greek epics of Homer, but to even “supercede” them. According to Karl Galinsky, the *Aeneid* claims that the Roman rule brought “to fruition” all that Alexander and the Greek world had set in motion.

The main character, Aeneas, upon whose actions Rome is established and who prepares the way for the rise of Roman rule, embodies justice and piety and shows

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Rome’s existence as divinely sanctioned by Jupiter, ruler of all. Rome was not just another kingdom. They were a nation who fulfilled the highest aspirations of humanity, even if these aspirations were framed by Greek thinkers. Part of the way the *Aeneid* expresses the future hope of Roman rule is by speaking of a ruler who would arise to rule a “race” (*genus*), that is Rome, and “bring beneath the entire world under its law.” A bit later his father Anchises speaks from the underworld about the manner the future rulers who would come from Aeneas. The text is illuminating in how Virgil communicates his understanding of Rome and Roman rule:

> Look now turn your eyes, behold this people, your own Romans; Here now is Caesar and all Julius’ seed, destined to pass beneath the sky’s mighty vault; This, this is he, whom you so often heard promised to you, Augustus Caesar, son of a god, who shall again set up the Golden Age amid the fields where Saturn once reigned.

The passage communicates that Caesar Augustus’ rule is the coming of the “golden age.” According to the philosopher Posidonius, the “golden age” was a time of good and perfect rule, a time of complete justice, peace, and security. There was no abuse of power. There was “no inclination, or the excuse, to do wrong, since the ruler ruled well and the subject obeyed well.” This “golden age” was viewed as a time before human wickedness. According to Posidonius, a decline in humanity began when “vice stole in” and “a need for laws arose” (90.6). Posidonius praises the early laws of Solon and a number of others who were “renowned for their wisdom” and ability to craft just laws for

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130 Seneca, 90.5.
people of particular poleis (90.6), laws that were necessary correctives after the fall from the golden age. These laws maintained justice and order as best they could, but it was no “Golden Age.” In Seneca’s account of Posidonius’ description, the “golden age” was a time of perfect rule and of justice. It was a time when there was no need of law.\textsuperscript{131} As part of ushering in this “Golden Age” Virgil stresses the rule by law. The passage cited above states that Rome’s rule would “crown peace with law” (6.851–53). The point of the passage from the \textit{Aeneid} is that the rule and order of the Roman empire bring an end to the moral decline of humanity and restore the “golden age” of humanity.\textsuperscript{132} In other words, Roman rule, including specifically Roman law, would represent a return to perfect rule and perfect law, in contrast to admirable, but human, attempts to maintain justice on earth.

Other writers also associate and promote the centrality of establishing universal law in association with Roman rule in ways that build upon the larger web of discourse we have established that is related to nomos. Ovid’s \textit{Metamorphoses} refers to Caesar Augustus as one who will rise to rule the entire earth: “all the barbarous lands and nations east and west by ocean’s rim…Whatever habitable earth contains shall bow to him, the sea shall serve his will!”\textsuperscript{133} This portent from Jupiter continues to mention the laws of Augustus: “With peace established over all the lands, he then will turn his mind to civil rule and as a prudent legislator will enact wise laws. And he will regulate the manners of


\textsuperscript{133}Ovid, \textit{Metamorphoses}, 15.832.
his people by his own example.”¹³⁴ This emphasis on a return of peace and justice through law dovetails with the reference of the return to the Golden Age in Virgil’s *Aeneid*. There is reference to Roman law, but it is not necessarily only a written law; rather the universal law is embodied in the manner of life of the good ruler who would enact wise laws for the entire world.

Writers after Virgil during the Neronian period referred to a second Golden Age. It had become clear that the previous Caesars did not quite bring to fruition the hopes of Virgil and others. The minor poet Calpurnius Siculus writes that with Nero “the Golden Age springs to a second birth.” This is described in terms of the coming of “peace in her fullness” and that “laws shall be restored; right will come in fullest force; a kinder god will renew the former tradition” (referring to the time of Augustus).¹³⁵

These writers suggest that without Rome, the state of the world was “without law” (in the Apostle Paul’s terms—ἀνομος). It is not that no law existed for humanity before Rome’s rule. But whatever nomoi were in place were not the perfect universal law necessary to maintain justice and peace on earth. For these writers the Roman empire brought to fulfillment what Greeks held as their ideal: they turned lawlessness into justice, and barbarians—the nations (ethnoi)—into good citizens of the world. This is achieved through the establishment of Roman law, which is understood as the perfect law that embodied virtue and the aspirations of Hellenism and signaled the dawning of the Golden Age. Arthur Dewey writes,


in these poets (Virgil and Ovid), one finds an intimation of reconciliation, wherein the destiny of Rome carries with it the renewal of nature as well as of convention. Moreover, the attempts at an interpretive understanding which takes in universal issues now become concretized in the relentless unfolding of the Roman tradition.\footnote{Dewey, *Spirit and Letter in Paul* (Lewiston: Edwin Mellen Press, 1996) 105.}

According to the record of Dionysius of Halicarnassius Tullius established laws that secured justice both for the common people as well as for the more powerful.\footnote{Dionysius of Halicarnassius, 4.9.8–9.} They had the intention of being mindful of the equality of all (τῆς ἀπάντων ἱσηγορίας). In this instance, the laws given by Tullius are an example of Greek universalism. According to his own words, Dionysius is writing “the history of the polis which defines the things right and just for all.”\footnote{Dionysius of Halicarnassius, 5.75.1: ὑπὲρ τῆς ἀπασί τὰ καλὰ καὶ δίκαια ὀρίζωσις πόλεως.} That is, his history is about Rome, the great *polis* that set that standards of what is right and just for all humanity. The Roman empire’s law set universal norms for living because the Roman empire encompassed the world. This worldwide rule was also expressed by Virgil, who wrote that the limits of the Roman rule were prophesied to be “amid the fields where Saturn once reigned…past Garament and Indian, to a land that lies beyond the stars, beyond the paths of the year and the sun, where heaven-bearing Atlas turns on his shoulders the sphere, inset with gleaming stars.”\footnote{Virgil, *Aeneid*, 6.793–97.}

As we have seen, Cicero drew on the political-ethical *nomos* discourse to associate Roman law and ways of life with “law of nature.” Cicero is not only an important representative of “law of nature”; he is also an important representative of the
importance of Roman law and Roman life. Cicero, putting things differently, made an equally bold case for the universality and near-transcendence of Roman law and Roman life as his poet contemporaries. Cicero made a clear and conscious attempt to deal with a concept of universal *nomos*, and relate it to Roman law and justice. Explicitly and implicitly, throughout his *Laws* Cicero makes a case for the superiority of Roman law—that is, the commands, prohibitions, and customs that regulated not only Roman life, but the entire world. Raymond Bellotti describes Cicero’s aims well:

> Cicero did not aspire to advance a new philosophical system. His primary motivations are clear: to introduce a Latin vocabulary to philosophy; to use contemporary Roman examples to animate Greek philosophy; to evaluate Roman customs and traditions in light of philosophical insight; to unite philosophy with rhetoric; to aid fellow citizens in living fulfilling lives (lives “according to nature”); to provide a moral guide, especially to youth...Cicero made himself a source “of an enlightened and human outlook, the Roman spirit at its best”.  

According to Cicero, Roman law is the best, though imperfect, route toward virtue and life in accordance with nature, God’s universal law (1.20; 2.23; 3.14). 141 This is in contrast to the many other laws which inconsistently point the individual and the community to justice and virtue. 142 In his *De Legibus* Cicero is concerned “with the actual laws applicable to a real city of empire”, and “he sees the combination of reason and concrete realism as the mark of Roman philosophy.” 143 In other words, Cicero the Roman philosopher excels in providing more than just abstract theory about following


141 Asmis even points out that at this point “the requirements of the Roman constitution appear to trump the requirements of natural law” (“Cicero,” 26).

142 Cicero, *De Republica*, 3.11.

“true law” or “nature” and pursuing virtue and philosophy. Reason, identified with “nature” and intimately related with justice and virtue, unites the entire universe into a community of gods and men (people). For Cicero, “law” is that which leads the individual and the community away from vice and toward virtue. In a fascinating passage from De Legibus, Cicero explains the purpose of law in a way that encapsulates law, virtue, wisdom, and philosophy:

Law ought to be a reformer of vice and an incentive to virtue, the guiding principles of life may be derived from it. It is therefore true that wisdom is the mother of all good things; and from the Greek expression meaning “the love of wisdom” philosophy has taken its name. And philosophy is the richest, the most bounteous, and the most exalted gift of the immortal gods to humanity.

Cicero’s dialogue partner expects him to explain laws that are “laws of life and a system for training (read: paideia) for both nations and individuals.” Even though he responds with some trepidation over whether he can “adequately” accomplish this task (1.22), there is a sense in which the laws given in De Legibus, as we will see, are up to the task. As he goes on, it is his devotion to the study of wisdom that will make it possible for him to describe laws that best fulfill the true law of nature. His system begins with the recognition of one god over all and turns then to the unity of all humanity (2.2.4–5). Any human laws must therefore, encapsulate eternal wisdom and be able to rule the entire

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144 Cicero, De Legibus, 1.18–23.

145 Cicero, De Legibus, 1.28–32.

146 Cicero, De Legibus, 1.22.

147 Cicero, De Legibus, 1.22.

148 E. Asmis questions whether Cicero understood himself as a truly wise person who can issue forth perfect law (“Cicero on Natural Law,” 31). It is not clear that Cicero saw himself as a truly wise person, but this does not mean that the Roman traditions upon which he stood and built his laws were not seen in this way. Given some of the eulogizing of Rome and Roman life, this is not unlikely.
universe (2.4.8). It must be in conformity with “nature” and lead all people toward justice and a “happy life” (2.5.11–13). The laws Cicero intends to put forth are just of this sort, which “cannot be repealed” and up to the task of educating in and leading to virtue (2.5.14). As it turns out, in the laws Cicero puts forth in De Legibus books 2 and 3 “Cicero looks to the Roman constitution as a framework to which he must fit his laws and takes the bulk of his laws from Roman political experience.” The Roman laws upon which Cicero models his laws and Cicero’s laws themselves are akin to “natural law” in such a way that modern scholars find in Cicero’s program a nearly unreconcilable tension. It should be repeated that Cicero never understood his laws or Roman law and ways of living were the same as “law of nature.” Nevertheless, “by testing his laws against natural law, as best as he understands it, (Cicero) hoped to produce a body of constitutional law that would be permanently valid.” And it was distinctly Roman.

As with Greek writers who wrote about paideia the above writers utilize the wider nomos discourse to elevate the superiority of Roman law and life. They stress that Roman law and Roman life fulfilled universal ideals of virtue and brought to realization transcendent ethical-political goals for all humanity. Not only that, for some Roman rule represented a return to a time when particular nomoi were not needed because perfect rule

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149 In De Natura Deorum, Cicero applies the Greek conception of law of nature to Roman law when he states that even Chrysippus “identify(ed) Jupiter with the mighty law, everlasting and eternal, which is our guide of life and instructress in duty” (1.15.40).


151 So Asmis, “Cicero,” 26–30; Atkins, “Cicero,” 499–502: “To claim universal appropriateness for the laws of Classical Rome ultimately fails to convince even on Cicero’s own terms” (501). Asmis is more interested in explaining this tension than Atkins. For Atkins, Cicero may have intended to return to this problem, but never had the opportunity (“Cicero,” 501–02).

had been established. The claims of these Roman writers is one that elevates Roman law—which was still a particular law—to the status of universal and transcendent law. Because the Romans possessed and established this law, bringing it to the world, they were superior to all others. In fact, the sentiments of these writers is that all of humanity is in need of Rome and its law. These writers’ claims are supported and enabled by the possibilities afforded by the widespread nomos discourse and the larger ethical web of discourse that prized virtue and following transcendent and universal ethical-political standards.

Conclusion

While law (νόμος; lex) could be seen in a negative light because of its particularity and limitedness, the attempt to articulate a universal and authoritative ethical-political standard remained a concern. As writers tried to do this, the general concept of nomos was never abandoned completely. It always stood for the commands, prohibitions, customs, and norms of a particular community. The nomos that was of supreme significance changed from particular and limited to universal and transcendent.

We saw also that the nomos discourse is not a self-contained discourse. Writers who wrote about nomos—both particular and transcendent—did so in ways that merged and overlapped with the pursuit of virtue and the pursuit of philosophia and wisdom. For some writers, to pursue one is to pursue the others. This complex web was aptly utilized by writers who promoted the superiority of both Greek and Roman culture and life. On the one hand, Greek writers associated Greek paideia and participating in Greek life and culture with the pursuit of virtue and philosophia. By doing this Greek ways of life—Greek nomos and customs—become universal and serve the purpose of living in accord
with universal *nomos* and virtue. Writers promoting Roman life and culture and law did not change much other than that they inserted Roman law where Greek writers emphasized Greek *paideia*. Indeed, in some ways the Roman laws were no less Greek in substance. But again, the main point is the use of the larger discourse in the ancient world, a discourse rooted in the struggle between particular political-ethical standards and a universal political-ethical standard for all humanity. Both Greek and Roman writers made claims about how Greek life or Roman life and law brought humanity closer to these ethical goals by uniting all humanity—or attempting to unite all humanity—under one way of life.

One important point is that the *nomos* discourse by no means resulted in diminishing the particular identities of various ethnic or political communities, or their customs and laws. In fact, the opposite seems to have happened. Particular ways of living in particular communities could find universal significance and thus authority by linking to the language of transcendent *nomos* and the ideals of virtue and justice to which they led. The various conceptions of transcendent *nomos*, in their attempts to carve out a concept of *nomos* that is transcendent of political particularities, all essentially are doing the same thing. It is this: they all are attempts to articulate a means toward an end—the just and virtuous life and ultimately a just and virtuous *kosmos*.

Must someone become “Greek” or “Roman” in order to live in accord with transcendent *nomos* or to be just or virtuous? This is a complex question with no easy answer. There is no doubt that for some writers, not being Greek or Roman, or at least not participating fully in Greek or Roman manners of living resulted in a “lesser” quality of existence—being a “barbarian.” The associations of particular customs and ways of
living, as well as connections to particular deities, even if placed on a universal stage, brought with it often a rejection of other claims to providing the best path to virtue. But there was room within the larger discourse to include other claims. There remained the ideal of one *nomos*—one universal standard—that stood above particular *nomoi* and particular attempts to express the political-ethical goal of humanity. The claims of superiority were claims of possessing the best life for all humanity. This was often understood in terms of some form of transcendent *nomos*, “the good life,” “life in accord with nature,” “justice,” or “virtue.”

One way to understand this is in terms of “social engineering.” In an insightful article that dovetails significantly with what we’ve argued in this and the previous chapter, F. Gerald Downing draws attention to this way of understanding discussions about *nomos* in the ancient world. The phrase “social engineering” refers to the way Greek and Roman writers interpreted *nomos* in terms of “community-building practice.” The main concern in the discussion of *nomos* is not with following “individual bits of legislation” but “with practice in matters divine and human, the inculcating of a practice that has character formation as its main aim, with communitarian gain implicit.” When writers wrote of *nomos* they were not narrowly concerned with “superficial observance” or with “winning divine or social favour” but the pursuit of virtue and political justice. The overall idea of “social engineering” according to

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154 Ibid., 220.

155 Ibid., 220.
Downing is the cultivation of a just and virtuous society in accordance with a certain ideal.\footnote{Ibid., 220–27.} We may apply this idea of “social engineering” to our description of the nomos discourse where the tension between particular and transcendent nomos fostered attempts to express a universal ethic for all humanity. These Greek and Roman writers were indeed arguing for the superiority of Greek or Roman ways of life. The purposes of this related to the attempt to define an ethic—to design or engineer a manner of life—that led to the cultivation and attainment of an principles and ideals that transcend traditional social and political particularities, and often to a manner of life that was in accord with the divine.

At the end of this chapter two things should be clear. First, I have attempted to finish out the ‘grammar’ of nomos in the ancient world. In this chapter I highlighted the ways that nomos, having been portioned into two distinct inflections (particular and transcendent), serves purpose of ethical virtue for most ancient writers. The usefulness of nomos is largely defined in relation to this. Secondly, I have taken this grammar and widened the scope to include ways in which ancient writers wrote about the pursuit of virtue in the ancient world. By doing this we have seen the connections between nomos and philosophia, and then also the widespread ideal of paideia which influenced the thought not only of writers espousing Greek culture and ways of life, but also writers advocating for Roman ideals and Roman law.

As we shall see, all of this intersects with the problem of nomos in Romans 2. In Romans 2, Paul’s argument and the understanding of nomos upon which he relies emphasizes a particular nomos—that of the Jewish people—and its ability to function as
a universal ethical standard. Additionally, this Jewish nomos, because of its dual role, becomes a platform upon which the Jew can identify him/herself as not just superior to others, but as having a sort of educational responsibility. The Jew, according to Paul, is παιδευτήν ἀφρόνων, διδάσκαλον νηπίων—‘an educator of the foolish, a teacher of children’ (Rom. 2:20). When Paul says this about the Jewish perspective on the Jewish nomos, he has not teaching other Jews in mind, but the whole world, since in the law is found ‘the form of knowledge and truth.’

This widespread Greco-Roman discourse provides an important framework within which to understand not only Paul in Romans 2, but also the Diaspora Jewish writers who attempt to universalize the Jewish nomos. This discourse was pervasive enough that it would be foolish to think that Diaspora Jews were not aware of its basic contours, if not even some of the more technical aspects. If Diaspora Jewish writers were to explain the importance of their nomos, what we have discussed in these chapters provides the unavoidable playing field upon which they did so.
CHAPTER FOUR

NOMOS IN DIASPORA JEWISH LITERATURE

Introduction

In the previous two chapters we have described in some detail the complex web of discourse that is important for understanding nomos in the Greco-Roman world. This web of discourse provides an important context within which any discussion about nomos in the Greco-Roman world needs to be placed.

It is often recognized that Diaspora Jewish writers participated in or made use of various elements of the larger web of discourse, and to varying degrees. It still remains, however, to see if we can be more clear about the complex ways in which Diaspora Jewish writers interacted with this web of discourse. It is likely that Diaspora Jewish explanations of nomos mirror the complexity of their Greco-Roman counterparts and how we should interpret Jewish interaction with the Greco-Roman discourse. John Barclay has offered at least a starting point to analyze this interaction with his categorical system for

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measuring varying degrees of assimilation, acculturation, and accommodation.\(^2\) While Barclay’s categories are helpful for their heuristic value, an interpreter who finds that a particular Diaspora writing possesses assimilationist tendencies might disagree with another who interprets the details of that particular writing differently.\(^3\) Diaspora Jewish literature displays a varied and complex relationship with the Greco-Roman environment, often falling somewhere between rejection and comfortable acceptance.

With this in mind in this chapter I ask the question: What did Diaspora Jews mean by the word νόμος? And to what did it refer? As an initial answer to these questions, I want to make it clear that it would be deceptive to think that one could easily say Diaspora Jews meant “the Mosaic law” or the Jewish Torah when they wrote of νόμος.

In his commentary on *Sibylline Oracles* book 3, Rieuwerd Buitenwerf writes:

> Instinctively, one might be inclined to think that whenever a Jewish author uses the phrase “law of God,” he refers to the specifically Jewish, Mosaic law. In the third Sibylline book, however, this interpretation is untenable. According to III 599–600 and 686–687, pagans will be rebuked for their disobedience to the law of God. This criticism would be undeserved if by “law of God” the Mosaic law was meant. How could a pagan know the law which had been given exclusively to the Jews? In other words, in these passages, “law of God” must refer to an ethical and religious law known to all people.\(^4\)

Even though Buitenwerf writes specifically about the phrase “law of God” (νόμος θεοῦ), he highlights an important point. For most Diaspora Jewish writers, the word νόμος was related to a complex web of thought even though they may have had the Mosaic law as the primary referent. In this chapter we will investigate this complexity. Our central


\(^{3}\) Barclay is well aware of this point, as the debate between John Collins and Barclay on many points of interpretation demonstrates. See Barclay’s comments in *Jews*, 98–102.

question is this: how do Diaspora Jews interpret and articulate the significance of the Jewish law so that it universally applies to all people, while also bringing out its importance as something particularly Jewish?

**Nomos in Its Diaspora Jewish Contexts**

We know that the Jewish *nomos* was acknowledged by both Gentiles and Jews as something that was a particular written law. Often its commands were ridiculed as quite different. According to some, the ridicule focused on such laws as dietary laws, marriage laws, the law of circumcision, and Sabbath observance.\(^5\) For at least a few Diaspora Jewish writers criticisms of these commands provided the basis for their explanations of the Jewish *nomos*.\(^6\) But, as we saw in the previous chapters, such criticisms of particular *nomoi* was somewhat standard fare. Any particular *nomos* was fair game for being criticized as deficient, strange, or unvirtuous in relation to universal standards of virtue or transcendent *nomos*. As part of the Greco-Roman discourse, this was a way of distinguishing one way of life from another as the most virtuous.

Related to this is the fact that the Jewish *nomos* did not receive only criticism. There is evidence of positive evaluations of the Jewish *nomos*.\(^7\) This seems to have come primarily from non-Jews who found elements of the Jewish *nomos* salutary in relation to their own conceptions of virtue and justice. In other words, the same general conceptions


that fueled criticisms of the Jewish *nomos* also led some to find value to parts of it. All this is to say that while the Jewish *nomos* may have been ridiculed, this was not done in a vacuum, nor was it a one-sided tirade against Judaism; it was part of a common discourse about *nomos*. Likewise Diaspora Jewish writers drew on Greco-Roman concepts common to this larger discourse as they explained and interpreted the significance of their *nomos*. Many scholars seem to suggest that the concept “law of nature” was the main way that Jews explained the law. While this is true in some instances, three points suggest a moderate amount of caution is necessary. First, we should be cautious of assuming that “law of nature” is the main way by which Diaspora Jews explained the significance of the Jewish *nomos*. As we saw in the introduction, scholars have argued that Jewish writers make use of other conceptions or explanations in their attempts to give the Jewish *nomos* universal scope with no use for “law of nature.” Second, as we shall see, the word *φύσις* is not used by some Diaspora Jewish writers. This should raise some uncertainty about how widely the concept was employed in Diaspora Judaism. Finally, as we have seen in chapter two, “law of nature” was not the only way one could speak of *nomos* in a universal, transcendent sense. It would result in a very narrow understanding of Diaspora Jewish explanations of the Jewish law if we assumed either the dominance or singularity of either a technical Stoic idea of “law of nature” or even a looser association of *nomos* with *physis*. There were other ways to universalize the Jewish *nomos*.

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Part of the problem is that we have few robust evaluations of how Diaspora Jews universalized the law in conversation with Greco-Roman conceptions of nomos. Only some of the current commentaries on Diaspora Jewish literature address the issue, and beyond that we really only find the topic seriously addressed in relation to Philo. In the previous chapters, we saw that the widespread nomos discourse is part of a more complex web of discourse by which Greco-Roman writers explained and defined ethical and political life. We saw that this discourse was largely an attempt by ancient writers to relate the particular to the transcendent and universal. While I do not want to reinvent the wheel in this chapter, we need to cover the pertinent Jewish literature in detail to ascertain how Jewish authors explained, defended, or otherwise understood the Jewish nomos within this larger context.

The central issues surrounding nomos in Romans 2 remain our starting point: 1) Paul seems to give the Jewish nomos universal authority; 2) not only are Gentiles accountable to the Jewish nomos, but he places them in a positive relationship to the Jewish nomos and claims that they keep its commands; 3) though recognizing the law’s universality, he retains its particularity and a sense of Jewish superiority based on it. Drawing upon this, four main points will focus our discussion of the Jewish nomos for each Diaspora Jewish writing considered: first, how do they refer to the Jewish nomos? Second, how do they universalize it? Third, how are Gentiles situated in relation to the nomos?

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9 The one exception to my point is the two-volume work of Reinhard Weber (Das Gesetz). But Weber does not set the Jewish understandings of nomos within the framework of a larger developed nomos discourse in the ancient world.

Jewish nomos? That is, are they expected to follow the law? Must they become Jews or can Gentiles keep the law as Gentiles? Fourth, how is the particularly of the Jewish nomos maintained in light of this? What particular claims are made on the basis of a universalized understanding of the Jewish νόμος?

We will conduct this investigation in conversation with the contours of the Greco-Roman discussion about nomos presented in the previous chapters. We will attempt to understand how Diaspora Jewish writers engaged in the common Greco-Roman discourse. What elements and language do they use? How do they use the overall framework of the Greco-Roman discourse? My presumption here is that Diaspora Jewish writers did not write about the Jewish nomos in a vacuum. The air they breathed was that of the Greco-Roman world, and this included the widespread nomos discourse and the complex ways in which it dovetailed with moral philosophical discourse.

The Problem of Audience and Purpose

One constantly recurring problem with regard to Diaspora Jewish literature is the dual-headed problem of audience and purpose. By purpose I do not mean purpose as it relates to the genre, though this is closely related. I mean purpose in terms of whether the literature is intended to be apologetic, missionary, or instructional. It is important to address the question of audience and purpose because how we conceive the audience affects how we conceive the purpose of the various explanations of the law.\(^\text{11}\) There are two ways to go about addressing this issue. One way would be to address it briefly here at the beginning of this chapter, and then discuss specific details as we encounter individual

authors. The other way would be to address this concern for each writing. The second way would result in a good deal of repetition, however, and the first route seems better here.

We cannot with absolute certainty identify the target audience and overall purpose of most Diaspora Jewish literature. Nevertheless, some suggestions are more plausible than others. There are three main schools of thought. First, the audience is mostly Greek and the purpose “missional” or “proselytizing.” In the updated version of Emil Schürer’s *The History of the Jewish People in the Age of Jesus Christ* we find the statement:

(in the Diaspora) a varied literature came into being, the direct aim of which was to convince pagans of the folly of idolatry, to win them over to belief in the one true God, and at the same time to convert them to a more serious and moral way of life by pointing towards a future reward. This literature did not of course always aim at winning pagans over to a full acceptance of the Law and to joining the Jewish community. Its purpose was often only conversion to the fundamental viewpoints of Judaism.12

This view has had some widespread acceptance. But that the literature was purely “missional” has received criticism.13 At the least, questions have been raised regarding whether the rhetorical purpose and the actual readership match up.14 In other words, it is very unlikely that the primary readership was actually Gentile. This has caused some to offer other suggestions.

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A second approach argues that the audience is Jewish and the purpose was explanation and instruction. Prominently Victor Tcherikover argued in favor of this approach stating that “(t)his literature was directed inwards and not outwards and…it would be an exaggeration to say that its purpose was solely that of propagating the Jewish religion among the Gentiles.”15 He goes on: “Alexandrian literature was created not in order to exhibit certain ideas to the outer world, but to give expression to the intricate problems which developed within the Jewish community itself and which attracted the interest of its members.”16 For Tcherikover, the social and historical circumstances of the ancient world are such that the likelihood of this literature being produced so that it would have a wide Gentile audience is highly unlikely. Tcherikover draws attention to the potential diversity within Jewish communities, Alexandria being the focus of his study. The attempt to deal with Judaism and the law in ways that seem to speak directly to Gentiles serves to address Jews in these communities who would benefit from this approach. Specifically, Tcherikover has in mind the potential problem of assimilation among some members of these communities to Gentile life and thought.17 This view has much to commend to it. But it does not adequately consider the possibility that the viewpoints in this literature should reach beyond the Jewish communities. In other words, might this literature also have a secondary purpose of its message appealing to Gentiles?

A third approach has been suggested more recently by a number of scholars. This view argues for a more complex understanding of “audience.” John Barclay’s article on the issue can be considered as one representative. Distinguishing between empirical and implied readers, he argues that while we can with certainty only say that other Jews were the empirical readers of these writings, we cannot exclude the possibility of them falling into Gentile hands.18 Barclay also parses the differences between “apologetics,” “propaganda,” and “proselytizing” and concludes that Diaspora literature, even though rarely, if ever, read directly by non-Jews, could indirectly serve apologetic or proselytizing purposes through “oral apologetics.” In other words, this literature likely shaped the ways in which Jews communicated the importance of their religion and their nomos to other Jews and to Gentiles.19

John Collins also adopts this third way. Writing about the fragments of Aristobulus, Collins offers a helpful perspective regarding specifically Jewish readers:

(the) entire work is a defense of the Jewish Torah against interpretations that would make it seem crude and unsophisticated…the apologetic…is addressed on two fronts. On the one hand there is the explicit address to the Gentile king and the attempt to use acceptable Hellenistic categories. On the other hand, this interpretation of Judaism is inevitably a challenge to more conservative Jews and a reinforcement to those who thought in Hellenistic categories.20

James Carlton Paget also offers helpful thoughts on the matter:

Why should we in any case have an ‘either/or’ approach to this literature? And even if we believe that most of it is directed to an internal audience, it may be

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20 Collins, Between Athens and Jerusalem, 188.
providing Jewish readers with fodder for their conversations with curious or sceptical pagans.\textsuperscript{21}

The approach I will take is that most of this literature is addressed \textit{primarily} to other Disapora Jews. That some non-Jews may have come across this literature \textit{or elements of its content} cannot be ruled out, however. I would also suggest that we need to move past determining the readership according to \textit{ethnic} identity. We know that there were non-Jews who participated to varying degrees in Diaspora Jewish communities, whether we call them “God-fearers” or label them otherwise. And despite various shortcomings in how some Jewish writers made use of Greek philosophy, we cannot overlook the primary fact that we are dealing with shared Greco-Roman cultural and philosophical language and thought whereby Jews attempt to explain, legitimate, or interpret Judaism and the Jewish \textit{nomos}. Although the Diaspora Jewish writers and their presumed readership may have been primarily ethnically Jewish, these writers comfortably express things by means of a shared cultural discourse. If some of the literature intends to defend the Jewish \textit{nomos}, it is likely that such a defense was needed either because some Jews were on the brink of dismissing it, or as Paget points out, the literature intends to provide arguments, explanations, and perspectives of the Jewish \textit{nomos} for other Jews to adopt and make use of in their contexts. I also suggest that things might be simpler. Could not the views expressed just reflect the viewpoints of the Jewish authors and their communities, and not created for the purpose of apologetic or defense?

All of this is important for our study. If, as it seems, these Jewish writings were not solely intended to win over Gentiles, but to shape the thinking of other Jews, then the

presentations of Judaism—and importantly of the Jewish nomos—may be more than just an appeal to the sensibilities of non-Jews, to get them to convert, or to appeal to other Jews on the brink of apostasy. We must, it seems to me, also seriously consider that these Jewish writers viewed Judaism, the law, and Gentiles in the very ways expressed in the literature and encouraged those in their communities to do the same. The articulations are not “reactions” to anything; they are reflections of how these Diaspora Jews understood their faith and their nomos. One likely consequence of this is that the perspectives on the Jewish nomos in Diaspora Jewish literature may do more than serve apologetics or an argument. It may reflect more widespread perspectives on the law.

The Effect of Explanations of Nomos: Universality or Particularity?

Related to the above discussion, there is an important and ongoing debate concerning the use of Greco-Roman categories to interpret the Jewish law. The debate may be represented in the work of influential scholars John Collins, John Barclay, and C. Marvin Pate, as well as significant scholars of a previous generation: E.R. Goodenough and Dieter Georgi. The central issue I want to draw attention to concerns the balance between universalization and particularization. The important question these

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22 Collins, Between Athens and Jerusalem, 155–275.

23 Barclay, Jews in the Mediterranean Diaspora (Berkeley: University of California Press, 1996). Barclay’s views are notable throughout his treatments of various writings. His conclusion on pp. 399–444 is particularly helpful in summarizing important points.

24 Pate, The Reverse of the Curse, 43–78.

scholars address is: *what is the effect of the participation in wider Greco-Roman discourse to explain the Jewish law?*

Goodenough, Georgi, and Collins represent the perspective that generally sees Diaspora Jewish literature engaged in a program of universalization by appealing to Greco-Roman cultural, ethical, and philosophical concepts and ideas. In spite of differences on some details, the overall effect is that the Jewish *nomos* becomes a universal *nomos* that serves more general Greco-Roman ethics and purposes just as well as it serves particular Jewish concerns, or that the Jewish particularities merge into more universal concerns.

John Collins’ statements about the understanding of the law among Diaspora Jews may be considered representative of this view. He writes that the law was “treated selectively, by highlighting some laws and neglecting others, and it could be buttressed with philosophical and religious foundations that were remote from the original Torah.”

The Diaspora authors “(emphasize) those aspects of Jewish law which could command respect in a Gentile context” and “project Judaism as a universal religion which was in accordance with the laws of nature.” This includes “a tendency to bypass the distinctive laws of Judaism and concentrate on monotheism and matters of social and sexual morality.” For Collins, Diaspora Jews were trying to present Judaism in a way that “invited the respect of…Greeks.” Collins speaks of this approach as the “common ethic”

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28 Ibid., 184.

29 Ibid., 157. It likely is not the case that Diaspora Jews wrote directly to Greeks, nor is it likely that Greeks actually read the writings. A better way to put things is that Diaspora Jews were trying to
of Diaspora Judaism.

For Schnabel, Barclay, and Pate, the purpose and effect was not to universalize, but reinforce Judaism as distinct and not of a piece with Greco-Roman culture, ethics, and philosophy. It is not necessarily that these Jewish writers did not engage with Greco-Roman culture and discourse. Indeed they did, but their ultimate purpose was not universalization. The effect is that the Jewish nomos is not turned into a universal nomos serving Greco-Roman ethics, but that the Jewish law stands above and is superior to Gentile law and ethics.

We may take the relatively recent treatment of C. Marvin Pate as representative. Pate attempts to argue that these Jewish writings, in whatever extent they take up Greco-Roman thought, do so in the service of Jewish particularism.\textsuperscript{30} Pate spends a large amount of space investigating Jewish literature’s correlation of law and wisdom in the course of arguing that Paul overturned traditional associations of law and wisdom. His overall thesis about the law in Jewish literature is that in spite of any use of Greek ethics or philosophical thought “the Deuteronomistic tradition significantly impacts those Diaspora writings which associate wisdom and law (nomism), the consequences of which is that the sense of Jewish self-identity is heightened (particularism).”\textsuperscript{31} He makes his argument about these writings in direct response to Collins:

\begin{quote}
The rather typical interpretation of these Diaspora writings has been to view them as reducing the Torah to its moral summation – love of God and neighbor – ideals compatible with the best of Hellenistic virtue. The point of such a “common ethic,” explain and even refashion their understanding of Judaism and the Jewish nomos in categories that were common and acceptable to them.
\end{quote}

\begin{footnotes}

\textsuperscript{31} Pate, \textit{Reverse}, 45.
\end{footnotes}
to use Collins’ term, was to commend Judaism to Hellenism. To accomplish this, the more offensive of the Jewish laws of self-identity – circumcision, dietary regulations, Sabbath worship – were downplayed. In other words, in these works wisdom (universalism) was highlighted at the expense of law (particularism). While there is an element of truth to this formulation, the research (conducted by Pate) calls for revision of such a construct, for what surfaces in the ensuing discussion is, rather, that the (Diaspora) writings, in identifying wisdom and law, press any universalistic tendencies into the service of their particularism.\footnote{Pate, Reverse, 44–45.}

Pate’s criticism of Collins’ position concerns not the use of Hellenistic categories, but how and why Jewish writers interpreted the law the way they did. Pate questions whether these Jewish writers were trying to “universalize” Judaism. He also implicitly questions what Collins suggests, that these Jewish writers dismissed certain laws and that there was a pervasive “common ethic” that was defined by such an interpretation of the law. For these Jews, Pate asserts, the entire law remained valuable, and it is not universalism, but particularism that is being triumphed.

I do not intend to set up an either-or paradigm and suggest that either the line of interpretation represented by Collins or that represented by Pate are completely one-sided. But these schools of thought do demonstrate a clear preference for universalization over particularization, or vice versa. They demonstrate a legitimate tension among scholars about the nature of the explanations of the Jewish nomos. This tension affects our purposes here. The question of the identity of the Jewish nomos in Romans 2 addresses its universalization. Paul, it seems, makes his argument on the basis of universalizing tendencies, wherein the non-Jew can be both accountable to the Jewish nomos and able to keep its commands. If there are no universalizing tendencies among Diaspora Jews, however, then Paul’s argument in Romans 2 which builds upon the idea of a universally binding Jewish nomos falls flat. On the other hand, Paul also assumes a particularist
conception of the Jewish *nomos* in Romans 2:17–24, which also is a central part of how Paul describes the Jewish *nomos*. In a way the tension among scholars is also reflected in Paul’s argument in Romans 2.

Let me suggest a few initial thoughts here. Based on what I presented in the previous chapters, both universalistic and particularistic tendencies co-exist in Greco-Roman discourse about *nomos*. Moreover, Diaspora Jewish writers do not show that they consciously reflected on the degree to which they participated in widespread Greco-Roman discourse about *nomos* in contrast to their employment of more “Jewish” explanations of their *nomos*. Finally, the nature of the audience and purpose of these writings is such that separating the universalization from the particularization or subordinating one to the other is not as easily done as it might seem. The curious mix of particular and universal seems to be part of the Diaspora Jewish authors’ mode of expression. Jewish writers could draw upon the wider discourse to stress both the universalization and particularization of their *nomos* just as their Greco-Roman counterparts did. We need not think that universalization happens at the expense of particularization, nor does particularism cancel universalization.

Our investigation in this chapter will find significance in not only giving us a sense of Diaspora Jewish articulations of the Jewish *nomos*, but also in furthering conversation around the nature of Jewish understandings of the law vis-à-vis the Greco-Roman environment and discourse about *nomos* in the ancient Mediterranean.

**Literature to be Considered**

We now move on to the texts. I will select six major Diaspora Jewish writings for consideration: Aristobulus, *Letter of Aristeas*, *Sibylline Oracles* 3, Wisdom of Solomon,
4 Maccabees, and *Pseudo-Phocylides*. Why these? First, these writings can all be securely placed as main representatives of Diaspora Jewish literature. Second, the Jewish *nomos* figures prominently in each of these works, and the authors each attempt to universalize the Jewish *nomos* to some degree. Finally, these writings represent, to the best of our knowledge, a chronological and geographical cross-section of Diaspora Jewish literature. My goal is not to be exhaustive, but rather to provide a substantial context within which we can read Paul’s statements in Romans 2.

It is immediately clear that I have omitted a few significant Jewish writers/writings: *Testaments of the Twelve Patriarchs*, Sirach, Philo, and Josephus. First, let me address *Testaments* and Sirach. Without taking too much space here, the main reason for omitting these two works concerns the provenance. As John Collins writes, treatment of the *Testaments* as part of Diaspora Jewish literature must proceed with caution, and anything said must “be adduced only very tentatively since the provenance of the *Testaments* is notoriously problematic.”\(^{33}\) Even while the original language may have been Greek and the “ethics of the *Testaments* find many parallels in works of the Diaspora,”\(^{34}\) I have determined that the better route is to omit them from consideration.\(^{35}\) This is not to say that *Testaments* should not be investigated in light of this study, but for the purposes of this study. Sirach, as is known, was originally written in Hebrew and


\(^{34}\) John Collins, *Between Athens*, 176.

\(^{35}\) Cf. also John Barclay who omits the *Testaments* from consideration in his *Jews in the Mediterranean Diaspora*. 
translated into Greek.\textsuperscript{36} While consideration of this work would indeed be illuminating, we cannot rightly consider it as a Diaspora Jewish work.

The omissions of Philo and Josephus demand a different explanation. With regard to Philo, my reasons are: first, there is no space to give Philo serious consideration here. Moreover, Philo’s treatment of the Jewish \textit{nomos} has been given consideration by a number of other scholars.\textsuperscript{37} At the risk of oversimplifying, the main observation is that Philo makes full use of Greek philosophical discourse and he is particularly a significant example of Jewish appropriation of “law of nature.” Second, and more importantly, I want to deliberately discuss Diaspora Jewish explanations of the Jewish νόμος from a distinctly \textit{non-Philonic} perspective. Why? First, we saw in the Introduction to this study that many proposals for explaining the universalization of the Jewish \textit{nomos} in Romans 2 regularly turned to Philo and his use of “law of nature.” For the reasons given in the introduction, I wish to fill out the picture. Second, Philo, as I pointed out in the introduction, is not necessarily representative of Diaspora Judaism. This is not to say that Philo is not of the same cloth as other Diaspora Jewish writers. Indeed, he is! To the point, it is actually likely that Philo drew upon other Diaspora Jewish explanations of the Jewish \textit{nomos} just as much as he drew upon Greek philosophy.\textsuperscript{38} My overall objective is not to


dismiss Philo from consideration, but to consider more fully non-Philonic Diaspora writers to balance out the picture. Philo scholars can then situate Philo within this landscape.

My omission of Josephus is primarily because of his later date. Josephus wrote his *Contra Apionem*, where he presents his fullest discussion of the Jewish *nomos*, nearly 50 years after Paul wrote Romans. Whatever Josephus might contribute to the discussion would have little effect on the Diaspora Jewish perspectives before and current to the Rome in the mid-50s. Although Josephus does have his own angle on things, it is likely that Josephus’ general approach stands in line with the Diaspora literature we will consider in this chapter. Although I omit Philo and Josephus from the main consideration, they will make a brief appearance toward the end of this chapter, so their contributions will not be completely overlooked. They will serve as corroborating evidence on certain points. Again, my purpose in this selection of literature is not to be exhaustive. Rather I hope to provide a good basis of ways that Diaspora Jewish writers universalized the Jewish *nomos* in conversation with common language and ideas that were widespread throughout the Greco-Roman world, in conversation with which we will read Paul’s argument in Romans 2.

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39 Most scholars date *Contra Apionem* to the final few years of the first century C.E. (Barclay, *Jews*, 448; see most recently his commentary: *Flavius Josephus: Against Apion* (Leiden: Brill, 2006).
Investigation of *Nomos* in Diaspora Jewish Writings

Aristobulus

We know of Aristobulus only through five fragments, preserved in the early Christian writers Clement of Alexandria and Eusebius.\(^{40}\) According to Carl Holladay, Aristobulus was a “philosopher-teacher” whose philosophical outlook can be called “eclectic,” showing some influence of Stoicism, Pythagorean thought, and Cynicism.\(^{41}\) He is identified as “teacher of Ptolemy the king (διδασκάλω Πτολεμαίου τοῦ βασιλέως)” in 2 Macc. 1:10. The historicity of his position as the king’s teacher may not be true, but as Carl Holladay points out, the reference in 2 Maccabees demonstrates the significance of this Jewish philosopher-teacher.\(^{42}\) That the king ever read this literature is unlikely.\(^{43}\)

The work of Aristobulus can be dated to the reign of Ptolemy VI Philometor (180–145 B.C.E.).\(^{44}\) The character of the work has been called “apologetic.”\(^{45}\) That is, the work’s primary tone is one of defense or explanation, and the object of this is the Jewish

\(^{40}\) There is one fragment preserved in the writings of Anatolius (late 3\(^{rd}\) century), but it is also preserved in Eusebius (Holladay, *Fragments of Hellenistic Jewish Authors, volume III: Aristobulus* [Atlanta: Scholars Press, 1995] 43–45). Eusebius preserves all five fragments, while Clement’s writings have only parts of fragments 2 through 5 (Holladay, *Fragments*, 43–45; Peder Borgen, “Philo of Alexandria,” in *Jewish Writings*, 274) and it is an accepted judgment that Eusebius preserves the more reliable versions since his writing is of a “less paraphrastic” nature than Clement (Barclay, *Jews*, 150 n.55; Holladay, *Fragments*, 45).

\(^{41}\) Holladay, *Fragments*, 73.

\(^{42}\) Holladay, *Fragments*, 45. Holladay goes on to suggest that it seems more plausible that the writer of 2 Maccabees may have known of Aristobulus’ writings and concluded that he was this Ptolemy’s teacher because Aristobulus’ work is dedicated to “Ptolemy the king” (*Fragments*, 45–46).


According to Carl Holladay, for some scholars Aristobulus’ writing “was intended, at least in part, to show that Greek philosophers and poets...owed some debt to the Bible.” But Holladay goes on to offer another way to understand him: the purpose was “to show that the Torah, properly (i.e. allegorically) understood, can be intelligible to educated Greeks.” Since it is unlikely that any educated Greeks read Aristobulus, it might be worthwhile to modify Holladay’s statement to say that the purpose is to make the Jewish nomos intelligible to an educated Greek perspective. If the main audience was likely other Diaspora Jews, the view of the Jewish nomos then may very well be intended to shape the outlook of other Jews via this explanation.

**Nomos in Aristobulus**

The word νόμος occurs in the fragments of Aristobulus six times. Associated words include: “lawgiver” (νόμοθετης) three times and “commands” (νόμοθεσία) five times. In two places the word θεομός is also used. In all of these occurrences, it is clear that the object and referent of these terms is the Jewish nomos. Aristobulus does not seem to single out any specific part of the Jewish nomos, if we are thinking of a distinction between the ethical / moral and the ritual laws, and he seems to have the Pentateuch as a whole in mind. The terms above suggest a view of the Jewish law that

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46 Holladay, *Fragments*, 74.


48 1:1; 2:1, 2, 13; 3:2; 4:6.

49 2:4, 7, 10.

50 2:9, 14; 3:1 (2x); 4:1; 5:3.

51 Twice in 4:3.
emphasizes its nature as something particular and even written, derived from the hand of a human lawgiver. Even though Aristobulus will assert that this lawgiver possesses superior philosophical ability and even is divinely inspired (2.2–6), the written and particular nature of the Jewish nomos hovers near the center of Aristobulus’ interpretation of the law.

**Universalization**

In his interpretation of the Jewish nomos, Aristobulus’ ultimate concern is to explain certain elements of the law that seem to be problematic from the standpoint of Greek philosophical thought—namely, anthropomorphisms of God and the Sabbath command. According to frag. 2, the Greek king asked why the Jewish nomos used “hands, arm, visage, feet, and ability to walk…as signifiers for the divine power.”52 In his explanation, Aristobulus writes that he wants the king to understand the Jewish law in terms of “natural conditions and structures of a higher order” (2:3). One of his main concerns, expressed in 2:6, is to move past interpretations or understandings of the Jewish Torah which are “devoted to the letter alone” (τὸ γραπτὸ μόνον). Those who possess the ability—the wisdom—can understand the “expanded sense” of the Jewish law beyond the letter. Aristobulus sets up a contrast between understandings associated with “natural conditions and structures of a higher order” and those which are “devoted to the letter alone.” The contrast assumes a framework of thought that also supports the contrast between particular written nomos and transcendent nomos well-known in the Greco-Roman world where particular nomos has significance insofar as it directs to universal ethical principles. The language of what is “devoted to the letter alone” in this

52 2.16–18.
context seems to be a literalistic reading that limits the significance of the commands of the law to Judaism without appropriating the “metaphorical” sense of the commands and their significance in relation to virtue. This “expanded sense”—the endpoint to which his interpretation is headed—is thoroughly compatible with Greek philosophical thought. As we shall see, for Aristobulus the Jewish nomos actually achieves the virtuous goal that Greek philosophy and ethics attempt to also achieve. In his explanations Aristobulus provides one of the earliest examples of a “metaphorical” interpretation of the Jewish law. He shows that he approaches the Jewish nomos within the framework established by the wider web of discourse we discussed in the previous two chapters.

With this starting point of moving beyond the letter alone, Aristobulus gives the Jewish nomos universal significance by relating it to general Greek conceptions of virtue. The effect of this is that the law becomes a fount of universal ethical wisdom. The commands and statements within the nomos, therefore, are not limited to specifically Jewish life, but are able to be used and applied by non-Jews in the pursuit of virtue. His quotation from the Greek poet Orpheus points in this direction. In this poem,

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53 According to most scholars, Aristobulus’ allegorical interpretation most likely precedes the sort of interpretation we find in Let. Aris., but this does not mean that Aristobulus was the first to interpret the Jewish law in such a manner (Collins, Between Athens and Jerusalem, 187). Yet, Weber is correct in stating that he is the first “tangible” Jewish representative of this method (Das Gesetz, 115 n.36). According to Eusebius, Aristobulus spoke to the Greeks “concerning the allegorical method in the holy laws” (περὶ τῆς ἀλληγορομένης ἐν τοῖς ἱεροῖς; 2.1). It should be noted, however, that this is Eusebius’ words about the Aristobulus’ interpretation of the law, and not how Aristobulus himself interpreted the Jewish nomos. In this vein, it is noteworthy that throughout the rest of the work Aristobulus never uses the verb ἀλληγορέω (“to interpret allegorically”) or the noun ἀλληγορία (“allegory”) to describe what he is doing. He regularly writes about the μεγαλειόν (2:6, 10 [2x]) of the nomos and of “metaphor” (μεταφέρω; 2:9, 10; 5:2) The word μεγαλειόν has been translated as “expanded sense” by Holladay, “elevated (level of meaning)” by Collins in OTP. In this method, Aristobulus never points out two levels of meaning, the literal and the “allegorical.” Rather, he goes right to the “expanded sense” or the “metaphorical” as if this were the only true meaning of the text.

54 It is not certain whether or not we have Aristobulus making up the poem or changing certain elements of an already existing poem.
Aristobulus cites Orpheus who refers to the “ordinances of the just (δικαίων θεσμοίς), divinely set down for all” (4:3). It becomes clear that these ordinances are to be found in the Jewish nomos given to Moses in two tablets (4:3). Aristobulus goes on to claim that this “two-tablet law” communicates the fullness of God and the proper ways to think of God, which are agreed upon by all philosophers and that it “has been drawn up with concern for piety (εὐσέβεια), justice (δικαιοσύνη), self-control (ἔγκρατεια), and other qualities that are truly good (κατὰ ἀλήθειαν)” (4:6).\(^{55}\) We have an example here of the Diaspora Jewish writer Aristobulus applying the Jewish nomos directly into the wider nomos discourse common among ancient Greek writers.

This universal application of the law is true not only in theory, but in the actual practice of the commands. In fragment five, he interprets the Sabbath by writing that the command of the law refers to the coming of “light” and to wisdom (5:1–2).\(^{56}\) In other words, light and wisdom come as a result of keeping this command. Not only that, but it seems that the very establishment of the command results in light and wisdom for the world. The command is a “sign” of human and divine knowledge. Among Greek philosophers, this is also the general definition of wisdom. According to Seneca, “certain persons have defined wisdom as the knowledge of things divine and things human. Still

\(^{55}\) It is interesting that Aristobulus refers to two of the four cardinal virtues (justice and self-control), but not the other two (ἀνδρεία “courage” and φρονήσις “prudence”). Rather, he has “piety” and a general statement about seeking “good.”

\(^{56}\) This reference to “wisdom” may suggest Aristobulus’ use of Jewish wisdom speculation. If it does, such a use is veiled behind a Greek veneer. Aristobulus immediately goes on to mention the understanding of “wisdom” held by those of the Peripatetic school, which suggests that he is appealing to this sensibility rather than a Jewish one by which the Jewish nomos was related to Sophia and so universalized as part of the structures of the universe.
others say, ‘wisdom is knowing things divine and things human, and their causes also’.\(^{57}\)

By making this connection, Aristobulus takes the Jewish command about the Sabbath and turns it into a confirmation of commonly recognized Greek philosophical truths and the pursuit of Greek wisdom. The universalization of the Sabbath command is also demonstrated in a practical way: ancient Greeks actually encouraged its practice (5:5–8)!

In two instances (2:3 and 2:4) Aristobulus appears to use Stoic language of “nature” when saying that what had been passed on (the Torah) must be understood \(\phi\nu\sigmaκ\varphi\varsigma\). John Collins translates 2:3 as “according to the laws of nature,” noting that \(\phi\nu\sigmaκ\varphi\varsigma\) is “a technical term for the Stoics.”\(^{58}\) Aristobulus goes on to say in 2:4 that Moses’ words concern “natural conditions and structures of a higher order.” Holladay suggests that this refers “perhaps” to “those unseen realities that pertain to \(\phi\upsilon\sigma\iota\varsigma\)”\(^{59}\) by which he seems to mean the ways of understanding reality that are in accord with “nature,” but he does not clearly explain. John Barclay suggests that the use of \(\phi\upsilon\sigma\iota\varsigma\) should be understood in its full Stoic sense.\(^{60}\) Again, Barclay assumes a normative understanding of \(\phi\upsilon\sigma\iota\varsigma\), which, as we have seen, does not really exist. N. Walter, by contrast, points out differences between Aristobulus’ use of the word and that of the Stoics.\(^{61}\) At the most basic, scholars seem to think that Aristobulus appeals to the intangible transcendent order

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\(^{57}\) Seneca, *Ep.* 89.5 (LCL). While many would associate this with only Stoics, Robert Renehan shows “there is nothing specifically Stoic about (the definition)” and it had become “a philosophical commonplace” by the time of the first century C.E (Robert Renehan, “The Greek Philosophic Background of Fourth Maccabees,” *Rheinisches Museum für Philologie* 115 [1972] 228).


\(^{59}\) Holladay, *Fragments*, 207 n.34. Cf. also Weber, *Das Gesetz*, 115 n.35.


\(^{61}\) Walter, *Thoraausleger*, 59-60, 100, 135 n.4., 141–42.
of things referred to as ϕύσις. On the basis of this passage alone, it is difficult to say much about Aristobulus’ use of ϕύσις other than that it relates somehow to “structures of a higher order” as Aristobulus states. Given the diversity in associations between nomos and physis we saw in chapter two, Aristobulus’ lack of technical Stoic usage need not detract from the use of physis as a means to give the Jewish nomos transcendence. It may only point out his limited or non-technical understanding and use of the terminology in comparison with what we find in more sophisticated Stoic literature. More likely, however, Aristobulus represents one point within a spectrum of ways that ϕύσις may have been used to universalize nomos.

Aristobulus’ interpretation of the Sabbath command provides another example of his appeal to physis. As part of his interpretation of the Sabbath he writes that the entire world revolves around seven, and so the Sabbath command is a way of pointing to the structures of nature. It is difficult to understand the passage. Holladay translates it:

Our law code has clearly shown us that the seventh day is an inherent law of nature that serves as a symbol of the seven fold principle established all around us through which we have knowledge of things both human and divine; and indeed all the world comprising all animal and plant life as well revolves around periods of seven. (5:4–5).

The difficult phrase in this passage is what Holladay translates as, “Our law code has clearly shown us that the seventh day is an inherent law of nature”. The Greek of this reads: διασεσάϕηκε δ’ ἡμῖν σύντην ἐννομον. Most other translators translate the statement to say “the legislation has shown plainly that the seventh day is legally binding for us.”62 It may be that Holladay supplies a bit too much interpretation in his translation of the phrase. With Holladay I take the dative ἡμῖν to follow the verb. The noun ἐννομον

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refers to something that is “ordained by law, lawful.” 63 But in the context, the connotation of “legally binding” or “lawful” cannot be a reference to the Jewish nomos, which would mean that the command is “lawful” with regard to the Jewish nomos. Such a statement, it seems, would be redundant. It makes better sense that the Sabbath command is “lawful” with regard to some transcendent sense of nomos. As Holladay also argues, the overall context is one in which Aristobulus attempts to situate the Sabbath command into the inherent operations of the entire kosmos. 64 This is also consistent with Aristobulus’ expressed purpose in his explanation of the Jewish nomos: it should be understood in terms of “natural conditions and structures of a higher order” (2:3). As part of this, the Sabbath command should be understood as “lawful” with regard to some transcendent standard, perhaps related to φύσις, though not clearly expressed as φύσις.

Aristobulus’ reworking of Orpheus’ poem is another passage that suggests a correlation with “nature.” In 4:3 Aristobulus mentions the “divine logos” that “guides the heart.” This is connected with the “just ordinances” which are of the Jewish nomos, specifically the Decalogue. While Aristobulus does not explicitly use the phrase nomos physis, the use of a logos in this context suggests something similar to Stoic associations of nomos and physis. In this passage Aristobulus asserts the transcendence and universal authority of the Jewish nomos by relating its ordinances with logos. At the same time, there is no clear connection with φύσις.

Aristobulus also draws on the idea of a common humanity. In 5:7 he writes that through observance of the Sabbath command “we receive knowledge of truth” (γνῶσιν

63 LSJ, “ἐννομος,” 570.

64 Holladay, Fragments, 230 n.141.
In the context of speaking of the ancient Greeks’ use of the command, it seems that the “we” refers to both Greeks and Jews who receive benefits from observance of the Sabbath command. At another point he quotes the poet Aratus stating that “we are his offspring” (4:4). This is interesting because here Aristobulus approvingly uses the perspective of the Greek poet and in so doing assimilates Jew and Gentile into one common humanity. Extending from this, then, is the point that the Jewish nomos applies to all humanity as God’s offspring. It should be clear, however, that this “family” is made up of those Gentiles who seek virtue and honor God rightly, whereas for Aristobulus all Jews already do this. Nevertheless, this is another important point that contributes to the universalization of the Jewish nomos in Aristobulus’ writing.

For Aristobulus, the Jewish nomos is universalized, by promoting universal virtue and by illuminating the purposes of “nature,” and of transcendent things. Moreover, it works in conjunction with logos and is capable of leading both Jew and Greek toward universal virtue.

**Gentiles and the Law**

While Aristobulus gives the Jewish nomos transcendent and universal significance, he does not map out how Gentiles can keep the Jewish nomos. This is not part of his purpose. As we saw above, he is interested in explaining certain elements of the Jewish nomos; he is not trying to hold Gentiles accountable to it. Yet his arguments and his method of universalizing the Jewish nomos suggest a few things.

The idea of Greeks who follow the Jewish nomos emerges in the suggestion that Greek philosophers and poets actually drew upon the Jewish nomos. Ancient philosophers, says Aristobulus, are among those who “are amazed at (Moses’) wisdom
and inspired spirit” (2:5). It is not just that they admired this Jewish lawgiver. They actually took over “significant seeds of inspiration, so that they too are admired” (2:5). For example, “Plato followed the tradition of the law…having worked through each of the details contained in it” (3:1). Both Plato and Pythagoras “borrowed many things in our traditions, (finding) room for them in (their) own doctrinal system(s)” (3:1). The examples of borrowing relate to perspectives of God held by these Greek philosophers and are the foundation for major philosophical systems that likely included ethics. Here Aristobulus is not clear about what things of the law Greeks followed. His point is to say that they more generally adopted things of the law in a way that contributed to their pursuit of virtue.

In addition to this, we have just seen that Aristobulus attributes to ancient Greeks the keeping of the Sabbath command, making its observance a pathway to the cleansing of the soul and reception of “knowledge of the truth” (5:7). Other than the Sabbath command, he seems to refer to the Decalogue in 4:3 in a statement from Orpheus who says that Moses transmitted divine things “according to the two-fold rule” (κατὰ διπλὰ καθομόν). While he does not explain this reference, it seems that the Decalogue serves an important function in transmitting important knowledge for all people, and it may also map out the universal ethic that corresponds to virtue.

While there is no clear statement about what commands of the Jewish nomos Gentiles should keep, it is implicit that by living in accord with common ethics, certain (not all) Gentiles may in some way actually be following the Jewish nomos. The Decalogue seems to play a defining role, but there is no specification. Nevertheless, one can surmise that the things of importance are those things related to higher conceptions of
the pursuit of virtue. While following the actual commands of the Jewish nomos remains significant, the real value lies in the achievement of virtue and Greek wisdom.

**Particularity**

One of Aristobulus’ major claims is that the Jewish law brings truth and wisdom to the world. For Aristobulus some Greeks have it right—their philosophy, ethics, and conceptions of God. But, they have it right because they got it from Moses and the Jewish nomos (3.1–3). Aristobulus is clear in his insistence that the Jewish people continue to be superior to their Greek contemporaries at all points. As Erich Gruen puts it, Aristobulus is very intent on preserving and upholding the Jewish nomos and tradition, even if he does so at the cost of making it come off very Greek.65

Ethnic and social distinctions do not set the framework for the particularity of the Jewish nomos. While Aristobulus clearly is concerned with the Jewish nomos the pride and superiority based on it are not explicitly founded on ethnicity or God’s covenant with the Jews. In fact the word διαθήκη is not found in Aristobulus’ work. To tease out a covenantal understanding would be reading into the work something that is not there.66 The pride and superiority based in the law is ethical and philosophical. Particularly, Aristobulus fosters a view of Judaism and its law that prizes itself as the capstone of

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66 The lack of the word διαθήκη of course is not in itself a sufficient argument against the presence of a covenantal framework for understanding the Jewish law. But it is one piece that raises a problem with understanding the significance of the Jewish law in that way. Aristobulus does specify that the law was given through Moses, which might imply the covenant made. But, the language of “covenant” needs to be clarified. Is mention of the giving of the law through Moses enough to qualify as a “covenantal” understanding of the Jewish nomos? In Aristobulus’ view of things, the law, though given to and a possession of the Jewish people, is sufficiently universal so as to call into question the limits of a strict covenantal understanding, if by “covenantal” we mean that it is only given to Israel as part of God’s covenant with them and non-Jews cannot keep this nomos because they are on the outside.
Greek ethics and philosophy. No doubt the particular commands of the Decalogue continue to be significant. But, the purpose is not the promotion of Jewish life and culture for its own sake. Rather, the purpose is to give the Jewish nomos and Jewish life meaning by situating it on the stage of the universal Greek philosophy and wisdom. As such, the Jewish nomos is a sure guide toward this end—but the goal is not to become a Jew, but rather to become just and virtuous.

Conclusion

Aristobulus represents an attempt to situate the Jewish nomos as the fount of Greek philosophical and ethical thought. He does not specify how the many commands of the Jewish nomos apply to Gentile living, but his discussion of the Sabbath seems to be paradigmatic. Aristobulus is important because he stands as a very early example of Second Temple Jewish approximations of the Jewish nomos in relation to Gentiles and Gentile ethics, and is an important predecessor to the interpretations of the law we will encounter in Letter of Aristeas. He also may be a predecessor of Philo, even though Aristobulus does not allegorize the law himself.67 We will see in a general sense that the connection with Gentile ethics and philosophy continues to be developed among other writers. We will also see, however, that slightly different frameworks and emphases inform and shape this connection.

The interpretation of the Jewish nomos in Aristobulus’ writing is also significant because some of his statements resonate with Paul’s statements in Romans 2. First, Aristobulus is concerned with moving past the “letter” of the nomos. Second, he

incorporates language of “knowledge of the truth” just as Paul says that the Jew has “the form of knowledge and truth in the law” (Rom. 2:20). The parallels are not exact, but very suggestive.

Aristeas to Philocrates (The Letter of Aristeas)

The so-called “Letter of Aristeas”\(^{68}\) is an account of the translation of the Jewish Pentateuch into Greek. It purports to be the written account of Aristeas, a Greek official in the court of the Egyptian king Ptolemy II who reigned from 283–247 B.C.E.\(^{69}\) This, however, is only the fictional situation, and the work dates later than this. A date of composition sometime during the second century B.C.E. is most likely, and attempts to determine a more specific date have not been completely persuasive.\(^{70}\) Moses Hadas offers an insightful point about the date when he says, “precise dating of such a work as Aristeas is of less consequence than has generally been supposed, because neither the author of the book nor its first readers would have regarded it as other than an imaginative work of literature.”\(^{71}\) It is difficult to determine the degree of veracity the “first readers” would have given to the work. Nevertheless, its message sounds a tone that

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\(^{68}\) As many have noted, it is not a letter, but a διηγηματις, a “narrative” as the author describes it in verse 1 (Hadas, *Aristeas to Philocrates*, 54–59; Schürer, *History*, 3.1: 677; Barclay, *Jews in the Mediterranean*, 138 n.36).

\(^{69}\) Stone, *Jewish Writings*, 75–76.

\(^{70}\) The work of Elias Bickerman argued for a date in the range of 145-125 B.C.E. on the basis of linguistic usage, salutations, and geography (Bickerman, “Zur Datierung,” 284–93). From his lengthy discussion, Hadas concludes that a date “shortly after 132 B.C.E. is most plausible (Aristeas, 54). It is very difficult to find real certainty with such a specific date. See the discussion Schürer, *History*, 679–84, which navigates the positives and negatives of the proposals. Schürer (*History*, 679–84) and Barclay (*Jews*, 445) are hesitant to suggest any other date than “sometime in the second century B.C.E.” More recently, Reinhard Weber (as does Collins, *Between Athens*, 98) concludes that sometime in the second half of the second century is possible, but notes about the many suggestions to secure more precision: “möglich, aber nicht weiter abzusichern!” (“possible, but not further provable!”; *Das Gesetz*, 128).

\(^{71}\) Hadas, *Aristeas*, 54.
could likely have resonated with Jewish readers over a wide span of time in the Jewish Diaspora.

The Letter of Aristeas has often been the center of inquiry into the origins of the Septuagint, but as John Barclay notes, and as Schürer did before him, the story of the translation of the Pentateuch into Greek “is only the narrative framework within which the author can assemble a fascinating miscellany of material designed to illustrate the value of the Jewish religion.”72 Schürer is more precise: the story of the translation of the Jewish Torah is only the framework for “a panegyric on Jewish law, Jewish wisdom, and the Jewish name in general, from the mouth of a gentile.”73

This last statement brings up the question of genre and purpose. As for the genre, Moses Hadas tersely called it “a Greek book.”74 But what does this mean? In verse 8 the author himself describes what he is doing as a διήγησις (diēgēsis) or “narrative.” This was a recognized Greek literary form, but it could be quite broadly understood.75 According to the ancient writer Theon, a diēgēsis is “an expository treatise of events which happened or may have happened.”76 As an ancient narrative, Let. Aris. may contain within it a number of forms or types, and as with other ancient narratives,
speeches figure prominently. It contains important rhetorical elements common to an ancient narrative, particularly a prolegomenon in vv.1–8, by which the writer introduces the subject of the diēgēsis and its importance. Following the prolegomenon, we may divide the narrative into five main sections: 1) an account of the request for the translation of the Jewish law (vv.9–82); 2) a description of the temple, Jerusalem, and Judea (83–120); 3) Eleazar and his defense of the Jewish nomos (121–71); 4) a short transition describing the arrival of the translators (172–81) and a sequence of questions and answers over the course of seven royal banquets (182–300); 5) the translation and reception of the law and return of the translators (301-20), and a brief conclusion to Philocrates (321–22).

How would the author have reached his Jewish audience with this work? It is difficult to determine whether the work would have been understood as actually coming from a Greek in the Ptolemaic court, but it is equally difficult to say that this way of crafting the narrative would have had no rhetorical effect upon the (likely Jewish) audience. The use of the pseudonym “Aristeas” enables the writer to give the impression that he is commenting on Judaism from an insider educated Greek perspective. While we cannot say with certainty whether or not this would have been taken seriously, it is difficult to overlook the rhetorical effect this may have had on what the author is saying about Judaism and its nomos. Our writer is using the genre of diēgēsis to communicate the significance of the Jewish nomos by merging Greek and Jewish perspectives of his

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78 Barclay, Jews, 139.
main characters. The attention given to nomos is framed by the (fabricated) Greek perspective of the narrator, Aristeas, and his interest in learning and piety (vv.1–3), as well as the interpretation of the Jewish priest Eleazar. Over the course of the narrative, one can see the writer make use of these two perspectives to craft his view of nomos.

**Nomos in Letter of Aristeas**

In Let. Aris., the word νόμος occurs fifteen times. A related word, νομοθεσία, occurs nine times, at times as a near-synonym of νόμος, and at times to specify “commands.” Two other words also refer to nomos: γραφή (155, 168) and λόγια (158, 177). In v.30 the author writes of τοῦ νόμου τῶν Ἰουδαίων βιβλία (“the books of the law of the Jews”). The major concentration of these words is focused in the prolegomenon (vv.1–8) and rehearsal of the account of the request for the translation of the Jewish law (vv.9–50), which contain eight of fifteen occurrences of the word νόμος. Eleazar’s speech and the banquet scenes fill out the description and add some nuance.

The overall storyline makes it so that the bulk of the uses of nomos refer to the Jewish nomos. While the focus of the narrative is on the translation of the entire Pentateuch, the emphasis falls on the specific commands of the law, and less on the narrative parts. There is no demarcation within the Jewish nomos or focus on the Decalogue. The nomos to which the narrative refers, and which is the main subject of the narrative, is the written nomos of the Jewish people.

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79 Vv.3, 15, 30, 32, 38, 39, 45, 46, 111, 122, 168, 171, 279, 309, 314.

80 Vv.3, 15, 30, 32, 38, 39, 45, 46.
Universalization

The prolegomena sets the tone for the narrative and provides important elements of how the writer, in the guise of the Greek Aristeas, universalizes the Jewish *nomos*. In vv.1–2 he praises Philocrates for his “love of learning”\(^{81}\) and quest for “knowledge.” It is as part of this pursuit of learning and knowledge that he narrates the dispatch to the Jewish high priest Eleazar, a man of great renown, “for the translation of the divine law” which is possessed by the Jewish people written in Hebrew characters (2–3). This account of the Jewish law is situated as part of the Greek pursuit of learning, piety, and a shared “striving for the good” (τῆ· πρὸς τὸ καλὸν ὑρμῆ) on the part of both the author and reader (v.7).

The writer’s use of language shared with the larger Greco-Roman discourse is significant. In particular, the author associates *nomos* with *paideia* and the pursuit of universal standards of ethics. The word παίδεια is first used in verse 8, and one finds forms of it scattered through the rest of the narrative.\(^{82}\) In v.8, the concluding statement to the prolegomenon, the Greek Aristeas says to Philocrates:

for neither the pleasure derived from gold nor any other of the possessions that are prized by shallow minds confers the same benefit as the pursuit of *paideia* and the study which we expend in securing it.\(^{83}\)

This statement, coming as the concluding statement to the prolegomenon, stresses the importance of *paideia* as the ticket to the pursuit of “a pure state of soul,” “seizing upon

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\(^{81}\) This description is repeated in verse 7.

\(^{82}\) Vv. 8, 43, 121, 287, 290, 321.

\(^{83}\) Particularly striking in this statement is the similar sentiments expressed about wisdom in Proverbs 8:11. It is striking that the expression in *Let. Aris.* seems to actually replace the pursuit of wisdom with the pursuit of *paideia*. Cf. also Wis. 8:5.
what is fairest,” and the “pursuit of piety, the greatest good of all” (v.2). The author situates the Jewish nomos squarely within this framework; this pursuit of paideia involves an understanding of the divine (Jewish) nomos and the Jewish people who “live according to the holy law” (v.5).

This is not generic paideia in the sense of “education” or “culture.” The context of an educated Greek speaking on behalf of the Jewish nomos points to Aristeas’ engagement with the Greek claims made concerning paideia highlighted in the previous chapter. It will be helpful to recall a couple of examples from the previous chapter.

Paideia was so bound up with Greek civilization and culture that Werner Jaeger wrote concerning paideia in Isocrates’ writings:

In Isocrates, national feeling is that of a culturally superior nation which has realized that the efforts it has made to attain a universal standard of perfection in all its intellectual activities are its highest claim to victory in competition with other races — since these other races have accepted the Greek forms as the absolute expression of civilization.\(^{84}\)

According to the Tabula of Cebes, Greek paideia stands at the gate of the “dwelling place of the happy,”\(^{85}\) also referred to as “life” (βίος); those who enter are “saved” (σωθείται)\(^{86}\) and it is the path to a number of virtues.\(^{87}\)

As the narrative of Let. Aris. goes on, it turns out that those steeped in the Jewish nomos are superior to the Greeks in their achievement of paideia. The seventy men are translators of the Jewish nomos. They are described as men who had “proficiency in the

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\(^{84}\) Jaeger, Paideia, vol. 3: The Conflict of Cultural Ideals in the Age of Plato, 80.

\(^{85}\) Tabula, 17.3.

\(^{86}\) Tabula, 3.1–4.3.

\(^{87}\) Tabula, 20.3.
literature of the Jews” (121) and “possessed great natural talent for conferences and discussions pertaining to the law” (122). They are also described as men who are “superior in paideia” (παῖδεῖα διαφέρουνται). Within the context of the overall narrative, these statements communicate that these are men whose dispositions, shaped by the Jewish nomos, thereby display mastery of Greek philosophy and paideia. Their impressive philosophical responses at the banquet, then, display not only a good grasp of Greek philosophy; they communicate that knowledge of the Jewish law and training in it results in such astonishing ability to answer correctly and impressively to nearly any matter pertaining to Greek paideia and philosophy (v.321). The Jewish nomos in Let. Aris. is a sure pathway toward universal virtue.

References to wisdom (σοφία) as a way to universalize the Jewish nomos should be placed within this framework. The word σοφία is used only twice in the banquet scenes at the end of the story. In these scenes, the king asks one of the Jewish translators concerning “wisdom”: “What is the teaching of wisdom?” (207) and another, “What is the fruit of wisdom?” (260). It is important to note that even though written by a Jewish writer, the question comes from the Greek king. This wisdom about which the translators are questioned is not necessarily the Jewish conception we find in Jewish tradition. It is more likely rooted in Greek conceptions of wisdom. While elements of a particularly “Jewish” understanding of wisdom might be in play here, it is difficult to rule out that Aristeas may be merging Jewish wisdom with a Greek understanding of it. This rounds out the reference to paideia earlier in the document, since paideia and Sophia both were part of the larger Greek pursuit of universal ethical standards.
An important element of the universalization is the relationship with God. In verse 3 our author uses language of “divine law” (τοῦ θείου νόμου) from the perspective of the Greek, when he attributes to the Jewish people the possession of the “divine law.” This statement, coming from the Greek Aristeas is significant because it seems to me a way of our author putting into the Greek’s mouth a recognition of the divinity of the Jewish nomos! Because this reference occurs in the prolegomena, it also sets the tone for how the Jewish nomos should be perceived in the rest of the narration. Aristeas does not give an account of the translation of just any law; rather, it is the “divine law” which is the focus here, and it is set within the context of Greek “knowledge,” “piety,” and paideia. Given the context of the discourse about nomos among Greeks at the time, and given that Let. Aris. is written under a Greek pseudonym, it seems quite likely that our Jewish writer is, in Greek dress, associating the Jewish nomos with other understandings of “divine law” present in antiquity—the one transcendent law of God which presides over all other laws and peoples and which “educates” in Greek ideals.

The understanding of God is important here. Perhaps one of the most significant places our writer connects the understanding of God and nomos is in a famous statement from Aristeas in vv.15–16. In the course of trying to persuade the king to free Jewish slaves in Egypt, Aristeas makes the striking claim that

the same God who has given them their law guides your (Ptolemy II’s) kingdom also, as I have learned in my researches. God the overseer and creator of all things, whom they worship, is he whom all men worship, and we too, your majesty, though we address him differently, as Zeus and Dis. By these names men of old not unsuitably signified that he through whom all creatures receive life and come into being is the guide and Lord of all.

88 The significance of this point is not recognized by Schnabel, Law and Wisdom, 120.
In this statement we have what some have called one of the most universalizing statements written by a Jewish writer.\textsuperscript{89} We should be cautious, however, as to how this is understood. There is some debate about the degree of universalization involved. John Barclay points out that there is not necessarily “total identification” with Gentile religion. From the perspective of the writer, it is a \textit{Greek} acknowledgment of the Jewish God, and not the other way around.\textsuperscript{90} At the same time, there is an attempt to relate Judaism to the larger Greek world. Reinhard Weber emphasizes that the writer here appeals to a “strong universal monotheism” which was a developing understanding among Greeks. In doing this, the author “aims at ‘communication with the Hellenistic environment’ but does not make any compromises concerning the heathen polytheism.”\textsuperscript{91} This seems to be a way for the writer to claim that the God of the Jewish people, giver of the Jewish \textit{nomos}, is the universal God of all people and kings.

Other statements seem to move in this direction of identifying the Jewish God in Greek terms, particularly with a Stoic ring.\textsuperscript{92} This view generally explains God in terms of a guide of the universe and of all people. Such a conception is expressed by Aristeas when speaking to the king:

\begin{quote}
When men piously believe that what they do is for the sake of justice and the promotion of good deeds, then God, who is Lord of all, guides their actions and their designs (18).
\end{quote}

\textsuperscript{89} Terence Donaldson notes that the statement in \textit{Let. Aris.} is less “generous” than Artapanus’ statement that Moses invented the polytheism of the Egyptians (\textit{Judaism and the Gentiles}, 111). Though Reinhard Weber is cautious about how much Artapanus seems to concede to Greek religion (\textit{Das Gesetz}, 143 n.23).

\textsuperscript{90} Barclay, \textit{Jews}, 143. Also Weber, \textit{Das Gesetz}, 143n.23.

\textsuperscript{91} Weber, \textit{Das Gesetz}, 129.

\textsuperscript{92} Hadas, \textit{Aristeas}, 101–02.
Also at the beginning of Eleazar’s speech, Eleazar says:

God is one, and…his power is made manifest in all things, and…every place is filled with his sovereignty, and…nothing done by men on earth secretly escapes his notice” (132).  

These statements about God are not foreign to statements in the Jewish Scriptures. Passages such as Psalm 22:28 (“For dominion belongs to the Lord, and he rules over the nations”) suggest that we need not think that the sentiments in Let. Aris. owe only to Greek origin. Nevertheless, they also resonate with statements in Cleanthes’ Hymn to Zeus:

Zeus, first cause and ruler of nature, governing all things with your law…this whole universe…truly obeys wherever you lead…not a single deed takes place on earth without you, God…except what bad people do in their folly.  

To be sure, Aristeas’ statements are not identical to Cleanthes’. The statement in v.18, though stated by the Greek Aristeas, resonates especially with Cleanthes’ view that God guides the actions of those seeking justice. Eleazar’s statement is slightly different in the role God plays in the universe. For Cleanthes, God governs all things so that nothing (except the deeds of the wicked) happens without Zeus’ involvement. In Let. Aris. the point is not that all things happen at God’s controlling, but that God is aware of all things because God is present in all things. It is significant that the statement in verse 18 is put in the mouth of the Greek Aristeas. The connection made with Zeus in vv.15–16 and the similarities with the conception of God found in Hymn to Zeus together point to at least an awareness and interaction with such conceptions of God. It is not that Let. Aris. is

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93 This general view of God is also repeated in 210 in response to the king’s question, “What is the true mark of piety?” The Jewish translator answered, “To perceive that God constantly works in the Universe and knows all things, and no man who acts unjustly and works wickedness can escape His notice. As God is the benefactor of the whole world, so you, too, must imitate Him and be void of offence.”

94 Hymn to Zeus, 1–17.
turning the Jewish God into a Greek philosophical deity. Such conceptions of God are used as a way that speaks to the conversation with the Greek theological and philosophical context. This is done in order to present the Jewish nomos as a universal and transcendent nomos similar to the κοινός νόμος we read about in Cleanthes’ *Hymn to Zeus* where the one God of the universe, Zeus, rules through both his logos and nomos. The “divine law” of the Jewish people is that of the universal God over a common humanity.

Eleazar’s speech in defense of the Jewish law (128–71) builds upon what the opening passages of the narrative have already said, but from the perspective of the Jewish priest. In this speech Eleazar responds to the Greeks’ questions about specific food laws. While the speech is too complex for a detailed discussion here, we can highlight some important ways it contributes to the universalization of the Jewish nomos. First, the law is rooted in and enables true worship of the one God of the kosmos. The starting point for the laws is the teaching that “God is one” (132). This is also similar to descriptions of the pursuit of the philosophical ideal in Greek writers such as Cicero, Seneca, and Dio Chrysostom which we encountered in chapter three. As noted above, the author of *Let. Aris.* describes God in Stoic terms, but he also eschews idolatry as a violation of this and the root of evil and vice (134–39). In the midst of the universalization, our author is clear that certain forms of Gentile life oppose the law.

Second, the Jewish nomos and its commands serve common ethical virtues. At the beginning of the speech Eleazar states that the Jewish law is oriented to the “principles of piety (ἐὐσέβεια) and justice (δικαιοσύνη)” (131). At the end of the speech he reiterates

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the point: “all these norms have been regulated with a view to justice…in order that throughout our life and in our actions we may practice justice towards all people, being mindful of the sovereignty of God” (168). In the examples given in the speech, the commands about mice and the weasel are “for the sake of justice, to promote holy contemplation, and the perfection of character” (144). Certain birds are avoided because they are “wild and carnivorous” and “oppress the rest and procure their food with injustice. It is not that not eating such animals will or will not result in such perfection of character; rather, the laws are a sign (σημείον) to remind people “to practice righteousness…oppress no one…but guide their lives in accordance with justice” (147; also 148). Eleazar also notes that the law was written “with a view to truth and as a sign (σημείωσις) of right reason (ὁρθοῦ λόγου)” (161). In stating this our author draws on a distinctively Stoic conception, which as we saw above, is associated with both the conception of κοίνος νόμος and with Stoic conceptions of law of nature. Finally, the laws concerning animals with the parted hoof, specifies that they also chew their cud. Laws about these animals are symbols about memory, so that people “remember the great and marvelous things the Lord your God did in you” (155). One would expect a list of God’s great deeds for the Israelites (the Exodus, conquest of the Promised Land, etc.), as one gets in Wisdom of Solomon’s list of the deeds of wisdom.96 Instead, one gets a list that specifies the human body and (Greek?) culture: “the means for digesting food”; “the orderly arrangement of the senses, the working and invisible movement of the intellect,

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96 Wis. 10–12. Even in the case of Wisdom the references are quite vague in the way that they refer to the Jewish people and their history.
its acuteness in conforming action to any situation and its discovery of arts (τεχνῶν)” (155–56).

In the banquet scenes (182–300) each Jewish translator answers the king’s questions about kingship in Greek philosophical terms, common to philosophical kingship theories.97 The implication is that these translators, steeped in the Jewish nomos, communicate the law’s applicability to even matters of Hellenistic kingship. Our author does not say this, but it would not be out of the realm of possibility to suggest that the “divine” Jewish nomos serves as the transcendent nomos which the Hellenistic ruler should embody.

The writer of Let. Aris. uses the word φυσις and the adjective φυσικός on a number of occasions.98 The primary usage pertains to the “nature” of people or natural endowment of certain things, there are no clear uses that bear directly on how the writer universalizes the Jewish nomos. Some of these uses do, however, suggest a negative view of human φυσις, which may suggest some opposition to Stoic understandings. The author does use the concept of λόγος. As we saw above in v.161 Eleazar associates the Jewish nomos with ὀρθὸς λόγος (“right reason”) noting that the laws given are a “sign” of right reason, and that the commands cultivate the use of logos. This is interesting in light of the uses of physis in Let. Aris., since many of them have a negative portrayal of

97 David E. Hahm finds that Let. Aris.—particularly the banquet discourse—is one of a small selection of literature that provides important evidence for kingship theories in the 2nd century B.C.E. Greek world (“Kings and Constitutions: Hellenistic Theories, in The Cambridge History of Greek and Roman Political Thought, 457-63).

98 Vv. 44, 56, 89, 97, 143, 171, 122, 250, 257, 277, 288.
In a sense, then, it may be that the Jewish *nomos* cultivates “right reason” so that a poor *physis* can be overcome. In *Aristeas’* understanding, however, one does not live in accord with Φύσις through *logos*, but rather one lives in accord with God’s universal *nomos* and which brings about “right reason” and achieves virtue.

**Gentiles and the Law**

So how do people achieve virtue and live in accord with God’s *nomos*? One might think that keeping the Jewish commands is the answer. But, *Ler. Aris.* never holds Gentiles accountable to the particular Jewish commands. In the above examples of how *Let. Aris.* universalizes the law, it seems that the author opens a window for the possibility, or even likelihood, of Gentiles to obey God as *Gentiles*. Additionally, the genre and the Greek pseudonym suggest the application of the Jewish *nomos* to Greeks. The *nomos* central to the narrative, while being that of the Jewish people and containing many specifically Jewish observances, finds its purpose in the achievement of *paideia*, and the pursuit of “the good” (v.7). It is the law given by the one God who also guides Ptolemy’s kingdom and is honored and worshipped by the Greeks (vv.15–16). In Eleazar’s speech, the commands are symbols of universal ethical virtues given “to those of understanding” (τῶις συνετῶις), suggesting that one need not be a Jew to follow them (v.148).

While there is a defense of specific Jewish commands, the narrative never clearly relays what commands Gentiles should follow. If, as Tcherikover argued, *Let. Aris.* is

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99 This is so in verses 143, 222, 250, 277. But see v.288 where the one who should rule over people is the one who is “best in/by nature” (τῷ ἀριστοτῳ τῇ Φύσει). Given the earlier references, it is clear that “nature” is not inherently good in people, and it is possible that for the writer that a good *physis* comes from attention to the Jewish *nomos*, but understood in a universalized way.
written to Jews to open them up to exchange with Gentile culture, then there is no need to spell out what Gentiles have to do to keep the law.\textsuperscript{100} According to Gabriele Boccaccini, “the Gentile is not asked to be converted or to obey the law” because the document does not address Gentiles, but other Jews.\textsuperscript{101} Eleazar could have easily demanded that Greeks follow those commands. Nevertheless, there seem to be certain implications or consequences of the line of thought given in Eleazar’s speech. On the one hand, the Gentile is not required to convert because the Jewish law leads to the same goals as Greek ethics and philosophy. Early on, the king, at least in theory, can receive God’s blessing and even be counted among those whose life and actions are guided by the one God (v.18). He is not asked to keep the commands of the Jewish \textit{nomos}. From Eleazar’s speech, one gets the sense that seeking justice, virtue, and piety are nearly the same thing as following the Jewish \textit{nomos}. On the other hand, Eleazar’s speech does put great significance to the commands of the Jewish \textit{nomos}, even if their purpose is to cultivate virtue and justice. But it is clear that these commands are intended for Jews, and Gentiles are not required to keep them.

What is of central importance is the pursuit of virtues, not just the laws themselves (cf. 144). To put it another way, to fulfill God’s ethical demand one must perform acts of justice and virtue, symbolized in the “divine law” of the Jewish people. Eleazar’s explanation of the commands does not necessarily serve to communicate what Gentiles should do; it only exists to explain certain commands and praise the Jewish \textit{nomos} as instructing in virtue. According to Gabriele Boccaccini, “the road that permits

\textsuperscript{100} Tcherikover, “The Ideology of the Letter of Aristeas,” \textit{HTR} 51 (1958) 79.

\textsuperscript{101} Boccaccini, \textit{Middle Judaism}, 184.
the Gentiles, or at least some of them, to become “men of God” and not simply “men of drink, food, and clothing” is the Greek paideia.” The trajectory of the thought is that the Jewish nomos, even though it leads to Greek virtue and seems to challenge claims about Greek paideia, does not clearly demand that Greeks follow the Jewish commands, so long as the Greeks abandon idolatry.

**Particularity**

It would be a mistake to conclude that Let. Aris. sees no real difference between the Jewish nomos and Gentile living. One key passage in which this rings true is when Eleazar states that the lawgiver, “equipped by God for insight into all things…fenced us about with impregnable palisades and with walls of iron, to the end that we should mingle in no way with any of the other nations” (139). The Jewish nomos sets Jews as distinct from Greeks and barbarians. But it does so in the very same way that Greeks set themselves apart also: in terms of the pursuit of virtue and justice. Jewish particularity in the law is articulated no differently than Greek claims on the basis of paideia. The Jewish nomos is rooted in and comes from the one God of the universe, which all people can and sometimes do worship.

We get a sense of the nature of the superiority on the basis of the Jewish nomos right before Eleazar’s speech. Eleazar makes the statement that “the good life (τὸ καλὸς ζήν)...consists in the observance of the laws, and this is attained by hearkening much better than by reading” (127). “The good life” – a philosophical-ethical commonplace – is

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102 Boccaccini, *Middle Judaism*, 181.
found through the Jewish nomos. In this speech, the Jewish nomos achieves this in a distinctly superior way in contrast with other peoples. But, this is not pure opposition to all other people. Eleazar gives reasons why Jews are distinct from others, and the thrust of this seems to be not to supplant Greek ethics, but to say something about the efficacy of the Jewish nomos in achieving Greek ethics and virtue.

In the banquet scenes it is the translators from Jerusalem—those steeped in the Jewish νόμος—who are acclaimed as superior in philosophical learning. Again, this is not to supplant Greek philosophy, but is an acknowledgement that training in the Jewish nomos results in an astonishing ability to answer correctly and impressively nearly any matter pertaining to Greek life and philosophy. As Reinhard Weber puts it, “particularism and universalism have entered into a strange mélange.”

The superiority of Judaism, then, is not necessarily an ethnic one, but an ethical and religious one. The distinction is not between Jews and Gentiles, and the claim to superiority is made within the context of the pursuit of justice and virtue. It is a distinction such that a Gentile need not become a Jew to achieve justice and virtue. The universalization of the law into Greek virtues does not lessen the importance of obedience to its commands, a point made by more than one scholar. Written for a Jewish audience, the point seems to be rather that the Jewish nomos achieves the same goals as paideia. It is not paideia itself that Let. Aris. praises, but rather its purposes and

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103 Contrast this with the pursuit of “life” and the “dwelling place of the happy” in Tabula of Cebes 3.1–4.3.

104 Weber, Das Gesetz, 139.

105 So Räisänen, Paul and the Law, 34–35; C. Marvin Pate, The Reverse of the Curse, 70. Though this does not necessarily translate into a “covenantal background” as Pate argues.
goals. Jews are not set apart because they possess the law. The commands of the law set the Jews as distinct outwardly, but intrinsically the commands set Jews apart as superior in the universal pursuit of virtue and justice.

**Conclusion**

The effect of *Let. Aris.* seems to be two-fold. First, like Aristobulus it explains the Jewish nomos in terms of Greek ethics and philosophy. It does this slightly differently by placing particular focus on the Greek pursuit of paideia. Second, it suggests a positive relation to non-Jews in such a manner as to open up the possibility for some to achieve justice and virtue without becoming Jews. The one caveat seems to be worship practices. The fault of many Gentiles is the failure to honor the one God in conjunction with their pursuit of virtue and justice. This does not mean, however, that they need to become “Jewish” if that means becoming circumcised, obeying Sabbath, and other food laws.

Even though the food laws are specified, this is because of a question about them, not to say that Gentiles need to keep them.

We can put the main thesis of how *Letter of Aristeas* explains the Jewish nomos in the following way: the author crafts the narrative intentionally to elicit agreement from his audience, via the fictional addressee Philocrates, that the Jewish law is the superior “divine law,” the commands of which and the life prescribed by which are equated with paideia and result in “justice” and “virtue.” This leads to the Jewish people being not so much distinct from the non-Jews, but rather that the Jewish people are distinct, even superior in their realization of virtue and paideia because of their nomos. “Jewishness” is not taken out of the picture, but it is reframed so that it is not Jew vs. Gentile, but Jew as virtuous vs. non-virtuous and wicked people.
Like *Letter of Aristeas*, the Jewish *Sibylline Oracles* 3 is an example of a Jewish writer attempting to speak in the voice of a Gentile. But rather than being an anonymous Greek member of the king’s court, the writer of *Sib. Or.* 3 takes the pseudonym of a more famous Greek. The Greek sibyl was well-known in the ancient world, going back at least to the fifth century B.C.E. She was a prophetess of great age and reliable authority who communicated messages from God/the gods. Typically these prophecies were of a gloomy nature, and dealt with political kingdoms and various disasters. There seem to have been two traditions of Sibylline prophetic literature: official and popular. The official collections were in the care of and interpreted by Roman priests thought to be Sibylline experts. Other than this, Sibylline collections of a popular nature circulated widely throughout the Roman world. The popularity of the Sibyl seems to have blossomed around the time of the emergence of the early Roman kingdom, sometime during the second century B.C.E. It is during this time that we have evidence of “an official Sibylline center” in Rome, associated with the temple of Jupiter. This seems to

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106 Buitenwerf, *Book III*, 94–96. According to Buitenwerf, the earliest manuscript evidence we have comes from Heraclitus in the fifth century (a passage cited in Plutarch’s *De Pythias Oraculis* 6), but traditions seem to confer a belief that she originally prophesied during or before the sixth century B.C.E. (*Book III*, 122–23; also John Collins, “The Sibylline Oracles,” in *Jewish Writings of the Second Temple Period*, 358).


110 Collins, “The Sibylline Oracles,” 358. When the temple was destroyed in 83 B.C.E., and then rebuilt, collections were again assembled (mostly from Erythrea) for official Roman use (ibid., 358–59).
have led to the rise of the popularity of the Sibyl, and even to some competition over which kingdom or nation the Sibyl favored. In the hands of our Jewish author, the Sibyl favors *historic* Israel, and the Sibyl is used to speak to universal humanity and to express the historical significance of the people of Israel because of their fidelity to God’s universal *nomos*. Yet, the writer does not express this in ways one might expect or take this in the direction one would expect.

The final text of the Jewish *Sib. Or.* 3 is the result of a complex process. The evidence suggests that of the extant version, only fragments i and iii, as well as vv. 93–829 are of a piece. Verses 1–92 are thought to be a fragment of another Sibylline book. In its present form, all but vv.1–92 can be dated sometime during the mid second century to mid first century B.C.E. Greater precision is difficult to establish. The section in vv.1–92, however, seems to have been written during the early Roman empire, and

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111 Buitenwerf, *Book III*, 123.

112 Buitenwerf, *Book III*, 65–91. According to Collins, vv. 1-92 are part of a different book, and vv.93–96 are a fragment of yet another book (“The Sibylline Oracles,” 365). Buitenwerf, however, has given a satisfactory explanation of the place of vv.93–96 as part of the original composition, but that there are missing lines. It “was evidently once part of a longer passage” within the original sibylline book (*Book III*, 165).

113 Collins has given a quite detailed treatment where he distinguishes three different stages of development to *Sib. Or.* 3 (“The Sibylline Oracles,” 365–71). Using literary criticism, he determines date of material by three criteria: 1) references to historical data, 2) association with a particular sibyl, 3) references to place names and geography (24). He concludes that the material in vv.97–349 and 489–the end were composed sometime in the mid second century B.C.E. The material in vv. 350–488 were added sometime in the mid first century B.C.E., though portions may have been composed earlier. Vv.1–96 were composed at a later time (*The Sibylline Oracles, The Sibylline Oracles, 24–33*). Rieuwerd Buitenwerf offers a different analysis in his commentary. From a detailed investigation of ancient manuscripts, he concludes that vv.93–the end, along with fragments i and iii, were part of “one literary unity” which he dates to the mid-first century B.C.E. Vv.1–92 are part of an altogether different Sibylline book (*Book III of the Sibylline Oracles, 65–91, 126–30*).
therefore is also useful for our investigation.\textsuperscript{114} Scholars suggest Egypt, Asia Minor, Babylon, or even Rome for places of origin. Of these, it is difficult to arrive at a clear conclusion, but the most satisfactory options are Egypt or Asia Minor. Rome, however, does not seem all that implausible.\textsuperscript{115}

The specific purpose of Book 3 of the Jewish Sibylline Oracles seems to be somewhat elusive. John Collins puts it generally:

\begin{quote}
Insofar as it presents Judaism in a Hellenized form we may speak of it as propaganda or apologetic literature. However, we cannot automatically conclude that the work was intended primarily for a gentile audience. It might have been written to strengthen the convictions of the Jewish community, which had become Hellenized and needed to have its religion expressed in terms of its newly adopted culture.\textsuperscript{116}
\end{quote}

How does this relate to a Jewish Diaspora audience? By writing in the name of the Sibyl and adopting this form of literature, our author assumes a universal prophetic voice and claims to mediate divine information and warnings from God. As John Barclay writes, “adopting the scornful Sibylline mask allows these Jewish oracle-mongers to launch a vigorous attack on other nations.”\textsuperscript{117} As Buitenwerf states, the author uses the genre “to extend praise to the Jews and criticism to the non-Jews through the objective, unimpeachable testimony of an outsider, a non-Jewish prophetess of the true God.”\textsuperscript{118}

\begin{footnotes}
\item[114] Collins, \textit{The Sibylline Oracles}, 64–71. Collins concludes: “We have little indication of the source of these oracles, but the persistence of the same style and interest makes it most probable that they came from the same milieu which had produced the earlier collection” (71).

\item[115] For Egypt, see John Collins, \textit{Between Athens}, 83–96. Gruen offers important criticism of the Egyptian claim (\textit{Heritage and Hellenism}, 283–85). For Asia Minor, see Buitenwerf, \textit{Book III}, 130–33.


\item[117] Barclay, \textit{Jews}, 221.

\item[118] Buitenwerf, \textit{Book III}, 318. Buitenwerf specifies that the Jewish audience is the “intended audience” and the non-Jewish audience are the “fictional addressees.” This, however, is not so clearly
\end{footnotes}
There is truth to this view, but at the same time, one must not overlook another, important point. The point is this: rhetorically, coming from the Greek Sibyl, the words are intended to motivate the entire world to action. The ethical mandate of the document applies to all people. The general denunciation of Gentile religion and living does not lead to the conclusion that Gentiles must completely convert, nor does it necessarily condemn them all. Rather, through the Sibyl the author calls all people to properly worship God and straighten up their lives, as the Jewish nation has done. Although there clearly is a negative view of Greek life, there is also a level of openness to the possibility of Gentiles also doing this. In this the author presents “an extension of Judaism to a universal religion in continuity with the human cultures around it.”

Speaking to a primary audience of other Diaspora Jews, this would shape the understanding of Judaism and the Jewish nomos as one that is associated not just with Jewish heritage, but with the Greek mythological lore and prophetic words of the sibyl.

**Nomos in Sibylline Oracles 3**

The word νόμος occurs ten times in the writing. Most all of the uses of the word are quite vague, with the common designations being “holy law of the Most High God” (vv.580, 719, 768) or “holy law of the immortal God” (vv.276, 600), in v.284 it is “laws of the Most High.” Another designation, “universal law” (κοινὸς νόμος) is used once in v.757. The other three occurrences refer simply to νόμος (vv.256, 259, 686). Whereas in the previous writings we find nomos clearly specified as the Jewish nomos,


120 3:(246), 256, 259, 276, 284, 580, 600, 686, 719, 757, 768.
such a clear referent is not present in *Sibylline Oracles 3*. All of this is not to say that the author was *not* referring to the Jewish law. It is to say that this language taps into a more universal conceptual field and common Greco-Roman discourse. From terminology alone, therefore, one might conclude that νόμος is not defined in specifically Jewish ways.

Verse 256 is the one verse that suggests a specifically Jewish understanding of *nomos*. This is also the first occurrence of *nomos* in the document. Before this verse the author had been narrating the rise of certain kingdoms: the Titans and the Greeks. He narrates their rise to power and their immorality (110–195). Then he begins to write about “the pious men who live around the great temple of Solomon, and who are the offspring of righteous men” (213–14). They are “a race of most righteous men” who are “always concerned with good counsel and noble works” (220). He describes the journey of these people, whom God led out of Egypt, under the leadership of Moses and says: “When he, who guided the people whom God led from Egypt, came to Mount Sinai, God gave the law from heaven, having written all just things on two tablets” (256). Two things are worth noting here: first, the *nomos* is from God, given to the Jews, though the text refuses to call them “Jews” or “Israelites.”

It is within the

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121 It is significant that neither the word “Jew” nor “Israel(ite)” occur in *Sib. Or.* 3. This point seems to be often overlooked, but speaks volumes about how the writer understands the Jews and their place in the world and relation to non-Jews. This is not to overlook references to the importance of Israel and worship at the temple in Jerusalem written about later in the document (vv. 710–808). This clearly points to a level of Jewish superiority as drawn out by John Barclay (*Jews*, 220–21). Yet it remains a superiority of an unnamed just people and their temple.

122 The manner in which the writer describes the Decalogue may tell us something about the writer’s audience and purposes. On the one hand is may be a way of concealing the particularly Jewish nature of the *nomos* of which he writes. On the other hand it may be that the writer’s audience would recognize the reference to two tablets.
Ten Commandments that “all just things” for the world are contained. Thus, our writer unmistakably does refer to the Jewish nomos. Furthermore the Jewish nomos is one for the whole world to live by; it just so happens that God revealed it to the most just people on earth, who are the Jews (but remain unnamed as such!). The emphasis falls on the nomos being that of a universal God—and this is from the perspective of the Greek Sibyl.

So, if we take this first occurrence of the word nomos as a cue, we can presume that the rest of the uses of the word have in mind this nomos. A notable difference from previous writings so far is the absence of reference to specific Jewish commands as the starting point or basis of the understanding of nomos.

**Universalization**

One strategy used to give the Jewish nomos universal authority is the way our author incorporates his understanding of this nomos into the narration of world history. Our author seems to accept the mythological history of the Greek past, and he merges this with stories of world history found in the Pantateuch.\(^\text{123}\) By doing this, *Sib. Or.* 3 places an emphasis on one common humanity who share one story (vv. 247, 755–61). This lays a basis for our understanding of the prophecies in the book. This also recalls Zeno’s hope of which Plutarch wrote, which we encountered in chapter two:

> that we should consider all men to be of one community and one polity, and that we should have a common life and an order common to us all, even as a herd that feeds together and shares the pasturage of a common field.\(^\text{124}\)

In chapter 2 above, we saw this as one of the important starting points for other Greek writers as well who write of one transcendent nomos for humanity.


\(^{124}\) Plutarch, *De Alexandri virtute*, 1.6.
An important element that stands behind the perspective of one common humanity is the designation of God as “Most High.” On the one hand, this designation can be connected with the Old Testament references to God. At the same time, it would be foolish to dismiss the well-known uses of the phrase among Greeks. There is evidence of a cult to Zeus the “Most High” (Zeus Hypsistos; ὑψίστος), which is to be differentiated from “God Most High” (Theos Hypsistos; Ἑστὶς ὑψίστος). Both phrases occur in Greco-Roman writings and inscriptions, but there is comparatively less use of the more general Theos Hypsistos than of Zeus Hypsistos. The most likely reason for this is that the Theos Hypsistos derives from Jewish use, but a Jewish use that may have competed with the Greco-Roman phrase and was even taken over by some non-Jews. An important element of this is that only the Jewish writer or speaker using this phrase would understand that it referred to the Jewish God; others would think it referred to “whatever deity he or she considered to be supreme…they would not think of Yahweh.” It may be likely that a Diaspora Jew hearing or reading the phrase might notice little differentiation between the Jewish and Greek meanings. One cannot overlook that the use of this phrase in Sib. Or. 3, written for a Jewish audience but under a Gentile name, shows a Jewish writer referring to God in a manner that would resonate with non-Jewish conceptions.

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125 The word ὑψίστος is used as a designation of God 57 times, most commonly in Psalms (25x) and Daniel (14x).


128 Trebilco, Jewish Communities in Asia Minor, 143.
The emphases on the common humanity and the designation for God affect the way that the writer conceives of the Jewish nomos. In contrast to Let. Aris., the primary role of nomos in Sibylline Oracles is that of judgment of all humanity—both non-Jews and Jews—because humanity is common and God is one and universal. The judgment is because of certain vices and apparent transgressions of God’s expectations expressed in the law. We see this in passages such as 580–600 where the author indicts a list of peoples for various evils. The indictment is summed up by saying that all humanity “transgress(ed) the holy law of the immortal God” and later “they acknowledged neither the law nor the judgment of the great God” (686–87). The eschatological expectation is that other nations will acknowledge the importance of the law and honoring God and will say: “Let us all consider the law of the highest God, for it is the most righteous of all on earth” (719–20). Avoidance of judgment for all humanity means following the law of the one God.

This judgment includes the Jewish people, who like the others fell to destruction and exile as a result of transgressing the divine law (vv.265–81). The important point for our purposes is that this passage suggests that there is no sense in which the nomos is different for Jews and non-Jews. If our writer is addressing other Jews, then his presentation is such that they are one among others who have transgressed the universal law of God.

This law is described as the “universal nomos” (κοινός νόμος) of God (v.757). This statement comes in the description of the culmination of time, when “there will be great peace throughout the whole earth” when “the Immortal in the starry heaven will put into effect a universal nomos for men throughout the whole earth” (v.755). This time of
peace resembles the idea of a “Golden Age” written about in Ovid’s *Metamorphoses* 1.89ff.\(^{129}\) Another possibility is that our author is projecting something like Zeno’s dream for humanity into the future and linking it not with Greek rule, but with the divine rule of the one God and his *nomos*. In doing this, and using the term κοινός νόμος our author makes a strong connection between the Jewish *nomos* and ancient conceptions of a “universal *nomos*” that transcended national and ethnic boundaries.

There is no use of *paideia* as in *Let. Aris.*, nor is there language of “wisdom” in the universalization of the Jewish *nomos*. A relation between the Jewish *nomos* and Greco-Roman “law of nature” has been suggested.\(^{130}\) Rieuwerd Buitenwerf has set forth one of the more substantial attempts to make this claim. Buitenwerf begins noting that because the author of *Sib. Or.* 3 assumes a universally valid *nomos*, it cannot be only the Jewish law, written on the tablets. Rather, “it must refer to an ethical and religious law known to all people.”\(^{131}\) Buitenwerf concludes that the author “sometimes refers to Moses’ law, sometimes to natural law.”\(^{132}\) The distinction between the two is one of form, not content. According to Buitenwerf “the Jewish law is conceived as a written copy of natural law.”\(^{133}\)

Buitenwerf argues this on the basis of two things. First, he argues that “in the Graeco-Roman period, it was widely believed that all people had knowledge of unwritten

\(^{129}\) Collins notes the possibility of this connection with Roman propaganda as well (*The Sibylline Oracles*, 65–66).

\(^{130}\) Collins, *Between Athens*, 162, 164.


\(^{132}\) Ibid., 340.

\(^{133}\) Ibid., 356.
ethical and religious principles which were of divine origin. In Greek authors, this universal knowledge of the divine will is often associated with the unwritten, divine law of nature." Second, he points out how the Jewish writing *Sirach* and Philo’s writings both connect the Jewish law—indeed identify the Jewish law—with law of nature. *Sibylline Oracles* 3 stands in this trajectory of Jewish writers associating the Jewish law with law of nature.\(^{135}\)

While Buitenwerf makes some valuable points, we should hesitate to say that the writer identifies the Jewish *nomos* with “law of nature.” First, and most problematic, the word φύσις does not occur in *Sib. Or.* 3. He does use λόγος in v.20 to refer to how God created the world, but this seems to be more of a connection with Genesis 1 than with Stoic doctrine. While *Sibylline Oracles* does also use κοινός νόμος, it is not connected with λόγος in a way that would suggest that *nomos* is in accord with *logos* as a universal ethical standard. The problem with Buitenwerf’s analysis is that it equates the Greco-Roman concept of a transcendent law with “law of nature.” As we saw in chapter two, “law of nature” was only one conception of “higher law” among Greco-Roman sources. And while some writers do use some of the terminology interchangeably it would be an error to think that by transcendent law a Jewish writer automatically had in mind the Greek concept “natural law.” Buitenwerf’s use of Sirach and Philo also are problematic because he assumes that *Sibylline Oracles* does the same thing with the Jewish *nomos* as these other Jewish writers. This is by no means the case. In *Sib. Or.* we do not have an example of a Jewish writer equating the Jewish *nomos* with “law of nature,” but rather an

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\(^{134}\) Ibid., 340, 361 ("the idea that a transcendent law of reason, namely natural law, preceded and surpassed all particular, human laws was a philosophical commonplace").

\(^{135}\) Ibid., 355–363.
example of a Jewish writer drawing the concept of κοινός νόμος and making a general statement about God’s universal rule.

**Gentiles and the Law**

As part of the genre, the writer sets out to announce God’s judgment upon those who do not keep God’s universal law. In doing this, our writer describes not only what those who break the law do, but also what keeping it looks like. Those who fall under judgment are both Jews and Gentiles. In other words, *Sib. Or.* 3 makes claims about Jews and non-Jews equal accountability to the κοινός νόμος.

Transgressing or following *nomos* consists in quite general virtues and vices. According to John Collins, “the main message of *Sib. Or.* 3…would seem to lie in the denunciation of idolatry and sexual abuses.”\(^{136}\) While this indeed appears to be an emphasis, the list of transgressions is more than this. The Titans are characterized as full of fighting and war (110–155); the Greeks are impious, full of oppression, commit same-sex intercourse, are greedy, and deceitful (156–195). Their kings are criticized for arrogance, impiety, adultery, and general wickedness (202–03). In contrast, the race of people who “are always concerned with good counsel and noble deeds”(220)—note that they are not specified as “Israelites” or “Jews”—are singled out by their “care for justice and virtue” (οἱ δὲ μεριμνῶσιν τε δικαιοσύνην τ᾽ ἀρετὴν τε). They are not greedy or oppressive to the lowly, and share their goods fairly (234–247). The key point made is that in doing these things, they “fulfill the word of the great God, the hymn of the law” (247). Later in an encomium to this “race of pious men” the author praises them as those “who devote themselves to the counsels and intention of the Most High” (574). In

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\(^{136}\) Collins, “The Sibylline Oracles,” 368.
addition to honoring God in the temple—the opposite of idolatry—they honor their parents, respect marriage, and “do not have intercourse with youths in a shameful way” (574–600). All of these things are summed up in terms of “transgress(ing) the holy law of the immortal God” (600). In 623–34 there is a brief appeal for humanity to repent, which is stated in terms of worshipping God, honoring justice, and oppressing none, “for so the Immortal bids wretched mortals” (631).

From all of this we can confirm the importance of sexual sins, but they are part of a much larger description of following God’s law. The above lists include a number of things one would find in the Jewish Torah: same-sex intercourse, impiety, adultery, honoring parents, and not oppressing anyone. Generally these relate to the Decalogue with the exception of same-sex intercourse which is found in Leviticus 20:13, and not oppressing anyone, a general command scattered throughout the Torah. The author also emphasizes many generally accepted behaviors and virtues/vices that are not specifically Jewish. Corresponding with this, there is no mention of Sabbath, circumcision, or food laws in Sib. Or. 3, whereas Aristobulus and Letter of Aristeas do mention these. There may be concrete reasons for this related to the immediate context, but we have insufficient information. It seems that the writer of Sib. Or. 3 has significantly shifted the understanding of the Jewish nomos in comparison with Aristobulus and Let. Aris. It stands as the written revelation or written manifestation of the one divine nomos of the “Most High God.” It is not circumcision and participation in Judaism that would place a person among the “just,” but rather the pursuit of behaviors

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137 Ex. 22:21; 23:9; Lev. 19:33; Deut. 23:16.
and avoidance of vices specified by the author.\textsuperscript{138}

Can we agree with George Nickelsburg that “the author does not call for the wholesale surrender of the Hellenistic way of life”?\textsuperscript{139} It seems so. In \textit{Sibylline Oracles}’ condemnation of Gentiles, the alternative to their transgression of God’s law is not fulfilling the commands of the law of Moses. It is, rather, living in accord with the virtuous behaviors and justice embodied in God’s universal law (κοινὸς νόμος). This is equated with the Decalogue in the first instance of nomos as we have seen. But, he has so shifted the significance and meaning of the commands and eliminated any clear reference to Israel, with the result that that keeping God’s nomos is a matter of virtue and justice, and not of Sabbath and food, circumcision, and other particulars. Putting it this way, the universal nomos, which is identified with the law given on Sinai, can be kept by anyone. Indeed, it should be lest other nations fall under God’s judgment.

\textbf{Particularity}

In spite of the universalism present in \textit{Sib. Or.} 3, the writer still makes a case for Jews as being favored because of their “justice” and proper worship. And while the Jews are indicted for transgressing the law, the overall thrust of the document is one of indictment of Gentiles.\textsuperscript{140}

\textsuperscript{138} This, of course, is a conclusion based on what the writer of the document gives us. We cannot know for certain if he did or did not dismiss any of the particularly Jewish laws. Yet, when the Sibyline guise, the universal view of God, and the explanation of transgression of the law in terms of general ethical virtues and vices are all taken together, the rhetorical thrust leads to an understanding of the Jewish νόμος that has been reshaped into a law of universal ethical norms.

\textsuperscript{139} Nickelsburg, \textit{Jewish Literature}, 195.

\textsuperscript{140} Cf. Barclay, \textit{Jews}, 220–22. Barclay specifies that there is a clear emphasis on Israel’s “national election” (221). I do not see this as clearly as Barclay, mostly on the basis that “Israel” is never specified, nor is their “election” a prominent theme. Their \textit{superiority} is clear, but this does not always mean “national election.”
At the same time, there is an openness to who is part of God’s people in the document. The Jews, who are never called ‘Ioudaioi, are not God’s covenant people, but “a race of most just people” (219; γένος ἐστὶ δικαιοσύνης ἀνθρώπων). There is no appeal to Abraham and circumcision; no mention of “covenant.” While there is a clear reference to God giving the law to this “race of most just people” it is a universal nomos defined without reference to traditional Jewish commands. The (unidentified) Jewish people stand out as people to whom God gave the universal nomos for all humanity. They stand apart in terms of their successful achievement of living in accord with this κοινός νόμος—and keeping specifically Jewish commands is not part of this.141 Later in the document the Jewish people are again praised because they, of all people on earth, are devoted to the law of “the Most High.” And to them alone God has given “reasonable counsel, trust, and the best understanding in their breast” (εὐφρονα βουλήν καὶ πίστιν καὶ ἀριστον ἐνι στήθεσαι νόμημα).142

One cannot ignore the references to Solomon, Moses, and the giving of the law. It is clear that the Israelites of history are those who live according to God’s law, out of all humanity. But, what is interesting is that the examples seem to focus on historical Israel, and there is an openness that suggests that the author’s call to adherence to God’s nomos is open to all, and there is no sense of conversion, other than worship of God. In 265–294 the writer writes about the exile and hope for restoration. He notes that “the whole earth will be filled with you and every sea” and that “everyone will be offended at your customs (πῶς δὲ προσοχθιζών ἐσται τοῖς σοῖς ἐθίμωσιν)” (271–72). In this there is

141 In connection to this, it is worth noting that the status of Israel as superior in virtue has to do with their fulfillment of God’s universal law before God gave them the law.

142 Sibylline Oracles 3, 584–85.
the idea that the Jewish customs are viewed negatively by non-Jews. But the word here is not νόμος but ἔθιμος, “custom.” Our author does not say that others will be offended at their nomoi. At the same time, our author betrays no shame of these customs. Perhaps the use of the word ἔθιμος is a reflection of the author’s understanding of these particular customs in relation to the κοινός νόμος. The (unidentified) Jewish people are superior in their justice and piety because their Jewish customs fulfill or are in agreement with God’s κοινός νόμος.

**Conclusion**

*Sibylline Oracles 3* stands out to this point in its noticeable lack of reference to σοφία, παιδεία, or φύσις. Nevertheless, the nomos to which the author refers is a universal nomos that transcends ethnic and political lines. It is the nomos of the Most High God that stands at the center of this document as the universal standard for right living and God’s standard of judgment. Jew and Gentile stand equally before this standard of universal ethical norms. Unlike Aristobulus and *Let. Aris.*, there is no attempt to defend or explain particularly Jewish commands; where he does mention what seems to be particularly Jewish “customs” he avoids using the word νόμος. The author uses ideas and language germane to the Greco-Roman discourse about nomos in a way that universalizes the Jewish nomos—but not as the Jewish νόμος. Rather the (unidentified) Jewish people are simply the only ones who have followed God’s κοινός νόμος, which approximates to living in accord with traditional Greek ethical goals or commands from the Jewish Torah that are not clearly identified as Jewish, and assimilate easily into universal ethical behaviors. The Jewish people, then, are superior in following God’s universal nomos, which, contains commands for all humanity.
Wisdom of Solomon

Wisdom of Solomon is our first example of a Diaspora Jewish writer taking on what is traditionally assumed to be the persona of an ancient Jewish figure rather than a Greek. The manner in which the author of Wisdom appeals to Solomon is symptomatic of how he also treats the law. Nowhere in the text is Solomon identified. But, the statements in 7:7–14 resonate strongly with what we read about Solomon in 1 Kings 3:6–15, 8:12–53, and passages in Proverbs about the value of wisdom. A reference to building the temple in the city of God’s dwelling alludes to Solomon’s building of the temple. That the author takes on the persona of Solomon can be safely concluded, but he does so in a veiled manner. If the intended audience is a Diaspora Jewish one as most scholars suggest, then one would think that this veiled manner of speaking in Solomon’s name matters little. Nevertheless, it is not until one gets well into the writing that this becomes clear, and the appearance is very much like any sage proclaiming the importance of wisdom.

The consensus is that Wisdom comes from Alexandrian Judaism. There is less agreement about when it was written. The broad range extends from 220 B.C.E to 50 C.E. A date on the earlier end of this spectrum is very unlikely. David Winston has cogently argued for a date during the first half of the first century C.E. He presses more specifically for the time of Caligula (37–41 C.E.) on the basis that the tensions in the

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143 Proverbs 3:14–18, 8:10–11.


145 On the basis of historical references and language used that does not appear in Greek literature before the first century C.E. (Wisdom, 21–23).
book seem to reflect the atmosphere of this period and the riots which broke out.\textsuperscript{146} This is plausible, but it is at least interesting, at most problematic, that the author of Wisdom does not completely denounce the rulers, if indeed the “rulers” to which the book is addressed can be seen as Roman rulers. In fact, the tone of the book seems to hold out some hope for “rulers of the earth” to find wisdom and rule justly. Additionally, the real polemic in the book is against Egyptians, not Greeks or Romans.\textsuperscript{147} So, while Winston’s case is plausible, it does not completely explain these other more positive elements. A general date in the first century seems safest.\textsuperscript{148}

The book contains “sophisticated vocabulary and...developed rhetorical features” and the author demonstrates knowledge of Middle Platonic philosophy.\textsuperscript{149} It is a work of a philosophical nature that encourages the pursuit of wisdom.\textsuperscript{150} The genre of Wisdom is

\textsuperscript{146} Winston, Wisdom, 23–24.

\textsuperscript{147} Cf. also Collins (Between Athens, 195) who notes that the more polemical chapters in the book reflect a philosophical and religious debate that does not require a context of actual persecution.”

\textsuperscript{148} John Collins makes a good case for the range of 30 B.C.E to 70 C.E. (Jewish Wisdom, 179). I am not opposed to such a range, except that Winston’s argument about the terminology suggests that the latter period of the first century B.C.E may be too early. But, Barclay points out that we lack sufficient evidence from literature in the first century B.C.E to be too conclusive on this matter. So Collins’ suggestion seems quite plausible, but I would lean more toward the first century.

\textsuperscript{149} Barclay, Jews, 183; Collins, Jewish Wisdom in the Hellenistic Age (Louisville: Westminster, 1997) 179–82, 196–99, 200–202. The most well known work on the Hellenized elements of the work is James Reese’s Hellenistic Influence on the Book of Wisdom and Its Consequences (Rome: Biblical Institute Press, 1970). According to David Winston, “the Stoicising Platonism of Wisdom is the characteristic trademark of Middle Platonic scholasticism, and it is undoubtedly misleading to brand this philosophical mode as ‘eclectic’” (The Wisdom of Solomon, 33). It may be true that the author of Wisdom drew on Middle Platonic philosophical thought, and that “eclecticism” may not be an accurate designation of Middle Platonism, but this does not mean that our author was not eclectic. Nevertheless, Middle Platonism does seem to shape much of our writer’s outlook.

\textsuperscript{150} Here, even though Winston has noted the difficulty in precisely determining the genre of Wisdom, I would land on seeing it as “essentially a protreptic with a considerable element of epideictic” (D. Winston, CBQ 48 [1986] 527).
an unsettled issue. The two vying proposals are ‘logos protreptikos’ and ‘encomium.’

In 1986, David Winston wrote:

It is thus extremely difficult to determine whether *Wisdom* is an epideictic composition (‘encomium’) with an admixture of protreptic, or essentially protreptic with a considerable element of epideitic.

The problem implied in Winston’s statement is that Wisdom of Solomon does not in its entirety fit a single genre. In light of the flexible nature of genre, perhaps it is acceptable that two genres seem present in Wisdom—there need not be an ‘either-or’ distinction. But more importantly, as Kolarcik and others point out, both *logos protreptikos* and *encomium* contain an element of exhortation.

There is agreement that 1:1–6:21 are exhortatory, and some propose that this is true of the whole book. If the opening exhortation (1:1–15) can be seen as determinative of the entire work, then the overall thrust of the work is to exhort the audience to avoid death by pursuing justice and seeking the Lord who thorough wisdom,

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156 D. Winston acknowledges the exhortatory element (*Wisdom*, 3). See also M. Kolarcik, *The Book of Wisdom*, NIB (Nashville: Abingdon, 1997) 5:437–39. He points out that the beginning section of the book is an exhortation to justice. J. Reese argues, as part of his case that Wisdom is of the genre ‘logos protreptikos,’ that the goal of the book is to exhort the readers to seek “eternal life with the Lord” (*Hellenistic Influence*, 118).
which enables a pious life and avoidance of death.\textsuperscript{157} If the audience is a Diaspora Jewish one, then the question to ask would be why this is written. It is difficult to say, especially in light of the centrality of the author’s exhortation to kings and rulers. At the least, we can say that it reflects the author’s (and perhaps his community’s) understanding of the Jewish \textit{nomos} in relation to the pursuit of wisdom and the function of \textit{nomos} for even rulers of the earth.\textsuperscript{158} It is also interesting that part of the purpose, at least in the first part of the book, concerns the problem of the triumph of the unjust over the just. If this plays a significant role in the meaning of the book, as it seems to, then the fact that the author does not exhort the Diaspora Jewish audience to keep the Jewish commands of the law, but rather to pursue “wisdom” and universal and transcendent virtue, is quite interesting.

The unity of the document has been questioned, mostly on the basis of the fact that there seem to be multiple styles and rhetorical forms used in the work. But the arguments for composite authorship have been countered and there is sufficient evidence to suggest that it is a coherent piece of literature.\textsuperscript{159} The work has three main sections.\textsuperscript{160}

\begin{enumerate}
\item 157 See also J. Collins, \textit{Jewish Wisdom}, 181.
\item 158 One common understanding of the purpose of Wisdom is to strengthen Jews who had a tendency to defect or turn toward Greco-Roman life in some unknown ways. The writer is then using universal Greek conceptions to win over these potentially apostate Jews by means of an argument about the pursuit of wisdom and by couching it within the framework of Israelite history (Weber, \textit{Das Gesetz}, 181). But, while this certainly may be read out of the text, it is difficult to say that this exhausts the purposes of the book. It is not all that clear, first of all, that the target audience is other Jews who are turning from their Jewish heritage. Secondly, this does not account for the appeals to the more general “kings” and “rulers.” I am content with saying that the book is a general exhortation to pursue wisdom and virtue, and that the author is attempting to display the benefits of seeking such wisdom that is revealed in the Jewish \textit{nomos}—universally understood. Winston puts a slightly different spin on the above understanding, with which I am more sympathetic. He suggests that the author is writing to encourage “pride” in Judaism and the law, and not writing to address potential apostates (\textit{Wisdom}, 63). Winston still states, however, that some part of this is addressed to outside hostility and internal doubt from the Jewish community (\textit{Wisdom}, 64).
\item 159 Cf. Winston, \textit{Wisdom}, 12–14. He concludes that “(the author) had carefully planned the writing of the whole, employing a variety of styles in its sundry parts in order to heighten the rhetorical effect” (14). Winston’s discussion, however, only engages with the theories of a few scholars. Nevertheless, his
\end{enumerate}
The first, 1:1–6:11, is a general exhortation to “rulers of the earth.” It is often referred to as “the book of eschatology” based on a concern with eschatological judgment of the wicked and immortality. The overall tenor of this section, however, seems to be an exhortation to pursue “justice/righteousness” as opposed to “wickedness” or “impiety.” This section contains the well-known “speech of the impious” (2:1–20) by which our author sets out the nature of the impiety which he wants to contrast. The second section, 6:12–10:21 is often called the “book of wisdom.” There is an overarching focus on wisdom herself: the pursuit of wisdom, her nature, and her characteristics. This section contains a famous praise of wisdom and her benefits (7:1–9:18). The third section, the “book of history,” covers chapters 11–19. It is very possible to read chapter ten as a transitional chapter, since wisdom remains the focus, but it also begins to transition into the historical overview that continues into chapters 11–19.

**Nomos in Wisdom of Solomon**

Unlike the previous writings we have considered, *nomos* has received little scholarly attention.\(^{161}\) The word νόμος is used ten times.\(^{162}\) Although it plays a secondary role to wisdom (σοφία), it does figure as an important element in this author’s conception of defining “justice” (δικαιοσύνη) and the sort of life that comes from

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\(^{162}\) 2:11, 12; 6:4, 18 (2x); 9:5; 14:16; 16:6; 18:4, 9.
wisdom. In addition to *nomos*, our author writes of “commandments” (ἐντολῆ) twice: 9:9 and 16:6 (in the singular), as well as “holy things” (τὰ ὃσια) in 6:10.

Like *Sibylline Oracles 3*, there is no clear reference to the Jewish *nomos*, and a few scholars question the certainty with which we can identify *nomos* as particularly Jewish. Many important references betray no specificity. In the speech of the impious, *nomos* plays a role in the tension between the impious and the just. In 2:11, the impious state: “let our strength be a law of justice (νόμος τῆς δικαιοσύνης), for what is weak is exposed as useless.” They go on to say that “the just person…reproaches us for sins against the law (ἀμαρτήματα νόμον), and accuses us of sins against our παιδεία” (2:12). In 2:11 *nomos* seems to refer to a general manner of living, and the *nomos* which they transgress in 2:12 seems unspecified. Three references to *nomos* in the central section (6:4, twice in 6:18 and in 9:5) likewise allude to an unspecified *nomos*. In 6:4 the author chastises rulers of the earth because “you did not judge rightly, nor did you keep the law (οὐδὲ ἐφυλάξατε νόμον). In this passage, one could assume the Jewish *nomos*, but to this point in the document nothing has been written to suggest this. Some

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have suggested that the *nomos* here is “natural law” or some idea of “natural principles of justice.” This, however, is not immediately clear.

In 6:18 the author writes that “love for (wisdom) means keeping her laws; attention to the law means certainty of immortality.” The law is connected with wisdom (*σοφία*), but there still is no specificity here. One could assume particularly Jewish wisdom, and thus a particularly Jewish *nomos* is the referent. There is precedent for this in the Jewish Scriptures—especially in Proverbs and even Deuteronomy. This may be an important part of the formative context for this understanding *nomos*, but how we should understand this *nomos* remains unspecified. In 9:5 the author writes of himself that he is “lacking in understanding of judgment and of laws” (*ἐλάσσως ἐν συνέσει κρίσεως καὶ νόμων*). *Nomos* here is connected with judgment, and ultimately related to wisdom, but it is not specified. The uses of the unspecified *nomos* are significant because in them *nomos* plays a central role in loving, seeking, and obtaining wisdom.

It is not until the final section of the writing that there seems to be some specificity to *nomos*. In chapter 16, the author writes about God’s people and the kindness God showed to them (16:2). The author recounts stories in the wilderness, and mentions the “law’s command” of which God reminded them (16:6). In chapter 18, the author writes about the conflict between the Egyptians and Israelites during the exodus and notes that God favored the Israelites, and that they are the ones “through whom the imperishable light of the law was to be given to the world” (18:4). He goes not to note that the Israelites—whom are not called such, but “the holy children of good people”—

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166 Deut. 4:6; Prov. 2:1; 3:1; 4:4; 6:23; 7:1—2; 19:16.
“with one mind issued the divine law” (τὸν τῆς θείοτητος νόμον ἐν ὁμονοίᾳ διέθεσεν).

In these occurrences, three things stand out. First, the *nomos* more clearly refers to the Jewish law. Second, the people of God are never specified as “Israelites” or “Jews.” Like *Sib. Or. 3*, neither of these designations occur in Wisdom. They are known as Israelites or Jews only if the reader recognizes the allusions to the stories, which are told in a very vague manner. The Diaspora Jewish reader would likely recognize the allusions, but this does not settle the matter. This writer’s actual portrayal of Judaism, even to a Jewish audience, emphasizes not the ethnic or national distinctions; rather he portrays to his peers a Judaism that is understood not as “Jew against Gentile” but “just against unjust.” Third, even though the *nomos* in 16:2, 6, and 18:4 refer to the law given on Sinai, the author describes it in a way that reorients the significance of such a connection by placing within an overall framework of the pursuit of wisdom and Greek virtue.

Is this *nomos* which the author associates with the Jews in a veiled manner the same as the *nomos* he writes about in the earlier parts of the document? John Collins answers this question in the affirmative because our author presupposes a link that has already been made in *Ben Sira.* This may be the case, but we cannot be certain that our author drew on Sirach, nor can we assume that the author of Wisdom made the same connection as the author of Sirach. It may be more likely that a connection between

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167 Nevertheless, these allusions “require considerable previous knowledge for comprehension that…can only be provided among Jews” (Weber, *Das Gesetz*, 182).

168 Again, this may be because of the actual reading audience, who is thought to be Jewish. Yet, our author presumes a wider audience in the exhortations to “rulers of the earth.”

nomos and Sophia has to do with more general Jewish wisdom traditions as found in Proverbs. At the same time, however, as we saw in chapter three above, connections between nomos and the pursuit of Sophia were also being made by Greek writers. Given this complexity it is best to consider the internal logic of Wisdom of Solomon.

The way the three sections of Wisdom and the centrality of σοφία both work to help us understand the references to nomos. In the opening section, the impious are chastised for not keeping the nomos. This is part of the exhortation to seek wisdom, and the impious are examples of those who don’t. In the hymn to wisdom in chapters 6 through 9, keeping wisdom’s laws is a key element of seeking and loving her. Additionally, wisdom is associated with God. Seeking wisdom is the only way the kings can follow God and rule justly (6:1–25). God is “the guide even of wisdom” (7:15) and wisdom “is a breath of the power of God” and “an image of his goodness” (7:25–26). In these sections, much of the language resonates with Greek pursuits of virtue. In the final section, we find “the major illustration of the workings of wisdom”—wisdom as described in the first two sections of the book. In this last section, the author returns to a contrast between the impious and the just. Here the contrast is not between individuals, but between groups, and the “just ones” are the Israelites to whom God gave the law. It follows that the nomos associated with the Jewish people at the end of the book is the same thing as the nomos associated with seeking wisdom and justice. May conclude that our author presumes the Jewish nomos throughout the entire work, and perhaps even an association between wisdom and nomos that one finds in Proverbs. But this is done in a way that integrates significantly with Greek conceptions of the pursuit of virtue and

170 Collins, Between Athens, 198.
**Sophia.** Thus, the identity of the *nomos* in Wisdom does not come across as being “Jewish” but rather more universal.

**Universalization**

According to Eckhard Schnabel, “the law (in Wisdom) is conceived as a universal entity.”¹⁷¹ For some scholars, the author of Wisdom associates the law with “law of nature.”¹⁷² This claim is made on the basis of the way that the author explains the law and its commands in terms of universal principles of justice and morality. It is also argued on the basis of an association with wisdom, which is related to God and the created order.¹⁷³

There are only two references to *φύσις* in Wisdom to consider in relation to this: 7:20 and 13:1. In 7:20, God is referred to as giver of wisdom, creator of all things—from knowledge to the “workings of the elements” (*ἐνέργειαν στοιχείων*) to “the natures of living things” (*φύσεις ζώων*). The general tenor reflected in 7:15–22 of a piece with “the Greek philosophical vocabulary.”¹⁷⁴ The use of “nature,” however, is not connected with God’s *nomos*. One might suggest that the author elsewhere makes a connection with *physis* and *nomos* via *σοφία*, but such a connection would be weak, since our author never suggests that *nomos* is in accord with *physis*. The use of *physis* in 13:1 confirms

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¹⁷³ Collins, *Between Athens*, 199–200; Weber, *Das Gesetz*, 188–89: there is “no conflict” between the law of nature and the particular law. According to Weber the author of Wisdom makes the “natural law” concrete in the commands and laws of the Torah in passages such as 9:5 and the use of ἐντολή (189). The author sees the Jewish *nomos* as “the most authentic expression” of natural principles of justice. The will of God is manifest in writing in the law through the universal wisdom of God, identified with the order of creation. In response, the author of wisdom might associate *Sophia* with the created order, but he does not equate following *nomos* with following *physis*.

¹⁷⁴ Winston, *Wisdom*, 173. Winston refers specifically to the phrase ἐνέργειαν στοιχείων, but it is safe to say that this can be said about the whole of 7:15–22.
this. The author writes that all humans with ignorance of God are “foolish by nature”
(μάταιοι…φύσει).\(^{175}\) In other words, there is a link here between physis and ignorance of
God—quite the opposite of some Greek connections according to which following physis
is following God and God’s nomos.\(^{176}\) Moreover, when we consider Wisdom in its
entirety, there seems to be a connection between wisdom and nomos that excludes physis.
It seems that our author is not associating nomos with physis as a way to universalize the
Jewish nomos.

It is clear that the author of Wisdom associates law with wisdom.\(^{177}\) According to
Winston, the author “very likely believed…that the teachings of the Torah were tokens of
Divine Wisdom, and that they were in harmony with the laws of the universe and as such
implant all the virtues in man.”\(^{178}\) The language our author uses to describe wisdom,
however, is a complex mixture of Stoic and Middle Platonic thought, Egyptian Isis
theology, and Jewish wisdom speculation, and it is impossible to sort out which of these

\(^{175}\) The entire phrase is difficult to translate. It reads μάταιοι μὲν γὰρ πάντες ἀντρωπῶν ζύμης
ὅς παρῇ θεοῦ σάρκος. This phrase, moreover, should be of some interest for understanding the
unclear and battled over phrase in Romans 2:14. As far as I know, not one scholar appeals to this phrase in
Wisdom to help understand Paul’s use of φύσει in Romans. Ironically, however, many scholars appeal to
Wis. 13 when interpreting Romans 1:18–32!

\(^{176}\) The author goes on to point out that God is known from “nature”—that is, God’s works in the
world. But this is not the same thing as saying that following physis leads to virtue or that God’s nomos is
in accord with physis.

\(^{177}\) There is some disagreement about the nature of the association. For some, the author does not
“equate” or “identify” wisdom and law (D. Georgi, “Weisheit Salomos,” ISHRZ 3 [1980] 395; Winston,
Wisdom, 42). Schnabel claims there is an “implicit identification of law and wisdom”, but because the
concept of law is not developed, establishing such an identification is “impossible” (Schnabel, Law and
Wisdom, 133–34). C. Marvin Pate argues that wisdom and law are in fact equated. He further quotes
Winston who says “(Wisdom) is already the archetypal Torah of which the Mosaic law is but an image”
and cites Garlington’s point that 6:18 and 9:9 “intimately associate wisdom and law” (Pate, Reverse, 46–
47; Winston, Wisdom, 43).

\(^{178}\) Winston, Wisdom, 43.
guides our author’s conception.¹⁷⁹ It would be foolish to say definitively that one of these serves our author’s purposes to the exclusion of another; likely more than one or all of them are in play, perhaps unconsciously so to our author. Wisdom serves as “the perfect bridge between the exclusive nationalist tradition of Israel and the universalist philosophical tradition which appealed so strongly to the Jewish youth of Roman Alexandria.”¹⁸⁰ It is likely that the difficulty in determining the understanding of wisdom in the book is because wisdom speculation itself—among Greeks and Jews—was such a complex, but very common topic.

Wisdom plays the central role in the book; it is that which our author commends as the sure guide and one who bestows “justice,” a life pleasing to God, and ultimately immortality. The total effect of our author’s depiction of wisdom is to describe wisdom as a universal entity which is closely related to God (7:25–26) and to the created world (6:22; 8:1; 9:1–2). Moreover, wisdom is the source of all justice and ethical living (7:21–23; 8:5–7). Sophia must be sought and imparted to humans (1:4; 3:11; 6:1–20). Seeking Sophia brings “reason” (λόγος; λόγισμος) and those without wisdom have poor reason (1:16–2:24; 3:10–12). For our author, σοφία is a universally available entity, and seeking it leads to the prize of virtue and correct reason, which bears striking similarities to Greek philosophical discourse.

According to our author, Sophia has commands or “laws” which can be either followed or transgressed: “love of (wisdom) is keeping of her laws, and keeping of her

¹⁷⁹ Collins, Between Athens, 196. For a discussion of these various elements see Winston, Wisdom of Solomon, 34–40, 42–43.

laws is assurance of immortality (6:18). This *nomos* which is later identified with the Jewish *nomos*, is a universal standard because it comes from wisdom and instructs in the ways of universal οὐφία. The description of *sophia* in Wisdom bears similarities to *paideia* in the *Tabula of Cebes*. Both writings refer to *paideia* and wisdom in similar ways: 1) they are the gateway to life or salvation; 2) people must come to them; 3) they purify people of vice and give the gift of virtue. While a literary relationship between the two is unlikely, it does seem that both are participating in a common discourse. The incorporation of *nomos* into this framework by the author of Wisdom points to the author’s use of the available web of discourse to universalize the Jewish *nomos* in an appealing way.

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181 The entire book of Wisdom seems to be concerned with the attainment of “life” (βίος). The wicked, by their thoughts and actions bring death (1:12–16), and pursuit of wisdom and her laws results in life and immortality (6:17–19; 8:5) and salvation (9:18; 10:4; 16:7). In the *Tabula*, one of the concerns is “life” and being “saved.” *Paideia* is the entrance to both (3.1–4.3).

182 The author of Wisdom continually exhorts his readers to “seek” wisdom (6:12; 8:2, 18). In 13:6 and 19:17, the author presents the contrast of those who seek wisdom in a faulty way or seek things other than wisdom. There is the passage in 6:16 which says that wisdom “goes about seeking those worthy of her.” This should be understood as working with the perspective of seeking wisdom. Wisdom will meet those who seek her. In *Tabula* people must come to *paideia* and listen to her so that she might heal them and lead them on to the virtues (19.1–3).

183 In Wis. 7:22–23 and 8:7 wisdom teaches the virtues to those who seek her. In *Tabula*, the path to the virtues comes only through *paideia* (19.1–20.4).

184 There are similarities between the two, however, that suggests that if the writer of Wisdom had not read the *Tabula*, it seems that he is countering claims such as given in *Tabula*. Among these is the similar way in which Wisdom refers to *sophia* as the “mother” of a number of a number of benefits (7:12) and the *Tabula* refers to *paideia* as the “mother” of a number of virtues (chs. 20–21. Both *sophia* and *paideia* stand at the “gate” (Wis. 6:14; *Tabula* 17).

185 A comparison with Plutarch’s *On the Education of Children* would also be worth consideration here, as he writes of *paideia* and *philosophia* not unlike the author of Wisdom writes of *Sophia* and the author of the *Tabula* writes of *paideia*. 
Our author also incorporates *paideia* into his universalization of the law. There is one more important passage where the author relates *nomos* directly to *paideia*. An important passage that communicates this connection is in 6:17–19.

The beginning of wisdom is the most sincere desire for instruction (*παίδεια*), and concern for instruction (*παίδεια*) is love of her, and love of her is the keeping of her laws, and giving heed to her laws is assurance of immortality, and immortality brings one near to God.

In light of the previous chapter, it is immediately clear that the association of wisdom, *paideia*, and *nomos* are very similar to such associations made by Greek writers. The passage occurs in the section where our author describes wisdom, exhorting the kings and rulers of the earth to seek wisdom. In their folly, they have not “kept (God’s) law, nor walked according to the will of God” (6:4). The author holds out hope that they will “learn wisdom and not fall away” (6:9). In vv.17–19 the author makes use of the literary form sorites to make a number of important claims about wisdom. The result of the sorites is that the author links a “desire” and “concern” for *paideia*, which is what leads to wisdom, to “keeping her *nomoi*.” The pursuit and attainment of *paideia* and thus also of *Sophia* come through the Jewish *nomos*. This is not unlike Proverbs. Proverbs, however, frequently writes of “commands” and “decrees” which seem to refer to specific commands of the Jewish Torah. In Wisdom, by contrast, the author does not draw

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186 A. DiLella writes that this passage “prove(s) that Pseudo-Solomon was a conscientious and convinced Jew who in no way compromised his religious beliefs when utilizing the resources of Greek humanism to convey his message” (“Conservative and Progressive Wisdom,” 149). Interpretations such as DiLella’s are correct, but tend to overlook the rhetorical effect that interpreting Judaism and the law in terms of Greek *paideia* and the Greek pursuit of wisdom and immortality would have had on an understanding of Judaism and the purpose of the law in relation to Gentiles.
attention to any specific commands of the Jewish Torah in his understanding of nomos.\textsuperscript{187}

As in Let. Aris., it is likely that the reference to paideia reflects an allusion to the Greek cultural hallmark, and that our author is co-opting this to make a claim about the universal validity of the Jewish nomos.\textsuperscript{188}

The above points place the author’s conception of nomos and its significance squarely within the widespread Greek discourse I outlined in chapter three above, wherein Greek writers prized Greek paideia as a means of attaining “wisdom” and philosophia and, ultimately, a life in accord with transcendent ethical principles good for all humanity. Building upon this connection with paideia, our author makes an unambiguous claim in 8:7 that wisdom “teaches” (ἐκδίδει) the four cardinal virtues: “temperance” (σωφροσύνη), “prudence” (φρόνησις), “justice” (δικαιοσύνη), and

\textsuperscript{187}The point made by Pate that Wis. 6:18a draws on Deuteronomy 5:10 and v.18c on Deut. 4:1 must be modified (The Reverse of the Curse, 48). At the least, the author of Wisdom has reconfigured the import of these passages in Deuteronomy if he had them in mind at all. In Deut. 5:10 it is love of God that is connected with those who “keep the commands” (τα προστάγματα). Wisdom specifies the “laws.” This may be splitting hairs, or it may be a way that the author is attempting to focus on God’s nomoi understood in a more general manner in terms of certain virtues and moral qualities rather than the particular commands itemized in the Pentateuch. In Deuteronomy the “commands” specifically refer to those commands in the Pentateuch, whereas in Wisdom the object of “laws” are more general and universal. In Deut. 4:1 God calls Israelites to obey the “statutes and ordinances…so that you may live to enter and occupy the land.” The difference in Wisdom is clear. The concern is not life in the land, but “immortality”—a specifically Greek philosophical word (Cf. Collins, Jewish Wisdom, 186–87). And again, the things to observe are at no place in Wisdom associated with the specific ordinances in Deuteronomy.

\textsuperscript{188}There may also be a reference to Greek paideia in the speech of the impious where the impious criticize the righteous person because he “reproaches us because of sins against the law, and accuses us because of sins against our paideia” (2:12). I have not read any suggestion that this is a reference to Greek paideia. Much in this passage depends on who the “impious” are. Though many treatments have been offered, it is more likely that, in keeping with the genre of the diatribe, the impious are a construct of the author. They represent not a specific group, but a position. Given the overall context, the address to “rulers” and “kings” (presumably Greek or Roman), and the use of Greek language and ethics, when the author says that the righteous ones criticize the impious for sins against “our paideia,” the paideia in view may likely be Greek paideia. Additionally, it is interesting that the righteous person uses the Greek paideia as the standard of criticism! But there is more. As noted above, nomos and paideia are linked in this passage. It is noteworthy that the nomos, which refers to the Jewish nomos understood in a universalized way, is linked with “our paideia”—that is, the opponents’ paideia. The Jewish author equates the Jewish nomos with the standard of Greek paideia—the means by which Greeks had claimed they were educators of the entire world.
“courage” (σκόπεία). Given the association between Sophia and nomos above, the laws of wisdom, then, instruct in these universal virtues.

It is worth noting that there is no defense of the Jewish nomos in the document. Nor are there any metaphorical, symbolic, or allegorical interpretations of any commands. When our author writes of the Jewish nomos, he seems to refer to some universal entity that is in accord with and comes from God and divine σοφία, which brings true paideia. We can agree with John Collins who writes that “it is likely that Wisdom…saw the Law of Moses as the embodiment of a universal law.”

**Gentiles and the Law**

If the Jewish nomos is made into a universal nomos, the commands of which embody God’s universal Sophia to humanity, what commands should people keep? In his book *The Reverse of the Curse*, C. Marvin Pate states about Wisdom of Solomon:

*Wisdom’s* nomism is rooted in Deuteronomy: Blessings of the covenant belong to those who wisely obey Torah while its curses await those who foolishly live in unrighteousness, Gentile and apostate Jew alike.

Pate’s concern is to show how Jewish writings draw on Deuteronomy and a covenantal framework in their interpretation of the law. Pate correctly isolates Wisdom’s concern with the accountability of both Jew and Gentile to the Jewish nomos. Pate may be correct about Wisdom’s use of Deuteronomy. But in Wisdom keeping the commands of the universalized nomos does not have to do with the blessings of the covenant with Israel, but rather with pursuing σοφία and the commands of this nomos are universal virtuous behaviors. We have seen that the nomos which is generally unspecified throughout

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189 Collins, *Jewish Wisdom*, 192. Collins also connects the Jewish nomos with “natural law known to all” (199-200).

190 Pate, *Reverse of the Curse*, 49.
Wisdom is the Jewish law. But for our author it is a universal *nomos*. If Deuteronomy lies behind this author’s “nomism,” it is a significantly reworked understanding that seems to minimize many of the law’s actual commands.

In *Wisdom of Solomon* we find that the author focuses on general ethical behaviors when describing ways in which people follow or do not follow the commands of God’s *σοφία*. The *nomos* is not strongly associated with particularly Jewish life and customs\(^1\), and there is no real sense of “becoming Jewish” or transferring into the people of Israel. Our author works with a central framework in which “justice” (\(δικαιοσύνη\)) is contrasted with “injustice” (\(δικία\)). Part of the universal appeal is through commands or behaviors that lack any ethnic or national specificity, but rather can be observed by all people. John Collins writes that our author’s ethics “basically conform to the “common ethic” of Hellenistic Judaism, which focused on idolatry and sex-related offences.”\(^2\) As with *Sib. Or. 3* we should not think that this is the limit of the ethic. Even if readers (then and now) recognize the allusions to the Jewish people in the later part of the book, the emphasis falls on distinguishing the just and the unjust, not Jew and Gentile as ethnic or national groups.\(^3\)

There are two main ways that Wisdom gives a sense of commands to follow. All of the commands of the *nomos* emerge from the starting points of God as the one God of the universe, and God’s *sophia* as universal and available to all. Within this frame, our

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\(^3\) Throughout the book this is the dominant theme. The author begins the book with a call to “seek justice” (1:1); those in chapter 2 who are criticized by the author pursue injustice; the stories of Israel’s history serve to illustrate the workings of wisdom for the sake of a “just” people.
author itemizes those things that are in accord with the *nomos* of wisdom. Among them the writer of Wisdom includes: murder, theft, corruption, treachery (14:22–28). Along this line of thought, our author makes an important claim in 8:7: “if a person loves righteousness, her labors are virtues; she teaches temperance and prudence, righteousness and manliness.” The Jewish *nomos* which is associated with *sophia* universally applies to the entire *kosmos* by leading to virtue. There is no mention of particular Jewish commands, though our author does have the impious say that “his (the righteous person’s) life is unlike others, and his paths are backwards” (2:15). Given the (veiled) association of Jews with the righteous, it is likely that this is a statement that communicates the significance of the particular Jewish ways of life. Moreover, these ways are part of the way that the righteous person is presented. But, they are not defining of *nomos*. In the speech of the impious, their transgression of the law is put in terms of excessive pursuit of wealth and “revelry” (2:7–9), oppression of the “righteous poor” and the widow (2:10), and violence (2:17–20). Also mentioned as opposed to wisdom and her *nomoi* are things like: pride, riches, boasting (5:8), envy (7:23), inhospitality to strangers (19:13). All of these may be found in the Jewish *nomos*, and are applicable to all humans. Also characteristic of wisdom (and thus her *nomoi*) are: loving good, being beneficient, and showing kindness (7:22–23). In his exhortation to rulers of the earth, he warns them that they have not “kept the law” (6:4). Reider’s suggestion that it refers to “the law in the Jewish sense, the Torah with its precepts and statutes and commandments” is not quite correct. 194 From the statements made in Wisdom on the whole, the things of the law that

the rulers have not kept are the general ethical behaviors mentioned above.\textsuperscript{195}

Our author also itemizes what is in accord with God’s \textit{nomos} by means of his account of Israel in chapters 10–19. In these chapters the ways of “justice” are associated with certain heroes known from the Old Testament, as well as key events in the history of the people Israel. It is important that the individuals and the people Israel are not specifically identified.\textsuperscript{196} This history, in part at least, serves to describe historically how wisdom has worked in the world, and how certain people have or have not lived according to wisdom. The author writes of Abraham in 10:5, but he is not named, only described as a “just man” (τὸν δίκαιον). While Abraham lived before the giving of the law, presumably his “just” identity is related to living in accord with wisdom’s \textit{nomos}, which consists in universally recognized behaviors. There is no clear statement that Abraham kept the \textit{nomos}, no reference to the command of circumcision, or to some other specific act of following the law.\textsuperscript{197} If “Abraham” is an example of a “just man” then it is done without reference to anything specific to the Jewish \textit{nomos}.

According to 12:19 God “taught” his people that to be “just” one must be a “lover of humanity” (δεῖ τὸν δίκαιον εἶναι φιλάνθρωπον). John Collins points out that the

\textsuperscript{195} One might suggest that our author has in mind some sort of symbolic understanding of the commands of the law, but this not at all clear.

\textsuperscript{196} Cf. Collins, \textit{Jewish Wisdom}, 218.

\textsuperscript{197} Contrast this with other treatments of Abraham in Jewish literature. In 4 Maccabees he is extolled for obedience to the specific Jewish commands of the “ancestral law”, which is in pursuit of “piety” and “virtue” and is associated with nearly sacrificing Isaac (16:16–20). This is also the case for 1 Macc. 2:49–52, where Abraham is praised for his near-sacrifice of Isaac which demonstrated his “zeal for the law” and “the covenant of (the Jewish) ancestors” who are specifically “Jewish” or “Israelite” in contrast to “Gentile”. In Wisdom such a contrast is not found. Most strikingly, in Sirach Abraham is praised for keeping “the law of the Most High and enter(ing) into a covenant with him” which was “certified...in his flesh” (44:19–20).
word φιλονθρωπία “was a Stoic concept, grounded in the affinity between the divine and the human established by the Logos.\textsuperscript{198} It has to do with the unity of humanity as one common people under one god, who should be ruled by one “common nomos,” a commonplace idea in antiquity as we have seen in a previous chapter. Likewise in a later passage, “lawless people” are described as such because of their worship of other deities and their inhospitality (17:1–3; cf. also 19:13–16 where the sin of Sodom is “hatred of strangers” [μισοξενία]). The quality of philanthropia may be singled out because of the accusation that Jews were misanthropes, as, for example we find in Hecataeus.\textsuperscript{199} There may be some deflection of criticism here, then. Nevertheless, we still have the author of Wisdom attributing to the Jewish nomos a command that aligns with Greek moral philosophy, even if he is summarizing the commands about hospitality.\textsuperscript{200}

Throughout Wis. 10–19, a recurring theme is idolatry. The “impious” live lives of vice and wickedness because of their worship of other gods.\textsuperscript{201} Specifically, it is worship of gods other than the God identified with the deliverance of Israel (13:1–14:21). But this God is in actuality the God of all people, not just of the Jewish people. Anyone can repent and turn to this God (12:23–24) and such turning is not explicitly associated with anything related to the Jewish nomos. The turning to God and proper worship is linked with recognition of God’s ways and a recognition of the God which supports and enables

\textsuperscript{198} Collins, *Jewish Wisdom*, 218. It should be noted that our Jewish author does adapt this idea, disassociating it from the Stoic logos and relating it specifically to Sophia and the law.

\textsuperscript{199} Hecataeus’ statement is found in Diodorus of Sicily. On the accusation of misanthropy, see Louis Feldman, *Jew and Gentile in the Ancient World*, 125–31.

\textsuperscript{200} E.g. Exodus 23:9; Deut. 10:19.

\textsuperscript{201} 11:15; 13:1–14:21.
all life (12:1; 13:1ff.; 15:10–11; 16:16). This element, however, is put in terms of achieving virtue and justice, not becoming Jewish. A myriad of vices that emerges from idolatry are listed in 14:24–28: murder, adultery, theft, deceit, corruption, faithlessness, perjury, just to name a few.

Theoretically, then, the non-Jew need only avoid idolatry and pursue the general manner of life that wisdom desires. The focus on idolatry and proper acknowledgment of God may suggest some sort of transfer into Judaism at the social level. That is, if we assume that not committing idolatry means abandoning one’s religious practices and the social dynamics that come along with them. But it is not clear from Wisdom that this means converting to Judaism, experiencing circumcision, obeying Sabbath, food laws, and so on. These things are not dismissed, either. What stands out in, when it comes to explaining what the nomos demands, is living in accord with general ethical behavior.

**Particularity**

It seems that there is little room for Jewish particularity in Wisdom. Indeed, if there is any sense of an emphasis on particularity it is veiled by the veneer of Greek philosophical ethics. This veneer does not, however, completely obscure any Jewish particularity. The one element of particularity is that the nomos that prescribes the commands of wisdom is the Jewish nomos. Much of Wis. 10–19 focuses on Jewish history. Regardless of the fact that the Jewish people are never specified, for the author and knowledgable readers, the Israelites are the most just people on earth.

Joseph Reider speaks of chapters 10–19 as presenting “an arrogant and undisguised particularism.”202 There certainly is a sort of attitude of disdain for non-Jews

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here. One finds typical polemic against idolatry, and in agreement with Winston and Collins, it seems that the polemic against Egyptians and Canaanites “served the author as symbols for the hated Alexandrians and Romans of his own day.”

C. Marvin Pate draws attention to the fact that 12:22 points to the privilege of God’s people when he writes that their enemies are “scourged ten thousandfold.” Throughout 18:1–19:5 there is a clear sense of God’s people vs. the enemies who commit idolatry and commit vice.

But, the particularism here is complex. While readers will recognize the clear Jew vs. Gentile distinction, the author himself does not put it this way. That our author does not specify the identity of God’s “righteous” is significant. At the same time, it is true that “custom and tradition led (the author) to associate righteousness with the observance of the Jewish law, however modified.” The key point here, is the modification. As we saw in the previous chapter, in the widespread Greco-Roman discourse particularistic tensions did not go away. The larger discourse enabled writers to uphold certain modes of existence as universal and good for all humanity. Those who did not pursue paideia were “barbarians.” There often was a clear line between those who lived in accord with transcendent nomos, virtue, wisdom, or paideia. The Jewish writer of Wisdom plays on this same field. There is no temple in which to worship God. The Jewish nomos and the Jewish people are where God’s universal σοφία is found and the people are given the law for the good of the whole world. As such, they and not the Greeks or Romans are able to enlighten the world, but in the ways of justice and virtue, not in the ways of

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205 Pate, *Reverse*, 50.
Judaism. True, the overall goal coming from this Jewish author is “thoroughly Jewish.”

But the message is “thoroughly Jewish” in a modified form. We can agree with A. DiLella that there is something “progressive” in Wisdom. Our author is rephrasing and reexamining Judaism and the nomos in light of the larger and widespread discourse wherein claims in favor of Greek paideia and the pursuit of Sophia dominate the landscape. While it is true that the virtues are “embodied in the Torah,” this claim is articulated in a way that sounds more universally Greek than Jewish. The polemic in the last part of the book does not serve to emphasize Judaism as God’s people, but rather to illustrate “justice” and “piety” and the work of wisdom. If our author is writing to other Diaspora Jews, then he is certainly reflecting upon Judaism and the Jewish nomos in a way that situates it within a universalistic framework.

**Conclusion**

Wisdom of Solomon is indeed an enigmatic and complex document. Nevertheless, we must summarize our discussion. The author writes a document that exalts the pursuit of “righteousness” which is realized in the pursuit of “wisdom.” The tone of the book walks the line between polemical and didactic. That which the writer calls his readers to pursue is universal—available to all people. Our author writes of nomos within this context, and this nomos prescribes that which is of the domain of universal wisdom. Particularly, this is Greek virtue and related behaviors. In contrast to Aristobulus and Let.

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207 A. DiLella, “Conservative and Progressive Theology: Sirach and Wisdom,” CBQ 28 (1966) 139–54. By “progressive” DiLella means “characterized by a tendency to reexamine, rephrase, or adapt the truths and answers of the past in order to make them relevant to present problems” (139).

208 Pate, Reverse, 51.

Aris., there is no defense of particular Jewish commands. Like Sib. Or. 3, there is no specification of Ἰουδαίοι or “Israelites.” The nomos, nevertheless, is the Jewish nomos and it is universalized by means of placing it within the framework of Greek ethical and philosophical discourse and the pursuit of virtue. There is no clear use of any conceptions of transcendent nomos, though from the associations with wisdom and the pursuit of virtue, as well as the connection between God and the nomos, the Jewish nomos is conceptualized as transcendent. Our author nevertheless holds that Israelites are God’s people and those through whom this universal nomos is made known to the world (18:4). There is a sense of “antagonism” as Barclay argues. However, it is a very specific antagonism—to idolatry and Greek worship of man-made deities. The Jewish nomos stands as that which embodies virtue and ethics available to all and to which all people are accountable; the Jewish people are not Jews over against Gentiles, but examples of a “just” people who live according to the universal ethical standard of σοφία.

Pseudo-Phocylides

The writing known as Pseudo-Phocylides, unlike the other writings, can hardly be distinguished as coming from the hand of a Diaspora Jewish writer. Nevertheless, it is recognized by nearly all scholars as coming from a Diaspora Jewish writer or community, mostly on the basis of its use of the Septuagint and certain “characteristic Jewish themes.” Moreover, the document employs what has been recognized as a

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210 J. Barclay, Jews in the Mediterranean Diaspora, 190–91.

compendium or summary of Jewish moral instruction based in the Torah that is familiar to and used by Philo (Hypothetica 7.1–9) and Josephus (Contra Apionem 2.190–219). We will discuss this in more detail below, but for now it is evidence of the Jewish nature of the instruction in Pseudo-Phocylides.

The work, like Let. Aris. and Sib. Or., assumes the persona of a Greek. The use of the name Phocylides and the genre of the literature is that of a “gnomology” —a form the intent of which is to instill ethical instruction, and could be quite adaptable for use by any community or particular ideology. According to van der Horst, “(i)f it was someone’s concern to propagate wise and useful advices for daily life, the name Phocylides was a pre-eminently appropriate pseudonym.” In this case, our author presents the work as Greek ethical instruction, but with a tinge of Jewish moral teaching based in the Jewish nomos. The audience could be equally Jewish or Greek. If, as we have already pointed out, these writings primarily were for Diaspora Jews, then it speaks

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212 Collins, Between Athens, 168. For a good discussion of references to the Jewish Torah, including a helpful chart, see W. Wilson, The Sentences of Pseudo-Phocylides, 17–22.


214 There seems to be some question about whether the statements in lines 1–2 are original. Van der Horst, however, settles this issue, concluding that the lines are original, and that our author deliberately selected Phocylides as the name under which the instruction should be given (The Sentences, 59–60). Phocylides was an ancient and well-known Greek wisdom poet who originally lived during the mid-sixth century B.C.E. (Collins, Between Athens, 168). According to van der Horst’s research, ancient writers from about the 4th century on always quote Phocylides “with great approval…he is often bracketed together with the very great poets (Hesiod, Theognis, etc.)…the name Phocylides is regarded as a guarantee for wise and useful counsel for daily life” (The Sentences, 62).


volumes as to how Diaspora Jews—at least those associated with this document—envisaged ethical living and its relation to the Jewish *nomos*.

It is not certain when or where our author wrote this piece. Most scholars suggest that Alexandria is the place of origin, mostly on the basis of one passage that refers to the dissection of bodies (verse 102). But this is a thin basis, especially given how little we know about the various locales of the ancient Mediterranean world. Moreover, it is worth noting that if it is from Alexandria, the ethical instruction bears quite a different stamp than other Alexandrian Jewish writers. As for date, the generality of the message does not permit a clear answer. The positive tenor toward Greek ethics and life suggests a time when Jew-Greek relationships might have been positive, and thus many suggest a time before Caligula (37–41 C.E.). This presumes, however, an Alexandrian origin, which is not certain. A date sometime during the 1st century B.C.E–1st century C.E. is about as precise as most scholars find comfortable.

The purpose of Pseudo-Phocylides can only be stated generally because of the flexible nature of the work and the lack of historical circumstances. Generally this sort of work was educational in nature. Whether the audience was Greek or Jewish, or both, is

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218 See the revised edition of Schürer, *The History of the Jewish People in the Age of Jesus Christ*, 3.1.690: “it cannot be ruled out that dissection of corpses occurred elsewhere.” See also Barclay, *Jews*, 337.

219 So Van der Horst, *The Sentences*, 82. But see his more recent article “Pseudo-Phocylides Revisited,” *JSP* 3 (1988) 15: “Ten years ago I fixed the poem’s date to the period between 30 B.C.E. and 40 C.E. Now I am less sure and am inclined to extend this period so as to include the whole first century B.C.E., although I admit that I have no proofs to justify the extension.”


difficult to say. In a general sense, however, the work is intended to instruct in universal ethical living. More specifically, the intent seems to be to present instruction rooted primarily, but not exclusively, in the Jewish nomos, and to do it in a way that shapes the lives of Jews and Gentiles equally.222

Nomos in Pseudo-Phocylides

One glaring issue with regard to Pseudo-Phocylides is that the word νόμος never is used. Neither is “command” (ἐντολή) or “lawgiver” (νομοθέτης). Nevertheless, we should not conclude from this that the document has nothing to contribute to our discussion. Many recognize that the writer summarizes the Decalogue in the beginning of the work in vv.3–8.223 He writes:

Neither commit adultery nor rouse male passion
Neither contrive deceptions nor defile your hands with blood
Do not be unjustly rich but live from honorable means
Be satisfied with what you have and refrain from what belongs to others
Do not lie, but always say things that are true
Honor God first, and thereafter your parents

This summary is significant because it functions as a prothesis or propositio for the entire work, which “enunciates but does not explicate certain principles and requirements that set the stage for the exhortation that follows, implying its moral stance and material

222 Van der Horst conducts a helpful discussion about the main possibilities for the purpose of Pseudo-Phocylides (The Sentences, 70–76). He notes that it is possible that the instruction was for other Jews, in order to present the point that life in accord with the Jewish nomos is really also in accord with Greek ethical goals. He also points out the equal possibility that the purpose may have been to give instruction to non-Jews, which the author could not have expected to become proselytes “because even for that aim the Jewishness of the poem is too concealed”, and that it may be that “people whom he influenced came unknowingly to stand closer to Judaism, became unconscious “sympathizers” of a sort” (75–76). At the end he concludes that “we must rest content with the fact that the exact purpose of our author is still somewhat enigmatical” (76).

presuppositions while anticipating many of its essential ethical themes." With the exception of honor God, these statements are based in the second tablet of the Decalogue, focusing on “ethical and social obligations.” It is noteworthy that he does not simply recite the commands from the Decalogue, but adds balancing statements, connected with “nor,” “and,” or “but.” Additionally, the author selectively and creatively summarizes the Decalogue, leaving out the commands concerning idolatry, taking God’s name in vain, and the Sabbath command; he also rearranges the order:

<table>
<thead>
<tr>
<th>The Decalogue</th>
<th>Pseudo-Phocylides 3–8</th>
</tr>
</thead>
<tbody>
<tr>
<td>No other Gods</td>
<td>Verse 8</td>
</tr>
<tr>
<td>No Idols</td>
<td>(verse 8)</td>
</tr>
<tr>
<td>Do not take God’s name in vain</td>
<td>(verse 8)</td>
</tr>
<tr>
<td>Honor the Sabbath</td>
<td></td>
</tr>
<tr>
<td>Honor parents</td>
<td>Verse 8</td>
</tr>
<tr>
<td>Do not murder</td>
<td>Verse 4</td>
</tr>
<tr>
<td>Do not commit adultery</td>
<td>Verse 3</td>
</tr>
<tr>
<td>Do no steal</td>
<td>Verse 5?</td>
</tr>
<tr>
<td>Do not bear false witness</td>
<td>Verse 7</td>
</tr>
<tr>
<td>Do not covet</td>
<td>Vv.5-6</td>
</tr>
</tbody>
</table>

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225 Wilson, *Mysteries*, 64.
In spite of the alterations, this summary is intended to represent “the entire Decalogue, which, in turn, stands for the Jewish law.” It may be that the command to “honor God” summarizes the first four commands from the Decalogue. On the whole, even if the word νόμος is not used, what we find in the work are commands and instruction intended to instruct an audience in ethical living, and it finds its basis in the Decalogue. A number of the instructions also parallel laws from the Pentateuch and Proverbs.

**Universalization**

According to the opening of the work, the instructions contained are “resolutions of God through holy judgments” (v.1). Elsewhere the writer states that God will judge those who do not follow the instruction (vv.11, 17, 111). The instruction, in other words, is not that of a particular people or heritage, but rather that of the one “immortal God” (θεός ἄμβροτος; v.17). They are transcendent and universal ethical instructions for anyone, regardless of political, social, or ethnic identity. Furthermore, the instructions are from a Greek, not Jew, and while from the “immortal God” they are not explicitly tied to Moses, the Jewish nomos, or Jewish history. This also can be seen in the way the writer seamlessly mixes those instructions with parallels to commands in the Jewish Old Testament with instruction and commands well known from Gentile ethics.

The instructions are for the most part intended to facilitate growth in virtue and

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226 Wilson, *Mysteries*, 64.


228 See Wilson, *The Sentences*, 14–16. Wilson notes connections with Homer, Hesiod, and the Greek poet Phocylides of Miletus. Specifically, Wilson points out the likelihood that the latter Phocylides may have served as a model for Ps.-Phoc. at the level of not only specific instructions, but also at the macro-level of providing an “example in writing a unified poem consisting of many gnomic sayings” (Wilson, *The Sentences*, 16–17).
justice. The structure of the poem itself seems to be built around the cardinal virtues:

justice / δικαιοσύνη (vv.9-54), moderation / σωφροσύνη (vv.55-96), courage / ἀνδρεία (vv.97-121), and wisdom / σοφία (vv.122-31). Moreover, P. van der Horst, drawing on the work of J.P. Audet, has made a significant connection between Pseudo-Phocylides and words of Plutarch in his *On the Education of Children* 7D-E, a passage which we encountered in the previous chapter. I quote the passage here for convenience. Plutarch writes that through *philosophia* which is the “head and font of all *paideia*” one attains:

knowledge of what is honorable and what is shameful, what is just and unjust, what, in brief, is to be chosen and to be avoided, how a man must bear himself in relation to the gods, with his parents, with his elders, with the laws, with strangers, with those in authority, with friends, with women, with children, with servants; that one ought to reverence the gods, to honor one’s parents, to respect one’s elders, to be obedient to the laws, to yield to those in authority, to love one’s friends, to be chaste with women, to be affectionate with children, and not to be overbearing with slaves; and most important of all, not to be overjoyful at success or over-distressed at misfortune, nor to be dissolute with pleasures, nor impulsive and brutish in temper. These things I regard as pre-eminent among all the advantages which accrue from philosophy.

Plutarch’s statement aptly sums up the general sense of the instruction in Pseudo-Phocylides, which is placed within the sphere of the universal Greek concern for true *paideia* and the benefits of *philosophia*. If we connect this with the vague association with the Jewish Decalogue, the writer is turning commands found in Jewish tradition and seamlessly turning them into a cornerstone upon which true *paideia* and *philosophia*, as well as a universal ethic and a detailed explication of the cardinal virtues is built.

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231 Plutarch, *On the Education of Children*, 10. Epictetus also reflects very similar statements in *Diss.*, 2.11 (“What is the Beginning of Philosophy?”).
Some have suggested that Pseudo-Phocylides uses “law of nature” as part of his instruction. Collins suggests a connection with “law of nature” on the basis of statements such as “give nature her due (δός τι φύσει κατά τόσο), beget in turn as you were begotten” (v.176).\footnote{Collins, \textit{Jewish Wisdom}, 169. van der Horst points to literature that the Stoics traditionally viewed marriage and procreation as κατά φύσιν (\textit{The Sentences}, 226).} There are three other uses of φύσις in Ps.-Phoc.: vv.125, 187, and 190.\footnote{Collins adds another passage to the list, even though it does not reference “nature”: “We seek well-bred horses and ploughers of earth—strong-necked bulls—and of dogs the best of all. But foolishly we do not contend to marry a good woman” (vv.201–03) (\textit{Jewish Wisdom}, 169). Not only does this passage not reference “nature”, but the logic seems more interested in highlighting the foolishness of not taking care in choosing a wife than in drawing on nature as a guide.} With the exception of v.125, the other references pertain to instructions focused on sex and reproduction. While φύσις does not figure prominently, it does form the basis for these particular commands about sexuality. According to Wilson, it was a typical move in the ancient world to mold one’s understanding of sexual ethics on the basis of φύσις.\footnote{Wilson, \textit{The Sentences}, 189.} On this basis, Ps.-Phoc. does show use of “nature” as a guide for some, but not all, ethical decisions. The instructions are indeed divine, and in some cases “nature” also corresponds with the instruction, but the “laws” are not those of φύσις, and their transcendence is not rooted in φύσις; rather, they are universal and transcendent instructions of the immortal God.

\textit{Gentiles and the Law}

What parts of the Jewish \textit{nomos} apply to Gentiles? This is a difficult question to answer. On the one hand, the second half of the Decalogue serves as an important basis for our author’s instruction. In addition, there are a number of instructions that have
parallels or even are drawn directly from the Old Testament.\textsuperscript{235} The Old Testament parallels concern mostly social, economic, and general moralistic instruction.\textsuperscript{236}

On the other hand, one may say that all of the commands and instructions in the entire work apply to all people. There is no sense in which our author makes any distinction between the parts of the Decalogue he summarizes in vv. 3–8 and the rest of the instructions in the poem, nor is there a focus on application to Jews. The summary of the Decalogue serves to introduce the various instructions, but the instructions in the rest of the document are no less significant. Additionally, the way in which instructions drawn from the Old Testament are assimilated with Greek ethical instruction suggests that following Gentile ethical wisdom is one and the same with following the Decalogue and various parts of the Jewish \textit{nomos}, and vice versa. There is no instruction in Pseudo-Phocylides’ interpretation of the Jewish \textit{nomos} that does not apply to non-Jews, and no instruction which non-Jews cannot keep just as well as Jews. P.W. van der Horst puts it this way: “(Ps.-Phoc.) preaches a kind of universally valid ethics that could be assented to by any right-minded (person) in antiquity.”\textsuperscript{237} Given that one central foundation of this ethical instruction seems to be the Decalogue, then it seems to be a clear conclusion that Pseudo-Phocylides views the Decalogue as defining the Jewish \textit{nomos}, which illuminates divine instruction, and that it is available for Gentiles to follow as \textit{Gentiles}.

\textsuperscript{235} See the helpful list in Wilson, \textit{The Sentences}, 17–18.

\textsuperscript{236} Wilson, \textit{The Sentences}, 19.

\textsuperscript{237} P.W. van der Horst, \textit{The Sentences}, 64.
Particularity

It is difficult to find any explicit way in which the instruction in Pseudo-Phocylides serves Jewish claims to ethical superiority. On the surface, the author is promoting not a Jewish way of life, or even the Jewish nomos, but rather general ethical wisdom. Now, if we dig beneath the surface we might find that the use of the Decalogue seems to suggest some sense in which universal ethical instruction ultimately has its roots in the Decalogue given by God to the Israelites. In addition, in v.54 the author writes: “God alone is wise, mighty, and also rich in blessings” (εἷς θεός ἐστι σοφὸς δυνατὸς θ' ἁμα και πολυλβος). He writes this as a way to caution against pride in one’s own wisdom, might, or wealth (v.53). Most scholars recognize a possible allusion to the Shema in Deuteronomy 6:4: “The Lord our God is one Lord” (κύριος ὁ θεός ἡμῶν κύριος εἷς ἐστιν).238

Without dismissing the above points, it is difficult to lean on either of them too much. First, our author does not exploit these possible ways of focusing on Judaism or the Jewish nomos, not even in a veiled way that we see in Sibylline Oracles or in Wisdom of Solomon. Second, with regard to the possible allusion to Deuteronomy 6:4, it is not that the allusion is not there. Rather, our author does not say enough or expand upon it in order to differentiate from other similar claims made by Greeks.239 In other words, he

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238 P.W. van der Horst, The Sentences, 151; Wilson, The Sentences, 112; Collins, Jewish Wisdom, 165.

239 Wilson (The Sentences, 112) draws attention to this point and gives examples of Greek writers making similar statements: Heraclitus wrote: “One thing, the only wise thing, is...Zeus” (fragment 32) and Pythagoras wrote, “No one is wise but God alone” (μηδένα γὰρ εἶναι σοφὸν ἄνθρωπον ἀλλ' ἦ θεόν) (Diogenes Laertius, Lives, 1.12). Though also see van der Horst, who points out that Hellenistic Jewish missionary activity may well have taken Greek monotheistic conceptions as their starting point (The Sentences, 151). This is corroborated in what we have seen in Aristobulus, Let. Aris., and Sib. Or. 3, though
could have said in the introduction something like: “These resolutions of the one God through holy judgments, given on two tablets, passed on by Phocylides the wisest of men.” But he does not. In fact, by associating this instruction with the ancient Phocylides, and not Moses, our author effectively strips the instruction of any real Jewish claim! On the other hand, however, it may still be said that this Phocylides received his instruction from the same God who gave the Decalogue, and on that basis also claim that this great ethical instruction really has its roots in the Jewish Decalogue. While this sense of a Jewish claim might lie beneath the surface, it remains that our author does not ever make this point.

**Conclusion**

Pseudo-Phocylides stands at the far end of the spectrum of universalization of all our writings in that universalization stands as the main emphasis, rather than particularization. What is presented are not the commands of the Jewish *nomos*, but divine instructions mediated through a known Greek figure, and what is promoted is general Greco-Roman ethical wisdom. The Jewish Decalogue stands as the summary of the wisdom instruction, but in such a way that it is not differentiated from universal Greco-Roman moral instruction. Both Jews and Gentiles can equally follow this instruction, and both will be rewarded equally.

4 Maccabees

4 Maccabees is a moving account of fidelity to the Jewish *nomos*. In this account, the author attempts to demonstrate the unwavering devotion of the priest Eleazar, the seven brothers, and their mother, to the Jewish *nomos*. As David deSilva writes, “(t)he

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as noted at the beginning of this chapter, it is unlikely that this literature should be classified primarily as “missionary” literature.
author has immersed himself in the elements of Greco-Roman philosophical ethics and rhetorical composition with a view to promoting commitment to the Jewish way of life.”

“Jewish way of life” for the writer of 4 Maccabees is defined in the Jewish *nomos*. To put it succinctly, the book is a defense of the philosophical and ethical superiority of the Jewish *nomos*.

The story itself is based on the story recorded in 2 Maccabees 6–7, which took place sometime around 168 B.C.E, suggesting that a date earlier than the first century B.C.E. is not unlikely. There are arguments in favor of a date late in the first century C.E., but they are not conclusive. The most likely range is sometime in the middle of the first century, between 19–72 C.E.

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241 Barry Joslin claims that the book “is a philosophical one that seeks to demonstrate that Judaism is the true religion” and that “religious reason, attained by obedience to the Torah of Moses, is sovereign over one’s emotions” (*Hebrews, Christ, and the Law: The Theology of the Mosaic Law in Hebrews 7:1–10:18* [Eugene: Wipf & Stock, 2008] 55). There is some truth to this, but if we want to be more precise, the argument of the book is not simply “religious” in character. As the author points out in verse 1: “Being about to demonstrate a most philosophical statement: if pious reasoning is absolute master of the passions, then I would advise rightly that you eagerly give heed to philosophy.” Our author is not exhorting readers to a religious cause, but a philosophical one: Judaism as a philosophy.

242 Hadas argues for literary dependence on 2 Maccabees, stating that “the fuller and more ornate account in 4 Maccabees is an elaboration of that in 2 Maccabees...indeed...the author of 4 Maccabees used no other source for the substance of his story” (*The Fourth Book of the Maccabees*, 92). It is possible, however, that both 2 Maccabees and 4 Maccabees are giving independent retellings of the same event, based in tradition. One need not posit a lost literary source used by both documents as Freudenthal does (*Die Flavius Josephus beigelegte Schrift über der Herrschaft der Vernunft (IV Makkabäerbuch), eine Predigt aus dem ersten nachchristlichen Jahrhundert* [Breslau: Schletter’sche Buchhandlung, 1869] 72–90). If this is the case, then a date as early as the early part of the first century B.C.E. is possible. Linguistic data, however, suggest that the earliest likely date would be the reign of Augustus (Hadas, *Fourth Book*, 95). But as Elias Bickerman has argued, the reference to Cyria and Cilicia as part of one region (4:2) points to a time during 20–54 C.E (“The Date of Fourth Maccabees,” in *Studies in Jewish and Christian History* (Leiden: Brill, 1976) 1:275–81.

243 See the discussion in deSilva’s commentary, *4 Maccabees*, xiv–xvii.

244 deSiva, *4 Maccabees*, xvi–xvii.
The book presents Judaism as not just philosophical, but as philosophy itself; all others are not really philosophies at all. One might say that the power of the Jewish nomos is in defining philosophy. Although the author is Jewish, it is worth noting that he makes an attempt to make Judaism appear rather objectively philosophical. It would not be outside of reason to think that an ancient reader could read nearly all of the first chapter (through verse 32) and not have any idea that the rest of the story would be a defense of the Jewish nomos. Even the statement that “wisdom” is “education in the law” in 1:15 does not bear a distinctly Jewish stamp apart from the story of the martyrs. To put it another way, the presentation in the first chapter could have been written by nearly any Greek or Roman with a general philosophical-ethical understanding. This will change significantly as the story goes on, but the way the author presents the issue of Jewish obedience to the commands of the Torah has its starting point with the Greek pursuit of virtue, not obedience to the covenant.

To whom is this message sent? Given the nature of the story told, it is most likely written to other Diaspora Jews to encourage fidelity to the law. Interestingly, our

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245 This underlying motif shows itself throughout the book. Antiochus questions whether Judaism is “philosophy” when he says: “you do not seem to me to philosophize when you make use of the religion of the Jews” (5:7). He goes on in 5:11: “Will you not awaken from your foolish philosophy…philosophize according to the truth of what is beneficial, and have compassion on our old age by honoring my humane advice (of eating the pork)? Much of the rest of the document refers to philosophia in defense of keeping the Jewish law (5:22, 35; 7:7. 9. 21, 8:1).

246 Contrast with Paul’s statements in Romans 5–7!

247 Contrast with the previous chapter where I pointed out that for many Greek writers wisdom was attained through Greek paideia and related to aligning one’s self with transcendent nomos.

248 For some, the occasion is to commemorate the deaths of the martyrs (Hadas, Fourth Maccabees, 103–09). But Collins suggests that any connections with commemorative addresses is “incidental” (Between Athens, 205). deSilva finds a mediating position, noting that it seems that the work was composed to commemorate the martyrs, but also that the point of the address (which may have never been read) is to extol the philosophical virtue of adherence to the Jewish nomos (4 Maccabees, xxiii–xxv).
author feels the need to present keeping the commands of the law in terms of fulfilling Greek ethical and philosophical aspirations. It is difficult to escape both the particularism in this work of literature and the way that the Jewish nomos does not completely eschew these Greek ideals. David deSilva states it well:

The author of 4 Maccabees addresses Jews for whom neither solution would have been acceptable. Rather, these were Jews who had a high level of appreciation for the conversation and culture of the Greco-Roman world, who were drawn to what their Gentile neighbors prized, and who sought to carve out a place in the conversation while still maintaining their distinctive voice and identity. If their Gentile neighbors continued to withhold acknowledgment of that voice, at least they would need internal assurance that their position was viable both from within a Jewish point of view and from an unprejudiced Greco-Roman point of view, if such could be found. 


The Jewish nomos stands at the crossroads of maintaining a particularly Jewish mode of living and seeing the world and ethical living through the lens of Greco-Roman philosophical-ethical discourse. It is an attempt to assert the rational and philosophical veracity of keeping the commands of the Jewish nomos in the face of very real and tempting reasons to not keep the commands, particularly laws concerning food.

**Nomos in 4 Maccabees**

It goes without saying that the specifically Jewish nomos is the primary focus of 4 Maccabees. The word νόμος occurs 38 times. Twice the author uses νομοθεσία (5:35; 17:16). One of the distinctive elements of the use of nomos in 4 Maccabees is the focus on “commands.” The author references various commands of the law a number of

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251 So also Schnabel, *Law and Wisdom*, 135; contra Redditt who states that νόμος occurs 40 times (“The Concept of Nomos,” 250).
times, and the word ἐντολή (‘command’) occurs five times. In fact one of the themes of the entire story is a battle between the “command” of the king and the “commands” of the law. The central issue at stake pertains to the command concerning the eating of pork (5:1–38). While this may reflect a particular problem at issue for the author or his readership, this particular command is probably meant to be an example for more general law-keeping and is the vehicle to contrast a Jewish and Gentile ways of living. Redditt offers a further conclusion that the focus is on the Pentateuch, and thus not simply the Decalogue.

Although the focus is on “commands” of the law, we should not think that we are dealing with “legalism” or strict command-keeping for its own sake. The specific commands of nomos in 4 Maccabees instruct in divine and human matters (1:17) as well as embody a way of life (2:8) that is at once Jewish and more broadly philosophical and “reasonable” (1:1–15).

**Universalization**

While the nomos in 4 Maccabees clearly refers to the Jewish law, and while it is set in opposition to the “commands” of the king (notice that the king’s “commands” are

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252 1:34; 2:5, 6, 8, 9; 5:25.


254 In chapter six, as Eleazar is stripped and beaten for not following king Antiochus, a “herald” (χήρυξ) cries out, as if in warning to others, “follow the commands (ἐντολαίς) of the king!” (6:4). The alternative route presented in the story is to follow the commands of the law.

255 See 8:8 where Antiochus attempts to persuade the seven brothers to renounce their Jewish nomos by “receiving the Greek life” (λαβόντες Ἑλληνικὸν βίον). Some, however, suggest that this should not be pressed too far since there is little hostility to the Gentile world in general (Cf. Redditt, “Nomos,” 269–70; Barclay, Jews, 376–79).

not nomos!\(^{257}\), our author still interprets the Jewish nomos through the lens of Greek philosophy. That our author turns Judaism and its nomos into philosophy does not necessarily mean that it has become a universally authoritative standard. The emphasis clearly lies on asserting Jewish superiority. But by situating the Jewish nomos as educating in true philosophy, there is some measure of universalization not unlike the ways in which Greeks turned Greek manners of life into that which achieved universally prized ethical ideals. Indeed, what we have in 4 Maccabees is quite similar to the ways in which Greeks asserted the universal significance of their particular manners of life by means of the pursuit of philosophia and through the concept of paideia. 4 Maccabees represents a Jewish author asserting the primacy of one particular mode of existence, rooted in the Jewish nomos.

There are a few key ways in which our author turns the particular commands of the Jewish nomos into transcendent and universally applicable commands for all humanity. First of all, our writer presents his case in a universal manner. What he says is intended to align with widespread Greek “philosophical” pursuits and pertains to widely known “virtues” as well as the Stoic demonstration that “reason controls the passions” (1:1-9). Furthermore, he presents instruction in the law as leading to “wisdom”:

Now reason, indeed, is a mind with right reason pursuing the life of wisdom. Wisdom is knowledge of divine and human matters and the causes of these. This, then, is paideia of the law, through which we learn divine matters honorably and

\(^{257}\) According to 4:23 Antiochus issues a “decree” (δόγμα), a point reiterated twice more in 4:24 and 26. This is in clear contrast to the νόμος. That the king’s command is not really “law” should be noticed since according to most Hellenistic kingship theories, the word or decree of the king was supposed to be νόμος (cf. chapter one above; Goodenough, “Political Philosophy,”; Hahm, “Kings and Constitutions: Hellenistic Theories). It would only be considered something else if that king was not embodying transcendent nomos. The struggle also bears striking similarity to what we see in Sophocles’ Antigone where the decree of Creon is really not a “law” in relation to the “unwritten law” of the gods.
human matters advantageously. The types of wisdom are prudence and justice and
courage and moderation (1:15–18).

As we saw above, this definition was also used of the Sabbath in Aristobulus. As many
have pointed out, this is taken directly from Greek philosophical discourse. Moreover,
as we have seen in previous chapters, this language was fused with the widespread nomos
discourse as writers would attempt to provide a means by which one could live in
accordance with transcendent and universal ethical principles.

In addition to this passage, in 2:23 our author writes, “to the mind he (God) gave
the law, conducting oneself according to which, one will rule a kingdom that is at once
moderate and just and good and courageous.” While many acknowledge that the author
draws on a typical Greek philosophical commonplace of the mind ruling over the rest of
the body, there may also be another reference here: it may be part of the way that 4
Maccabees attacks certain understandings of the Hellenistic ruler with Antiochus as the
foil—as an example of someone who does not conduct himself in accord with the law,
and thereby does not rule virtuously, but unjustly. As the story goes on we see that the
Greek ruler Antiochus is no true ruler, but rather a “tyrant” (5:1, 27; 6:1). This is very
similar to what we see in material about Hellenistic kingship. If a ruler does not rule
according to divine nomos, then that ruler is in fact a tyrant and not a good ruler. We read

258 See deSilva, 4 Maccabees, 85; Robert Renehan, “The Greek Philosophic Background of Fourth
Maccabees,” 228; Hadas, Fourth Maccabees, 149.

259 As I pointed out in chapter three above, philosophers defined wisdom and philosophy in the
same way, and often failed to make a distinction. Furthermore, the pursuit of wisdom and philosophy were
part of a larger concern with living in accord with divine, rather than human, principles. Various
philosophical groups asserted the superiority of their ways and instruction, while Greek writers prized
Greek paideia and the surest path toward this goal. Within this context, the claims of 4 Maccabees, then,
are claims about the universal and transcendent nature of the Jewish nomos.

in the writing attributed to the Pythagorean Archytas, referenced above, titled “Concerning Law and Justice” (περὶ νόμου καὶ δικαιοσύνης) that “when the law is transgressed, the king is a tyrant.”\footnote{This quotation is translated in Goodenough, “The Political Philosophy of Hellenistic Kingship,” 59.} As we saw in chapter two, it is the duty of the king to rule in accord with, indeed to embody, transcendent nomos among the people.\footnote{Cf. also Goodenough, “The Political Philosophy,” 59–68.} By rejecting the Jewish nomos—which is a “divine nomos” according to 5:16 and 6:21—Antiochus is rejecting the transcendent nomos of the universe. This also is reminiscent of the struggle reflected in Sophocles’ Antigone between the decree of the king and the “unwritten laws” of the gods. The difference in 4 Maccabees being that the nomos is not an “unwritten nomos,” but a divinely ordained nomos of God.

These connections suggest that our author enters into a widespread discourse whereby ancient writers attempted to define true nomos that was transcendent of human law. David deSilva rightly points out that “such obedience to the divine and eternal laws in flagrant disregard for unjust decrees by temporal tyrants was lauded in classical Greek culture.”\footnote{deSilva, 4 Maccabees, 132–33.} It also works to say that disobedience of the Hellenistic king to the divine nomos reflects not a true king, but a tyrant who does not rule in accord with transcendent nomos.

As we have seen, our author also links the commands of the law with the pursuit of virtue. The heroes of the story, Eleazar and the seven brothers, all died “on behalf of virtue” (ὑπὲρ ἀρετῆς) in 1:8. In 1:18, the forms of wisdom, attained through instruction...
in the law, are the cardinal virtues: “prudence” (φρόνησις), “justice” (δίκαιος), “courage” (ανδρεία), and “moderation” (σωφροσύνη). Throughout the rest of the story our author consistently either refers to one or more of these virtues in relation to the law, or to “virtue” (ἀρετή) or “the virtues” in general rather than repeat them all.

Our author places particular emphasis on “piety.” Traditionally, scholars have understood the emphasis on “piety” and its connection with nomos as a way that our author asserts Jewish particularity. Although this is not to be debated, one wonders, given the Greek philosophical knowledge of our author, if “piety” relates not only to one’s worship or belief in God, but also to one’s ethical conduct in life. As we saw in chapter three, “piety” was a regular virtue mentioned in Greco-Roman writers’ associations with nomos and the pursuit of virtue. As a slightly different example, Epictetus writes about “piety” that “whoever takes care to strive as is necessary and to cease as is necessary, in this (he) also cares for piety.”

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266 ἐυσεβής (10x) or ἐυσέβεια (46x) ἐυσέβεω (4x). Commonly the author writes of “pious reason” (ὁ ἐυσεβής λογισμός) or in general of “piety” (ἐυσέβεια) as a virtue. The count may vary slightly depending on whether one uses the evidence of Sinaiticus or Alexandrinus—for example in 1:7 ἐυσεβής is absent in Sinaiticus (deSilva, 4 Maccabees, 79; see his discussion on the two mss traditions in xxxvii-xliii).

267 Barclay, Jews, 372–73. Barclay writes that “godly” and “godliness” (as he translates them) derives its meaning from the stress on commitment to God (5:14–38). This “godliness” is then “Jewish godliness” because it relies upon “religiosity in the specific terms of the Jewish religion” (we could add also the obedience to the law). This true philosophy, as “pious” is one that conquers the passions through reliance on God.

268 Epictetus, Enchiridion, 31.4: ὅστις ἐπιμελεῖται τοῦ ὀργήγεισθαι ὡς δεῖ καὶ ἐκκλίνειν, ἐν τῷ αὐτῷ καὶ ἐυσεβίᾳ ἐπιμελεῖται.
distinct from offering sacrifices and such “according to the customs of our fathers” (κατὰ τὰ πατρία) which is for all Greeks to do. To be “pious” is beyond these mere requirements of devotion to God.

Given this overall context, our author’s association of “piety” with nomos should not be limited to a Jewish religious claim. It may be that “pious reason”—reason that is faithful to God’s divine nomos is also reason that stands in line with the proper expectations of those who live in harmony with the divine ordering of the world and with virtue. In other words, in remaining faithful to the commands of the Jewish nomos, our author exhorts readers to real euρχεία in the world. The commands of the law exist as commands of the one God, and thus are a universal order, and to follow them is also to follow this divine order to the world; it is euρχης.

Our author also connects the Jewish nomos with “law of nature.” The word φύσις occurs in 4 Maccabees eight times. Three of these occur in the exchange between the king Antiochus and Eleazar the priest in chapter five. Antiochus attempts to persuade the priest “in order that you might save yourself by eating the pork” (5:6; ὀπως ἀποβεβλησθευος τῶν ὑείων σοφίων). In his attempt at persuading the priest the king appeals to nature in 5:8 when he questions following the law’s command “when nature has graciously provided a most excellent thing” (that is, pork). He goes on to say that it is “unjust (ἀδικον) to turn away from the gifts of nature (τὰς τῆς φύσεως χάριτας)”

Thus, I do not really disagree with Barclay’s interpretation of 4 Maccabees’ use of “piety” or “pious” throughout the document. Baralcy’s point, left as it is in his book, does not pick up on the possible way that 4 Maccabees’ use of “piety” may be a means by which the author asserts the universal significance of this “piety.”

1:20; 5:8, 9, 25; 13:27; 15:13, 25; 16:3. The first occurrence in 1:20 does not relate directly to nomos but concerns the “nature” of the passions of pleasure and pain.
(5:9). By “nature” Antiochus seems to mean a universal, cosmic principal by which human action should be determined. In other words, by eating pork Antiochus promotes “life in accordance with nature” and Eleazar and the Jewish people violate nature and promote what is “unjust” (ἀδικοῦ). Our author, thus, directly places the Jewish nomos within the Greco-Roman nomos discourse, specifically setting the Jewish nomos in opposition to physis. The implied danger is that the Jewish nomos actually enslaves its people to human tradition.271

The author of 4 Maccabees takes this as an opportunity to respond blow for blow, asserting that Antiochus’ “nature” is actually “unlawful” when he says, “the tyrant, having urged him on in this manner to the eating of the unlawful meat” (5:14). For our author, what is claimed to be in accord with nature is actually contrary to nomos—the Jewish nomos. In Eleazar’s response he stresses that the nomos he and other Jews follow is indeed “divine.” The author goes on to state through the words of Eleazar in 5:25 that the creator of the universe gave the law, and he did so “according to nature”:

Therefore we do not eat unclean food, for believing that God established the law, we know that the one who created the kosmos has sympathized with us giving law according to nature.

The phrase is notoriously difficult to translate. The phrase in Greek reads:

οἶδαμεν ὃτι κατὰ φύσιν ἡμῖν συμπαθεῖ νομοθετῶν ὁ τοῦ κόσμου κτίστης

271 Cf. chapter two above; also deSilva, 4 Maccabees, 130. deSilva draws attention to a similar arguments made by Dio Chrysostom (Or. 80.5–7) and Epictetus (Diss. 1.13.5), where the human laws of various peoples are set in contrast with universal nomos in accordance with physis. We have already sketched out this larger context in the previous chapters—Dio and Epictetus represent a much more common discourse in the ancient world.
The difficulty is whether the dative ἰμῖν should go with the verb συμπαθεῖ (“the creator of the kosmos has sympathized with us”) or with κατὰ φύσιν (“the creator of the world, in giving us the law, has conformed it to our nature”). Both deSilva and Redditt before him offer good arguments in favor of the former translation. We should also add that the verb συμπαθέω has no object in the sentence if it is not ἰμῖν.

Furthermore, there is the question of how to understand κατὰ φύσιν. As is known, the phrase is a philosophical commonplace, particularly in Stoicism. The question is whether it is the giving of the law that is “according to nature” or whether it is God’s act of sympathy that is “according to nature.” deSilva understands it in terms of the latter, arguing that “according to nature” refers to “the parent’s love and provision for the child’s education and upbringing” which is “in accordance with nature.” But this would make little sense of the overall point of the passage, since the contrast that has been set up is one between “nature” as understood in terms of the cosmic order of things and the Jewish nomos. It makes better sense to understand that it is the establishment of the law that is κατὰ φύσιν, an act done out of sympathy “for us.” So, rather than the Jewish nomos being contrary to physis, our author stresses through Eleazar’s speech that it is in fact given according to nature. The consequence of this is that the Jewish nomos

272 So deSilva, 4 Maccabees, 18–19; 136–37.


275 See chapter 2 above, as well as Redditt, “Nomos, 255–57.

276 So deSilva, 4 Maccabees, 19.

277 deSilva, 4 Maccabees, 137.
comes from the creator of the universe and correspondingly defines what is κατὰ φύσιν.

The implication is that the actual command of the Jewish nomos defines what is “according to nature.”

In Eleazar’s response, the tables are turned. Rather than the Jewish nomos being the particular nomos in contrast with physis, it is the king’s decrees that are in violation of divine nomos. As we have seen in chapter 2, other ancient writers also associated nomos with physis, and there was room to argue that one particular nomos best reflected transcendent ethical norms. In part our author is only taking up the age-old contrast between divine law and the decree of a king, exemplified in Sophocles’ Antigone. In making this point, it is claimed that the Jewish nomos actually is the divine nomos, a transcendent and universal nomos, established by the creator of all things. Even the decrees of the king, who was supposed to embody transcendent nomos to his kingdom, are inferior and can be critiqued from the standpoint of this (Jewish) divine nomos. The other references to physis in the story (13:27; 15:13, 25; 16:3) all fit within this. In so far as the Jewish nomos defines physis, the brotherly love and motherly parental love that led the mother to exhort her children to adhere to the commands of the law are all actions of physis. They are so, precisely because they serve to further obedience to the Jewish nomos, which is κατὰ φύσιν.

Primarily, then, the Jewish nomos is universalized by associating it with the pursuit of philosophia and virtue. It is also a transcendent nomos through a connection with Hellenistic kingship theory and a relationship with physis. Our author’s entry point, at least according to the structure and rhetoric of the work, is from universal to

278 Cf. deSilva, 4 Maccabees, 132–33.
particular.\textsuperscript{279} This is just the opposite of Aristobulus and \textit{Let. Aris.}, who begin with the commands of the Jewish \textit{nomos} and move out toward universalization. In 4 Maccabees our author’s stated point is to articulate a Greek philosophical thesis and then give demonstrate its achievement through the commands of the Jewish \textit{nomos}.

\textit{Gentiles and the Law}

The narrative and purpose of 4 Maccabees does not, it seems, directly address Gentiles and their place in relation to the Jewish \textit{nomos}. In fact, the thrust of the storyline is to encourage \textit{Jewish} fidelity to the Jewish \textit{nomos}. But as we have seen, this \textit{nomos} is nothing other than the universal \textit{nomos} set forth by God, creator of all things. The virtues, “piety,” reason, and even “nature” all find their meaning in this \textit{nomos}. Moreover, in 1:2 the author writes that his argument “is indispensible to all for the purpose of knowledge” (\textit{ἀναγκαῖος ἐἰς ἐπιστήμην πάντι}). Moreover, the way that 4 Maccabees attacks philosophical Hellenistic kingship theories suggest application to those outside Judaism. A good king should, unlike Antiochus, follow the commands of the Jewish \textit{nomos}.

For the author of 4 Maccabees, there is little room for achieving any of the above ideals apart from following the specific commands of the Jewish \textit{nomos}. In contrast with previous writings, 4 Maccabees stands out by its absence of any attempt to read the Jewish commands in any symbolic or allegorical manner. Even though the end result is not unlike previous writers—that the commands of the Jewish \textit{nomos} lead to ethical virtue—there is no appeal to certain general behaviors one should either follow or vices

\begin{footnote}{279} I must respectfully disagree with Barclay’s statement that “as the work progresses, the emphasis lies increasingly on faithfulness to the law as an end in itself” (\textit{Jews}, 371–72 and footnote 69). The centrality of the law certainly cannot be dismissed, but language of “virtue” and “piety” retain their centrality so that it does not always seem clear whether fidelity to the law serves piety and virtue, or whether piety and virtue only can be found in the law.\end{footnote}
to avoid. There is no sense that following God’s *nomos* is really a matter of avoiding adultery, murder, and the like. It is a matter of adamant obedience to the specific commands of the Jewish *nomos*. In previous explanations of the law in Aristobulus and *Let. Aris.*, the commands symbolically lead one to the same things as Greco-Roman ethics. 4 Maccabees lacks such amicability. There is no symbolic meaning to the law. The point is that virtue comes only through Jewish obedience to the Jewish *nomos*, and not through any assimilation to Greek manners of life, which are really not *κοτὰ φύσιν*. Implicit in the way that the author universalizes the law, then, is a sense in which non-Jews must also follow the Jewish *nomos* literally, with no exception, if they wish to achieve ethical virtue.

**Particularity**

There is no doubt that the central point in 4 Maccabees concerns fidelity to the specific commands of the Jewish *nomos*. It is clear that the Jewish *nomos* is the channel by which Jews achieve universal Greek philosophical tenets of wisdom and virtue, and that it is a universal and transcendent divine *nomos* that defines *physis*. Yet, because of the directionality of the author’s argument, the particular ways of the Jewish *nomos* are the sole means to these ends. In fact, there is a sense of opposition between obedience to the Jewish *nomos* as the means toward these Greek philosophical goals and Greek life as the alternative. The author sets the specifically Jewish “ancestral law” (16:16) in opposition to Greek life (8:8); God is the “ancestral God” of the Jewish people (12:6), while being the creator of the world; “the children of the Hebrews alone are invincible in behalf of virtue” (9:18).
The particularity expressed in 4 Maccabees is certainly different from the writers encountered thus far. It is undisguised, and unabashedly singular in the way that it focuses on the observance of the commands of the Jewish *nomos*, and specifically only these. Obedience to the Jewish *nomos* as the divine *nomos* in accord with “nature” as well as participation in Jewish tradition and history stand as the only means of Greek *paideia* and true *philosophia*. John Barclay writes, “There is no indication that Gentiles may lay claim to any such status or entertain any such hopes.”

280 This, I think, could be clarified to say that no Gentiles can lay claim to such status, nor to fulfill such hopes *as Gentiles*. If there is any hope for Gentiles, they must become Jews and follow the Jewish law as it is written.

**Conclusion**

4 Maccabees represents a different way of explaining the Jewish *nomos*. While our author indeed interprets the law within the framework of more universal Greek moral philosophy, he does so only for the purpose of emphasizing the significance of faithfulness to the letter of the law. We find no metaphorical interpretations; nor do we find any sense of stating “the things of the law” in terms of widely recognized ethics. The specific commands of the Jewish *nomos* alone lead to virtue and are in accord with *physis*. In contrast with Ps.-Phoc., 4 Maccabees represents the complete opposite end of the

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281 As noted above, in 1:2 the author writes that the story and the argument he is going to make in the writing “is indispensible to all for the purpose of knowledge” (κόι γάρ ἄνογκαῖος εἰς ἐπιστήμην παντὶ ὁ λόγος). While the actual audience may have been Jewish, it is difficult to overlook that likelihood that the message about how the Jewish *nomos* is true *philosophia*, educates in virtue, and even fulfills traditional Stoic ethics would not be applied to Jews who waver between Jewish and Greek manners of living, as well as Jewish discourse with Gentiles in attempts to convince them of the importance of following the Jewish *nomos*.
spectrum. Nevertheless, both writers maintain that the Jewish *nomos* somehow leads to the attainment of Greek virtue!

**Conclusions**

On the basis of this chapter, what do these Diaspora Jewish writers tell us about how Diaspora Jews understood *nomos*? To answer this, let us return to the framework of the three main questions I raised at the beginning of this study: 1) how do Diaspora Jewish writers universalize the Jewish *nomos*?; 2) what parts of the Jewish *nomos* are Gentiles expected to keep, or what do writers assume they can keep as Gentiles?; 3) how do writers express the particular significance of the Jewish *nomos* in light of its universalization?

With regard to universalizing the Jewish *nomos*, there is both commonality and diversity. It is clear that all of the writers draw upon the widespread Greek philosophical and ethical web of discourse. By saying this, I want to emphasize that all of the Jewish writers do more than just make use of certain terms or concepts. When we read them in conversation with the Greco-Roman *nomos* discourse—the connections made with ideas of kingship, the pursuit of virtue, *philosophia*, and claims made by Greeks about *paideia*, and by Romans about Roman law and ways of life—it is clear that Diaspora writers were participating in this widely disseminated discourse at a deeper level than just co-opting terms and concepts. One of the overall purposes of this larger discourse was to identify an ethical-political standard that transcended particular social, political, and ethnic norms and provided some universal standard for a common humanity. The Jewish writers understand the significance of the Jewish *nomos* within this, even if each of them enters into this discourse for different reasons and with different purposes. This common
discourse served as a way to defend or explain certain elements of the Jewish *nomos* (Aristobulus, *Let. Aris.*, 4 Macc.). The Greco-Roman discourse was also it seems just part of the way that the Jewish *nomos* was understood. This is the case for all of the writers to a degree, though *Sib. Or.* 3, *Wis.*, *Ps.-Phoc.* seem to approach the interpretation of the law from a different angle. This group of writers were not purposefully explaining or defending the Jewish *nomos*, but rather situating the Jewish *nomos* within the Greco-Roman discourse as a way to situate it as God’s universal standard for all people. The *genre* and the rhetoric of these writings suggests that it is not problems with the Jewish *nomos* specifically and singularly that drives these interpretations; it is also the more widespread problem with *nomos* and establishing a common political-ethical basis in the Greco-Roman world. The Greco-Roman discourse provided the language and conceptions that helped them interpret the Jewish *nomos*. Their Jewish frame of reference is not diminished but it applied in new ways to the widespread *nomos* and ethical philosophical discourse. This is no different from other ancient writers’ attempts to elevate their own particular ways of life as in accord with transcendent *nomos* or the pursuit of virtue.

Some of the writers make more deliberate use of specific concepts of transcendent *nomos*: “universal *nomos*” (κοινὸς νόμος) is used in *Sib. Or.* 3; associations of *nomos* with *physis* are used by Aristobulus, 4 Maccabees, and Ps.-Phoc. to a lesser degree. The associations of *nomos* with *physis* all fall within the broader spectrum of such associations in the Greco-Roman world and they are all used for slightly different purposes. One thing we should note is that these associations of *nomos* and *physis* are by no means the only framework for universalizing the Jewish *nomos*, nor is it necessarily
the main one. In addition to associating *nomos* with *physis*, these writers also appeal to Hellenistic kingship theory, arguments about the significance of Greek *paideia*, and more general moral philosophical concerns that are not directly linked with “law of nature.” In short, there were a number of options available to universalize and give a sense of transcendence to the Jewish *nomos*. The various writers all used them widely and to varying degrees as necessary.

How do the writers define the “things of the law” or describe what is expected of Gentiles? There is again diversity here. There are two basic groups: those who focus on specific commands of the law (Aristobulus, *Let. Aris.*, 4 Macc.) and those who explain the commands of the law in terms of widely recognized virtuous or non-virtuous behaviors (Sib. *Or.* 3, Wis., Ps.-Phoc.). It should be noticed that this grouping is consistent in relation to the purposes of the writers. In other words, the concern to *defend* or *explain* the Jewish *nomos* is directly related to the sorts of commands used to describe the universally applicable Jewish *nomos*. In writings where there is no clear apologetic intent, “the things of the (Jewish) *nomos*” are less distinctly Jewish and more general; anyone can do what the law commands, without becoming Jewish. Moreover, the more apologetic works do not clearly spell out what specific commands apply to Gentiles. But at the same time, they still universalize the Jewish *nomos*, setting it within the framework of more general Greek pursuits.

Concerning the listing of general ethical behaviors, there is a significant phenomenon that we noted when discussing Pseudo-Phocylides. This writing shares with Philo’s *Hypothetica* and Josephus’ *Contra Apionem* a compendium of ethical instruction
or a “Gesetzepitome.” This has been helpfully itemized by a number of scholars.\textsuperscript{282}

Essentially this summary takes a number of commands, presumably found in the Pentateuch, and consolidates them into a “summary” of the commands of the Jewish nomos. Gregory Sterling’s article “Universalizing the Particular” helpfully lists the general commands and the likely Biblical source. Table 2 below shows the main commands and their Biblical backgrounds.

Table 2. Summary of the Law in Pseudo-Phocylides, Philo, and Josephus\textsuperscript{283}

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<tr>
<th>Law</th>
<th>Biblical Text</th>
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<th>Josephus Against Apion 2</th>
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<td>Rape</td>
<td>Deut. 22:22–29</td>
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<td>1</td>
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<tr>
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\textsuperscript{282} See, e.g. Wilson, The Sentences, 19-21; Sterling, “Universalizing the Particular,” 68–72.

\textsuperscript{283} This chart is largely drawn from G. Sterling, “Universalizing the Particular,” 69–70, but modified slightly.
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<td>Do not deny water</td>
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<td>Do not disturb graves</td>
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<td><strong>Human Reproduction</strong></td>
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<td>Do not sterilize men</td>
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<td>7</td>
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<td>Abortion</td>
<td>Ex. 21:21–22 (LXX)</td>
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<td>Infanticide</td>
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<td>Mistreatment of animals</td>
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<td><strong>Economic Honesty</strong></td>
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<td>Unjust scales</td>
<td>Lev. 19:36</td>
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<td>False standards</td>
<td>Lev. 19:35</td>
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<td>Do not share secrets</td>
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<td><strong>Treatment of Animals</strong></td>
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<td>Do not empty a nest</td>
<td>Deut. 22:6</td>
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<td>9</td>
<td>213</td>
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<tr>
<td>Do not reject pleas of an animal</td>
<td>Deut. 22:1–2</td>
<td>206</td>
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<td>213</td>
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There are several observations to make. First, a number of commands draw from a selection of Old Testament laws. But, the laws are for the most part nothing that one would probably not find in other constitutions. Second, there is a degree of variation to these summaries, depending on what the “core” of this list of commands is. Philo clearly has a shorter summary, while Josephus’ is a bit longer, and Pseudo-Phocylides greatly
expands on it to the point that it is hardly discernable. Third, for all three writers there is material included from non-Jewish sources, with Pseudo-Phocylides expanding on the summary most extensively with instruction derived from generally accepted ethical behaviors commended in the Greco-Roman world.\footnote{284}

Was this compendium intended for Jews or Gentiles? For each individual writer who uses this list, there is a different application. For Philo and Josephus it was used in the service of “Jewish apologetics.”\footnote{285} In Philo’s \textit{Hypothetica} his objective was primarily to defend the Jewish people and their laws.\footnote{286} In Josephus’ \textit{Against Apion}, he is writing in response to the rhetorical question, “What, then, are the precepts and prohibitions of our law?” (2.190). We must keep in mind that on the whole, Philo and Josephus present the Jewish \textit{nomos} in a way that it is also the one true \textit{nomos}, the best legislation for humanity.\footnote{287} According to Josephus, “just as God permeates the universe, so the law has

\footnote{284} The laws about not denying water, giving food to those in need, and those concerning burial customs all seem to have the laws of Buzygæs, an Athenian hero (cf. Sterling, “Universalizing the Particular,” 71. See also the list of non-Biblical traditions upon which Pseudo-Phocylides may have drawn in Wilson, \textit{The Sentences}, 14–17.}

\footnote{285} Wilson, \textit{The Sentences}, 21.

\footnote{286} Philo, \textit{Hypothetica}, 6.8–9.

\footnote{287} Josephus, \textit{Contra Apionem}, 2.151–89. The examples from Philo are numerous. For Philo, Moses was the only true wise man from whom, therefore perfect \textit{nomoi} come (\textit{Moses}, 1.18–29; 2.1–7). The Jewish \textit{nomos} comes from the one true God of the entire universe (\textit{De Opificio Mundi}, 170–72); it is in accord with \textit{philosophia} and with \textit{φύσις} (\textit{Spec. Leg.} 1.1–11; 4.100–25). The one who lives according to the Jewish \textit{nomos} is thus a “citizen of the world” (\textit{κοσμοπολίτης}) according to \textit{De Opif.} 3. On this, John Barclay, I think, gets Philo’s logic wrong when he says that “since the law-book opens with an account of creation, anyone who lives by the law is living according to nature and can count himself a ‘citizen of the world’. \textit{Thus}, the biblical commands are the laws of nature…” (\textit{Jews}, 172). Philo’s general logic seems to be rather that the law is in accord with nature, and \textit{therefore} it begins with an account of creation and \textit{therefore} any who live by it is a ‘citizen of the world’. Philo’s statement in \textit{Opif.} 3 suggests this: “And his exordium, as I have already said, is most admirable; embracing the creation of the world, under the idea that the law corresponds to the world and the world to the law, and that a man who is obedient to the law, being, by so doing, a citizen of the world, arranges his actions with reference to the intention of nature, in harmony with which the whole universal world is regulated.” On Philo’s universalization of the Jewish \textit{nomos}, the
found its way among all humankind.” So, while Josephus presents an *apologia* for the Jewish law, he presents also the precepts of a universal law ordained by a divinely inspired legislator (Moses), and following this *nomos* would benefit all humanity. For Pseudo-Phocylides this summary of the law fits in throughout his general ethical instruction. There is no *apologia* or sense of explaining what the Jewish *nomos* consists of. Rather, it becomes part of universal instruction of God’s “resolutions” that have no explicit audience. Moreover, the writer of Pseudo-Phocylides puts this instruction as not from any Jewish source, but from a well-known Greek source. The instruction applies to and is for all people. As such, the *nomos* that Gentiles—indeed all people—are to keep consists of a general corpus of ethical instruction, based in the second half of the Decalogue but certainly inclusive of much non-Jewish ethical instruction.

To what do we attribute this common ethical instruction? Some have suggested literary dependence, at least when describing the connections between Philo, Josephus, and Pseudo-Phocylides. But, it is probably better to think in terms of a common tradition that may have been written, but certainly should not be thought of in this way

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289 In *Against Apion* Josephus does say that the Jewish *nomos* instructs in that which is φύσεως, “of nature” (2.151). Furthermore, Josephus places significant emphasis on Moses as the lawgiver. Moses is a divinely inspired lawgiver, and the most virtuous (*Against Apion*, 2.153, 290), and thus the Jewish *nomos* reflects true wisdom and virtue (*Against Apion*, 2.151, 170, 192, 278). For Josephus, virtue was subordinate to “piety” (εὐσεβία) (*Against Apion*, 2.170). At the most basic, such statements communicate that a *nomos* is in accord with universal ethical principles that are good for all humanity, regardless of political or ethnic association.

only. Gregory Sterling suggests dependence on “(a) common tradition(s) of ethical instruction” which may have been written, but more likely was oral.\textsuperscript{291} If it was written, it seems probable that it took different forms in different communities. This common instruction, according to Sterling’s analysis included “clusters” in topical instruction: sexual offenses, violations of others, household code, mistreatment of others, care for others, burial customs, human reproduction, economic honesty, and treatment of animals.\textsuperscript{292} But Sterling also notes that we should not think this exhausts the ethical instruction.

Based on our investigation, we may add \textit{Sibylline Oracles 3} and Wisdom of Solomon to the list of Diaspora Jewish writers who seem to share a common outlook on the Jewish \textit{nomos}, as well as even sharing some of the “commands” that issue from the universalized Jewish \textit{nomos}. Both Wisdom and \textit{Sibylline Oracles} write of the commands of the divine \textit{nomos} in terms of quite general commands that pertain to general social and relational ethical mores. They both also supply substantive lists of behaviors commanded by the law and vices to avoid. These writers may contribute to a fuller picture of Diaspora Jewish ethical instruction, loosely based in the Jewish law, and certainly universal in its application.\textsuperscript{293}

\textsuperscript{291} Sterling, “Universalizing the Particular,” 72–73.

\textsuperscript{292} Sterling, “Universalizing the Particular,” 71–72.

\textsuperscript{293} Is this understanding of the commands of the Jewish \textit{nomos} to be understood in terms of “Noachide” or “Noachian” laws? Probably not. The main reason is that this tradition does not seem to have really developed until the early Rabbinic period (cf. Collins, \textit{Between Athens}, 170–71). In \textit{Jubilees}, which dates to the 2\textsuperscript{nd} century B.C.E., there is reference to commands Noah gave directly to his sons: “observe righteousness, and to cover the shame of their flesh, and to bless their Creator, and honour father and mother, and love their neighbor, and guard their souls from fornication and uncleanness and all iniquity” (7:20). But in \textit{Jubilees} it is clear that these are commands given between Noah and Moses. Are the interpretations of the Jewish \textit{nomos} in Diaspora writings precursors to Noachide laws? It may be, but we
Other writers we have considered—Aristobulus, *Let. Aris.*, and 4 Macc. diverge from this picture slightly, though, it is difficult to say whether these writers would or would not have agreed with these summaries of the law. They reflect a tension we find even in Philo and Josephus, for whom Sabbath and circumcision remain significant, but do not for some reason find their way into these summaries of the law. Nevertheless, for both Aristobulus and *Let. Aris.*, the specific commands are a means toward a Greek philosophical and ethical goal. For 4 Maccabees, this is not the case. It may be that the overall purpose of 4 Maccabees makes things more complex. Out of all of the writings considered, 4 Maccabees is the only one that clearly and directly addresses the problem of *Jewish* fidelity to the law. He does not really have the relationship of Gentiles to the law in mind, even if the arguments he makes allow for some suggestions to be made along this line of inquiry.

All of the writers we have considered emphasize the importance of recognizing and worshipping the one universal God. This is typically stated in terms of the rejection of idol worship. While it cannot be denied that this one God is the God known in the Jewish Scriptures and tradition, the writers rarely capitalize on this. Rather, the literature demands that to be virtuous and just, one must cease worshipping idols and myths and honor the one God, but this is not strongly associated with Jewish religious practices.

Some Gentiles, it seems, can do this as *Gentiles* (Aristobulus, *Let. Aris.*, *Wis.*, *Sib. Or.* 3, Ps.-Phoc.). And much of this literature expresses this in ways that resonated with Gentile

should also bear in mind the distinction made by John Collins that whereas Rabbinic material clearly distinguishes between commands for Jews and commands for Gentiles, there is no sense in which Diaspora literature does this. The interpretations of the law and the instruction that sums up what God’s *nomos* demands is valid for both Jews and Gentiles (Collins, *Between Athens*, 171).
writers who expressed similar sentiments and even critiques of idolatry. John Barclay notes that, while conceptually this may be ambiguous in relation to Gentile statements, in practice Jews would never have worshipped any deity outside of the synagogue. The particularity of the Jewish claim, then, cannot be avoided. But it is a particularity within the framework of a significantly universalized message.

Is there a phrase or word to describe the ways these Jewish writers explained or defined how Gentiles related to the universalized Jewish *nomos*? Terence Donaldson writes of “ethical monotheism” in his study *Judaism and the Gentiles*. According to Donaldson, this was one “pattern of universalism…in which Jews consider it possible for Gentiles to acquire accurate and adequate knowledge of the one true God, or to relate to this God in appropriate ways, without any knowledge of Judaism or association with the Jewish community.” The last phrase in Donaldson’s description could, in light of our work here, be modified. It is not that these Diaspora Jewish writings dismiss any knowledge of Judaism or the Jewish community as important. Rather, the general trajectory of the literature is such that by living in accord with the virtues or in pursuing

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294 See Collins, *Between Athens*, 158–59. Collins notes the relationship of idol critique with the “natural theology” of the Stoics, which as we have seen is part of a concern to describe a transcendent standard for ethical-political life and unite humanity under one ethical standard. He also helpfully points out that according to Diogenes Laertius, Zeno “prohibited the building of temples, lawcourts, and gymnasia in cities” (*Lives*, 7.33). This is part of Zeno’s concern to establish one common humanity, not divided according to political and social custom. This places the philosophical emphasis on recognition of one God within the realm of the widespread *nomos* discussion. Greek and Roman writers may have claimed that this one God was Zeus or Jupiter, which displays an element of particularity; nevertheless, they still emphasize Zeus or Jupiter as the one God over others.


philosophia or wisdom, non-Jews are in actuality living in accord with the nomos known within Judaism. This is so, according to the rhetoric of the Diaspora writings, because knowledge of Judaism and is also knowledge of the virtue in accord with the universal nomos, the commands of which are of a general ethical nature. Whether in actuality Jews in Diaspora communities were as nearly dismissive of circumcision and other defining Jewish laws is an important question. Nevertheless, intended or not, the consequences of the perspectives revealed in this literature suggest this sort of understanding. As Donaldson puts it, “if (the Jewish writers) were aware of the tension (between claiming the superiority of the Jewish nomos and also the value of Greek philosophy and ethics)...our authors were prepared to live with it. In any case, it should not be allowed to overshadow the clear evidence for the belief that Greek philosophy and the Jewish law represented independent paths to the same destination, even if one were inferior to or less effective than the other.”

Is there a “reduction” of the law in these texts? I would not say that there is. But there is something distinctive going on. There certainly is a dominant focus on proper recognition and worship of God and universal ethical behavior. But this does not seem to be simple “reduction.” Perhaps a better way to see it might be “redirecting.” That is, these writers are “redirecting” the overall purpose of the Jewish nomos in conversation with the

298 Donaldson, Judaism and the Gentiles, 494.

299 Heikki Räisänen writes that Paul was guilty of a “reduction” of the law into “moral law” (Paul and the Law, 23–28). According to Räisänen Paul emphasized the moral law, but dismissed the cultic law. This is particularly the case in Romans 2 where the “law” for Paul “unconsciously” is reduced to “a moral imperative.” In relation to this, Räisänen finds that Diaspora Jewish writers do not “reduce” the law, distinguishing between moral and ritual commands (Paul and the Law, 34–41). But, see Collins, who understands the “reduction” in terms of focusing on “two main heads of duties towards God and humanity” (Collins, Between Athens, 184).
common Greco-Roman political-ethical-philosophical discourse. As with other ancient writers, if any particular nomos, if any particular community’s ways of existing in the world, were to have meaning and significance, there must be a “redirecting” of the overall understanding of the ways of life and modes of existence so that they made sense.

According to John Collins, this “common ethic” in Diaspora Judaism “must be attributed to the influence of the synagogue preaching.” While things are probably more complex than a direct dependence on synagogue preaching, information from what we know about the synagogue from literature may help fill things out. Many scholars have observed that the Diaspora synagogue was a “public event” wherein Jews fostered the interest of Gentiles and educated them in the Jewish nomos. According to Philo in Moses 2.216 the synagogues are “schools (διδασκαλεία) of prudence and courage and temperance and justice and also of piety, holiness and every virtue by which duties to God and humanity are discerned and rightly performed.” In a well-known passage from Special Laws 2.62–63 he writes:

on the seventh day there are spread before the people in every city innumerable lessons of prudence, and temperance, and courage, and justice, and all other virtues; during the giving of which the common people sit down, keeping silence and pricking up their ears, with all possible attention, from their thirst for wholesome instruction; but some of those who are very learned explain to them what is of great importance and use, lessons by which the whole of their lives may

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300 I therefore think that Collins’ use of “reduction” of the law, though correct in terms of what Collins is trying to describe, could be stated differently. I am in agreement with Räisänen, but only in part. His criticism of Paul, then, misses the mark if we see, as I suggest, that Diaspora Jews do not “reduce” the law, but “redirect” the law. Paul’s understanding of the law, then, in Romans 2 should be seen as reflecting this sort of understanding of “redirecting” the law, rather than “reducing” the law and thus not having any parallels in Judaism (Räisänen, Paul and the Law, 41).

301 Collins, Between Athens, 184.

be improved. And there are, as we may say, two most especially important heads of all the innumerable particular lessons and doctrines; the regulating of one's conduct towards God by the rules of piety and holiness, and of one's conduct towards men by the rules of humanity and justice; each of which is subdivided into a great number of subordinate ideas, all praiseworthy.\textsuperscript{303}

Now, this all can be seen as part of Diaspora Jewish missionary activity.\textsuperscript{304} But we should not think that the synagogue services were just for impressing Gentiles! John Collins notes that the Gentile attraction was of secondary significance, that education and formation of Diaspora Jews was the primary purpose.\textsuperscript{305}

To my mind it is important that, like the synagogues, we do not overlook that much of this literature was primarily directed to other Diaspora Jews. There is, of course, the secondary possibility that non-Jewish readers benefited from it or the claims made in the literature. As such, I do not think that we must be limited to thinking that most of this literature had a “missionary” purpose. Neither should we limit the purposes to “allay the anxieties and confirm the identity of Jewish readers who, existing in a bi-cultural environment and being pulled in different directions by loyalty to Jewish tradition on the one hand and the blandishments of the surrounding culture on the other, were in need of just such reassurance.”\textsuperscript{306} Given the widespread cultural discourse described in the previous two chapters, it is just as likely that the Jewish writings we have considered in this chapter were just writing about their traditions and nomos in the best ways they knew. They were not necessarily going out of the way to appeal to Greco-Roman discourse in

\begin{itemize}
\item \textsuperscript{303} Philo, \textit{De Specialibus Legibus}, 2.62–63.
\item \textsuperscript{304} This is largely how Georgi interprets this material (Georgi, \textit{Opponents}, 87).
\item \textsuperscript{305} Collins, \textit{Between Athens}, 184–85.
\item \textsuperscript{306} As put by Donaldson, \textit{Judaism and the Gentiles}, 7.
\end{itemize}
order to make things more appealing. If the ways in which Philo describes the synagogue service, and if the material in the Diaspora literature we have considered in this chapter also represents the general approach in the synagogues, then we should conclude that the interpretations of the Jewish nomos we have discussed in this chapter shaped Diaspora Judaism in a significant way.

With regard to particularity, it should be clear that the ethic in many of these writings was connected to the Jewish Scriptures themselves. The Decalogue seems to have a significant place, but there are also connections between more universal behaviors and various commands in the Torah. On the whole, the writings considered in this chapter suggest that Diaspora Jews believed that the Jewish people benefited because of their possession of the law. But “the impetus for this pattern of thought seems to have arisen primarily from forces at work in the Hellenistic environment of the Jewish Diaspora.”307

Primarily this means that the Jewish claim on the basis of the law is put in terms of the Jews’ superiority in the attainment of moral virtue. The focus is not necessarily on Israel as God’s “chosen” people, but rather on God’s people as more virtuous people in relation to universal and transcendent ethical-political standards. This is a virtuous community in which, it seems, anyone can participate. In some ways following a distinctly Jewish way of life as described in the Jewish nomos results in this attainment of virtue. Jews possess or follow a nomos that is defined in terms of virtues to which all people theoretically have access. In spite of the universal nature of this nomos, however, it is nearly ubiquitous in these writings that there is one people who possess this nomos concretely or have had it specifically given to them. Ideally, one should be circumcised and enter into the Jewish

307 Donaldson, Judaism and the Gentiles, 496.
community—a point which easily could have been exploited by our writers, but is not. Likewise, our writers could have drawn greater attention to *ethnic* Judaism or made stronger arguments for the nationalistic distinctions. But they do not, and this is telling with regard to how they understood their particularism.

We can clarify by comparison with a growing scholarly construction of Second Temple Judaism. In recent scholarship, especially concerning Judaism and the law in relation to Paul, there has been much made of “covenantal nomism.” In this view, the law was given as part of the covenant with Israel and outlines those stipulations for those in the covenant. There are two main tenets of this view of the law: first, are that the law is for Jews, the obedience to which is necessary for “staying in” the covenant community; second, those who have built upon “covenantal nomism” have stressed that the law—particularly obedience to specific Jewish commands of circumcision, Sabbath, and food laws—is a marker of ethnic or social distinctiveness between Jews and Gentiles. Gentiles, because they do not participate in these particularly Jewish commands, remain the outside “other” and not part of God’s covenant people.

Our discussion in this chapter suggests that this is *not* the dominant view of the law in these Diaspora Jewish writings. This study suggests that the understanding of the law as defining the covenant community, and of certain “works of the law” as marking entrance into the covenant community, is not quite what we find in the Diaspora Jewish

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literature. As we have seen, the emphasis in the Diaspora literature is on being “just” (δικαίος) or “unjust” (ἄδικος) or virtuous rather than wicked. This is held out to all humanity, moreover, and not language used to divide Jew from Gentile. One important consequence of these Diaspora arguments is that Jews are often greater than Gentiles in being “just.” This may be because they are “chosen” as God’s people, but it is not a point that receives emphasis. In other words, this may be taken to mean that by being “just” one is also part of the covenant community. But in the literature it is not put this way.

Obedience to the law is not described as a “response” to God’s covenant in the Diaspora Jewish literature. If one wants to insist that it is, then according to the Diaspora writings we have considered, obedience to God’s nomos is a response required not of Jews only, but of all humanity, which renders the covenantal framework less significant in these interpretations of the law.

Moreover, in the Diaspora literature we considered, the focus is not on the specific Jewish commands as distinguishing marks. Where some writers focus on certain Jewish commands, it is unavoidable that the commands distinguish Jew from Gentile. But the emphasis is on obedience to universal ethical norms—to which the specific commands educate. There is no emphasis that the commands themselves signify divine favor. It is the attainment of virtue through observance of the commands that sets the Jew apart. Observance of the Jewish nomos does therefore carry with it a “definitional aspect” which entails a socio-political element. This is expressed, however, as part of

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310 Simon Gathercole points out that the issue of obedience and covenant is a neglected one among those who interact with the “New Perspective” (“Early Judaism,” 155–56).

311 So Simon Gathercole, “Early Judaism,” 161; Falk; Bockmuehl in Justification and Variegated Nomism.
the larger framework of Greco-Roman discourse about nomos. In this discourse nomos defined one community from another—it was part of the essence of the word. But the discourse proceeded to also define nomos in a way that united rather than divided humanity. The Diaspora Jewish interpretations of the law we have discussed interpret the Jewish nomos within this matrix—it is a law of the Jewish people which nevertheless unites humanity in the way that it appeals to all humanity and directs toward universal ethical behaviors. It is defining of Judaism by setting out in concrete form God’s universal ethical demand and thus enabling the Jewish people to achieve virtue and “justice” in a way superior to others. As part of the explanations of the law, the defining is in terms of being “just” and virtuous, and not as strongly Jew over against Gentile.

An often used example to illustrate the social distinction based in the law withing covenantal nomism is Let. Aris. 139-42:

139 The lawgiver, being wise, equipped by God for knowledge of all things, taking a comprehensive view of each thing, fenced us around with unbroken palisades and with iron walls in order that we might not mix with other nations in any way, remaining holy according to body and soul… 142 Therefore, so that we do not receive distortion, being sullied by anything or conversing with worthless things, he fenced us around from all directions in purity and through relating to laws of food, drink, touch, hearing, and appearance.”

James Dunn uses this passage on a number of occasions as a prime example of the “social function” of the law312 and to illustrate the understanding of the law as a point of distinction between Israel and the nations as a people “chosen by (the one) God to be his people.”313 This social distinction was one of the key “corollaries” that issued from


covenantal nomism. This was related to a sense of privilege of being the one nation favored by God and given the law. Gentiles were sinners because they did not have the law. What is missed, however, and what this study provides, is a larger framework within which to understand the perspective exemplified in Letter of Aristeas. The law in Let. Aris., as we saw, is both the Jewish νόμος and a law which instructs in virtues and behaviors universally known. In Let. Aris. not all Gentiles are sinners; those who are “unjust” are not so because they do not have the law, but because they do not live according to virtue. They are consumed by things of lesser significance. The law facilitates in this pursuit, but it is not strongly intimated that possession alone secures this.

We have in this chapter seen that, in spite of differences among writings, these six Diaspora Jewish writings display a basic common perspective on the Jewish nomos. We may summarize this by highlighting the basic elements: (1) the law is rooted in its origin as coming from the one God of all humanity. As such (2) it is described in a way that its commands pertain to a way of life that leads to virtue and ethical δικαίουσία. Some writers argued that the particular commands of the law lead or guide people to virtue. For other writers the law does not prescribe anything particularly Jewish but rather common ethical behaviors. It is just that the common ethical behaviors prescribed by God are in concrete form in the Jewish nomos. In spite of the diversity, the overarching claim is that

314 Dunn, “What was the Issue?” 158.

315 Dunn, I think reads too much into this passage when he states on the bass of this passage that Jews at the time of Paul “would no doubt have seen themselves as protected by the law, whether from divine wrath on sin or from contamination by impure others, or both” (“Was Paul against the Law?” in The New Perspective on Paul, 273). The passage in Let. Aris. does suggest distinction—even protection—from contamination with evil. But it is not a protection from divine wrath, as if having the law equaled protection from judgment. It was obedience to the commands that led to virtue.

Dunn’s relating this passage to Paul’s understanding of the law as a “custodian” (παιδαγωγός) in Gal. 3:24 (“In Search of Common Ground,” in The New Perspective, 306–07) misunderstands the function of the παιδαγωγός in the ancient world.
the Jewish *nomos* leads to the cultivation and attainment of ethical goals that trace throughout Greco-Roman *nomos* discourse. Because of this (3) the Jewish *nomos* is a universal *nomos* to which all humanity is equally accountable and keeping its commands is not the privilege of only the Jew. There is a general sense in which Gentiles can keep (some of) the commands of this universal *nomos*. At some level, then, Gentiles do follow God’s universal *nomos*—understood in terms of universal ethics or virtue, to which the Jewish *nomos* points or which is identified with the Jewish *nomos*. These writings place Jews and Gentiles as equals in the pursuit (not necessarily attainment!) of virtue, *paideia*, and living in accordance with a transcendent and universal *nomos*. Nevertheless, (4) the Jewish people, because they possess this universal *nomos* in written form achieve Greek ethical ideals better than any other political community. There is a political and social distinction between Jew and Gentile, but this distinction is situated within the framework of the pursuit of being a “just” or an “unjust” people.
CHAPTER FIVE
ROMANS 2 AND DIASPORA JEWISH DISCOURSE ABOUT NOMOS

Introduction

In the introduction to this study, I argued that a complex conception of νόμος undergirds Paul’s argument in Romans 2, a conception which leads to some of the more difficult statements about nomos in all of Paul’s letters. I also pointed out that Romans 2 plays an important role for understanding the sort of Jewish perspectives on the law with which Paul was in conversation. How one paints the picture of this Jewish view of the law will directly affect how one understands what Paul says about nomos. Consequently, the Jewish conception of the law one supplies in order to explain Paul’s references to nomos will affect how one understands Paul’s point in Romans 2.

Drawing on the fact that Paul was in conversation with a community rooted in Diaspora Judaism, I have in the previous chapters constructed a complex understanding of νόμος in the ancient world to better understand the ways in which Diaspora Jews interpreted the Jewish nomos. We attempted to establish main lines of a common discourse in the ancient world where writers attempted to articulate a conception of nomos that was transcendent and universally applied to one common humanity, instructing in common virtuous behaviors and dissuading from vice. In chapter four I showed that Diaspora Jewish writers’ primary means of interpreting the Jewish νόμος was through interaction with this widespread web of discourse. In these explanations we
saw that Diaspora Jews shared this cultural discourse and like other Greek and Roman writers universalized their *nomos*, while also maintaining its particularity. The interpretations of the law reflected in the Diaspora Jewish literature universalized the Jewish *nomos* in two senses. Some writers argued that the law came from the one God of all humanity and they aligned it with conceptions of transcendent *nomos*. Others claimed that its commands apply to all people. We saw that many of the writers actually extended an exhortation to *all* humanity associating the Jewish *nomos* with forms of transcendent *nomos* and the pursuit of virtue and wisdom through *paideia* or *philosophia*. Within this discourse the Jewish writers also consistently claimed that of all people on earth they lived most virtuously because they had God’s *nomos* in written form. This was not just a claim for Jewish ethnic superiority, but it was primarily a claim to *ethical* virtue, challenging and usurping claims reflected in Greek and Roman writers.

In this chapter, I want to argue that Paul conducts his argument in Romans 2 in conversation with important elements of these Diaspora Jewish explanations of the Jewish *νόμος*. By using the diatribe form of argument Paul presents basic elements of this understanding of *nomos* which, as we saw in the previous chapter is widespread and has several common claims in spite of differences. It is likely that the main lines common to interpretations of the Jewish *nomos* would have been familiar to his audience. There are several reasons for this. First, as we saw in the previous chapter, there exist summaries of the Jewish *nomos* that focus not on particularly Jewish commands, but rather on ethical behaviors and expectations that easily apply to anyone—Jew or Gentile. These summaries are found widely in the Jewish literature in conjunction with interpretations of the Jewish *nomos* conducted within a shared web of discourse in the
Greco-Roman world, from Pseudo-Phocylides, to Josephus, to Philo, to Wisdom of Solomon, and *Sibylline Oracles 3*. Such wide attestation suggests that these interpretations were common. Second, the descriptions of the Jewish synagogue found in Josephus and Philo, even though there may be some rhetorical exaggeration involved, still probably reflect how Diaspora synagogue communities may have understood themselves. That Philo’s context is Alexandria and Josephus’ is Rome also suggests that this understanding was to some degree common. We may also add Aristobulus’ interpretation of the Sabbath to this. According to Aristobulus the obedience of the Sabbath command results in bringing light and wisdom to the world. If the referent here is related to Sabbath synagogue gatherings, then we have another early Alexandrian Jewish witness to this general perspective. Finally, as noted in the previous chapter, it is best to consider that the Diaspora literature that reflects these common interpretations of the Jewish *nomos* both reflects and shapes Diaspora Jewish communities.

Through the diatribe Paul *relies upon* some of the common points of these interpretations of the law in order to emphasize that keeping the particular Jewish commands should not cause division and judgment within the community. On the basis of the universalized understanding of the Jewish *nomos* and its relation to the pursuit of virtue, Paul wants to argue that Jew and Gentile stand equally as falling short in that pursuit. Most importantly, situating Paul in conversation with this Diaspora Jewish framework will explain the main problems with *nomos* we addressed at the beginning of this study. But it will not be enough to just assert that he does this. We must still establish that Paul is indeed in conversation with this framework, before we clarify how he uses this in his argument.
Nomos and Problems of Interpretation in Romans 2

To begin, we should refresh ourselves with important points about nomos in Romans 2 that we highlighted in chapter one. First, the law figures in Romans 2 only explicitly from 2:12-29.\(^1\) Second, Paul conceives of the Jewish nomos as a universal standard for both Jew and Gentile. God’s judgment, as well as that which is required of Jews and Gentiles, is impartial (2:6, 11), both Gentiles and Jews can do what this law says (2:12–16; 2:21–29). Third, there is no sense in which “the things of the law”—that is the commands of the law that lead to being δικαιοσύνη—are any different for Jews than for Gentiles. Finally, Paul retains a sense of a Jewish boast in the law (2:17–21). Even though this nomos has a universal scope and does not seem to apply differently to Jews than to Gentiles, Jews somehow have a claim based on it.

These very points about the law have caused such debate that when one turns to interpret Romans 2 one enters into a virtual interpretive battlefield. Numerous scholars have tried to sort out how Second Temple Judaism relates to Paul’s statements, and whether or not what Paul says in Romans 2 is actually “Pauline.” In his recent book Introducing Romans: Critical Issues in Paul’s Most Famous Letter, Richard Longenecker has summarized the main “problems of interpretation” which scholars have noted in these very passages.\(^2\) The problems include: 1) that Paul builds on the “assumption that

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\(^1\) As noted in the introduction, Paul uses νόμος nineteen times from Rom. 2:12-29: 2:12 (2x), 13 (2x), 14 (2x), 15, 17, 18, 20, 23 (2x), 25 (2x), 26, 27 (2x). This frequency in such a brief section is second only to Romans 7 out of the entire Pauline corpus. In Romans 7, the word occurs 23 times in twenty-five verses: Romans 7:1 (2x), 2 (2x), 3, 4, 5, 6, 7 (3x), 8, 9, 12, 14, 16, 21, 22, 23 (3x), 25 (2x).

righteousness is associated with the practice of the Mosaic law,\(^3\) that Paul assumes the possibility of Gentiles being “just” through doing the commands of the law as "Gentiles,\(^4\) and 3) that much of the language and phraseology in these very passages is not “typically Pauline.”\(^5\)

Some scholars claim there is no clear explanation for these difficult statements, that the entire chapter (as well as 1:18–32) is an interpolation of Diaspora Jewish material.\(^6\) E.P. Sanders argues only slightly differently—that the entire chapter is a Diaspora synagogue sermon (or at least contains material from this context) and thus is

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\(^3\) Longenecker, *Introducing Romans*, 356–57.


\(^5\) So E.P. Sanders, *Paul, the Law, and the Jewish People*, 125–26, 128–29. Sanders states that the following statements are not Pauline: that those who do the law “will be righteoused” (2:13); the statement about repentance in 2:4; the “hearing and doing theme” in 2:13; that Gentiles who keep the law and will judge the Jew (2:27). One may add the statement in 2:6 that God will judge each person according to his works and the emphasis on the importance of good works for righteousness in 2:7–10. See also William O. Walker, Jr., “Romans 1:18–2:29: A Non-Pauline Interpolation?” *NTS* 45 (1999) 533, 539. Walker itemizes a total of seven *hapax*, nine words that occur in the New Testament but not in other Pauline writings, and a few other words that either are only in “pseudo-Pauline” writings or only in 1:18–32. Of course, this can be a subjective judgment As pointed out by Victor Furnish: “Highly subjective judgments about content and tone are intermixed with often questionable generalizations about the apostle’s style and vocabulary. What emerges is a Paul created in the interpreter’s own image” (“Pauline Studies,” in *The New Testament and Its Modern Interpreters*, ed. E.J. Epp and G. MacRae [Philadelphia: Fortress Press, 1989] 325). At the same time, however, the uniqueness of the phrases and words used must be explained.

\(^6\) J.C. O’Neill made this argument in his commentary in 1975 (*Paul’s Letter to the Romans* [Baltimore: Penguin Books, 1975] 40–56). While others have made this suggestion, O’Neill was followed substantively by William O. Walker, Jr., “Romans 1:18–2:29: A Non-Pauline Interpolation?” 533–52. Such arguments, however, are difficult to prove, lack any real external evidence, and have not convinced very many scholars (Dunn, *Romans 1–8*, 77; Fitzmyer, *Romans*, 270). Most commentators do not even consider the possibility.
not really “Paul’s” even though he includes it in his argument. If this is the case, however, the provenance of the understanding of the law that leads to these statements must still be explained. Others claim that Paul is inconsistent and his argument problematic. A few others have argued that those who keep the law are Gentile Christians, or that Paul is speaking hypothetically in some places. Paul never indicates that he is speaking hypothetically, nor is there evidence that Paul is speaking specifically or singularly of Gentile believers when he refers to Gentiles in the argument.

The above observations and explanations concerning the law in Romans 2 exist within a particular reading of Romans 1:18–3:20. According to this reading Paul is executing a propositional presentation of the gospel of justification by faith for all humanity. In the words of Kari Kuula, “since people must be saved from something, Paul must first reveal the condemned status of humanity.” Thus, the point of Romans 2 is to lead into 3:21–26 and the argument for the equal justification of Jew and Gentile on

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7 Sanders, *Paul, the Law, and the Jewish People*, 123–35.
11 Those who read Romans 1:18-3:20 in this way include: Cranfield, *Romans 1–8*, 103–04; Käsemann, *Romans*, 33–36; Fitzmyer, *Romans*, 269–70; Hultgren, *Romans*, 85–86, 111–12; Moo, *Romans*, 90–94; Tobin, *Paul’s Rhetoric*, 104–06. Tobin’s interpretation is a bit different from others since Paul is presenting his understanding of the gospel in a particular way in order to address concerns those in Rome might have had about the scandalous nature of his message as given in Galatians. Nevertheless, Paul’s concern is still to present the message of the gospel in propositional form.
the basis of faith. According to this general reading Paul begins by presenting the gospel message that all humanity is under God’s wrath (1:18–32). As a first step, Paul sets up an account of Gentile immorality in 1:18–32 that would be familiar to his audience as a typical Jewish polemic against Gentile idolatry and immorality. Then in 2:1–29 Paul turns to establish on the basis of God’s impartiality that Jews are equally culpable and under God’s judgment, so that he can conclude that “no one is righteous” and all are under sin in 3:19–20. In order to make this argument Paul draws upon traditionally Jewish claims, but he also makes some claims that are not traditionally Jewish—specifically concerning the righteousness of Gentiles and their obedience to the law.

According to Kari Kuula Paul is “forced” to establish somehow that Gentiles can keep the law in a way that equalizes Jew and Gentile before God.13 This, according to Kuula, “endangers” Paul’s conclusion in 3:9 and 19.14

Recently, a number of scholars have attempted to show that Paul’s argument addresses a specific sort of Judaism, referred to as “nationalistic” or “ethnocentric”—a description of Second Temple Judaism that has its roots in E.P. Sanders’ construction of “covenantal nomism.”15 According to this interpretation of Romans 2 Paul’s is concerned to strip away any Jewish reliance upon ethnic boasting in God’s favor with Judaism. This favor is attested by the giving of the law, and this covenant signified by possession of the

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14 Ibid., 97.

law exempts Jews from judgment. For most in this camp Paul critiques this “typically Jewish attitude” from the very beginning in 2:1, even though what Paul says is general enough to condemn any who “judge.” According to this interpretation Paul in Romans 2 makes an argument that emphasizes God’s universal judgment in order to “(deflate) Jewish presumption (that Israel’s being the people of the law indicates God’s predisposition in Israel’s favor).” Dunn goes on:

Paul’s point is that the law must be allowed its function as a *universal* standard set by God, and not be reduced to the level of an identity marker which distinguishes Jew from Gentile or be characterized too superficially by a rite like circumcision which separates the Jewish “us” from the Gentile “them.”

As this interpretation goes, Paul in 2:12–16 argues for an obedience “unrestricted by ethnic boundaries” by claiming that Gentiles can keep the law just as Jews can, and thus argues that reliance on covenant or “overconfidence in election” really amount to nothing. Kuula states that in 2:12–16 Paul is arguing with a view according to which Jews “have the divine law and they are in a position to do it and thus to receive the blessings associated with the law. *Therefore, in order to maintain the idea of equality and*

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16 Dunn, *Romans 1–8*, 89–90.


18 Dunn, *Romans 1–8*, 77.

19 Ibid., 95. N.T. Wright offers an interesting variation on this. For Wright Paul is critiquing a Jewish perspective that amounts to “National Righteousness” which is “the attempt to use the law as the covenant badge which would keep membership within that covenant limited to Jews and Jews only” (“The Law in Romans 2,” 139). But Wright’s own exegesis does not necessitate this. In 2:12–16, Paul’s point, according to Wright, is that Gentile Christians now fulfill the law in a way that Israel failed to do (140–42). For Wright Paul is not universalizing the law, but claiming that Gentile Christians fulfill the eschatological expectations of law fulfillment and return from exile. Wright’s exegesis falters on misunderstanding how the Jewish law was understood by Diaspora Jews and has no explanation of how Gentile Christians can be said to keep the law.
divine impartiality, Paul had to introduce the claim that the blessing of having and doing the law is not confined to the Jews only.’’ In 2:17–29, the point is that the Jew has misunderstood the real import of the law and has a “misplaced” national pride in the law. In spite of the title “new perspective,” this reading of Romans 2 is not all that “new.” It seems that it is in some ways only labeling more clearly what others have already said. A number of non-“New Perspective” or pre-“New Perspective” interpreters interpret Romans 2 in a similar manner without the “nationalistic” or “ethnic” language. C.E.B. Cranfield, for example, who sees the Jew as boasting in works and “claiming to have put God in one’s debt,” also recognizes a sense of “privilege” based in possession and knowledge of the law. Käsemann also states that Paul argues that “(t)he gifts granted to the Jew in salvation history do not protect him against universal judgment. This is directed first against any reliance on the reception and possession of the Torah as the true mark of the difference between Jew and Gentile.” The common feature of this

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21 Dunn, *Romans 1–8*, 117–18. A. Andrew Das similarly argues concerning Romans 2 that Paul’s objective is to: (deny) that Jewish ethnic privilege and identity (as attested by circumcision and possession of God’s law) mitigate God’s strict judgment of all people according to their works. God will judge the Jew no differently from the Gentile and without granting any special leniency or mercy. Paul therefore compromises the gracious framework of covenantal nomism in favor of a universal judgment according to one’s deeds (*Paul, the Law, and the Covenant*, 191). See also George Carras, “Romans 2:1–29: A Dialogue on Jewish Ideals,” 188–89; Douglas Moo, *Romans*, 125–27, 157–59.


interpretation is that it claims Paul is arguing for God’s universal judgment according to works and that Gentiles also keep the law so that he can undermine reliance upon God’s favor shown through possession of the law and the covenant.

A few scholars have observed that Paul’s explanation of the law is not unfamiliar in Judaism, noting that Paul’s reference to Gentiles who do “the things of the law” is not unheard of among Diaspora Jews.24 For example, Brendan Byrne writes that Paul refers to something like Philo’s association of the Jewish law with law of nature in order to “(overthrow) any exaggerated claims made for the law as sole moral guide and criterion of judgment.”25 This statement presumes, however, that the equal judgment according to the law was a point not known to or held by Paul’s audience, that Paul is asserting this claim against the Jew by presenting a universalistic understanding to counter a particularistic or “nationalistic” understanding of the law. Thomas Tobin, who does not ascribe to the “nationalistic” interpretation, still states that Paul is trying to argue that “both Jews and Gentiles are judged by the same criterion of the observance of the law.”26

One of the main claims made by all of the Jewish writers we discussed in the last chapter is that the Jewish nomos was also a universal nomos because it pointed to or contained instruction to which all humanity was accountable. This was a common claim of Diaspora Jewish explanations of the law in all of the Diaspora literature we

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25 Byrne, *Romans*, 89.

encountered. Given the nature of the audience and purpose of this literature, which was
the formation of Diaspora Jewish communities, it is inescapable that this universalized
conception of the Jewish *nomos* was known by those in Rome. If this is the case then the
outcome and purpose of Paul’s argument should be seen differently. If Paul is not arguing
for the universality of the law as a criterion for both Jew and Gentile, and against a
particularistic or nationalistic understanding of the law as being only given to Israel, then
what is his argument in Romans 2? More importantly, how do common elements of the
interpretation of the law we saw in Diaspora literature affect Paul’s argument? Before
addressing this central question, a few important preliminary issues must be addressed.

**Foundations for Interpreting Romans 2**

In his recent monograph, Richard Longenecker draws attention to two
foundational points for interpreting Romans 1:18-3:20. First, there is an unusual degree
of traditionally Jewish material. This is not just with regard to words and phrases used,
but even in the “structures and arguments” of the section.27 The questions related to this
are: *what is the nature of the Jewish material? How does it function in Paul’s argument?*
Second, Paul uses diatribe to communicate his points. For Longenecker, this raises the
question about whether or not certain elements in Romans 2 should be thought to
represent Paul’s teaching.28 This also relates to understanding how the Jewish material
functions in the argument. I add a third element: Paul’s argument in Romans 2 is closely
related to 1:18–32. This is generally noticed by most scholars, but the underlying

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perspective is not really worked out in a substantive way. Concerning the Jewish material, it is our contention in this study that most of the problems with regard to Romans 2 proceed from the fact that interpreters do not incorporate more fully the Diaspora Jewish context. In what follows I address directly the first point—the Jewish material in Romans 2—and then how this applies in relation to the second—Paul’s use of diatribe. In the course of this we will draw attention to important aspects of the third point.

Paul’s Use of Diaspora Jewish Elements in Romans 1:18–2:29

Romans 1:18–32

A number of the scholars confirm that a Diaspora Jewish context factors into Romans 1:18–3:20. In 1995 Calvin Roetzel commented that “to make significant progress in the consideration of Paul’s view of the law,” one main area of research is to attend more to Diaspora Judaism. He goes on stating “it is a commonplace that Diaspora Jewish communities operated with a highly complex multifaceted, subtle understanding of the law” and cites Romans 1:18–32 as a text that “requires some such provenance.”

In Romans 1:18–32 this takes the form of a stock Jewish critique of Gentile idolatry and its immoral consequences. Most all scholars draw attention to parallels found in some

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29 Bassler, *Divine Impartiality*, 121–37, has given the most sustained argument for the unity of 1:18–2:11. Her argument is that the theme of “divine impartiality” (Rom. 2:11) is the thematic focus of the argument here. Her analysis, however, does not provide a more specific context concerning the nature of the Jewish material Paul employs in this argument. Others who emphasize the continuity in perspective between Rom. 1:18–32 and 2:1–11 include: Dunn, *Romans 1–8*, 78–79; Stuhlmacher, *Paul’s Letter*, 38–39; Das, *Paul, the Law, and the Covenant*, 171–79; Tobin, *Paul’s Rhetoric*, 110.

portion of Wisdom of Solomon 11–15. The general pattern is as follows: in Romans 1:18–32, Paul’s main points are that (1) humanity is under God’s judgment (1:18) because (2) they have not rightly recognized and honored God, even though God is known to them in creation (1:19–21). (3) Rather than honor God, they worship other gods and idols (1:22–23, 25, 28) and therefore (4) their ethical conduct is “unjust” and contrary to God’s expectations for life (1:24, 26–27, 29–32). In Wis. 11–15, the author criticizes idolatry and a failure to recognize God, which contributes to Gentile immorality. Wisdom of Solomon 13:1 states, “for all people who were ignorant of God were foolish by nature and unable to know the one who exists from the good things that are seen, nor did they come to know the artisan from paying attention to the works.” Rather, they worshipped created things (13:3–5). As a result, they are unjust and their ethical conduct is full of vice (14:22–26). It is worth noting that we encountered this last passage in the previous chapter. The vice list in Wisdom is part of the way that the author of Wisdom identifies the sorts of behaviors that are either commanded or prohibited by nomos, which in the argument in Wisdom is a universal nomos, available to all humanity.

Some have suggested that Paul is relying specifically on Wisdom of Solomon. Francis Watson has recently argued in favor of Paul’s specific interaction with Wis. 13–14, pointing out that both Paul and the author of Wisdom make similar points in the

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31 Fitzmyer, Romans, 271–72; Dunn, Romans 1–8, 53; Watson, Paul, Judaism, and the Gentiles, 195–96; Tobin, Paul’s Rhetoric, 108–10; Stuhlmacher, Paul’s Letter, 34–35; Byrne, Romans, 64–64; Moo, Romans, 97. But, see Stowers, Rereading, 85–125; Byrne, Romans, 71–72; Hultgren, Romans, 91 who also suggests connections with Greco-Roman polemic against injustice and vice and failure to recognize God.

32 Francis Watson, Paul and the hermeneutics of Faith (London: T & T Clark, 2004) 404–410. Watson does note that the direct “engagement” (not dependence!) between Paul and Wisdom specifically is not necessary, but it is likely and helpful to see how Paul diverges from Wisdom at important points (405).
same order. Watson claims that certain connections show Paul’s particular references to Wisdom of Solomon in the use of certain phrases and words: the Greeks are “worthless” (Wis. 13:1; Rom. 1:21); reference to “seeing, perceiving, knowing, and recognizing” God, as well as the general polemic against idolatry. But, Watson’s case is not as strong as it seems, and even Watson suggests that Paul is in some ways “independent” of Wisdom of Solomon.

A number of scholars have pointed out that the perspective or “argument” found in Wisdom and in Rom. 1:18–32 is present in other Diaspora Jewish literature such as Let. Aris. 132-39, Sib. Or. 3:8–45, 545–61, and Josephus’ Against Apion 2.190–208. In particular Sib. Or. 3:545–61, presents the condemnation in a way similar to Wisdom with a similar order and with similar wording, but in its own unique way. The author writes that Greeks will be judged for their error in sacrificing to idols (548). Doing this is put in terms of “error in thinking” (πλάνον ἐν φρεσκίά), forgetting God, and forsaking God’s face (548–50). This places the Greeks as “pioneers of evils to mankind” (553) and is related to being “taught to think worthless things (τὰ ματαιὰ)” (555), all of this will result in the “wrath of God (θεοῦ χόλος)” (556). In Aristobulus and Pseudo-Phocylides, even though a clear condemnation of idolatry is not present, right ethical living includes proper recognition of God (Aristob. 2:1–5, 10–11; 4:2–6; Ps.-Phoc. 8, 29, 54, 106–11). The focus on proper recognition of God as the universal God of all people in Aristobulus 4:2–

33 Watson, Paul and the Hermeneutics of Faith, 405.
34 Ibid., 406.
36 See also Dunn, Romans 1–8, 56–59; Tobin, Paul’s Rhetoric, 109, who also gives references to Philo’s use of similar arguments.
6, Let. Aris. 16, 131, and Ps.-Phoc. 8, 54 is part of their attempt to associate the Jewish
nomos with Greek philosophical ideals. 37

All of these writers make this general argument not just to denounce Gentile
culture or religiosity. As it is found in Wisdom, Let. Aris., Sibylline Oracles 3, and to a
degree in Pseudo-Phocylides, it is part of the attempt to universalize the Jewish nomos by
referring to it as a transcendent nomos or by claiming that its commands lead to the
attainment of virtue for all humanity, while also critiquing Gentile immorality on the
basis of the Greco-Roman web of discourse and ethical arguments central to it. This
means that Paul’s use of the Diaspora Jewish stock critique of Gentile immorality is not
just a one-sided dialogue with Wisdom. There is every possibility that Paul is entering
into dialogue with widespread Diaspora Jewish attempts to claim, within the framework
of Greco-Roman ethical and philosophical discourse, that the Jews worship the one God
and follow the one nomos over all humanity. As Dunn remarks:

Paul thus is clearly and deliberately following Hellenistic Judaism in using this
kind of language as an apologetic bridge to non-Jewish religious philosophy—a
fact which must decisively influence our understanding of the meaning he
intended his readers to derive from it. 38

In addition to the similarities with the general Diaspora Jewish arguments, Paul
weaves into 1:18–32 particular statements and language common to (but not necessarily
exclusive to) this Diaspora Jewish universalizations of the law in conversation with

37 It is worth noting that this proper recognition of God does not have anything to do with proper
Jewish worship practices or even with the Temple in Jerusalem in these writings. Sibylline Oracles is
exceptional in that the writer associates the ethical living of the Jewish people (though not mentioned as
such) with worship of God in the temple (3:537–78) and writes of a scenario where all people will worship
God at the Temple and live in accordance with God’s κοινός νόμος (702–23).

38 See also Dunn, Romans 1–8, 58. While, as we have seen above, I would disagree with Dunn’s
emphasis on “apologetic” and that it is not just “religious” philosophy at issue here, but ethical arguments,
his point is nevertheless correct.
Greco-Roman discourse. According to some the use of τὰ ἀφόρσατα of God in Rom. 1:20 is found only in Wis.18:9 and in Philo39, and that otherwise it is common to Greek philosophical discourse.40 It occurs, however, also in Sib. Or. 3:11–12: “There is one sovereign God, ineffable, whose dwelling is in heaven; self-sprung, unseen (ἀφόρσατος) yet seeing all himself alone.” The use of this word in reference to God, as Käsemann has noted is likely part of the typical Diaspora Jewish attempts to both mitigate the problem of anthropomorphic statements about God, as well as identify and universalize God in Greco-Roman categories as we saw in Aristobulus above.41 The reference to ἡ ἀείδιος αὐτοῦ δύναμις καὶ θειότης (“his eternal power and divinity”) in verse 20 also resonates with Jewish interaction with Greco-Roman discourse.42 In verse 22 Paul writes of those who dishonor God, “claiming to be wise, they became fools.” As we saw in chapter three, seeking wisdom and being “wise” (σοφὸς) were important elements of Greek ethical discourse, as part of the pursuit of virtue through wisdom and philosophia.43 Significantly, Paul’s statement resonates with the way Jewish writers challenged these claims by

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39 Opif. 1:31; Leg. 3:206; Cher. 1:101; Mig. 1:181; Mos. 1:158; Dec. 1:59; Philo’s use of the word in Abr. 1:69 and Dec. 1:120 bears a striking resemblance to the overall argument Paul presents in Rom. 1:18–32. Philo does go on to emphasize that this “invisible” God is only properly known and worshipped through the intellect—a point that Paul does not clearly emphasize here, but neither can it be ruled out. It just is not part of Paul’s objective in this section to make such an argument.

40 See most recently Jewett, Romans, 155; Käsemann, Romans, 39–41; Dunn’s references in Romans 1–8, 59–60; Byrne, Romans, 73. Commonly cited is the passage in Ps-Aristotle’s De Mundo, 399A–B, which writes of God as “unseen except to the eye of reason (ἀφόρσατος ὁν ἀλλὰς πλῆν λογισμῷ)…yet being invisible to every mortal he is seen through his deeds” (cited from Jewett, Romans, 155 n.66; also referenced in Käsemann, Romans, 39; Dunn, Romans, 1–8, 59; Byrne, Romans, 73).

41 Cf. Käsemann, Romans, 41.


43 See chapter three above. Also Dunn, Romans, 60.
arguing that true wisdom and *philosophia* come through *paideia* in the Jewish *nomos* and not Greek philosophy or *paideia*. The accusations of ἀδικία and ἀσεβεία in v.18, as well as the reference to “desires” (τὰ ἐπιθυμία) in v.24 and “passion” (πάθος) in v.26 find their home comfortably in the Diaspora literature which participates in Greco-Roman ethical discourse. Finally, the association of the vice list with the “decree of God” (τὸ δικαίωμα τοῦ θεοῦ) in 1:29–32 also is part of the wider discourse we have pieced together in chapters two through four where writers (both Greco-Roman and Jewish) connect the decree or the command of transcendent *nomos* or the Jewish *nomos* with the pursuit of virtue and vice.

The above connections can be made to some degree with other Jewish literature as well. It is not as if only in Diaspora Jewish literature we find arguments against idolatry, “injustice,” “impiety,” or where we find the use of vice lists. But all of the above, taken together, bear significant similarities to the interpretations of the law and ethical arguments made in Diaspora Jewish literature as we have seen in the previous chapter. The key point here is that in Rom. 1:18–32 Paul is not repeating just any criticism of

44 Cf. especially the statement in Aristobulus (5:4), 4 Maccabees (1:15–16) that associates typical definitions of “wisdom” with the Jewish *nomos*.

45 Sib. Or. 3:36, 184, 362, 496, 498, 568; Ps.-Phoc., 5, 10, 21, 135; Let. Aris., 210, 212, 277, 292. In Letter of Aristeas the Jewish *nomos* specifically serves to curb ἀδικία (Let. Aris. 146, 152, 162, 166 [where ἀσεβεία is also mentioned]). In 4 Macc. 5:9 following the Jewish law is “unjust” from the perspective of the Greek king, a claim that is turned around by the author of 4 Maccabees. As we saw in the previous chapter, “impiety” is a central element in 4 Maccabees. In Wisdom part of the central exhortation in 1:5 is to have a “holy and disciplined spirit (ἁγίου πνεύμα παιδείας)” that will “expose approaching injustice” (ἐλεγχθῆσαι ἐπιθυμίας ἀδικίας). Cf. also Wis. 1:8; 3:19; 4:16; 11:15; 12:23; 14:28; 16:24. For more see the discussion in chapter four above.

46 Wilckens, Römer, 109–10. According to Let. Aris. 211, the essence of kingship is “to rule oneself wisely and not be led astray by...unseemly desires”; in 4 Macc. it is obedience to the Jewish *nomos* that leads to the ridding of ἐπιθυμία (1:3, 34; 2:4, 6; 5:23).
Gentile idolatry and immorality, but presenting in his own words a common perspective employed by Diaspora Jewish writers as part of their claims about the universal authority of the Jewish nomos within the framework of widespread Greco-Roman discourse about nomos and ethical living.

*Romans 2:17–20*

What Paul says in 2:17–20, when considered along with 1:18–32, adds to our case that Paul is in conversation with these particular Diaspora Jewish perspectives. Whereas in 1:18–32 Paul utilizes Diaspora Jewish arguments against immorality, in 2:17–20 he itemizes the various “boasts” based in the Jewish nomos. There is no reason to think that the boasts are unrelated to the perspective expressed in 1:18–32. Paul writes in 2:17–20:

> But if you call yourself “Jew” and if you rely upon nomos and you boast in God and know the will (of God) and you examine the things of superior worth, having been instructed from the nomos, having convinced yourself that you are a guide of the blind, a light for those in darkness, an educator of the thoughtless, a teacher of children, having the form of knowledge and truth in the nomos…

While there are parallels with a wide spectrum of Jewish literature in these verses, many scholars agree that the general tenor reflects Diaspora Judaism. James Dunn,

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47 Contra those who suggest that Paul in 1:18–32 is using “speech-in-character” to present an opposing teacher’s “missionary sermon” or “gospel” (Stowers, *Rereading*, 117, 142, includes 2:1–16 in this “speech-in-character”; Campbell, *The Deliverance of God*, 528–47, limits the rhetorical device to 1:18–32). The most damaging point is that there is no clear evidence that 1:18–32 represents another ‘voice.’ Campbell and Stowers emphasize Quintilian’s reference that the speaker or writer need not indicate when the new voice comes in (Stowers, *Rereading*, 17–19; Campbell, *Deliverance*, 531–34). But one need not posit this as sharply as Campbell, when he writes that in 1:18–32 “the ancient reader overhears Paul critique impious gentile culture and depict its dilemma of slavery to passion and desire” (*Rereading*, 142). This seems to be a likely way to understand 1:18–32, but calling it “speech-in-character” does not seem necessary.

48 For example, see the statement by Douglas Moo: “every item on the list in vv.17–20 can be paralleled in Jewish literature of the time” (*Romans*, 159). But note that Moo goes on to specify Diaspora Judaism as the most likely background for these claims (*Romans*, 162).
referring to vv.19–20, writes that Paul’s target “is more likely to be the Diaspora than the Palestinian Jew, since the former naturally had an apologetic and even missionary concern which was mostly lacking in the latter.” Likewise Moo: “Paul’s description of this role (of the Jew as educator) uses language drawn particularly from Jewish propaganda directed to the Hellenistic world.” The phrases “educator of the thoughtless” (παιδευτής ὀφρόνων) and “teacher of children” (διδάσκαλος νηπίων) would be very much at home in Plutarch’s On the Education of Children which, as we saw in chapter three, proclaims the value of paideia and the pursuit of philosophia as the path to virtue, claims which Jewish writers regularly applied to the Jewish nomos. Particularly interesting is how Paul’s language reminds one of how Philo and Josephus described the Diaspora synagogue. According to Philo in Moses 2.216 the synagogues are “schools (διδασκαλεῖα) of prudence and courage and temperance and justice and also of piety, holiness and every virtue by which duties to God and humanity are discerned and rightly performed.” This is not to overlook the general Biblical framework for the phrases “guide to the blind” (ὁδηγός τυφλῶν) and “light in darkness” (φῶς τῶν ἐν σκότει).

49 Dunn, Romans 1–8, 112. See also Käsemann, Romans, 68–71; Campbell, Deliverance, 564.

50 Moo, Romans, 162, with the caveat that the Jewish literature and purposes should not be seen through the lens of “propaganda” alone. It should be remembered that this literature had other Jews as its primary audience, and reflected general self-understandings and accepted interpretations of the Jewish nomos that were not just for the purpose of winning Gentiles or rationalizing the law.

51 See chapter four above. Cf. especially the discussions on Letter of Aristeas, Wisdom of Solomon, 4 Maccabees, and Pseudo-Phocylides.

52 See chapter four above. Cf. also Dunn, Romans 1–8, 111; K. Haacker, Der Brief des Paulus an die Römer (Leipzig: Evangelische Verlagsanstalt, 1999) 68.

These, rightly, reflect more general Jewish self-understandings and wisdom traditions.\(^{54}\)

The specificity of the other expressions, however, provides the particular manner in which general Jewish self-understanding is being applied. It is associated with Diaspora Jewish attempts to universalize the Jewish *nomos* and unite Jewish life with universal ethical goals, and criticize Gentile immorality on the same basis. And so we find in Wis. 18:4 the claim that the “light of the law” comes through God’s (unidentified!) people who life “just” lives, and in *Sib. Or.* 3:195 a reference to the people who would be a “guide of life” (βίον καθοδηγοῦ) for all humanity. In addition, Paul’s statement that in the law is the “form of truth” in 2:20 bears resemblance to Aristobulus’ statement that the Sabbath law represents “knowledge of the truth” (5:7) or *Let. Aris.* 161 where the commands of the law are given with a concern for “truth” (πρὸς δ’ ἀληθείαν).\(^{55}\)

**Romans 2:21–23**

Finally, the accusations in 2:21–23 directed against the Jewish perspective in vv.17–20 contribute to our picture. Paul asks the interlocutor:

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\(^{54}\) See Dunn, *Romans 1–8*, 112; Moo, *Romans*, 162; Hultgren, *Romans*, 127. Peter Stuhlmacher, *Paul’s Letter*, 42–43; Schnabel, *Law and Wisdom*, 232–34. Schnabel especially emphasizes the connection with Jewish wisdom traditions. As we saw in the previous chapter, wisdom traditions are indeed used in the Diaspora Jewish literature, but there are two elements that are not present in Schnabel’s analysis. First, the wisdom traditions are used in the service of interpreting the Jewish *nomos* within the framework of Greco-Roman ethical *nomos* discourse. Second, and confirming this point, many of the Jewish writers use distinctly Greek philosophical understandings of *Sophia*.

\(^{55}\) Cf. also 4 Macc. 5:18 where the accusation is made that the Jewish *nomos* is not κατὰ ἀληθείαν, and 6:18 where that charge is reversed; Aristobulus 4:6: “The entire construction of our law is arranged with a view toward piety, justice, self-control, and all other good things which are in keeping with the truth (κατὰ ἀληθείαν).” This claim in relation to the Jewish *nomos* is found in other Jewish literature: 1 Enoch 3:8. But see 1 En. 104:12–13 which suggests that the books of Enoch are in accord with truth, and there is less emphasis on the law. *Testaments of the Twelve Patriarchs* does also contain a number of associations of the law with truth, and these writings may also draw from a similar pool of thought as the Diaspora literature. Otherwise, strong associations between the law and “knowledge of truth” or of the law being in accordance with truth are conspicuously absent from most all non-Diaspora Jewish literature.
Therefore, the one teaching another, are you not teaching yourself? The one proclaiming ‘do not steal’—do you steal? The one saying ‘do not commit adultery’—do you commit adultery? The one detesting idols—do you rob temples?\textsuperscript{56}

Two things suggest that Paul has in mind the sort of Diaspora perspectives and arguments we discussed in chapter four above. First, the commands that Paul lists parallel the common elements of the Jewish \textit{nomos} singled out by Diaspora Jewish writers in their various attempts to universalize the Jewish \textit{nomos}. Paul is not concerned, it seems, with breaking specifically Jewish commands such as Sabbath or food laws. One could easily explain this by noting that Paul is issuing a prophetic critique not unlike Amos, Micah, or Hosea.\textsuperscript{57} Paul may indeed be doing something similar, but there is more to it, I suggest, given the ways we have seen that Diaspora Jews emphasized such commands in their interpretations of the Jewish \textit{nomos}. We are reminded of the summary of the Decalogue in Pseudo-Phocylides, which as we saw was reflected in most of the literature. As Edgar Krentz has also shown, the list of transgressions is common to Greco-Roman discourse wherein ancient writers would criticize other people for violations of universal ethical standards.\textsuperscript{58} For Krentz, Paul uses this list to condemn the Jew in the same way that he

\textsuperscript{56} The questions here may also be accusatory statements: “you steal!...you commit adultery!...you rob temples!”

\textsuperscript{57} Most of the Old Testament prophets condemn Israel and Judah most often for “social” sins or idolatry. Amos condemns Israel for greed and injustice against the poor (2:6–11; 5:11), general injustice (5:4-24), and extravagance (6:1–7). Micah criticizes also the abuse of power and greed and injustice (2:1–11; 3:1-3) and to seek mercy and justice (6:8). Hosea criticizes idolatry and forgetting God (1–2), as well as “swearing, lying, murder, stealing, and adultery (4:1–2). This is described as “forget(ting) the law of your God” (4:6) and a violation of the covenant.

condemned the Gentile in 1:18–32. The accusation of “temple-robbery” is particularly significant here. As Krentz has shown, it is a common part of vice lists in Greco-Roman ethics. Moreover, Paul draws on a Jewish exegetical tradition that takes Exodus 22:27 as commanding respect for the Gentiles’ gods. Later in the article, Krentz makes a brief connection with Jewish “apologetic” literature that stressed that the Jewish God was identified as a universal god as also the god of all peoples. This is part of the widespread ethical discourse in the ancient world in which Diaspora Jews actively participated.

It may be correct to take the command of “temple-robbing” literally and as part of a tradition associated with Exodus 22:27. But, I suggest there is more going on here. First of all, there is no use of any form of either ἱεροσούλεω, ἱερόσυλος, or ἱεροσυλία in the Old Testament. There is one reference in Acts 19:37, where the town clerk in Ephesus tries to convince the crowd that Paul and his companions are “neither temple robbers (ἱεροσύλοις) nor blasphemers of our goddess (Artemis).” The only occurrences of these words in non-Philonic Jewish literature are in 2 Macc. 4:39, 42; 9:2; 13:6, and Sib. Or. 2:14 and 13:12. In 2 Maccabees the reference is primarily to the sacrilegious actions toward the temple in Jerusalem by Antiochus. In Sib. Or. 2:14 the word refers to “temple robbing” as part of the woes of the end times. The reference in 13:12 is late.

59 Ibid., 437–38.
60 Ibid., 436–37.
61 Ibid., 438–39.
Philo uses either of the words ἵεροσυλέω or ἱεροσυλία on a number of occasions almost always as part of a list of common vices which are contrary to virtuous living and to God’s nomos. Particularly illuminating for our context is the reference in On the Confusion of Tongues (Conf.) 1:163 where theft, adultery, murder, and “sacrilège” or “temple-robbing” (ἱεροσυλέιν) are listed as vices of a person without “prudence” (φρόνησις) and are symptoms of the disease of “injustice” (ἀδικία). If we recall, the main problem God has with humanity is “injustice” (Rom. 1:18 [2x], 29; 2:8). In De Decalogo 1:133 ἵεροσυλία is an example of a violation of the Decalogue’s command against murder: in murdering one robs God of the true offering and true worship which is the offering of the human person living according to virtue (cf. Romans 12:1!). Finally, in Spec. 2:13, Philo lists “theft, “sacrilège” (ἱεροσυλία), adultery, and rape” as exemplary of those who perform acts of wickedness (κακός), and such commands are common to the “national laws” of many people who pursue justice (δικαιοσύνη). The uses in Philo are particularly significant in showing how ἵεροσυλία is part of a common list of exemplary vices which are contrary to God’s δικαιοσύνη and to God’s nomos. In doing this, Philo is drawing on common lists in Greek ethical discourse and applying it to interpret the Jewish nomos and Jewish ways of life—not unlike the Diaspora writers considered in chapter four above. Moreover, Philo’s primary (not only) audience were Diaspora Jews as well. Assuming that Philo, even though somewhat distinct among Jewish writers in his frequent use of the word, stands within the line of tradition we have described in the previous chapter, we have Paul in Romans 2:21–22 referring specifically

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63 Philo, Leg. 3:241; Jos. 1:84; Spec. 3:83; 4:87.
to a typical set of violations of God’s universal *nomos* that were likely familiar to a
Diaspora Jewish audience.

**A Thematic Connection between Rom. 1:18–32 and 2:1–11**

Given Paul’s use of Diaspora Jewish perspectives in 1:18–32 and particularly in
2:17–24, and that both seem to derive from the same overall Diaspora Jewish frameworks
that situated ethical living in relation to *nomos* understood in terms of the wider Greco-
Roman discourses, it stands to reason that such perspectives also stand behind what Paul
writes in 2:1–16 and 25–29. One could assume this because, as we noted above in the
introduction, Paul’s argument demands that the conception of *nomos* to which he refers
be consistent. But there is more to support this. A number of scholars have argued that
1:16–2:11 form a unit. Jouette Bassler and A. Andrew Das have observed a chiastic
structure in the material:

A Ιουδαιως τε πρωτον και Ελληνι (1:16)
  B ἀποκαλύπτεται γὰρ ὀργὴ θεοῦ (1:18)
      C εἰς τὸ εἶναι αὐτοῦ ἀναπολογήτους (1:20)
      C′ διὸ ἀναπολογητος εἶ (2:1)
  B′ ἐν ἰμέρᾳ ὀργῆς καὶ ἀποκαλύψεως δικαιοκρισίας θεοῦ (2:5)
A′ Ιουδαιως τε πρωτον και Ελληνι (2:9-10)

Whether the chiasm is intended or not, it does demonstrate a unity in the section of 1:16–
2:11. Das has also pointed to a confluence of particular terms in the material that further
reinforce the general unity with regard to the perspective in this section.64 Joseph

Fitzmyer has pointed out how this structuring minimizes the shift from third person to

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64 Das points out the parallel παντὶ τῷ πιστεύοντι in 1:16 and παντὶ τῷ ἐργαζόμενῳ in 2:10;
ἐπὶ πᾶσαν in 1:18 and 2:9; “wrath” (ὀργή), “truth” (ἀληθεία), and “injustice” (ἀδικία) in 1:18 and 2:5
and 8, but in reverse order (*Paul, the Law, and the Covenant*, 172–73).
second person at 2:1. While Fitzmyer is correct, should not detract from the connections between 1:18–32 and 2:1–11. In order to not minimize the important change in 2:1, we may see the unity of 1:18–2:11 in its repetition of thematic words and ideas. In other words in 2:1–11 Paul repeats key ideas that we find in 1:18–32.

**Conclusion**

The significance of all of these connections—the Diaspora Jewish framework for 1:18–32, the use of Diaspora Jewish claims in 2:17–20, the accusations in vv.21–23, and the connections between 1:18–32 and 2:1–11—lies in their collective weight. As noted above, Paul’s use of Diaspora Jewish material is not a new suggestion. In light of the above, however, I suggest that more precision can be established. Paul’s argument does not just contain material from Diaspora Judaism, used by Paul here and there. Rather, Paul conducts his argument in Romans 1:18–2:29 on the basis of and in conversation with specifically Diaspora Jewish perspectives which are part of widespread Diaspora Jewish explanations of the Jewish nomos. Not only that, but as we have seen, these perspectives exist within, and are articulated within a widespread Greco-Roman discourse that focuses on establishing one universal and transcendent ethical-political standard for humanity.

The Use of the Diatribe and the Structure of Romans 2

**The Use of Diatribe**

Identifying the Jewish context of Romans 2 is only part of the task of understanding how Paul uses a Diaspora Jewish understanding of νόμος. How does Paul conduct

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65 Fitzmyer, *Romans*, 298; also Dunn, *Romans 1–8*, 78–79.

66 Cf. E.P. Sanders: “It is not novel to find in Romans 2 material from Diaspora Judaism” (*Paul, the Law, and the Jewish People*, 127). See also Käsemann, *Romans*, 70–71.
the argument? Commentators since Bultmann have increasingly recognized in Romans Paul’s use of the ancient literary form of diatribe. One main characteristic of diatribe is the use of the rhetorical device called the (imaginary) interlocutor. Until Stanley Stowers’s book on the diatribe in Romans, this element of the interlocutor had not received any serious focus. Since Stowers’ study, the interlocutor has been more thoroughly studied in relation to Romans and has found its place in a number of interpretations. The study of the interlocutor has enabled us to investigate with more detail and precision what Paul is trying to communicate and how is goes about this. For many Romans 2 is one key example of Paul’s use of the interlocutor. The interlocutor is a fictive dialogue partner who functions rhetorically in ancient literature to further an argu-

67 Ruldolf Bultmann, Der Stil der paulinischen Predigt und die Kynischoische Diatribe (Göttingen: Vandenhoeck & Ruprecht, 1910); Stanley Stowers, The Diatribe and Paul’s Letter to the Romans (Chico: Scholars Press, 1981); Changwon Song, Reading Romans as a Diatribe (New York: Peter Lang, 2004); Thomas Tobin, Paul’s Rhetoric, 84–98.

68 Stowers, Diatribe, 81–85.


70 For example, A. Andrew Das applies study of the interlocutor to his analysis of Romans 2 (Solving the Romans Debate [Minneapolis: Fortress Press, 2007] 87–89. More recently Douglas Campbell uses the study of the interlocutor as a central part of his very suggestive interpretation of Romans 1:18–3:20 (The Deliverance of God: An Apocalyptic Rereading of Justification in Paul (Grand Rapids: Eerdmans, 2009) 528–600.

71 Many scholars think that Paul is in dialogue with a certain “interlocutor” in Romans 2, even though the identity of the interlocutor is in question (e.g. Dunn, “Issue,” 166; Romans 1–8, 78; Stowers, Rereading, 126–58; Runar Thorsteinsson, Paul’s Interlocutor in Romans 2: Function and Identity in the Context of Ancient Epistolography, [Stockholm: Almqvist & Wiksell, 2003]; Robert Jewett, Romans, 193, 196).
ment by representing a certain perspective. A writer’s use of this rhetorical device may be recognized through a number of ways: dialogical style, direct address to the second person singular “you,” or an address to a more general “person” using the vocative (ἂνθρωπε). In Romans 2:1, Paul addresses an anonymous individual: ὁ ἄνθρωπε (“O, man”); in 2:17 he addresses in the second person an individual who calls himself a Jew (Εἰ δὲ σὺ ἴουμης ἐπονομάζῃς [“if you call yourself a Jew”]), and he uses the second person singular “you” a total of twenty-seven times throughout the entire chapter. Many find Paul using the rhetorical convention only in 2:1–5 and 2:17–29. For some it makes sense that Paul is carrying on a discussion with the same interlocutor throughout all of Romans 2, but this is not necessary, and it could be that Paul presents a dialogue with

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72 Tobin, Paul’s Rhetoric, 93. An example of address to the second person singular is in Epictetus’ Discourses 1.13.3–4: “Slave, will you not bear with your own brother, who has Zeus as his progenitor and is, as it were, a son born of the same seed as yourself and of the same sowing from above; but if you have been stationed in a like position above others, will you forthwith set yourself up as a tyrant? Do you not remember what you are, and over whom you rule—that they are kinsmen, that they are brothers by nature, that they are offspring of Zeus? See also Disc. 1.2.26–29; 1.6.3–7, 23–43; 1.11; 1.21; 1.22; 2.8.9–14; 2.14.18–22; 2.22. An example of an address using the vocative “O man” (ἂνθρωπε) is in Disc. 3.22.51: “Do you see the spirit in which you are intending to set your hand to so great an enterprise? First take a mirror, look at your shoulders, find out what kind of loins and thighs you have. It is an olympic contest you are about to enter, man (ἂνθρωπε), not some cheap and miserable contest or other.” See also Disc. 1.1.21–25; 1.2.33–37; 1.4.5–12; 1.18.8–10; 1.21; 1.22.17–21.

73 2:1 (4x); 2:3 (3x); 2:4 (2x); 2:5; 2:17, 18, 19 (2x); 2:21 (4x); 2:22 (4x); 2:23, 24; 2:25 (2x); 2:27.

74 E.g., Fitzmyer, Romans, 305f.; Dunn, Romans 1–8, 93–107; Witherington argues that Paul is critiquing two different interlocutors—a “Gentile outside of Christ” in 2:1–16 and “Jews outside of Christ” in 2:17–29 (Romans, 76, 85); Achtemeier, separates 2:1–16 from vv.17–29, placing 2:1–16 with 1:14–2:16 and 2:17–29 as the beginning of 2:17–3:20 (Romans, 34, 43, 49); Moo seems to move in the direction of treating 2:12–16 as part of the continuing discussion with the interlocutor, but he does not really press this (Romans, 126–27); Thorsteinsson notes that the second person singular “you” drops out in vv.12–16 (Paul’s Interlocutor, 153).

two interlocutors—one in 2:1–11 (or 1–16) and another in 2:17–29. More specifically, Paul uses the device of the interlocutor.

Commonly the writer will use the interlocutor to represent a particular voice or perspective in order to challenge this perspective as it has been presented. In these various instances the writer addresses not an actual dialogue partner, but rather the interlocutor is a device used to represent a particular position of viewpoint. The use of the interlocutor often allows the writer to address, censure, or instruct the audience in an indirect manner. Usually this is done by highlighting certain elements of the position or behavior that needs correction in the eyes of the writer. As Thomas Tobin points out, one of the common ways in which the interlocutor functioned in (Epictetus’) dialogues is “to point out some failing or misunderstanding on the part of these interlocutors or addres-ses.” According to Stowers, use of the interlocutor “exposes contradiction, error, and ignorance” and that the “basic function…is indictment.” The interlocutor may represent a common opinion or perspective known to the audience.


77 Stowers, *Diatribe*, 88–89; Tobin, *Paul’s Rhetoric*, 92–94. A common question is “what then?” (τί οὖν;). But, in general rhetorical questions are those asked as if there is another person on the other end, either asking the questions or ready to answer them (Thorsteinsson, *Paul’s Interlocutor*, 125–26).

78 Ibid., 86–87.


80 Stowers, *Diatribe*, 89–90.


82 Stowers, *Diatribe*, 105–06.

83 Thorsteinsson, *Paul’s Interlocutor*, 141.
Related to the use of the interlocutor is the rhetorical device called “speech-in-character” (προσωποποιία). This is where the writer “produces speech that represents not himself…but another person or type of character.” In doing this, the goal is not to present the exact words of the character, but rather it is a “presentation of moral choice embodied in words and arguments.” Quintilian assumes that one should distinguish between the writer’s or speaker’s voice and that of the interlocutor whose voice is represented in the speech-in-character. But as Quintilian also points out, the craft of using this device could involve a level of seamlessness. He writes that the words of the other “may be inserted without the introduction of any speaker at all….This involves a mixture of figures, since added to προσωποποιία is ellipse, which here consists in omitting any indication of the one speaking” (9.2.37). In many instances, the speech-in-character is nothing more than the writer presenting words or a perspective that is not his own, with little indication. Stowers cites even the problem with Homer who often stated views which were not his own, but in the ignorance of later readers these statements were determined to be non-Homeric. Indeed they were not! But, Homer still wrote them. A speech-in-character may take on many forms: monologue, soliloquy, or dialogue. It could

84 Stowers, Rereading, 16–17.
85 Ibid., 17.
86 Also quoted in Stowers, Rereading, 20; Campbell, Deliverance, 533. Epictetus, Diss. 1.9 (“How from the Fact that We are Akin to God a Man may Proceed to the Consequences”) is a good example of this seamless use of the speech-in-character, as is also 1.26 (“What is the Law of Life?”).
87 Stowers, Rereading, 18–19.
88 Ibid., 18–19.
also be between the writer and the interlocutor or between the interlocutor and someone else. In one passage Quintilian states that προσωποποίία is a device which lends wonderful variety and animation to oratory. By this means we display the inner thoughts of our adversaries as though they were talking with themselves…Or without sacrifice of credibility we may introduce conversations between ourselves and others, or of others among themselves, put words of advice, reproach, complaint, praise, or pity into the mouths of appropriate persons….It is also convenient at times to pretend that we have before our eyes the images of things, persona, or utterances.89

Generally, as part of a diatribe, the purpose of the “speech-in-character” is didactic or exhortatory. It serves the purpose of demonstrative rhetoric, which serves to persuade or “enhance” a certain ethos, perspective, or action.90 In Romans 2:1–16, I suggest that Paul is doing something like this by summarizing or presenting main elements common to Diaspora Jewish ethical arguments associated with interpretations of the law in order to provide a basis upon which to make a point to his audience on the basis of this same perspective.91

Others have similarly suggested that Paul is conducting an “intra-Jewish debate.”92 According to George Carras, in Romans 2 Paul conducts a dialogue with another Jewish perspective, but in a way that draws on Jewish premises to point out

89 Quintilian, 9.2.30–33. Found in Campbell, The Deliverance of God, 533.

90 Jewett, Romans, 25–26

91 While “speech-in-character” seems plausible, I confess that it is difficult to decide whether or not this is actually the case, or whether Paul is just summarizing key elements of the Diaspora perspective in his own voice, with moderate alterations in phrasing. Stanley Stowers has argued that 2:1–16 is a “speech-in-character.” It is part of the larger unit of 1:18–2:16 which “may be seen as a protreptic or missionary sermon to an imaginary gentile” (Stowers, Rereading, 117). This is different from Douglas Campbell’s recent suggestion that Rom. 1:18–32 is a “speech-in-character” and 2:1–8 is where Paul “finds his own voice” and turns and questions the perspective (Campbell, Deliverance, 528–41, quote from p.547).

problems with the other Jewish perspective. Thomas Tobin similarly writes that Paul argues “that the conduct of Jews must be judged on the same basis as the conduct of Gentiles.” Paul “demonstrates this…through the use of quotations from the Jewish scriptures as well as through the use of other traditional Jewish viewpoints” but “moving beyond” these viewpoints as well. Between Carras and Tobin there are important similarities and differences First, both Carras and Tobin see Paul using a variety of Jewish commonplaces, even though Paul uses them in different ways. Second, in Tobin’s analysis Paul is not debating a Jew throughout Romans 2, whereas for Carras he is. This difference is significant, since it means that Paul may be using Jewish material differently. This raises an important question about what Paul is doing in Romans 2: with whom is Paul’s argument in dialogue in 2:1–11 (or 1–16)?

Tobin draws attention to the fact that few scholars recognize that in 2:1–11 and 17–29 Paul conducts a dialogue with two different interlocutors. This is primarily because many scholars claim that Paul is addressing a Jew throughout all of chapter 2.

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93 According to Carras Paul engages with a Jewish interlocutor throughout Romans 2, and in four stages addresses four different “objections” to Paul’s claim that Jews and Gentiles are equally judged by God. In 2:1–11 Paul addresses moral superiority; in 2:12-16, possession of the Torah; in 2:17–24, national privilege, and in 2:25–29 circumcision (Carras, “Romans 2:1–29,” 193). The common Jewish elements Paul draws upon are: (1) performance and descent play a central role in Judaism; (2) Jews possess a historic advantage yet this is not to exclude others from obtaining salvation; (3) to this end the God of the Jews acts in a just and impartial manner; (4) convictions must be accompanied by a corresponding morality; (5) circumcision has a literal and symbolic meaning; (6) observance of the Torah is the integrating characteristic which binds together correct behavior, circumcision as rite and symbol, and a Jew’s pride of race (207).

94 Tobin, Paul’s Rhetoric, 118.

95 Tobin, “Controversy and Continuity,” 301.
Since this is an issue of importance in understanding Paul’s argument in Romans 2, we will address it here.\(^{96}\)

There are three main arguments brought forth by those who claim that Paul directs the argument in 2:1–11 (some say v.16) at a Jew.\(^{97}\)

1. The points of contact between 2:1–16 and *Wisdom* 11–15 “strongly suggest that Paul was thinking of just such Jewish assumptions.”\(^{98}\) James Dunn and others have argued also that the relationship between Romans 2:1–11 and Jewish texts like Wisdom of Solomon suggest that Paul is questioning a Jew who held such a view. Particularly the statement in 2:4, which questions the abuse of God’s mercy, suggests that Paul had in mind a Jew relying upon “special privileges of Israel.”\(^{99}\)

2. The references to Jews and Greeks suggests that Paul is working within a traditional Jewish division of humanity, and any assumption Gentile morality as we find in 2:1–16

\(^{96}\) In N.T. Wright’s essay “The Law in Romans 2,” he avoids discussing this issue because “it does not so directly connect with the question of the law” (132). I must respectfully disagree with this choice. The identity of the person in 2:1–16 so much influences how scholars interpret Paul’s argument in Romans 2 that it necessarily influences how one conceives of the issue with the law in the argument as well.

\(^{97}\) The most extensive list may be found in C.E.B. Cranfield’s commentary (*Romans 1–8*, 138). He lists seven points, not all of which are equally persuasive, and which have been addressed by Runar Thorsteinsson (*Paul’s Interlocutor*, 177–88).

\(^{98}\) C.E.B. Cranfield, *Romans 1–8*, 138. This is similar to Douglas Campbell who has argued that the person in 2:1ff. is a Jewish figure on the basis of connections with 1:18-32. The material in 1:18–32 bears a strongly Jewish imprint, and the person in 2:1ff. is “the mirror image of the discourse in 1:18–32…He has spoken the discourse of 1:18–32…and the argument’s bite after 2:1 consists of this figure’s entrapment in his own aggressive program” (*The Deliverance of God*, 343).

\(^{99}\) James Dunn, *Romans 1–8*, 79–80, 90; Simon Gathercole, *Where is Boasting?*, 198. Gathercole writes that “the designation “the one who judges” is appropriate to a Jew, not because the Jewish people were more judgmental than others but because they took pride in being able to judge, in the sense of discern.” To read “judge” in these terms takes some liberties that do not seem warranted in the text, and even if it were, as we have seen, taking pride in being able to discern who is and who is not ethically “just” seems to have been the prerogative of many groups in the ancient world. See also the comments in Thorsteinsson, *Paul’s Interlocutor*, 183-84.
would be unlikely.100 Related to this, the “judge” seems to support the condemnation in 1:18–32, something which could only be said of a Jew.101

3. Francis Watson argues that the close links between 2:1–6 and vv.17–24 suggest that the two sections are addressed to the same person.102 Likewise, Douglas Campbell has argued that the charges against the individual in 2:21–23 are “essentially…the same” as in 2:1–3.103

These above points need not necessarily mean that Paul is specifically addressing a Jew in 2:1ff. Working backward, first of all, when compared with vv.17–24, there is a noticeable difference in the specificity of the address. In vv.17–24 Paul specifies the Jew, and itemizes unmistakable Jewish claims. In vv.1–11, references are much more veiled—enough that modern scholars must make convincing arguments to convince the modern reader that Paul had a Jewish addressee in mind. The claims of hypocrisy that Paul points out in 2:1–11 do not necessitate a Jewish “hypocrite.”104 The charges in 2:21–23 may be similar in rhetorical force, but Paul’s argument describes them in distinctly different ways, one explicitly Jewish (vv.21–23) and one not (vv.1–3). As we shall see below, Paul uses the diatribe to make a general argument and then apply it to the Jew in 2:17–29. The approach of reading a later passage onto an earlier one—in this case reading 2:21–23 onto vv.1–11 should be used with caution. It embodies what Runar Thorsteinsson calls “a


103 Campbell, *The Deliverance of God*, 344.

104 A typical diatribal device was the criticism of the “hypocrite” or “pretentious person” who did not practice what he preached (Stowers, *Diatribe*, 105–10; *Rereading*, 100–02).
backward reading of the text” which begins from a later point and draws inferences about an earlier point. While perhaps helpful at times, it can misread the rhetorical intention of the text and “is to be avoided as far as possible.”

Second, a distinction between Jews and Gentiles in 2:12 does not imply that Paul’s target is a Jew—as if non-Jews or especially Paul’s audience in Rome who were not ethnic Jews would have been unaware of such a distinction. The distinction between Jews and Gentiles may reflect the perspective from which the critique comes, and not reflect the one who is being criticized.

More significantly, it is not necessary on the basis of a Jew-Gentile division to posit that only a Jew would have agreed with the condemnation of immorality in 1:18–32. It is correct that the one who judges in 2:1–5 is critical of those who act unjustly in 1:18–32. But it is not “unlikely” for Paul to assume Gentile morality or that support of the condemnation in 1:18–32 could only come from a Jew. James Dunn, for example, mentions Stoics and the “sophisticated Greek” who could have agreed with the condemnation in 1:18–32 and thus have been the rhetorical target in 2:1–11. Indeed, as we have seen in chapters two and three, there is evidence that there were also Gentiles who condemned certain forms of immorality. According to Christoph Jedan, both Seneca and Cicero reflect a common “natural law teaching.” The pattern is as follows. It begins with (1) proper recognition of God’s existence, often on the basis of God’s work

105 Thorsteinsson, Paul’s Interlocutor, 180–81.

106 Dunn, Romans 1–8, 79, 90. See the examples in Jewett, Romans, 154–55, 162; Käsemann, Romans, 39; Hultgren, Romans, 91; Talbert, Romans, 59–61.

107 Jedan, Stoic Virtues, 128.
in creation. This is then related to (2) a discussion of what is due to human beings on the basis of a shared human-ness as endowed by God with the capacity to reason. Upon this there is (3) a discussion of virtues and virtuous behavior that should follow from (1) and (2).¹⁰⁸

Dio Chrysostom’s twelfth discourse, titled “The Olympic Discourse, or On Man’s First Conception of God,” is particularly illuminating. The perspective presented in this discourse calls attention to the importance of proper recognition of the gods, that there is to Greeks and Barbarians alike a conception of God “arising from the course of nature without the aid of human teacher” (12.27). He goes on to ask how people (a generic “they”) could have remained ignorant and conceived no inkling of him who had sowed and planted and was not preserving and nourishing them, when on every side they were filled with the divine nature through both sight and hearing, and in fact through every sense (12.29).

Dio also states that God is knowable through the seasons and the capacity to reason (12.32). He chastises certain men who claim to be “wiser than all wisdom” (σοφωτεροι της ἀπάσης σοφίας), but who have in their philosophical reasonings shown themselves to be ignorant, as if pouring lead into their ears or “hung before their eyes a curtain of deep darkness” (12.36). These people have set up an image of

one single female divinity, depraved and monstrous, representing a kind of wantonness or self-indulgent ease and unrestrained lewdness, to which they gave the name pleasure—an effeminate God in very truth—her they prefer in honor and worship with softly tinkling cymbal-like instruments…and all this universe above us they assert is without purpose or intelligence or master…and no creator having made it in the first place. (12.36–37)

¹⁰⁸ Jedan, Stoic Virtues, 128. The entire presentation of the “natural law teaching” is on pp.126–128.
Dio goes on later to point out that the barbarians who find difficulty conceiving of god “name mountains gods, and unhewn trees, too, and unshapen stones, thing which are by no means whatever more appropriate in shape than is the human form” (12.61). Part of Dio’s argument also attributes to the “philosophers” a certain non-virtuous manner of living (wantonness, self-indulgent ease, lewdness, pleasure) that is related to their incorrect conceptions of god.

My overall point here is to give examples of Gentiles who would agree in a general way with condemnation of immorality as we find in 1:18–32, and thus be in the place of the “judge” in 2:1–11. In a sense, and within the web of discourse we have discussed in previous chapters, this sort of condemnation of immorality was a way to distance one manner of living from another. This not to say that all Gentiles would agree with Romans 1:18–32. The condemnation of idolatry certainly would conflict with most Gentile religious practices. But as the statement from Dio Chrysostom suggests, and other scholars have also noted Gentile criticism of idol worship and worship of animals is not unheard of. This condemnation is not just a “Jew-against-Gentile” judgment; it must be placed within the context of Jewish engagement with perspectives such as we find among Greco-Roman moralistic writers such as Cicero, Seneca, and Dio Chrysostom. It is a Jewish condemnation that both relies upon the Greco-Roman web of discourse and challenges it as part of a shared cultural discourse.

This brings us to the the first point made above—that Paul in 2:1–challenges assumptions particular to the Jewish condemnation of immorality in 1:18–32. For those who argue that Paul is addressing a Jew in 2:1–16, this means that Paul is throwing the

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Jew’s assumptions of moral superiority back in the face of the Jew. The statement pointed to most often is the call to repent and to not test God’s patience in 2:4. A number of scholars see Paul directly challenging the statement in Wisdom 15:1–2: “But you, our God, are kind and true and patient, and ruling all things in mercy. For even if we sin we are yours, knowing your power.” The connection with Wisdom cannot be easily dismissed. But Wisdom must be interpreted as participating in the common Diaspora Jewish attempts to interpret the law where the warnings given and the exhortations to follow God’s nomos do not isolate Gentiles, but rather address all humanity. If, as we noted in the previous chapter, the primary purpose was to instruct and shape Diaspora Jews, then the exhortations and warnings would serve to call other Jews to obedience through an appeal to the universality of the law on Greco-Roman ethical terms. In Wisdom this is rhetorically accomplished by presenting a challenge to all humanity to turn to the one God and live in accordance with this one God’s nomos. Just as the exhortations in Wisdom are rhetorically include Gentiles, Paul’s mention of testing God’s patience and the call to repent need not be directed at a Jew, though it certainly would include a Jew as part of all humanity who are accountable to God’s law.

An example of exhortation to Gentiles can be found in Sib. Or. 3:545–829 which is a large section containing four admonitions to Greeks (and the entire Gentile world) to

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110 Do you imagine, whoever you are, that when you judge those who do such things and yet do them yourself, you will escape the judgment of God? Or do you despise the riches of his kindness and forbearance and patience? Do you not realize that God’s kindness is meant to lead you to repentance? (Rom 2:3–4 NRS)

111 See Moo, Romans, 132–33; Dunn, Romans 1–8, 82–83.

112 So also Das, Paul, the Law, and the Covenant, 173–74. The exception here would be 4 Maccabees. But, the beginning of the document issues an address that would be very familiar to Greek moral-philosophical appeals.
In this section the author exhorts Greeks to “reverence” God (550). He addresses “you, cunning mortal (βροτὲ ποικιλόμητι)” and exhorts, “do not tarry, do not delay!” (624) in order that this person might “convert, abandon your wrong lifestyle, and appease God... so that he may have mercy” and to “observe righteousness and oppress nobody, for these are the things the immortal commands for miserable mortals (624–29). Likewise, Wisdom actually presents a general call to Gentiles to turn to God and from “injustice” (1:5), to follow God’s nomos and not experience condemnation. In Wisdom 12:1–22, the author expresses God’s mercy toward “unjust” people who indulge in behaviors against God, in hopes that they might repent, giving them “time and opportunity to give up their wickedness” (12:20). In light of these examples, Paul’s statement in 2:4, “Or do you despise the wealth of his goodness and forbearance and patience, being ignorant that the kindness of God leads you to repentance?” could just as easily be directed at a Gentile as a Jew.

In light of the above, it is reasonable to conclude that the person targeted in 2:1 is a generic person—part of the “all humanity” against which God’s judgment falls (1:18). The address is directed at neither Jew nor Gentile, but may apply to either. According to Tobin, in 2:1–11 Paul uses an “apostrophe” to question the general person who judges. Given the similarities with the Diaspora perspective in 1:18–32 and the way that Paul addresses a general person and calls him toward pursuing good deeds in

113 Buitenwerf, Book III, 255.


accordance with God’s decree, I suggest that the apostrophe also comes from the point of view of the Diaspora Jewish perspective. This is within the realm of possibility for the diatribe, as a writer or speaker could address someone through apostrophe from the vantage point of a particular perspective that may or may not be the writer’s.

**The Structure of Romans 2**

How one structures the argument is important to understanding the argument. Romans 2:1–29 has been divided into at least three movements: vv.1–11, 12–16, and 17–29 (vv.17–24 and 25–29). For some scholars, these movements are no more than simple ways to identify the general movements in the argument. For other scholars, however, the breaks correspond to changes in Paul’s argument. For even some who see the different parts as representing general movements, there is some lack of agreement as to where vv.12–16 should be placed. Do they go with vv.1–11 or with vv.17–29?118

The cues in the Greek text provide no clear warrant for a major break between vv.11 and 12 or between vv.24 and 25. Byrne argues that vv.12-16 fit better with Paul’s

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117 I find no warrant for Carras’ reading of Romans 2 (discussed above) where the four movements (vv.1–11; 12–16; 17–24; 25–29) all correspond to particular “objections” from Paul’s interlocutor. There is no clear indication that Paul is addressing objections, and no rhetorical questions to move the discussion forward on the basis of certain objections as should be expected from the diatribe form.

118 According to Byrne, vv.12–16 is “awkward from a syntactical point of view” and he places it with Paul’s polemic against the Jew in vv.17–29 than with vv.1–11 (*Romans*, 88).
polemic against the Jew in vv.17-29. But the statement in v.12 is not a move to a new thought where Paul turns to address more particularly “Jewish” concerns about the law. Rather, verse 12 issues from the statement in 2:11 that “there is no partiality with God.” The use of the γὰρ in 2:12 suggests that the statements in 2:12 and following will provide an explanation of the point implied in 2:11, and the statements in 2:14–16 do the same for the statement in 2:13. In other words, 2:1–16 is one continuous movement within 2:1–29.

Likewise, in verse 25, Paul does not really turn to circumcision as a separate topic from the law, which he addressed in 2:17–24. Most understand that Paul is focusing more specifically on the Jewish claim on the basis of circumcision. While the language of circumcision is new to the argument, Paul continues to refer to nomos four times in vv.25–29. Moreover, the language of circumcision depends upon the claims about the law made in vv.17–24, which also depends on what was said in 2:1–16. So, vv.25–29 are a new move in the argument, but not a new or distinct section in which Paul addresses circumcision, as distinct from the topic of the law.

The only recognizable break in chapter 2 occurs at 2:17 with the change in addressee. This is not to say that there are not distinct movements within the argument;

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119 Byrne, Romans, 88.
120 As asserted by Carras, “Romans 2:1–29,” 196; Byrne, Romans, 88; Dunn, Romans, 104.
121 Cranfield, Romans 1–8, 153; Moo, Romans, 144–45; Hultgren, Romans, 116–17.
122 Moo, Romans, 166–67; Dunn (Romans 1–8, 119) sees Paul moving more specifically from doing good, to the law, to finally circumcision as the central Jewish claim that Paul is undermining;
123 Tobin, Paul’s Rhetoric, 115–18; Kuula, The Law, 100.
124 Some have argued that there is no change in addressee in 2:17 (Gathercole, Where is Boasting?, 199; Cranfield, Romans 1–8, 139, 163–64), but the actual naming of an interlocutor and the contrastive use of δε together suggest that the argument takes on a new focus.
indeed, there are. But, it seems that much nuanced and detailed analyses have divided up Paul’s argument more than necessary, so that there is debate over whom Paul addresses and what his point is. From the cues in the text, there are two main movements in 2:1–29 in which Paul addresses two people or representatives of two groups, one in 2:1–16 and the other in 2:17–29.125

If we relate this to the identity of the interlocutor in 2:1–11 and Paul’s use of diatribe, then it seems that Paul is using diatribe to address a general interlocutor from a Diaspora perspective in 2:1–16 and the “Jew” in 2:17–29. I suggest here that what Paul is doing is moving from universal to particular. That is, in 2:1–16 Paul makes a more general argument from principle, drawing on Diaspora Jewish interpretations of the law, the purpose of which is to accuse the general judge from the perspective of the Diaspora Jewish perspective. The identity of the “judge” in 2:1–16 remains anonymous—it may be anyone who participates in the pursuit of virtue. Implicitly, then, the general condemnation in 1:18–32 falls not only upon the Gentile, but also the Jew—a point which Paul will make more clearly in 2:17–29.126 The ambiguity of the “judge” is intentional. Tobin puts it well: “The condemnation in 2:1–11 gives Paul…the rhetorical foundation he needs to speak explicitly in 2:17–29 about Jewish conduct in the same way that he has been speaking about the conduct of this anonymous addressee.”127 Paul summarizes the Diaspora perspective in 2:1–16 and applies the principles of the Diaspora Jewish

125 So also Jewett, Romans, 25–26.

126 Cf. also Tobin, Paul’s Rhetoric, 112, 118.

127 Tobin, Paul’s Rhetoric, 112.
perspective to the Jew in 2:17–29. In making his argument in this way Paul commands agreement with anyone in his audience who condemns idolatry and immorality, but he also sets a foundation upon which to highlight Jew and Gentile equality on the same basis.

A breakdown of the argument I am suggesting is this:

2:1–16: God’s equal judgment on the basis of the law
   2:1–11: The importance of doing good
   2:12–16: The singular standard of the law and its consequences
2:17–29: Questioning the Jew(ish Perspective)
   2:17–24: If doing the law matters, then the “Jew” is also guilty
   2:25–29: Implications concerning status before God—circumcision and uncircumcision

The Argument in Romans 2:1–29

It now remains to apply the Diaspora Jewish framework to the argument of Romans 2. There are numerous issues to address, and the secondary literature is vast. Accordingly, I cannot address every point of discussion. I will, rather, offer an interpretation with a focus on clarifying Paul’s references to nomos and how Paul is advancing the general argument.

2:1–16

In this first part of Romans 2, Paul uses the diatribe to present from the Diaspora Jewish perspective a critical questioning of anyone who judges the immorality described in 1:18–32. Paul does not turn against the Jew, but continues to use the Diaspora Jewish perspective set up in 1:18–32. There are three movements in the argument: 2:1–8, 9–11, and 12–16.

In the first movement, 2:1–8, Paul uses the diatribe to question a general person who judges others, but practices “the same things.” The argument warns the “judge” to
beware of claims to ethical superiority over those who do any of the things in 1:18–32. Paul presents the apostrophe not as an indictment, but a warning that highlights God’s judgment and the need for pursuing good and avoiding “injustice.” While the statement in 2:1 does have a tone of indictment against the one who judges, the rhetorical point of the whole section is to call attention to God’s judgment of all people according to their actions. The one who judges is not condemned, but questioned (2:1–3), warned (2:4–5), and implicitly exhorted to seek good (2:6–8). Commonly commentators argue that Paul is indicting the Jew. Brendan Byrne, for example, argues that in 2:1–3 Paul springs a “trap” to “erode Jewish confidence of being preserved from God’s eschatological wrath.” Paul, says Byrne, “argues (in vv.4–11) that the claim to a more favorable treatment on the basis of Israel’s special position is illusory (vv.4–5) since eschatological judgment will be strictly according to a person’s works (vv.6–10). As we have seen, however, this section is directed at a general humanity. Paul is not explicitly focusing on the Jew—or the Gentile for that matter. The apparent criticism of Jewish privilege associated with verse 4 is in keeping with what we saw in Sibylline Oracles 3 and the other writings mentioned above which issue a warning and exhortation to all humanity to follow God’s law.

128 These “same things” are not explicitly identified. It seems best to connect it immediately with the vice list in 1:29–31 (Dunn, Romans 1–8, 80).

129 Contra the language of Bell, who states that Paul is “attacking the self-righteous person” (No One Seeks, 139–40. There is no sense here of Paul “attacking” anyone. Paul’s language, rather, is to call attention to the importance of doing good and not living contrary to God.

130 Byrne, Romans, 80.

131 This reading eliminates the problem of how Paul could justifiably say that the Jew does “the same things” as those condemned in 1:18–32 (see Byrne, Romans, 81). If the section focuses on a general person—neither Jew nor Greek, but either—in a manner like Diaspora Jewish literature, then the warning
Rhetorically, the apostrophe summarizes the foundational theme of God’s judgment upon acts of wickedness and vice upon which the interpretations of the law in the Diaspora literature stand. Paul does not yet mention God’s νόμος as the standard according to which God will judge, but this will become clear in 2:12–13. At this point Paul, by summarizing the ethos of Diaspora Jewish exhortation to all humanity to turn to obedience to God within the Greco-Roman ethical framework of seeking to do “good” and avoid “injustice,” presents the importance of doing good and avoiding wickedness in a manner that would have been recognized and agreed upon by those in Rome.

The section in 2:9–11 begins abruptly on the heels of verse 8. In these verses Paul draws out what is implicit in the Diaspora perspective: judgment and life are held out equally to Jew and Greek. This follows especially from the point in vv.1–8 which remind “all who judge” that all humanity will be judged according to their works of good or “injustice.” A number of commentators claim that in specifying “Jew and Greek” Paul is singling out “Jewish presumption of priority of privilege.” It is not clear, however, that Paul is drawing attention to the strangeness of placing Jew next to Greek in this phrase. In fact, within the Diaspora Jewish framework the equality of Jew and Gentile in terms of their standing before a common ethical standard was a basic foundation.

would not be as challenging or difficult to swallow for a Jewish-minded audience. One need not see the judgmental Jew “as exemplary for humanity as a whole” either (Käsemann, Romans, 54). The section in 2:1–16 is in fact directed at humanity as a whole.

132 Dunn, Romans 1–8, 88; Fitzmyer, Romans, 303; Carras, “Romans 2:1–29,” 193–95.

133 This is not to question the ways in which Diaspora Jews claimed to be superior to Gentiles. But, it was a superiority that presumed equality with regard to the pursuit of and judgment according to the same ethical standard. This is precisely what Paul is describing in Rom. 2:9–10.
Paul unites the statements in vv.9–10 to the common Jewish view that the one God will judge all humanity impartially (2–11). According to Bassler, this foundational Jewish understanding of God was flexible and applied to different contexts and arguments, especially to circumstances where Israel’s relationship with the nations was at issue. God’s impartiality, as we have seen, is a foundational part of Diaspora Jewish attempts to universalize the Jewish nomos. In the Diaspora literature, divine impartiality did not only serve to distinguish Israel from the nations. It also provided an important basis upon which Jews could claim superiority over Gentiles in the pursuit of the common ethical goal.

According to Tobin, “Paul turns the principle of God’s impartiality in a somewhat different direction.” By this it seems that Tobin means that Paul uses impartiality to emphasize judgment of the Jew and the possibility of Gentile obedience where the Jew would not. I suggest that this direction would still be within the Diaspora Jewish perspective. For example, Sib. Or. 3:256 states that God’s transcendent nomos was given in the form of two tablets on Mount Sinai, but it also recognizes the potential for disaster for Jews and all people who do not live in accord with the κοινός νόμος (3:259, 271–

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134 Bassler, *Divine Impartiality*, 43: “It is clear that divine impartiality was regarded (in the Second Temple period) as an axiomatic attribute of God.” It is questionable as to whether divine impartiality is the central theme of the argument as Bassler contends (see also Bell, *No One Seeks*, 143–44; ). It is, no doubt, an important piece of the argument, but divine impartiality, at least in the Diaspora literature, seems to flow out of the oneness of God as God over all humanity, which also seems to be the presumption behind 1:18–2:16.

135 Ibid., 43–44.

76. The general instruction in Pseudo-Phocylides makes no distinction between Jew and non-Jew on the basis of possessing the law. It calls for all humanity to obey God’s instruction. In Wis. 12:19–22 the writer calls all—Jew and Greek alike—to turn to wisdom and follow God’s commands. Even though there is favor shown to the “righteous” they are evaluated equally by God. In light of these, Paul is not necessarily pushing for a “universalization” of God’s judgment that would include Jews who thought they were exempt. No Diaspora Jewish literature seems to assume that other Jews are equally held to the requirement of obedience to the law. It is also important to recognize that Paul does not condemn the Jew here. Rather, from within the voice of the Diaspora Jewish perspective, Paul draws attention to an implication of what was commonplace among Diaspora Jews, and also what is also in continuity with a theme that Paul has been emphasizing all along in the letter. Jew and Gentile stand equally in the pursuit of “justice” and “good”; the possibility of “injustice” and “wickedness” is held out to them equally.

137 This passage refers to the Assyrian exile, but as part of the purpose of Sibylline Oracles it serves as a warning to Jewish readers of the same fate—that is, of breaking God’s universal nomos in a way no different from Gentiles.

138 Dunn, Romans 1–8; Karras, “Romans 2:1–29,” presents a particularly difficult interpretation that contends that the Jewish perspective against which Paul argues holds both to divine impartiality and Jewish privilege (195–96). He must conclude that this Judaism is “a religion whose practice was out of accord with its deepest convictions” (196).

139 Rom. 1:5, 7, 16, 18.

140 This interpretation eliminates the problem noted by some that Paul is affirming that God will reward people—Jew and Greek—on the basis of good works (Moo, Romans, 139–42). If Paul is summarizing main tenets of the Diaspora Jewish perspective, then Paul is not arguing for justification by works at all (though he could be). But Paul is not making an argument for this; rather using the diatribe, the rhetorical point is to set up a perspective and use it to argue a point on the basis of the established perspective.
In 2:12–13 Paul continues to present elements of the Diaspora Jewish perspective. The use of γόρα signifies that it follows out of the point made in vv.9–11.\textsuperscript{141} Beginning here Paul draws critical attention to the law, using the word nomos nine times between vv.12 and 15. The uses of the word are quite overwhelming when one reads this passage aloud, especially with the inclusion of two uses of ἀνόμως in verse 12 (in addition to the two uses of νόμος in that verse as well).

Paul’s point in vv.12–13 is to apply the claim of God’s impartial judgment of all humanity to the law. This would be a natural move, as the common sentiment in Diaspora Judaism was that the universal ethical standard for all humanity was found in the law. Paul first states that “all who have sinned ‘lawlessly’ (ἀνόμως) will also perish ‘lawlessly’ and all who have sinned ‘in the law’ (ἐν νόμῳ) will be judged ‘through the law’ (διὰ νόμου). This reflects, as many have noted, a traditional Jewish understanding of humanity vis-à-vis the law. But there is some debate about how it should be understood. There are two main options. First, “lawlessly” refers to Gentiles who are “lawless” because they are not Jews and thus do not possess God’s law. The point is that Paul is making a distinction between Jews and Gentiles, with Jews as a distinct people who are set apart from Gentiles on the basis of the law.\textsuperscript{142} The understanding of the law is that of a “boundary marker” that sets Israelites apart as God’s chosen people.\textsuperscript{143} It presumes a Jewish perspective according to which Gentiles are inherently under God’s judgment and Jews are not because of the covenant. Paul is then challenging this with

\textsuperscript{141} So Käsemann, Romans, 61; Cranfield, Romans 1–8, 153; Tobin, Paul’s Rhetoric, 114.

\textsuperscript{142} Moo, Romans, 145–46.

\textsuperscript{143} Dunn, Romans 1–8, 95.
v.13 where he stresses that it is not the “hearers of the law” (i.e. Jews) who are justified, but “doers” of the law. Paul will then substantiate this with the claim that Gentiles can keep the law in vv.14–16.

The second way is to understand ἀνόμως more generally, referring to “lawless” sinning—that is, it refers to those who sin in a “lawless” manner. Stowers makes the strongest argument for this reading of the word. For Stowers, the problem is that Paul had been setting out the principle of equality and impartiality with regard to judgment, and it makes no sense for Paul to regress by distinguishing between Jew and Gentile in 2:12 on the basis of nomos. Stowers notes that among ancient writers the word regularly refers to acting “lawlessly”—that is, contrary to law. He also mentions in passing that it is not outside of the realm of possibility in the Jewish Scriptures to consider Israelites “lawless”—that is not living in accord with God’s law.

The two readings of ἀνόμως need not be mutually exclusive. The “traditional” reading assumes a framework with a distinction between Jews and Gentiles on the basis of being apart from the law or “within (the sphere of) the law.” If we consider the evidence of the Diaspora Jewish literature, there is more complexity to the Jewish perspective than that Gentiles are just “outside of the Jewish law.” On the one hand,

144 E.g. Stowers, Rereading, 134–38.
145 Stowers, Rereading, 138.
146 Ibid., 135–36.
147 Ibid., 137. The one Pauline use of ἀνόμως in 1 Cor. 9:21 seems, on the surface, to suggest that Paul has a pattern (in all of two uses!) of using the word to refer to non-Jews—those not of the law (for many scholars this is evidence that Paul’s use in Rom. 2:12 is like this). However, a closer inspection of 1 Cor. 9:21 in its context suggests otherwise. In the immediately preceding example, Paul writes, “to those under the law, I became as one under the law…” Unless Paul had completely renounced his Judaism (which there is no reason to think so), then the reading in this verse should not be taken to mean that Paul became a Jew, whereas before he was not.
Diaspora writers place all humanity within the sphere of the law because the Jewish nomos—God’s law—was universal and applied to all people in some way. On the other hand, Jews possessed this nomos in a unique way, having it in written form. But this possession of the law did not mean that non-Jews were ἀνόμως—apart from the law—in terms of having God’s universal ethical standard available to them. Rather, they were ἀνόμως in terms of not possessing the written form of this universal and transcendent nomos.

Two important writings—Sibylline Oracles 3 and Wisdom (the only two of our six Diaspora writings that use the words ἀνόμως or ἀνόμια) provide helpful uses of the word. In Sib. Or. 3:496 the author writes of the Phoenicians who are “unclean” and “lawless” (ἀνόμως) and under God’s judgment. But it is not because they are not Jews and thus without the law (ἀνόμως), but because they have not kept the universal nomos of God known to them. Also in 3:763: “unlawful” relates to those who do not serve the living God, to which the writer exhorts all people, even if the Jewish people do this and Greeks do not. Their “lawless” behavior does not focus on them not being people of the law. The word relates to actions—a manner of life that is not in keeping with the universal nomos of God, not necessarily with covenant status or identity. In Wisdom, the word also refers to a manner of living, and not exclusively as a way to identify the Jews over against Gentiles.\(^\text{148}\) While the underlying themes of Sibylline Oracles and Wisdom permit an identification of the “lawless” with Gentiles, there are two points that merit attention. First, the veiled manner in which Jews are described in this literature; they are not Israelites or Jews, but “just ones” (Sib. Or 3:219; Wis.10:20; 12:19). Second, the

\(^{148}\text{Wis. 5:7, 23; 15:17; 17:2.}\)
nomos according to which “lawlessness” is measured is a universal one, the commands of which are available to all humanity to either follow or transgress.

Given the connections we have already observed between Wisdom and Sibylline Oracles 3 and Paul in Romans 1:18–32 and elements of 2:1–16, these passages should warrant consideration in our understanding of ἀνόμως in 2:12. Sinning ἀνόμως need not refer to a Jew/Gentile distinction where Jews are favored because of the law, and Gentiles are naturally under judgment because they are ἀνόμως. Rather the distinction is more complex, specifying a distinction between those who possess God’s universal nomos in written form and those who do not. The phrase ἐν νόμῳ would then be taken to mean “in the sphere of the law” as a reference to Jews who possess God’s universal nomos in concrete form. Those who sin ἀνόμως still are under God’s nomos—the same nomos that applies to those ἐν νόμῳ. This is implied in verse 13 where Paul draws attention to the importance of keeping nomos and not just “hearing” it: “for it is not the ones hearing the law who are just, but the ones doing the law will be made just” (2:13).

Verses 12 and 13, taken together, reflect the Diaspora Jewish claim that Gentiles who do not possess the Jewish nomos in concrete form are nevertheless accountable to the law, just as Jews are—both are accountable to one universal standard, even though the two groups of people relate to it differently. Paul may be countering a Jewish view

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149 Similarly, Fitzmyer, Romans, 308; Cranfield, Romans 1–8, 153–54. Contra Dunn and others who understand “in the law” as “within the terms and boundary formulated by the law” (Romans 1–8, 96). Also

150 Thus, the problem noted by Das is no longer a problem. Das asks, “how can God’s judgment be impartial if there is a division in humanity based on the possession or nonpossession of God’s law?” (Paul, the Law, and the Covenant, 179). Das’ question falters on not seeing how Diaspora Jewish arguments held Gentiles accountable to the Jewish law by associating it with transcendent nomos and universal ethical pursuits. The written Jewish nomos commanded in concrete form what were universally recognized divine
that associated privilege with being able to “hear” the law only, but it is to be understood within the framework of an exhortation to all humanity.\textsuperscript{151} He is, as he has been, describing common elements of Diaspora Jewish interpretations of the law: justice and virtue are linked with following the commands or decree of God’s universal \textit{nomos}. The difference between those who sin ἀνόμως and those who sin ἐν νόμῳ does not mean that Gentiles have a different standard than Jews. It only refers to the relationship between those who do not possess and those who do possess God’s universal \textit{nomos} in written, concrete form.

Building on the point made in vv.12–13 Paul states the possibility that Gentiles can do what the law says. This is the logical consequence of what was presented in 2:1–13, which focuses on God’s impartial judgment in accordance with the law.\textsuperscript{152} In verses 14–15 Paul writes:

14 For whenever Gentiles, those not having the law by nature do the things of the law, these not having law among themselves are law,\textsuperscript{15} such ones demonstrating the work of the law written in their hearts...

\textsuperscript{151} According to Dunn (\textit{Romans} 1–8, 97) Paul’s statement focuses on the Jewish emphasis on “hearing the law” which was associated with “righteousness.” The passages Dunn cites for this are not a reliable basis upon which to make his case, however. It is true that Jews “have” the law, and so have the privilege of “hearing” the law. But possessing the law does not amount to “righteousness,” as a Diaspora Jew would recognize, for it is God’s universal law which is in concrete form. The Diaspora perspective, not Paul, has already wrested any reliance upon only “hearing” the law by interpreting the law within the framework of Greek ethical pursuits of living in accord with certain virtuous behaviors and emphasizing obedience to its commands.

\textsuperscript{152} Contra N.T. Wright who sees the Gentile keeping of the law as an “exception” to the situation that Gentiles are “without the law” (“The Law in Romans 2,” 146). But, as we have seen, Paul is not arguing in 2:12–13 that Gentiles do not have the law and thus cannot keep the law. Rather, Paul is expressing the understanding that those who do not possess God’s universal \textit{nomos} in concrete form are still accountable to keeping the law.
This is one of the central passages about which scholars cannot seem to find a convincing interpretation.

First, who are the Gentiles here? The two main interpretations are Gentile Christians or non-believing Gentiles. While it is certainly tempting to say that Paul is referring to Gentile believers, nothing in the text suggests that he is specifying Gentile believers. First, when Paul writes of Gentile Christians in relation to the Jewish nomos,

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154 This is the view of most scholars: Fitzmyer, Romans, 310; Dunn, Romans 1–8, 98; Moo, Romans, 149–51; Tobin, Paul’s Rhetoric, 113–15; Kuula, The Law, 93–94.

155 The most interesting statements are: the reference to the law written on the heart in 2:15, the connection between Gentile obedience and judgment “according to my gospel” in 2:16, and the references to Gentiles condemning Jews in 2:26–29. The reference to the law written on the heart, however, does not necessarily refer to Jeremiah 31. Moo notes that the connection with Jeremiah 31, though close, is not close enough to think that Paul is using the passage in any meaningful way (Romans, 151–52; also Stuhlmacher, Paul’s Letter, 43; Fitzmyer, Romans, 311). With regard to 2:16, the phrase “according to my gospel” likely refers to the mention of the day of judgment when God “judges the secrets of humanity” and not to the obedience of Gentiles. Paul is just relating his gospel message to this Diaspora Jewish framework, not affirming the obedience of Gentiles that will result in acquittal, but affirming the judgment of God in accord with one’s deeds (Snodgrass, “Justification by Grace,” 72–93; Dunn, Romans 1–8, 102–03; Byrne, Romans, 90). The statement about Gentiles condemning Jews on the basis of works is probably, as part of Paul’s argument, a way of stating a consequence of the Diaspora Jewish framework which Paul is summarizing in 2:1–16.

Richard Bell itemizes five problems with associating the Gentiles with Gentile Christians: (1) the reference to Gentiles as ἄνυμος and as ones “not having the law” cannot refer to Gentile Christians who are not ἄνυμος but ἔνυμος χριστου (1 Cor. 9:21); (2) Paul’s contrast in Romans 2 is Jews and Gentiles as ethnic groups, not Jews and Gentile Christians; (3) that Gentiles keep the law “by nature” is not Pauline; (4) Paul is not concerned with Christians in Rom. 1:18–3:20; (5) the reference to Jeremiah 31:33 (LXX 38:33) in 2:15 is never used in the sense of νόμος ἀγγραφος (No One Seeks, 152-53). Even though I agree with Bell’s conclusion in general, I do not think all of Bell’s points are convincing. The reference to “not having law” could refer to Gentile Christians who, in their nature as Gentiles, do not possess the Jewish nomos among them in written form. The reference to those who sin ἄνυμος in 2:12 need not refer to the Gentiles in 2:14–15. In 2:12–13 Paul is stating a principle about the equal judgment according to doing the law; in 2:14–15 Paul is illustrating how Gentiles can do what the law says. The statement in 1 Cor. 9:21 refers to Paul specifically in an argumentative statement that cannot be taken ipso facto to refer to all believers just because Paul says it of himself here. That Paul’s contrast in Romans 2 concerns ethnic groups does not mean that Gentile Christians cannot be in view. It may have been their Gentile ethnicity that was a problem in Rome. The idea of keeping the law “by nature” presumes that φυσει should be taken to modify the verb ποιησιν rather than ἐχοντα, which, as we shall see, may not be correct. While Paul may not be concerned with Christians in his immediate argument in 1:18–3:20, they cannot be far removed from his purposes. The reference to Gentiles having the law “written on their hearts” need not be a reference to Jer. 31.
he uses language of “fulfill” (πληρόω)\(^{156}\) and not “do” (ποιέω)\(^{157}\) or “keep” (φυλάσσω; Rom. 2:26).\(^{158}\) Second, according to the logic of present in Diaspora interpretations of the law, the obedience of Gentiles who do not possess the law in concrete form is a possibility. Paul is not saying that all Gentiles do this perfectly.\(^ {159}\) Paul is, it seems, only drawing attention to one element common to some of the Diaspora interpretations of the law: the universal ethic demanded by God’s nomos can be met by Gentiles. Third, the nature of Paul’s argument suggests that he is not intent on specifying the identity of these Gentiles. Paul presents a generic statement that issues from the Diaspora Jewish perspective about God’s impartial judgment according to nomos. In accord with the use of Diatribe, Paul need not isolate a particular group. The point is to draw attention to how two groups in humanity—Jew and Gentile—both live ethically in relation to one standard.\(^ {160}\) This does not mean that Gentile Christians cannot be in view here. As Bassler writes,

\[\text{Paul is speaking here of ideal types in order to treat through them two groups of humanity and their relationship to God’s justice. However, the situation is complicated by the fact that Paul knows the final stage of his argument…So although Paul must, for the sake of his argument, speak here in general terms of the ideal Greek or Gentile as such, it is probably no accident that the contours that Paul gives to this figure also fit the Christians.}\(^ {161}\)

\(^{156}\) Rom. 8:4; 13:8, 10; Gal. 5:14.

\(^{157}\) Cf. Rom. 10:5; Gal. 3:10–12; 5:3 which seem to suggest a negative view on “doing” the law.

\(^{158}\) Cf. Gal. 6:13.

\(^{159}\) The use of ὁταν (“whenever”) at the beginning of 2:14 can be taken to mean that Gentiles only seldom keep the law (Dunn, Romans 1–8, 98; Moo, Romans, 149).

\(^{160}\) See also Bassler, Divine Impartiality, 144–45; Das, Paul, the Law, and the Covenant, 180–81.

\(^{161}\) Bassler, Divine Impartiality, 145. Gathercole, rightly I think, points out cautiously that it is “perfectly possible in principle that Paul should contrast believing Gentiles with unbelieving Israel in Rom. 2” (“A Law unto Themselves,” 32). But, in actuality Paul is not specifically doing this. As we shall see,
Second, what is the νόμος? According to a number of scholars, Paul refers to the Stoic idea of living according to nomos “naturally” or “by nature” in 2:14. According to these scholars, the dative φύσει in the phrase τὰ μὴ νόμου ἔχοντα φύσει τὰ τοῦ νόμου ποιῶσιν relates to the verb ποιῶσιν. Paul is saying that Gentiles do the law “by nature.”

There are several reasons why Paul is writing of those who do not have the law “by nature” rather than of Gentiles doing “the things of the law” φύσει. First, the placement of the dative φύσει can just as easily go with τὰ μὴ νόμου ἔχοντα as with τὰ τοῦ νόμου ποιῶσιν.162 I am inclined to take φύσει with the first phrase because positioning it before the article of the phrase τὰ τοῦ νόμου ποιῶσιν seems to exclude it from joining with the phrase and removes it further from the verb which it would modify.163 Second, the common statement made by writers who use “law of nature” is that people should live according to nature (κατὰ φύσιν) or “following nature.” They do not typically use the dative φύσει (“by nature”). Philo provides an important example of a Diaspora Jewish writer who, of all Jewish writers, wrote most of “law of nature” and ascribed to Gentiles the possibility of keeping God’s universal nomos within this framework. In his On the Migration of Abraham 1.128 he writes that the goal of those who study philosophia is “to live following nature” (τὸ ἀκολούθως τῇ φύσει ζῆν). Here the dative is used, but this is because it follows after ἀκολούθως, so the idea of

what Paul is doing here is setting a foundation to address the issue between Jewish believers and Gentile believers in Rom.14–15.

162 See C.E.B. Cranfield, Romans 1–8, 156–57, who notes that the placement of φύσις itself is not decisive.

163 Cf. also Gathercole, who points out that the argument that the adverbial dative must be within the clause it qualifies is not as sound as it seems. There are sufficient examples where the dative follows the verb, which suggests that the decision cannot be made purely on word order (“A Law unto Themselves,” 35–36). See also N.T. Wright, “The Law in Romans 2,” 145.
“following” nature is expressed. Later in the same work, Philo writes of some who “are by nature inclined to receive instruction” (φύσει παιδευτικῶν ὄντος). These people may be in their natures inclined toward paideia, but they do not live in accordance with God’s nomos “by nature” alone.

Finally, and most particularly, in the Diaspora Jewish interpretations of the law which associate the Jewish nomos with φύσις, the possibility for non-Jews to follow God’s nomos “naturally” or “by nature” is slight. For these writers, Gentile “nature” does not lead to obedience. Wisdom 13:1 is interesting in this regard. As we saw above, the point of the statement is that “all humans” are ignorant of God and “foolish by nature” (μαθησιαὶ φύσει). In addition, the discussion in 4 Maccabees suggests that Gentiles cannot by following “nature” arrive at obedience to nomos. Rather, the Jewish nomos defines what is in accord with physis (4 Macc. 5:6–25). Human nature needs the Jewish nomos to bring the human mind into accord with virtue (4 Macc. 1:1–18). This is not to say that some of the writers do not associate the Jewish nomos with physis. As we have seen, they do. But there is a crucial distinction between the Jewish nomos being in accordance with physis and the ability to follow God’s universal nomos “by nature.”

I return to Philo, who uses the dative φύσει a total of 321 times throughout his writings. In nearly every use it is used to refer to the inherent constitution of something. For example in Leg. 1:52 “vain opinions are impure by nature” (ἀκάθαρτον).
In Opif. 1:134 he makes the statement that the corporeal human is “by nature” (φύσει) mortal, and that only the man made “in the image of God” who is only perceptible by the mind, is “by nature” imperishable. Philo also writes in Mig. 1.94 about laws which are “by nature” (φύσει) and thus should be kept, but he does not suggest that this is done “by nature.”167 In Somn. 1.167 he says that virtue can exist “by nature” (φύσει), but Philo applies this to the patriarchs, and likely would not apply this to a non-Jew. Indeed, those who can “by nature” (φύσει) follow God’s law are extraordinary and rare people in Philo’s thought.168 Interestingly, in De Decalogo 59 he specifies that people who are ignorant of God are “by nature uninstructed” (ἀδιδάκτῳ τῇ φύσει). This seems to be a reference to the manner of existence of those who are not instructed in the Jewish nomos and are thus without true knowledge of God. This also suggests that it would be unlikely that a Diaspora Jew like Philo would really reckon to the non-Jew the ability to follow God’s nomos “by nature.” Paul holds a similar view of Gentiles elsewhere in his writings and tends to use φύσει to signify “identity” or state of existence rather than behavior or the manner of doing something.169

166 See also Leg. 1.77; 2.47, 99; 3.71, 89, 130; Opif. 1.29, 36, 84, 154; Mig. 1.33, 216; Somn. 1.18; 2.79, 136; Abr. 21, 102, 256; Mos. 1.68; Decal. 6.

167 Likewise in Mos. 2.9, he writes “it is the part of the love of virtue to embrace those things which are by nature good (τὰ φύσει καλά).

168 E.g. Somn. 1.160–72; Abr. 199. Cf. also John Martens, “Romans 2:14–16: A Stoic Reading,” NTS 40 (1994) 55–67. Martens argues that Paul refers to the person who follows transcendent nomos “by nature” because it is “practically impossible” (55). Martens presumes that the dative φύσει modifies the verb ποιεῖν, which is contrary to what I am suggesting. Nevertheless, Martens’ argument about the impossibility of such a person applies. However, I would apply it to Rom. 2:14 to further suggest that Paul, along with his Diaspora Jewish counterparts, is probably not referring to Gentiles to do the law φύσει, but rather he is referring to Gentiles who do not have the (written) law φύσει.

It seems reasonable to conclude that Paul, who is drawing on elements common to Diaspora Jewish interpretations of the law, would not attribute to Gentiles the ability to keep God’s universal nomos “by nature” (φύσει) even while this law, as we saw in some instances, could be understood as κατὰ φύσιν. Gentile obedience to God’s nomos, however, is not dependent on “law of nature” conceptions in many of the Diaspora writings we considered. Paul’s point here is to draw attention to what is implicit in common Diaspora Jewish interpretations of the law, which claimed that the Jewish nomos was the one divine and transcendent nomos, given by God, according to which God would judge all humanity, but which prescribed a universal ethic attainable by all. So in spite of not having the law “by nature”—that is, the divine nomos in written form—Gentiles still can do things that demonstrate the ethical living to which the law points apart from φύσις.

The νόμος in this passage, then, is the Jewish law. As we saw in the introduction, however, there is no consensus about how this is so. Moo argues that nomos refers to “the demand of God generally.”170 The Gentiles who do not possess the law of Moses, “nevertheless have access to knowledge of God’s will for them.”171 From what we have seen in the previous chapter, such a distinction between the Jewish nomos and some other universal standard is not as easily made in Diaspora Jewish interpretations of the law. The Jewish nomos, as we have seen, is often understood as one and the same with transcendent nomos and it prescribes not only specifically Jewish commands, but a

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170 Moo, Romans, 151.

universal ethic. If, as we have been arguing, Paul’s argument centers within this framework then the νόμος to which Paul refers should also be understood as the “reoriented” Jewish nomos; a law that is revealed specifically to Jews, the commands of which are universal. In these explanations, Jewish writers did not rely solely upon “law of nature,” nor did they rely only upon Jewish wisdom speculation apart from any Greek influence. Both of these are to be included within this framework, but Jewish writers were not constrained to just one of these conceptions. Rather, they worked within the widespread nomos discourse and Greek ethical arguments and used a number of ways possible to stress the transcendence and universality of the Jewish nomos. They used their own traditions and understandings and shaped them in new contexts to make claims 

172 As a number of scholars suggest, Paul is referring to “law of nature” (Pohlenz, “Paulus und die Stoa,” 69–104; Bornkamm, “Gesetz,” 101–07; Martens, “Romans 2:14–16: A Stoic Reading”) or the Jewish law understood in terms of the “law of nature” (Tobin, Paul’s Rhetoric, 114–15; Byrne, Romans).

173 Cf. Stuhlmacher, Paul’s Letter, 34–35, 43–45, who, like others focuses on the Jewish wisdom tradition without recognizing how this wisdom tradition was applied differently by Wisdom, Sirach, and other Jewish writers (Schnabel, Law and Wisdom). Specifically, it is not recognized how Wisdom works within Greco-Roman ethical arguments concerning nomos and ethical living.

174 Contra Stowers who does not find “law of nature” or Jewish adaptation of the concept playing a role in the conception of nomos in this passage (Rereading, 109–18, 138–40). Stowers rightly recognizes the Greek philosophical context, even noting that Diaspora Jews made the Jewish law “the foundation of truth and reality imperfectly mirrored in other cultures” (115), but does not draw out how Diaspora Jews applied this material in their interpretations of the law. Thus, Stowers sees “law of nature” as distinct from the Jewish nomos and does not apply. He also then stresses that Paul in his argument makes Gentiles accountable “in their own way” to the Jewish nomos (117) and that “Paul…did not believe that the law expected exactly the same thing for Jews and gentiles” (139). This does not work, however. Paul nowhere expresses that there are different expectations with regard to the law, nor do Paul’s Diaspora Jewish contemporaries.

175 Bell argues that the law in view here derives from Jewish perspectives according to which the Torah was “preexistent and as involved in the creation of the world” (No One Seeks, 155–56). It is not “law of nature” or any other such conception, but the Jewish law revealed through wisdom. Bell’s conclusion emphasizes that the understanding of the law is not from Greek conceptions, nor from Diaspora/Hellenistic Judaism, but from Palestinian and Rabbinic Judaism (155–57, 164–69). Bell’s examples all come from Jewish literature after Paul, which is problematic, which he recognizes (p.156 n.121). It is more likely that Diaspora Judaism, as we have seen, provides the view of the law Paul is using here. Moreover, Bell is concerned to explain Paul’s view of the law and from where it came, where we have been arguing that the view of the law in this section is not necessarily Paul’s own, but is a Diaspora Jewish understanding which Paul is using for his argument.
in new ways. Like other people, Jews were attempting to align their particular *nomos* with universal and transcendent *nomos* and thus argue that the Jewish *nomos* embodied the universal ethical norms for human life. When Paul writes of the possibility of Gentiles keeping “the things of the law,” the understanding of νόμος is that of the Jewish *nomos* “reoriented.” Paul is thus not “oscillating” between a universal and a particularistic understanding of law in an attempt to justify Gentile keeping of the law.\(^{176}\) Rather, Paul is relying upon what seem to be common conceptions of the Jewish *nomos* as a universal law for all humanity—that by which God will judge humanity and as something which both Jew and Gentile can and should keep.

Third, how does Paul’s argument conceive of the “things of the law” and the “work of the law” in 2:14–15 and “the decrees” (τὰ δικαιώματα) of the law in 2:26? Many suggest that Paul “reduces” the law to moral norms.\(^ {177}\) According to Kuula, the “ambiguous expression” is a reduction of the law and is used to refer to “the things that belong to the sphere of the law” and Paul is suggesting only “part” of the law.\(^ {178}\) For the most part, scholars struggle to make sense of this phrase as I noted in the introduction. A number of commentators say it cannot refer to the whole of the law.\(^ {179}\) In a way, however, the law in its fullness must be in mind, otherwise Paul’s argument would not work, especially in light of the parallel statements in 2:26–28 that the Gentile’s obedience will result in judgment over the Jew. Paul’s point would not hold if Paul only had in mind the

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\(^{176}\) As stated by Räisänen, *Paul and the Law*, 18–21.


\(^{178}\) Kuula, *The Law*, 95.

\(^{179}\) Byrne, *Romans*, 89; Stowers, *Rereading*, 139.
sketchy, inconsistent obedience of Gentiles.\textsuperscript{180} According to Das, if Gentiles did all that the law requires, “they would no longer be Gentiles.”\textsuperscript{181} These problems with defining what things of the law Gentiles keep and how they do it can be eliminated when we consider the Diaspora Jewish interpretations of the law.

As we saw in chapter four, Diaspora Jewish literature regularly “reorients” the understanding of the commands of the law in terms of universal or commonly held virtuous behaviors and avoidance of vices. The “things of the law” were often understood in terms of the Decalogue and other widely encouraged and universally recognized behaviors.\textsuperscript{182} Paul can claim without explanation that non-Jews can do what the law says and remain uncircumcised because this is the way that Jews had conceived of \textit{nomos} in their arguments. It is important to note that neither Paul nor Diaspora Jews dismiss the particular Jewish commands. Sabbath, circumcision, food laws and the like were all still important \textit{for Jews}. This is where the larger discourse is important. The Jews participated in a discourse where particular laws of particular communities were not dismissed, but rather interpreted and given significance on a universal stage of a common humanity. The

\textsuperscript{180} So also Räisänen, \textit{Paul and the Law}, 103. Contra Byrne, \textit{Romans}, 89 and Das, \textit{Paul, the Law, and the Covenant}, 182. Das argues that Paul is not arguing to condemn the Jew in 2:12–16—to which I agree. But, the rhetorical nature of the two apostrophes is such that what Paul says in vv.1-16 is applied to vv.17–29, and so the claim made in vv.14–15 is applied in v.26–27 to condemn the Jew on the basis of \textit{obedience} to the law.

\textsuperscript{181} Das, \textit{Paul, the Law, and the Covenant}, 181.

\textsuperscript{182} Räisänen would disagree with this. He notes that “ritual” laws remained in force for Diaspora Jewish writers such as \textit{Let. Aris.} and even Philo (\textit{Paul and the Law}, 34–35). He claims that for these writers “there is no reduction of the law in content” (35). He notes that the difference between Paul’s statements and the Diaspora Jews is that “where Hellenistic Jews clung to the whole Torah with a new accentuation, Paul’s solution amounted to ‘the whole Torah and yet not the whole Torah’” (41). Räisänen’s analysis proceeds by arguing about a “ritual law” / “moral law” distinction, which does not really seem to be at issue in the Diaspora Jewish literature or for Paul’s argument. Furthermore, Paul’s statements in Romans 2 do not attempt to “reduce” the law. Rather, Paul proceeds from the claims that the Jewish \textit{nomos}—in all its commands—leads to certain behaviors and away from certain vices, which are often summed up as constitutive of God’s universal and transcendent \textit{nomos}. On this basis and not by “reducing” the law, Paul’s argument states that non-Jews can do “the things of the law.”
ultimate goal of certain laws was the cultivation of virtuous behaviors and justice common to all people—it was these, not the particular commands of particular nomos, that aligned with transcendent nomos. There is no sense that these Jewish writers were referring to anything less than the whole law in their reorientations of the law. Nor did they argue explicitly for dismissal of their own traditions and particular laws. Circumcision, Sabbath observance, and food laws all held value as a way that Jews achieved universal ethical goals, but they always led to ethical behaviors beyond the commands themselves. What is specified for Gentiles are not the particularly Jewish commands but the ethical living which the Jewish nomos best embodied. It is important to here to keep in mind that the “things of the law” specified by Diaspora Jews were commonly related to the Decalogue, but were not limited to it.

I suggest, therefore, that “the things of the law” in this context are the universal and transcendent principles to which all of the particular commands point. They include commands found in the Decalogue and other places in the Jewish Scriptures where more general commands might be mentioned. Drawing on Diaspora perspectives, Paul is not implying that Gentiles know to keep the Sabbath, food laws, or circumcision, or that they are required to do so. This does not mean that the phrase does not refer to the law in its totality. Understood in terms of the universal ethical behaviors and principles that the Jewish nomos fully embodies, “the things of the law” refer to all those things toward which the law instructs.

What Paul is saying here stands in relief when we place Paul’s statements within the rhetorical purpose of Rom. 2:1–16. Paul is not advocating that the Jewish nomos can

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183 Even in 4 Maccabees where adherence to the specific commands of the law is strenuously upheld, the real goal is the attainment of virtue.
be treated without regard to circumcision, Sabbath, etc. Nor is he admitting that the Jew is no better because of the law. Paul has been drawing on elements common to Diaspora Jewish interpretations of the law that interpreted the Jewish nomos in relation to a widespread Greco-Roman web of discourse, interpretations which affected the social issue of Jew-Gentile relationships. By drawing attention to Gentile obedience, Paul does not try to condemn Jewish particularity; rather Paul draws attention to the equality of Jew and Gentile within the framework established by common Diaspora Jewish interpretations of the law. It is important to keep in mind that Paul is not arguing for the universality and universal application of the law, but presenting the Diaspora Jewish perspective which assumes this point. The universality of the Jewish nomos is an unaviodable consequence that issues from Diaspora Jewish claims about the universality of the law and of God’s impartial judgment according to the law. Paul is not trying here to undermine any Jewish presumption, nor is he challenging Jewish obedience to the law or Jews’ position as God’s people because God gave them the law. Paul’s point is to emphasize that on the basis of common Diaspora interpretations of the Jewish nomos, which support universal principals commonly identified with transcendent nomos, good and sincere Gentiles who do not possess the Jewish nomos can live in accord with the general ethical behaviors.

Let us sum up what Paul has done in 2:1–16. In this first movement of the argument in chapter 2, Paul presents an apostrophe to a person who judges immorality. In this apostrophe, he draws upon common Diaspora Jewish interpretations of the law, and summarizes a typical Jewish exhortation to ethical living in accordance with the law. He focuses on the common conception that the Jewish nomos is in reality God’s universal
nomos to which all humanity is accountable. In summarizing this perspective, Paul is not simply regurgitating material. Rather, he is deliberately drawing attention to important elements common to Diaspora Jewish perspectives. Paul is not setting out an attack on Jewish privilege. He is relying upon common Diaspora Jewish warnings against participating in immorality that associate the Jewish nomos with transcendent nomos and universal ethical principles. In doing this, Paul rhetorically confirms this universal conception of the law as well as the common ethical purposes to which it points, but he does so in such a way that highlights the equality of all humanity with regard to the universal standard of God’s nomos. More importantly, in doing this Paul lays an important foundation for what will come in 2:17–29.

2:17–29

It is not until 2:17 that Paul actually addresses the “Jew”—“but if you call yourself (a) Jew” (Εἴ δὲ σὺ ἐπονομάζεις).¹⁸⁴ This begins the second apostrophe in the argument. From the tenor of the argument, and from what we have already suggested above, Paul addresses a Jew who holds a self-identity and role rooted in Diaspora Jewish

¹⁸⁴ Some have argued that 2:17 does not suggest that Paul is turning to a different person, but rather that he is only specifically addressing the same person whom he has been in dialogue with all along (Gathercole [Where is Boasting?, 199] writes that Paul’s address in 2:17 “But if you…” “do not mark as sharp a break as is often assumed.” One could easily ask, why not? Gathercole gives no evidence for not seeing a sharp break. Much earlier, Cranfield also assumes that the person addressed in 2:17 is not a new dialogue partner, but the same Jew who had been addressed to that point. Yet, there is no evidence given for not seeing a change in addressee here [Romans 1–8, 139, 163–64]).

The turn in 2:17 (Εἴ δὲ σὺ ἐπονομάζεις) cannot reasonably be taken as merely naming the one whom Paul had been addressing the whole time. Minimally it signals a specifying of the Jew by name, which implies that what came before in 2:1–16 did not specifically target the Jew, and 2:17 suggests that the Jew is implicitly included, but not the sole or even main target (Fitzmyer, Romans, 296–98). A maximalist reading would see the change in 2:17 as a signal of a stronger turn to a completely new addressee (Neil Elliott, The Rhetoric of Romans, 127; Tobin, Paul’s Rhetoric, 108, 115). There is surprisingly little said among commentators about the force of the εἴ δὲ that begin this verse and thus arguments on either side of the debate suffer for this. It seems likely, however, that the combination of the δὲ along with an explicit identification which was lacking in the previous sixteen verses suggests at least a turn to the specific from the general, or perhaps even a turn to a new addressee altogether.
conceptions of the role of Judaism and the Jewish *nomos* vis-à-vis the widespread Greco-Roman discourse. In this section, Paul will critique the Jew’s self-understanding on the very basis of the ethical perspective presented in 2:1–16. This is done in parallel fashion to the first one in 2:1–16 but as a particularizing of the more general apostrophe in 2:1–16.\(^{185}\)

In the first stage of this section (vv.17–21a), Paul itemizes certain claims that many summarize as the “boast” of the Jew. The Jew sees himself in the position of a teacher and ethically superior because of the law. As have seen already, Paul is drawing on convictions reflected in Diaspora Jewish literature related to the claim that Jews possess in concrete form God’s universal *nomos*, and by following this *nomos* they are superior in ethical living and in *paideia* to Gentiles, who strive for the same things. This Jewish perspective presents Judaism and living in accord with the law as *paideia* for the world—in contrast to the Greeks.\(^{186}\) Paul’s point is to summarize basic claims of the Diaspora Jew, and to do so in a way that emphasizes their reliance upon having the law and their own claims to doing the law and fulfilling ethical goals better than all others.

In recent Pauline scholarship it has become common to claim that the boast and superiority related to the Jewish *nomos* is that of a special status based on possession of

\(^{185}\) There is frequent connection made between Paul’s argumentative strategy in chapter 2 and Nathan’s critique of David in 2 Sam. 12:1–7. Scholars state that Paul is doing something like Nathan in 2:1–16 in applying a judgment to the Jew in relation to a condemnation in 1:18–32 (Byrne, *Romans*, 80–81). But, it is more fitting that Paul’s direct judgment comes in 2:17–24, and 2:1–16, along with 1:18–32, set up for the direct word of judgment.

\(^{186}\) On this, Paul’s description of the Jew is particularly interesting in relation to Isocrates’ statements about Greeks.
the law, Jewish election, and ethnic or national privileges. \(^{187}\) James Dunn writes that in Romans 2:17–24 Paul “presupposes a Jewish sense of privilege in Israel’s election and particularly in the law.”\(^{188}\) The boast is one that emphasizes the possession of the law as a mark of God’s favor and exemption from God’s judgment. More than one scholar has claimed that the Jewish boast or superiority behind Romans 2:17–24 is one which assumes a view that “ethnic Israel is inalienably the people of the one true god, and that her possession of the law, *quite irrespective of her keeping it*, demonstrates this fact.”\(^{189}\)

In light of what we discussed in the previous chapter on Diaspora Jewish literature, however, we must conclude that the Jewish “boast” and claim of superiority is more complex than this. To some degree it is quite the opposite of the final statement quoted above. The boast in the Diaspora literature was a boast of living in accordance with universal standards of justice and virtue. It was not a boast that was “irrespective” of keeping the law; rather it was a boast in keeping the law, and it had value because it was not just a boast in adherence to the particular commands of the Jewish *nomos*, but in achieving virtue and justice as expressed in a shared cultural political-ethical discourse. This should not be confused, however, with understanding the commands of the law as “a ladder of good works to climb to a moral self-righteousness.”\(^{190}\) They had God’s


\(^{188}\) Dunn, “Those of the Circumcision,” 166.


\(^{190}\) Wright, “The Law in Romans 2, 139.
universal *nomos* in concrete form, the commands of which “educate” and “instruct” all people in virtue and justice. It is possessing the concrete form of God’s transcendent and universal *nomos* that sets the Jew apart, but not possession without virtuous obedience. It was because they possessed God’s law and obeyed it they exhibited exemplary obedience and a manner of life that is in accord with and leads to virtue. 4 Maccabees is significant in this regard. There is an emphasis on keeping “the ancestral law” (4 Macc. 4:23; 5:33; 8:7; 9:1; 16:16), but the core of the book is on obedience to this law an example of achieving Greek philosophical and ethical ideals, and above all, seeking the prize of virtue (1:1–15; 7:22; 9:8; 9:31; 10:10; 11:2; 12:14). The value of the law stands or falls on the Jew’s obedience to the law. In *Letter of Aristeas* this is also the case when Eleazar insists that obedience to the commands makes the Jewish people the most just and virtuous (144–50). While the often cited passage in vv.141–43 refers to the Jewish people being separated from all others, the emphasis is not on “ethnic” or “social” distinctiveness—even though these play a role—but ethical distinctiveness by keeping the commands and being a people of virtue rather than vice.

This is not the Jew who “relies on (the law) in the sense of thinking to fulfill it in such a way as to put God in his debt or imagining complacently that the mere fact of possessing it gives him security against God’s judgment.” Nor is this “nationalistic distinctiveness.” While the particular commands are part of the Jewish identity, the Jew is

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191 This is one of Dunn’s examples of the “ethnic” or “nationalistic” distinctiveness that that law provides, and upon which Jews relied (“The Issue,” 157–59). Dunn overlooks, however, the equal emphasis on obedience as the factor that actually sets the Jews apart, and not mere possession of the law.

set apart in terms of being δικαιος and virtuous, knowing the commands of the one God and this God’s universal nomos available to all people.

Paul holds these claims in suspension. He writes,

17 But if you are called “Jew” and if you rest upon the law and you boast in God 18 and you know the will (of God) and you discern things of worth, having been instructed from the law, 19 being certain to be yourself a guide of the blind, a light of those in darkness, 20 an educator of the imprudent, a teacher of the immature, having the form of knowledge and truth in the law—

Paul does not continue the thought, nor does he deny these claims. But he holds them contingent upon the next questions. In this second part (vv.21b–24), Paul questions this boast on the very basis of the Jew’s own claims:

21 therefore the one teaching the other, do you not teach yourself? The one proclaiming do not steal, do you steal? 22 The one saying do not commit adultery, do you commit adultery? The one detesting idols, do you rob temples? 23 You who boast in the law, through the transgression of the law you dishonor God, 24 for the name of God is blasphemed on account of you among the Gentiles, just as it is written.

It is noteworthy that what Paul lists bears striking resemblance to the summaries of the law and vice lists encountered in much of the Diaspora literature as well as many common vices contrary transcendent nomos and universal ethical standards known in the Greco-Roman world. Paul is turning the tables back upon the Jew on the same foundation as the one he presented in 2:1–16, which was rooted in interpretations of the Jewish nomos within the larger Greco-Roman discourse. If Paul is drawing on common elements of Diaspora Jewish interpretations of the law, as he seems to be, then we should not see his emphasis as trying to argue that the Jew does or does not commit these specific acts, though he may be doing so. Rather, the function of these verses is to question the Jew’s obedience to God’s universal law on the same basis that the Jew holds the Gentile
accountable. Given the way Paul sets up the common Diaspora Jewish claims about ethical justice (δικαιοσύνη) and living in accord with the transcendent and universal standard of God’s νόμος in 2:1–16, he now turns to apply this to the “Jew” by questioning the Jew according the very same criteria. Paul is not calling into question a boast in the mere possession of the law; rather, he utilizes the very terms upon which Jews condemned Gentiles and applies their argument to say that Jews’ claims to virtue and to being “just” also falls short. Not only that, but their disobedience to God’s universal nomos, in light of their claims, calls God himself into question (v.24).

In the final section, vv.25–29, Paul draws out the consequences of his point. Here we differ from scholars, such as Bell, who assert that Paul turns away to a new issue, that of circumcision. Paul turns to consequences of his argument through an appeal to circumcision. It is interesting that circumcision has not been part of the discussion to this point. This suggests that the incorporation of circumcision into the argument here may be more a part of Paul’s agenda than part of any argument against inclusion of Gentiles. That is, Paul turns to circumcision to illustrate the further consequence that, according to the types of arguments commonly reflected in Diaspora Jewish literature, any distinction between Jew and Gentile on the basis of obedience to particular commands nomos alone should not be determinative of one’s status before God.

What understanding of circumcision Paul has in mind here is debated. On the one hand, some suggest that Paul questions circumcision as an ethnic identity marker that sets

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193 Contra most scholars who assert that Paul turns to a new issue—that of circumcision (Bell, No One Seeks, 193).

194 Bell, No One Seeks, 193.
Jews apart from Gentiles.\textsuperscript{195} According to this view, circumcision was bound up with covenant identity, as “a test of covenant loyalty and a mark of Jewish national distinctiveness.”\textsuperscript{196} It was a fundamental piece of Jewish identity and a “boundary line between Jew and Gentile.”\textsuperscript{197}

While the significance of circumcision cannot be denied, the evaluation of it seems more complex than this. Circumcision indeed set Jews apart—there is evidence for this from not only Jewish writers, but also Greek and Roman writers. Louis Feldman discusses a wide variety of ways that Greek and Roman writers reacted to circumcision, not all of which emphasize “nationalistic” ties, but more often they point out peculiarities with the practice.\textsuperscript{198} An interesting, but later, example from Suetonius also illustrates the significance of circumcision for identifying Jews in his \textit{The Lives of the Twelve Caesars}. He discusses taxes levied by Domitian, saying:

> Besides other taxes, that on the Jews was levied with the utmost rigor, and those were prosecuted who without publicly acknowledging that faith yet lived as Jews, as well as those who concealed their origin and did not pay the tribute levied upon their people. I recall being present in my youth when the person of a man ninety years old was examined before the procurator and a very crowded court, to see whether he was circumcised.\textsuperscript{199}

It is clear that the practice of circumcision is linked with the Jewish people as a distinct community. This example also suggests that the individual was not clearly

\begin{itemize}
  \item \textsuperscript{195} Dunn, \textit{Romans 1–8}, 119.
  \item \textsuperscript{196} Dunn, \textit{Romans 1–8}, 119.
  \item \textsuperscript{197} Dunn, \textit{Romans 1–8}, 120.
  \item \textsuperscript{198} See the discussion in Feldman, \textit{Jew and Gentile}, 153–58.
  \item \textsuperscript{199} Suetonius, \textit{Lives of the Twelve Caesars}, 8.12.2. I owe thanks to Dr. Wendy Cotter, CSJ for drawing my attention to this example.
\end{itemize}
identifiable as a Jew on other grounds. We must press further to understand how this distinctiveness associated with circumcision was understood. One must not assimilate all Jewish literature into one Jewish perspective that maintains ethnic or nationalistic distinctiveness.\footnote{Dunn, Romans 1–8, 119–20.} We should be especially apprehensive about this because the Diaspora writings scarcely make mention of circumcision. This is one of the more shocking realizations I have made in this study. Neither \(\pi \varepsilon \tau \iota \omicron \mu \eta \) nor \(\alpha \kappa \rho \omicron \beta \upsilon \sigma \tau \iota \omicron \alpha \) occur in any of the Diaspora Jewish writings we have considered, other than one reference in 4 Macc. 4:25 to circumcision of Jewish sons being related to the suffering of some at the hands of Greek authorities. But, this reference does not single out circumcision as any different from other observance of the Jewish law.\footnote{This is one of the more shocking realizations I have made in this study. Neither \(\pi \varepsilon \tau \iota \omicron \mu \eta \) nor \(\alpha \kappa \rho \omicron \beta \upsilon \sigma \tau \iota \omicron \alpha \) occur in any of the Diaspora Jewish writings we have considered, other than one reference in 4 Macc. 4:25 to circumcision of Jewish sons being related to the suffering of some at the hands of Greek authorities. But, this reference does not single out circumcision as any different from other observance of the Jewish law.} Only Philo and Josephus make any significant references to circumcision. For Philo, circumcision was particular to the Jewish people, but it was not understood in an explicitly “nationalistic” or “ethnic” manner.\footnote{The noun \(\pi \varepsilon \tau \iota \omicron \mu \eta \) or verb \(\pi \varepsilon \tau \iota \omicron \mu \nu \) is found in Philo’s writings only a handful of times (\textit{Mig.} 92; \textit{Somn.} 2.25; \textit{Spec.} 1.2, 6–9, 305; \textit{Questions and Answers on Genesis (QG)} 3.52; \textit{Questions and Answers on Exodus} 2.2). In all occurrences, it is not noted by Philo as something particularly defining of the Jewish people—any more than other laws might be—and it always is interpreted symbolically. If anything, it defines the Jewish people not ethnically, but ethically. Of course it is presumed by Philo that circumcision is particular to the Jewish people, but this is not a point he capitalizes upon, and in \textit{Spec.} 1.2 he notes that the Egyptians also practice circumcision and relates this to their being “most philosophical” (\textit{φιλοσοφώτατων}). The word \(\alpha \kappa \rho \omicron \beta \upsilon \sigma \tau \iota \omicron \alpha \) is found only once in Philo in \textit{Questions and Answers on Exodus (QE)} 2.2.} Rather it was a symbol or an outward display of “the cutting out of pleasure and of all passion.”\footnote{Philo, \textit{Mig.} 92; \textit{Q.E.} 2.2.} In this understanding, circumcision does not stand out any more
than other particularly Jewish commands. For Josephus, there is more of a sense of a connection with the Jewish people, of being something particular that identifies one as a Jew.\footnote{Josephus refers to περιτομή or περιτέμνω only a handful of times as well. In Ant. 1.192 and 8.262 it refers to the Jews’ ethnic or political distinctiveness. In 12:241 it is something that some Jews felt the need to hide. In War 2.454 it is something that is synonymous with being a Jew. In Against Apion 2:137 it is a point of ridicule. But in Ant. 20:41 worship of God and following the Jewish law as a form of worship to God is “superior to circumcision” (κυριώτερον τού περιτέμνεσθαι).}

With the exception of Josephus, who wrote after the destruction of the temple and in circumstances quite different from the other Diaspora literature we’ve considered,\footnote{Josephus’ context as a post-destruction of Jerusalem and the Temple era must be a factor in considering what he says. So also should his alleged priestly background. According to Barclay, “Josephus’ account of his upbringing suggests that his intelligence was initially channeled more towards his national Jewish traditions than to the cultural resources of Hellenism” (Jews, 347). Josephus used well the resources at his disposal to universalize the Jewish nomos, he also shows more interest in upholding Jewish ethnic distinctiveness than other Diaspora writers seem to (cf. Barclay, Jews, 347–68).} the general tendency in Diaspora Jewish literature is to understand circumcision not just as an \textit{ethnic} identity marker or a badge of superiority. To be sure, it was a distinctive practice, a way of distinguishing Jew from Gentile. Yet, something must also be said about Diaspora Jewish writers other than Philo and Josephus not mentioning the command in their interpretations of the Jewish nomos and in their claims about ethical living.\footnote{I do, however, think more is at issue than Barclay seems to think. Barclay writes that circumcision does not appear because “it was not a topic that naturally arose in the genre in which many of them wrote” (Jews, 439). I respectfully disagree with this argument. In Aristobulus the Sabbath command receives specific attention; in \textit{Let. Aris.} food laws and other peculiar laws (128–29) receive specific attention; in 4 Maccabees the command to not eat pork is the focus. It is not clear why circumcision should be left out of this group of peculiar Jewish commands, especially when most other Greek and Roman writers link them as a group of peculiar Jewish commands (Feldman, \textit{Jew and Gentile}, 153), and if anything, required more explanation than the others!} The best explanation seems to be that it was not a focal point of their interpretations of the law and of ethical living. Where we do encounter it in Philo and Josephus, as we have seen, its significance was understood in line with the general
arguments about the Jewish nomos we have described in chapter four above. That is, in the interpretations of the Jewish nomos reflected in Diaspora Jewish literature, the distinctiveness between Jew and Gentile was often not put in ethnic terms, but in ethical terms: the “just” and the “unjust.” Within this framework, circumcision represented a central tenet of the universalistic-yet-particularistic nature of the claims being made by Diaspora Jews. It should not be questioned whether Jews thought actual circumcision was necessary—at least for them. Their symbolic interpretation did not diminish the importance of keeping the command. Indeed, it may have served to heighten keeping the command (as in the case of 4 Maccabees). At the same time the nature of the Jewish arguments also saw the command as a particular way or realizing a more universal ethic. As with other particular Jewish commands, it was commonly understood as symbolic—of eliminating passions and vice and thus ultimately subordinate to the purposes of the ethical arguments made by Diaspora Jews. This is not to make a false distinction. But it is not simply possession of the law or the command of circumcision or simply ethnic distinctiveness that is the focus. This is part of the equation, but it should be understood within a larger cultural discourse about ethical living and transcendent vs. particular nomos within which many Diaspora Jews understood the commands of the Jewish nomos.

Against this context, Paul is not attacking an “ethnic” understanding of circumcision. Rather, he is drawing out the consequences of the Jewish perspective. If

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208 So also Bell, No One Seeks, 193: “Paul is not concerned with ethnic pride “but with the assumption that the knowledge of God’s will mediated by the law brings moral superiority.” Bell sites Mark Seifrid, Justification by Faith: The Origin and Development of a Central Pauline Theme (Leiden: Brill, 1992) 65.
circumcision served to make Jews distinct from Gentiles on the basis of ethical living (not covenant!) then Paul turns the argument. If, on the basis of the Diaspora claims, Gentiles and Jews have the same ethical goals, and Gentiles can do “the things of the law,” then those Gentiles should also be considered “circumcised” in a metaphorical sense—insofar as Jews have considered the real meaning of circumcision as excising passion and vice. That is, if Gentiles keep God’s law, as they can according to the argument, then their obedience must also demonstrate their own cutting away of the desires of the flesh.

At the end of this section of Romans 2, Paul has pointed out on the basis of common Diaspora Jewish arguments and perspectives that the “Jew” also breaks the law and is “unjust” before God. Paul is not arguing that the “Jew” is a flagrant transgressor of God’s nomos. Rather, Paul is using a common Diaspora understanding of the Jewish nomos—that the commands point to universal ethical virtue—to raise the question not of the Jew’s obedience to the Jewish commands, but to raise the question of the Jew’s achievement of the same ethical virtue to which the Gentile is held.

**Conclusion**

Our goal in this chapter has been to show how Diaspora Jewish interpretations of the law help us understand Paul’s argument in Romans 2. Particularly, we have sought to explain the conception of nomos in the argument and at the same time offer a reading that better integrates the Jewish perspective with which Paul was in conversation.

As we have argued, Diaspora Jewish interpretations of the law provide a coherent framework that explains the universality of nomos and how Paul can say that Gentiles can keep “the things of the law” as Gentiles. It also provides us with a new way to understand the Jewish “boast” that is more consistent with the overall Jewish perspective with which
Paul seems to be in conversation. Like their Greek and Roman counterparts, Diaspora Jewish literature shows how Jews asserted the authority and universality of Jewish ways of living expressed in the law. They did this in a variety of ways—by associating the law with transcendent conceptions of *nomos*, and by asserting that the law achieves what Greek *paideia*, wisdom, or philosophy aimed to achieve—cultivating the attainment of virtuous behaviors common to all humanity. The overall discourse was both ethical and political in that Greeks, Romans, and Jews adapted it to argue that the true realization of transcendent ethical norms was found in Greek, Roman, or Jewish manners of living.

We saw that when Paul writes of the law as a universal standard for ethical living for Jew and Gentile in 2:13–15 and 26–28, he does not appeal to “law of nature” specifically. He did not need to since the universality of the law was assumed, being articulated in a number of ways. Paul does not reduce the law to “moral” norms, either when he attributes to Gentiles the ability to keep the law as *Gentiles* in 2:14–15 and 26–27. The “reorientation” of the commands of the law provide the foundation for Paul to evaluate the fulfilling or breaking of *nomos* equally. The expectations of the universal *nomos* are no different for Jew or Gentile because the commands of the law were articulated in terms of commands of the Decalogue and other universally recognized virtues and vices.

Not only does this context explain the conception of *nomos* in Romans 2, but it also gives us a new look on Paul’s argument in Romans 2. It is most likely that the arguments and interpretations of the Jewish *nomos* reflected in the Diaspora Jewish literature we considered were in some way known to Paul’s audience in Rome. That is, ethical living within the believing community was likely evaluated in terms of the
efficacy of the Jewish nomos to bring about ethical virtue and a life in accord with universal ethical behaviors. In Romans 2 Paul utilizes common elements of these interpretations of the law that were made within a shared web of discourse common among Greco-Roman writers. The point of the nomos discourse was to express for a common humanity a universal way of life that was in alignment with transcendent norms of justice and virtue. The point of Paul’s argument is to use this framework to demonstrate that Jew and Gentile are in fact equal with regard to ethical living, that when it comes to living in accord with universal nomos, neither Jew nor Gentile can claim the upper hand. The Jewish interpretations with which Paul was in conversation contained a certain claim: the Jewish people achieved universal virtue better than others, because the law was the clearest embodiment of transcendent nomos. The claim that obedience to the Jewish commands of the law was a superior way to achieve the universal ethic was of central importance. Paul’s argument tries to show by means of the example of Jewish transgression of common norms that this is not so. Paul then draws attention to the distinctive significance of circumcision as a symbol of Jewish ethical superiority. According to the logic of these interpretations, following the particular commands of the Jewish nomos are secondary to the pursuit and embodiment of virtue and justice.

The point Paul lands on at the end of chapter 2 emphasizes the equality of Jew and Gentile on the basis of this web of discourse. Paul is not claiming that circumcision or particular Jewish commands of the law are insignificant. Nor is Paul arguing with a narrowly “nationalistic” Jewish perspective. The particularity Paul addresses is one of ethical superiority. It is works righteousness rooted in ethnic privilege, or ethnic privilege that finds its significance in ethical superiority based in obedience. Paul does not deny
that the law embodies God’s universal ethic. But Paul has called into question any stark
distinction between Jew and Gentile made on the basis of living up to particular
commands of the Jewish *nomos*. Jews may possess God’s *nomos*, but it points to and
embodies *universal* and not particular commands. Paul’s concern is to stress that on the
basis of keeping the universal commands of the law, there is no distinction between Jew
and Gentile.

Does Paul accept justification according to deeds? Yes, but justification that is
not according to specifically Jewish commands of the law. Rather, it is obedience to
commands of God’s universal *nomos* that results in being “just” (δικαιος). The Jewish
*nomos* points to this, but, as Paul points out, obedience to specific commands of the law
do not necessarily lead to this. The Jew who claims ethical superiority on the basis of
obedience to the particularly Jewish commands may still violate the universal behaviors
to which the Jewish *nomos* points.

How does this relate to the larger argument of 1:18–3:20? While we cannot take
too much space here, I suggest that the entire section is not, on the whole, anything new
or controversial to Paul’s audience. Rather, Paul is “reminding” his readers of the basic
elements of the gospel message in which they stood and drawing attention to particular
ethical points that he felt needed attention. His argument shows how he carefully draws
attention to important ethical consequences. First, he does this within the framework they
knew by presenting a basic summary of a common Diaspora Jewish ethical perspective in
1:18–32 and 2:1–16. Second, on the basis of this ethical perspective Paul reminds his
readers, specifically in 2:17–29, that with regard to ethical living, neither Jew nor Gentile
has any advantage. The point is not to argue for how Jews and Gentiles are saved, but on
the basis of a common understanding, to draw attention to the important ethical point that being “just” is not by “works of the law” (3:20), whether understood in terms of the particularly Jewish commands or universal and transcendent ethical principles and behaviors to which the commands point.\footnote{An illuminating parallel may be found in Let. Aris. 277. The king asks “why is it that the majority of men never become virtuous?” The Jewish scribe answers, “Because all men are by nature (φυσικῶς) intemperate and inclined to pleasure. Hence injustice (ἀδικία) springs up and a flood of avarice.” While affirming this, the Jewish writer of Let. Aris. also affirms that some Gentiles live virtuously (v.215), and that Jews are instructed in virtue through the law (vv.139–44). Different from Paul, Let. Aris. claims that the law instructs the Jews so that they are of “the most virtuous” people (v.200). Paul, it seems, emphasizes the other side of this claim. That is, because in fact Jews still violate God’s universal nomos, adherence to the commands of the Jewish nomos does not afford any benefit ethically.}
CHAPTER SIX

CONCLUSION

Summary and Review

This study began by asking questions about the conception of νόμος in Romans 2. We observed in the introduction that while Paul refers to the Jewish nomos, he writes of it in a way that has invited some confusion and debate. We also pointed out that three main components undergird the complex conception of νόμος upon which Paul’s argument relies, and these three components spark most of the confusion and debate. The three components are: (1) nomos is universal, (2) its commands can be kept by Gentiles, apart from possessing the Jewish nomos in concrete form, and (3) it is a basis upon which the Jew can boast over the Gentile, in spite of the law’s universality. We saw in the introduction that scholars have offered a number of attempts to explain the conception of the Jewish nomos in Romans 2. Not only have scholars differed in offering different Jewish explanations of the law, but they have also given different explanations of “the things of the law” that relate to the Jewish law but are kept by Gentiles. The resulting picture is that there is no clearly articulated answer to the question of nomos in Romans 2 that adequately explains all three components. The task I set out was to identify a framework that explains this conception of the Jewish nomos.

Our journey has been one of describing how ancient writers wrote about nomos within political-ethical contexts. In chapter two we spent time connecting dots between
various writers’ statements about *nomos* and the larger social and cultural settings within which these writers participated. As we did this we outlined a basic grammar for *nomos*—a set of key structural elements that would shape any understanding of *nomos* in the Greco-Roman world. This consisted first in recognizing that *nomos* referred to that which was normative for political and ethical life. It was mainly understood as politically and culturally limited because it defined living for only the community for which it was normative. *Nomos* therefore not only defined ethical living, but also distinguished political and social communities from one another. Political and social changes in the ancient world led to the development of a new ‘inflection’ of *nomos*. This new ‘inflection’ allowed *nomos* to continue to be normative when the community for which it was normative was understood in terms of a common, universal humanity, not limited by social and political boundaries. This new ‘inflection’ developed in the face of cosmological, political, and philosophical changes, wherein it became necessary for *nomos* to refer to something transcendent and universal. There was a growing sense that there should not be many differing *nomoi* but one universal *nomos*, transcendent of contexts and authoritative to determine ethical living for one political community—that of all humanity. In this new understanding of *nomos*, three things stood out: (1) that it relates to God, (2) that it applies universally to all humanity with no distinction; (3) its “commands” were vaguely understood in terms of general ethical behaviors, rather than certain norms limited to a particular community.

This concern was also for many writers theological. In various ways the ultimate goal in the pursuit of virtue was alignment with divinely ordained expectations. This could be claimed by speaking of god or Zeus. It could also be claimed by referring to
philos or even nomos itself as being inherently divine, so that living in accord with one of these was in reality aligning with the divine order of the kosmos. For some writers aligning with the divine as the real goal, and living in accord with particular nomos was secondary or even a worthless pursuit. In light of divinely ordained standards, particular nomoi often were seen as short-sighted. Even though the pursuit of divine and transcendent standards rendered particular nomos as a secondary norm, it did not result in rendering particular nomos completely useless.

As we saw in chapter three, Greek and Roman writers often drew upon conceptions of virtue and vice to explain life in accord with transcendent nomos. In other words, the goal of living in accord with the various conceptions of transcendent nomos was the attainment of virtue and certain ethical behaviors that writers determined were exemplary of this pursuit, as well as the avoidance of certain vices. Particular nomos was evaluated on this basis as well. On the one hand it could help guide some people toward transcendent nomos. On the other hand, some writers would criticize certain nomoi based on their own perception of its ability to educate and direct a society toward justice and virtue. Many of these claims and arguments were not necessarily objective. Rather, the nomos discourse and the elements of the grammar of nomos we highlighted provided an avenue for Greek and Roman writers to either exalt or ridicule particular nomoi and customs in light of conceptions of transcendent nomos and universally recognized ethical pursuits. We also saw that the widespread nomos discourse and its associations with the pursuit of virtue dovetailed with many writers’ descriptions of the pursuit of philosophia and Sophia. For a number of Greek writers this appears in the way they exalted paideia as that which brought virtue to humanity. Roman writers who praised the greatness of
Roman laws and the triumph of Roman rule in bringing law and order to the world likewise used this framework and even usurped some of the claims made by Greek writers. These writers drew upon a broad foundation of expressions of universal and transcendent ethical norms. The *nomos* discourse, in an ironic twist, enabled writers to claim cultural and even *ethnic* superiority of what was particular on the basis of the same discourse that originally challenged particular *nomos*.

In this widespread discourse, *nomos* was not used as a way to define an ethical standard. The entire discourse also concerned political matters. That is, it was concerned with the ethical flourishing of communities and the establishment of one common ethic for all humanity. The attempt to define a transcendent ethical norm which shaped how writers thought about the not only ethical but also social formation, but also facilitated claims of the superiority of either Greek or Roman ways of life was an attempt at what we referred to as “social engineering.” That is, the Greek and Roman writers were not only interested in making grand claims about their ways of life; they were attempting to argue for the benefit of their ways of life for all humanity.

In chapter four, we saw that many Diaspora Jewish writers were in many ways no different than their Greek and Roman counterparts. Diaspora Jewish literature, through a wide variety of genres, demonstrates interaction with the widespread Greco-Roman discourse, using it to make claims about the Jewish *nomos* and Jewish ways of living. We saw this both in the various terms used as well as the overall frameworks used and arguments made by these writers. They asserted the authority of the Jewish *nomos* for all humanity. In form these claims were no different than those of Greek and Roman writers. What could have been seen as a particular “Jewish” *nomos* that prescribed particularly
“Jewish” ways of living became in their interpretations something that prescribed universal ethical commands. When these Jewish writers would describe the commands or transgressions of nomos, they rarely focused on what was particularly Jewish, but instead itemized general behaviors common to Greek ethical discourse, or that easily could be assimilated into this discourse such as the second table of the Decalogue. These writers were not solely concerned to defend the law or proselytize Gentiles in this endeavor. Their primary audience consisted of other Diaspora Jews, which means that these interpretations and explanations of the Jewish nomos were intended to have explanatory power for other Jews. It shaped Jewish identity just as much as it defended or explained the Jewish nomos. The line between living in accord with universally recognized ethical or virtuous behaviors and living according to the Jewish nomos was quite thin.

Jewish particularity, however, was not eradicated. In this “reorientation” of the law, particular Jewish commands were neither dismissed completely, nor were they the focus of attention. Particular Jewish commands, when they received focus, were “reoriented” to align with conceptions of transcendent nomos and common Greek and Roman virtues and ethical behaviors. Even the one writing that created the strongest dichotomy between Jew and Gentile—4 Maccabees—finds the dietary commands’ significance in its capability to lead to the conquering of passion and the acquisition of virtue. The outcome is that the Jewish nomos was used, like Greek paideia, as a way of “social engineering.” That is, by interpreting the Jewish nomos in this way, these Jewish writers claimed that obedience to the Jewish law was the best way to virtue and ethical δικαιοσύνη for all humanity. They claimed distinction from Gentiles primarily in terms of ethical practice and obedience to conceptions of universal nomos, which they as a
people achieve more fully because their nomos educates and embodies universal behaviors and ethical virtues.

While it is tempting to speak of one coherent “Diaspora Jewish” conception of nomos, it would be a mistake to do so. As we saw at the end of chapter four there is considerable diversity in the ways Diaspora Jewish writers would interpret the Jewish nomos. Nevertheless, there are broad commonalities which suggests that many Diaspora Jewish writers were each, as it were, coloring in the same picture but with different colors, drawing attention to different elements. The main points in common creates a general set of common claims as these writers interpreted the Jewish nomos in interaction with the Greco-Roman discourse. The main points of this are that (1) the law is rooted in its origin as coming from the one God of all humanity. As such (2) it is described in a way that the particular commands find their meaning in the way they foster a way of life that leads to virtue and ethical δικαιοσύνη. Some writers argued that the particular commands of the law lead or guide people to virtue. For other writers the law does not prescribe anything particularly Jewish but rather common ethical behaviors. It is just that the common ethical behaviors prescribed by God are in concrete form in the Jewish nomos. In spite of the diversity, the overarching claim is that the Jewish nomos leads to the cultivation and attainment of ethical goals that trace throughout Greco-Roman nomos discourse. Because of this (3) the Jewish nomos is a universal nomos to which all humanity is equally accountable and keeping its commands is not the privilege of only the Jew. There is a general sense in which Gentiles can keep (some of) the commands of this universal nomos. At some level, then, Gentiles do follow the Jewish nomos. These writings place Jews and Gentiles as equals in the pursuit of virtue, paideia, and living in accordance
with a transcendent and universal *nomos*. Nevertheless, (4) the Jewish people, because they possess this universal *nomos* in written form achieve Greek ethical ideals better than any other political community. There is a political and social distinction between Jew and Gentile, but this distinction is situated within the framework of the pursuit of being a “just” or an “unjust” people.

As I argued in the final chapter, this general Diaspora Jewish framework of the law provides the foundational framework of understanding upon which Paul’s conducts his argument in Romans 1:18–2:29. I explained how the Diaspora Jewish conception of *nomos* satisfactorily makes sense of all three elements of the conception of *nomos* in Romans 2—its universality, the claim that Gentiles keep the law, and the nature of the particular claim. Based on this framework *nomos* in Romans 2 refers to the Jewish *nomos* understood in terms of the universalizing interpretations common in Diaspora Jewish literature. It is a *nomos* to which all humanity is accountable and by which all humanity will be judged. Paul’s statement that Gentiles “do the things of the law” is not a strange or outlandish claim, but rather is part of these Diaspora Jewish interpretations. By universalizing the Jewish *nomos* and “reorienting” its commands as in accord with virtue or describing the commands as being equal with universal ethical behaviors, the likelihood of Gentile obedience is expected. Nevertheless, this Gentile “doing” of “the things of the law” happens by those who are “by nature” outside of the direct influence of the most virtuous *nomos*. Positing Gentile obedience is not a threat to the Jewish perspective, since according to the Jewish literature itself, such obedience was inferior. Paul summarizes these main points in 2:1–16, stressing that being “just” or “unjust” is determined by obedience to God’s *nomos* and that it applies to all humanity. We saw that
Paul is not attempting to argue for the universality of the law, but rather is using important elements of common Diaspora Jewish interpretations of the law that already interpret the law as universal.

In 2:17–29 Paul then addresses the particular Jewish boast in the law in light of the foundation established in 2:1–16 and universality of the law. The language Paul uses is drawn directly from common Diaspora Jewish claims that usurped the claims of Greeks and Romans to the same effect. The claim was that right ethical living and being “just” was found in Jewish ways of life. Not only that, it was also argued that the Jewish people, because they possessed God’s universal νόμος in written form, lived in accordance with universal ethical behaviors better than others. The Jewish boast, as we saw, was in the Jew’s position as an ethical educator of the world. Paul argues, however, on the basis of common Diaspora Jewish arguments, that the Jew is no more ethical than Gentiles since, in spite of their particular manners of living, they still do not fully live in accord with universal ethical standards. As I argued, Paul’s questions in 2:21–24 do not upend Jewish “nationalism” or “ethnic superiority.” Such an argument, in light of the Jewish prophetic literature, would not work. Paul’s overall point is that neither Jew nor Gentile can claim to be “just” (δικαιός) when one considers how both groups violate the universal commands of God’s nomos. Jews may be circumcised and possess God’s universal nomos in written form, but this does not mean that they have actually “cut out” passions and vice from their lives. On the basis of the wider web of discourse neither Jew nor Gentile can claim ethical superiority. Gentiles may be able to do “the things of the law” but they still live “unjustly”; Jews may live with the privilege of possessing the written form of God’s law, but they still violate God’s ethical demand to which all people
are accountable. Paul’s purpose is to say that obedience to particularly Jewish commands should not be a point of differentiation between Jew and Gentile since they do not lead to ethical virtue.

**Contributions of the Study**

I would like to now suggest contributions of this study with regard to the following areas: (1) situating Paul in conversation with his contexts; (2) the law in Second Temple Judaism; (3) the law and ethical living in Paul’s letters.

Paul and either Judaism or Hellenism?

This study hopefully provides an example of a “thicker” understanding of interpretations of the law in Paul’s milieu by situating Paul in conversation with Diaspora Jewish interpretations of the law and their interaction with Greco-Roman conceptions of nomos. We have argued that it is precisely the engagement with the Greco-Roman web of discourse that allows us to more fully understand the Diaspora Jewish interpretations of the law we considered in chapter four. Failure to consider the ways in which these Diaspora Jewish writers explained or modified elements of Jewish life and the Jewish nomos in interaction with the wider culture would be like interpreting modern Christian claims about the gospel or about faith without seeing how these claims resonate with modern culture in significant ways. It would result in a poorer understanding of the nature of Christian claims today.

This aligns with the approach advocated in a collection by scholars aiming to interpret Paul beyond the “Judaism/Hellenism” divide.¹ The essays draw attention to two

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emphases. First, that interpreting Paul should look not just to establish Paul’s “background.” Instead they advocate interpreting Paul within “contexts” in which he lived. Second, these scholars argue that any dichotomy between Judaism and Hellenism should be given up.\(^2\) Such a stark dichotomy is not entirely accurate.\(^3\) As Wayne Meeks points out, this opposition or dichotomy that assumes that the meeting of the two is a “battleground” likely results from two things.\(^4\) First, ancient history itself. The tension reflected between Judaism and Hellenism is found mainly in 1 & 2 Maccabees. Meeks rightly draws attention to the difficulty of attributing too much stability to this. This literature served as propaganda for a support of the Jewish writers and their causes. The complexity of the actual interactions between Judaism and Hellenism suggests that ideas of such a stark opposition should not be considered normative. The second point from which the tension emerges, and the one to which Meeks ascribes more weight, is “the history of modern scholarship.” For Meeks, scholarship, in part relying upon what we find in Maccabees, in part trying to distance Judaism and Early Christianity from its “pagan” opposition, has assumed a tension between Hellenism and Judeo-Christian history.

Meeks’ first point about the nature of ancient evidence may be without the nuance given to the matter by Barclay in his book *Jews in the Mediterranean Diaspora*.\(^5\) At the same time, however, and even with his reservations, Barclay’s book shows that the

\(^2\) Troels Engberg-Pedersen, “Paul Beyond the Judaism / Hellenism Divide,” in *Paul Beyond the Judaism / Hellenism Divide*, 1–3.

\(^3\) Ibid., 3.

\(^4\) For what follows see Meeks, “Judaism, Hellenism, and the Birth of Christianity,” 17–18.

\(^5\) Cf. Barclay’s helpful grid to analyze assimilation, acculturation, and accommodation (*Jews*, 82–102).
Judaism / Hellenism opposition is problematic. Jews may have opposed certain elements of Greco-Roman religion and culture, but at the same time they shared much in common from language, to the use of literary forms of expression, to philosophical and ethical commonplaces that were part of the fabric of the ancient world. Even if Greeks, Romans, and Jews (and Paul) all brought different traditions to the table—which they did—they did so as they simultaneously participated in and constructed a shared context. Thus, as we have seen, particular traditions were adapted to and shaped by the common cultural discourses to which they were applied. Not only that, but these various writers also shaped those cultural discourses. In other words, there is no singular or unique perspective on nomos that can be called Jewish, Greek, or Roman in an isolated way.

That the importance of interpreting Paul in conversation with more complex webs of discourse has not entirely been taken hold of can be seen in two ways. First, a number of studies that attempt to understand references to the Jewish nomos in Paul tend to focus on interpreting Jewish views of the law almost as if they were conducted in opposition to or isolation from substantive engagement with any surrounding Greco-Roman discourse. This is not to say that scholarship is not aware of parallels to or even some conversation with what we find in Greco-Roman writers, but that the level of engagement with the broader context is piecemeal and not substantive. For example, Frank Thielman, in his wide ranging study Paul and the Law, registers no interaction with this larger framework. The collection of important essays from the third Durham-Tübingen Research Symposium in 1994, entitled Paul and the Mosaic Law likewise gives very little attention to situating Jewish understandings of the law within its Greco-Roman context. Dunn’s The Theology of Paul the Apostle draws attention to certain Greco-Roman parallels here
and there, but does not deal with Jewish engagement with Greco-Roman perspectives at a more substantial level of a shared discourse. As we have shown in this study, such analysis of Jewish engagement with the shared cultural discourses provides the possibility for much insight.

Second, we see that the contrast continues in a recent monograph by Niko Huttunen on Paul and the law with a specific focus on Paul’s Greek counterpart Epictetus. Huttunen focuses on a comparison of Paul and a Greek philosopher primarily because study of Paul’s view of the law with consideration to “gentile texts” is “with few exceptions—ignored.” For Huttunen, this is problematic because “Paul’s sayings on law—like any other thing he said—were uttered under the influence of the Greco-Roman context.” This is no doubt true and Huttunen’s approach to compare Paul with Greco-Roman writers is needed and useful. At the same time Huttunen’s words betray the ongoing latent divide between Judaism and Hellenism. Yes, Paul the Diaspora Jew should be interpreted in comparison or conversation with Greek and Roman writers. Yes, he should be interpreted in comparison or conversation with Jewish writers. But to do either of these in isolation yields, in my estimation, results that only continue to enforce the use of Judaism or Hellenism as “pawns in a power game” in spite of our best

6 Of recent scholars who discuss Paul and the law, only three draw any significant attention to understanding Paul and Judaism within their broader context of complex interaction with Greco-Roman perspectives. S. Stowers, Rereading; T. Tobin, Paul’s Rhetoric; U. Schnelle, Apostle Paul, 506–21). Schnelle specifically draws attention to the failure of scholarship to engage substantially with this more complex web of discourse (Apostle Paul, 506, 509–10).


8 Huttunen, Paul and Epictetus, 2.

9 Ibid., 2.
intentions. Moreover, it misses a significant part of the discourse—the active interaction between Jewish and Greco-Roman perspectives.

The present study has attempted to show the significance of seeking to understand Paul “in conversation with” his complex contexts—as a participant in a shared cultural discourse. In the words of Wayne Meeks, “we came to see the Diaspora of the Jews (and also Paul!) as no longer peculiar—however many distinctive features it might have—but part of a much broader phenomenon.” As we have seen, many of the Diaspora writers do not just react to the Greco-Roman discourses; they participate in the widespread conversation in ways that suggest something more is happening than reacting to the “evil” Greco-Roman culture. As Engberg-Pedersen points out, and as we have seen, Greek, Roman, and Diaspora Jewish understandings of nomos all had their distinct elements, but they are also all part of the “Hellenistic” discourse.

It is “within (this) contemporary cross-cultural web” that we have found the meaning of Paul’s references to nomos in Romans 2. That is, by placing the Diaspora Jewish writers in conversation with Greco-Roman discussions about nomos, we have been able to see how the understanding of the Jewish nomos took on certain forms as a result of engagement with discussions in the Greco-Roman world. One notable benefit is that it is as a result of reading the Jewish literature in conversation with the Greco-Roman discourses that we can see the complexity of the Jewish view of the law, that it cannot be

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10 Engberg-Pedersen, “Paul Beyond the Judaism / Hellenism Divide,” 3.
12 Engberg-Pedersen, “Paul Beyond the Judaism / Hellenism Divide,” 4.
13 Ibid., 4.
reduced to either “legalism” or “nationalistic” righteousness. This also enables us to see Paul not disagreeing with the Jewish *nomos* alone, or with Judaism as an either “legalistic” or ethnically particularistic religion. For Paul, the entire moral discourse built upon seeking to elevate one community’s manner of existence over another as “more virtuous” or ethically superior is bankrupt. Finally, as I shall suggest below, reading Paul in conversation with this broader context also enables us to evaluate in new light the difficulties with Paul’s statements about the law and how Paul relates to the law in his ethical and theological thought.

The Law in Second Temple Judaism

When it comes to understanding the law in second temple Judaism, the terms “covenantal nomism” and “New Perspective on Paul” have enjoyed a great deal of popularity. These are not synonymous, but they often are lumped together as they hold in common a general view of the law in Second Temple Judaism. The “New Perspective” is, according to James Dunn who coined the phrase, the natural descendent of E.P. Sanders’ “covenantal nomism.”¹⁴ Both Dunn’s articulation of Judaism according to the “New Perspective” and Sanders’ description of Second Temple (Palestinian) Judaism, however, are specific expressions of a wider phenomenon rooted in a general understanding of Second Temple Judaism (at least of primarily Palestinian provenance) as not being

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¹⁴ James Dunn, “The New Perspective on Paul,” in *The New Perspective on Paul*, 99–120. Dunn expresses that he agrees with Sanders’ re-evaluation of Judaism, but not with his interpretation of Paul (104–05). See also “The New Perspective on Paul: Paul and the Law,” in *The New Perspective on Paul*, 142: “Unfortunately Sanders did not follow through this insight (of covenantal nomism) far enough or with sufficient consistency.” From this basis he attempts to argue for a “new perspective” on Paul and Paul’s relationship with the Judaism of his day.
“legalistic” or having a merit-salvation. In this re-evaluation of Judaism, the law has become understood not as a legalistic code, associated with “legalism” or “works-righteousness,” where obedience to its commands results in their salvation. Rather it is presented as a code of living for a people already “saved by grace.”

E.P. Sanders famously described the Jewish “pattern of religion” in which the law is a significant component as “covenantal nomism.” Sanders wrote that “covenantal nomism is the view that one’s place in God’s plan is established on the basis of the covenant and that the covenant requires as the proper response of man his obedience to its commandments, while providing means of atonement for transgression.”

Sanders summarizes in some detail the main elements of covenantal nomism:

(1) God has chosen Israel and (2) given the law. The law implies both (3) God’s promise to maintain the election and (4) the requirement to obey. (5) God rewards obedience and punishes transgression. (6) The law provides for means of atonement, and atonement results in (7) maintenance or re-establishment of the covenantal relationship. (8) All those who are maintained in the covenant by obedience, atonement and God’s mercy belong to the group which will be saved. An important interpretation of the first and last points is that election and ultimately salvation are considered to be by God’s mercy rather than human achievement.

The crucial element to this understanding of the law was that the law should be understood within the framework of a gracious act of God in establishing a covenant with

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16 Paul and Palestinian Judaism, 419, 420, 427.

17 Paul and Palestinian Judaism, 419–428.

18 Ibid., 75.

19 Ibid., 422.
Israel. The function of the law and obedience to the law in this framework should be understood in terms of participation in the covenant community—“staying in” the covenant.\textsuperscript{20} Independently of Sanders N.T. Wright stated slightly differently that the law should be understood “not as a legalist’s ladder but as a charter of national privilege, so that, for the Jew, possession of the law is three parts of salvation.”\textsuperscript{21} This has been developed by Dunn who has emphasized based on this general perspective that the law represented an ethnic or social distinctiveness between Israel and the Gentiles.\textsuperscript{22} Gentiles were outside of God’s people because they were not a people of the covenant and did not have the law.

In the past few decades, this understanding of the Jewish law has influenced many studies on Judaism, Paul, and the law.\textsuperscript{23} At present it is safe to say that the “New Perspective on Paul” and the general view of the law upon which it stands is no longer new in Pauline scholarship.\textsuperscript{24} In fact, for many scholars we are now moving into a “post-New Perspective” era.\textsuperscript{25} But there is reason to think that we are not yet there, as a number


\textsuperscript{22} Dunn, “The New Perspective,” 146–49.

\textsuperscript{23} This is especially true of the premise that Judaism is not “legalistic” and that the Jewish law is for “staying in” the covenant. Cf. also Simon Gathercole, “Early Judaism and Covenantal Nomism: A Review Article,” \textit{EQ} 76 (2004) 155.

\textsuperscript{24} See e.g. Don Garlington, \textit{In Defense of the New Perspective on Paul: Essays and Reviews} (Eugene: Wipf and Stock, 2005), 1.

of scholars continue to address this general perspective directly either arguing for or against it.26 Some of these recognize some strengths of “covenantal nomism,” but still assert that Sanders and others have only replaced one lop-sided perspective of Second Temple Judaism with another.27 To re-balance things, some scholars have argued that Jews emphasized “doing” the commands and keeping the law for “righteousness.”28 Additionally it has been argued that the Jewish law cannot be reduced to a social or ethnic boundary marker and that obedience to the law is not limited to “staying in.”29 Perhaps the most significant example is the two-volume assessment and challenge to covenantal nomism, Justification and Variegated Nomism.30 In the first volume, subtitled The Complexities of Second Temple Judaism, a number of scholars surveyed Second Temple Jewish literature and questioned the degree to which the pattern of religion in all Second Temple Judaism is indeed “covenantal nomism” as well as whether obedience to


27 This general sentiment is voiced by D.A. Carson in his concluding chapter to the first volume of Justification and Variegated Nomism, vol. 1: The Complexities of Second Temple Judaism ed. D.A. Carson, P. T. O’Brien, and M. Seifrid (Grand Rapids: Baker Academic, 2001) 543–48; also G. Beale, “The Overstated “New” Perspective?” BBR 19 (2009) 93: Summarizing his thoughts on the two-volume Justification and Variegated Nomism writes, “new perspective ideas (e.g. of the law as a ceremonial distinguishing sign or boundary marker, the issue of how Jews relate to Gentiles) are found in Paul but not to the extent claimed. Likewise, there is acknowledgment that Sanders’s “covenantal nomism” is found in significant parts of Judaism but not to the extent that he claims.”

28 Chris Van Landingham, Judgment and Justification, writes that “(e)arly post-Biblical Jewish texts consistently and thematically state that the criterion for survival or approbation at the Last Judgment is deeds…As indicated by their behavior, the righteous receive the reward for eternal life, whereas the wicked, for the same reason, receive the recompense of damnation” (171).

29 As argued by Das: “The premise on which the “new perspective” is based—that Second Temple Jews did not uphold the necessity of strictly obeying the law’s demands—is flawed, as is the conclusion that Paul’s critique should be limited to ethnic exclusivism” (“Paul and Works of Obedience,” 796). Simon Gathercole argued more cautiously that obedience and election work together in Second Temple Judaism, and that it is one-sided to delimit any Jewish boasting in only election (Where is Boasting?, 263–65).

the law has more to it than just “staying in the covenant.” In general those who have most strongly challenged covenantal nomism wish to maintain a view of the Jewish law similar to what Herman Ridderbos expresses in his *Paul: An Outline of His Theology*:

The law is the unique means to acquire for oneself merit, reward, righteousness before God, and the instrument given by God to subjugate the evil impulse and to lead the good to victory. It can rightly be said, therefore, that for the Jews the law was the pre-eminent means of salvation, indeed the real “substance of life.”

Not all of those who have found problems with Sanders’ new perspective about Judaism and the law would agree with the entire statement. Nevertheless, Ridderbos’ statement exemplifies the significance of obedience to the law as a means of righteousness, an emphasis that has been de-emphasized by “covenantal nomism.” Others have registered similar statements. Thomas Schreiner writes that “Jewish nationalism and exclusivism cannot be neatly separated from Jewish obedience to the law…It was not sufficient to be

31 It should be noted, however, that not all of the scholars in this volume disagreed with Sanders completely, and a number of them agreed with certain elements of his depiction of Judaism. Nevertheless, there was much room for nuance and disagreement on important points even while granting some of Sanders’ points. In his essay “Expansions of Scripture,” Peter Enns writes “(d)espite Sanders’s arguments, it is still not entirely clear how “salvation” can be by grace but “staying saved” is a matter of strict obedience. If salvation can be lost by disobedience—i.e., if obedience is necessary to “preserve” salvation—in what sense can we say with Sanders that “salvation depends on the grace of God”? (p.97). Enns raises an important point when he states “it might be less confusing to say that election is by grace but salvation is by obedience” (98). Markus Bockmuehl likewise questions the bifurcation between “getting in” and “staying in” (“1QS and Salvation at Qumran,” 412). Richard Bauckham’s analysis of *Sibylline Oracles* 3 raises significant questions about the covenantal framework of the law (“Apocalypses,” 186–87). Paul Spilsbury attempts to re-name the sort of understanding of the law in Josephus’ writings as “patronal nomism”—“an exchange relationship in which people enjoy the blessings of God’s patronage to the extent that they display gratitude in the practice of their lives for the divine benefaction which is God’s law” (“Josephus,” 259). Jews, it should be noted, succeed at this, but it is something available for all people to participate in (259). David Hay argues that Sanders’ “covenantal nomism” is only present in Philo in significantly modified form, and that much of Philo’s writings stress obedience to the law as a means of ethical virtue (“Philo of Alexandria,” 357–79).


an ethnic Israelite; one also had to obey Torah.” According to Simon Gathercole, while there is diversity in how it is expressed, “obedience is a vital basis for receiving eternal life” in Apocryphal and Pseudepigraphal texts.

Recently (2008) James Dunn has given a thorough response to criticisms, recognizing some of the strengths of the critics’ arguments, but also pressing for the ongoing validity of covenantal nomism. He attempted to clarify that there is more to the Torah than its function as a social boundary-defining marker between Jews as God’s people and non-Jews as “sinners” by nature (Gal. 2:15). But for Dunn, this does not undermine “covenantal nomism”; it lies within the essence of “covenantal nomism” which emphasizes the “interrelationship” between covenant and law. It is just that in some of the Jewish literature the “nomism” aspect can be quite strong.

Dunn seems to be saying what a few others have said in their responses to “covenantal nomism.” That is, many of those critical of it have, in spite of the rhetoric involved, have actually noted the equal importance of obedience and election or covenant. Stephen Westerholm even pointed out that setting up stark alternatives

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35 Gathercole, Where is Boasting?, 90; 263–64.


38 Ibid., 60–61, 69.

39 Ibid., 70–71.

40 So e.g. Gathercole, Where is Boasting?, 263–65; Das, Paul, the Law, and the Covenant, 43–44, 69. Chris Van Landingham in particular has pointed out in a very nuanced manner challenge the “ethno-
between “nationalistic righteousness” or “ethnic boundaries” and a Judaism rooted in “works righteousness” is to pose a false dichotomy.\textsuperscript{41} It is clear that the tendency to over-emphasize either side of the debate should be faulted for trying to categorize the understanding of the law in Second Temple Judaism too rigidly. The above debate suggests that Jews interpreted the law in terms of both national or ethnic distinctiveness and ethical obedience.\textsuperscript{42} The “covenantal nomism” group rightly emphasizes an ethnic or social (or both!) component to the understanding of the law. The law was not associated only with doing works, and a view that reduces the Jewish understanding of the law to “legalism” or “works-righteousness” alone is certainly incomplete or even misguided.

Several of Paul’s statements concerning the law do demand that it played a role in distinguishing Jew from Gentile\textsuperscript{43} and Paul never outrightly speaks of “legalism.” On the other hand, one significant problem with “covenantal nomism” and the “New Perspective” is that, in the words of John Gager, the “emphasis on Jewish ethnic pride reverts to the outmoded, unhistorical dichotomy between Jewish particularism and Christian centric” understanding of Judaism and the latent idea that Second Temple Jewish theology considered Jews exempt from judgment because of possession of the law or covenant status. He writes that “ample evidence suggests that God is merciful, forgiving, and loving (to the benefit of Israel throughout its history and its citizens throughout their lives), but this mercy does not mean that God overlooks a person’s character at the Last Judgment…Likewise, Jews did not perceive in God’s covenant with Israel a guarantee of eternal life for descendants of Abraham…Many eventually interpreted the covenant promise of physical life as a promise of eternal life with the only stipulation being obedience. Many authors did not believe that the majority of Jews had met that stipulation” (\textit{Judgment and Justification}, 171–72).

\textsuperscript{41} Stephen Westerholm, \textit{Perspectives Old and New}, 440.

\textsuperscript{42} I choose “ethical obedience” rather than “legalism” for several reasons. First, “legalism” has had its day. It no longer carries any weight in scholarship as a concept to be taken seriously. Second, “ethical obedience” lends itself to a wider meaning.

\textsuperscript{43} Rom. 2:12, 14, 26–27.
universalism.”44 That is, it turns the Jews with which Paul was in conversation into an exclusivist social-ethnic community who condemned all who were not them. Paul is forced to try and make his Jewish counterparts see that God’s salvation is for Jew and Gentile, and to get them to see past their own ethnic superiority.45 The problem with this is that we have seen in Diaspora Jewish literature that the law was universalized and not seen as just a particular ethnic boundary marker. On the other side there is something to be said about drawing attention to the issue of obedience as Paul’s statements and criticisms betray an association between the law and works in the Jewish view of the law. This is not works that simply reinforce social or ethnic distinctions, but works that are linked directly with being “just” in God’s sight.46 The whole of Romans 2 is a significant passage in that both the emphasis on works and on Israel’s distinctiveness play important roles.

There are two main problems with the above debate about the law in Judaism. These problems find their way into much of the work establishing the “New Perspective” view and arguing against it. First, much of the debate has been based on a construction of Judaism that was limited to Palestinian Jewish and rabbinic literature.47 This is not to say

44 J. Gager, Reinventing Paul (Oxford: Oxford University Press, 2000), 49. Gager’s critique is specifically aimed at James Dunn, but a number of others stand with Dunn in some way by claiming that the problem Paul had was some sort of “exclusivism” rooted in ethnicity (N.T. Wright). See also the criticism of Kathy Ehrensperger, That We May Be Mutually Encouraged: Feminism and the New Perspective in Pauline Studies (New York: T&T Clark, 2004), 123–24.

45 Classically put by Dunn: “(Paul’s critique) was targeted against the misconception of the role of works in the process of salvation, the covenantal nomism which effectively excluded Gentiles from that process” (“The New Perspective: Whence, What, and Whither?, 54–55).


47 E.P. Sanders, perhaps the figurehead of this new perspective was quite clear that his conclusions about Judaism are limited to Palestinian and rabbinic literature, and should be taken as such. Sanders writes in a footnote at the conclusion of the first part of his book: “the material studied here is all of Palestinian
that non-Palestinian Jewish literature has not been involved. But it is brought into the discussion and placed under the lens of “covenantal nomism” rather than on its own terms. Scholars have used Diaspora Jewish literature to either find or refute certain elements of “covenantal nomism.” A focus on Diaspora Judaism on its own terms and in conversation with Greco-Roman arguments has received little attention. This is surprising because even while claiming that “covenantal nomism” is found in Diaspora Judaism, Sanders adds an important caveat that “one finds important emphases in Hellenistic Jewish theology which are not extant in any Palestinian literature.”

48 Simon Gathercole, speaking of an imbalance in the treatment of Jewish literature, is one rare example of pointing this out in his book Where is Boasting?, 27–28. Gathercole, however, does not focus on views of the law, but on Jewish boasting. Most Pauline scholarship since Sanders has worked with the assumption that the “new perspective” view put forth by Sanders, et. al. has been demonstrated to be characteristic of all Judaism. For example, in a 1997 article, Timo Eskola opens with these statements: “Sanders’ theory was basically a thesis about the nature of the soteriology of Second Temple Judaism. Judaism was regarded as a legalistic religion…until Sanders defined it as a covenantal religion which is based on the mercy of God” (“Paul, Predestination, and “Covenantal Nomism”—Re-assessing Paul and Palestinian Judaism,” JSJ 28 [1997] 390 (emphasis mine). Interestingly, Eskola’s title gets it right, but the rest of the article falls into the same pattern of blurring the lines between what Sanders argued for Palestinian Judaism and what he did not argue for Diaspora Judaism. A second example comes from the two-volume response to the “new perspective on Paul,” Justification and Variegated Nomism. In the introduction to the first volume on “The Complexities of Second Temple Judaism,” D.A. Carson writes: the “pattern of religion” in Second Temple Judaism, according to Sanders, is that “getting in” is by God’s mercy, while “staying in” is a function of obedience. Despite the many branches or emphases in first-century Judaism, this “covenantal nomism” is the common pattern. To determine just how pervasive this pattern is, is one of the purposes of this volume” (Justification and Variegated Nomism, vol. 1: The Complexities of Second Temple Judaism [Grand Rapids: Baker Academic, 2001] 2–3; emphasis mine). Again in the concluding chapter, Carson writes that the assumption behind the book was to look afresh at Second Temple Jewish literature in light of “Sanders’s contention that the literature of Second Temple Judaism displays a pattern of religion that he labeled covenantal nomism” (505). Additionally, in this work some of the reasons given for why Sanders’s thesis is “misleading” presume that Sanders actually argued that covenantal nomism was to be found in all Second Temple Jewish literature (544f.).

49 Sanders, Paul and Palestinian Judaism, 423 n.11.
up the possibility of focusing more on specific arguments within Diaspora Judaism. The fulcrum of our understanding is the larger context in which the Jewish perspectives on the law and on Jewish life have emerged. The Greco-Roman context does not entirely remove particularity or the “covenant” in relation to the law. The ancient discourse was, as we saw, one of “social engineering” around the widespread pursuit of ethical virtue. But this context does suggest another element at play in the understanding of the law.

This leads to the second main problem. Because of this lens under which Diaspora literature has been placed, most of the scholarship focuses on the law as something given within the boundaries of Israel’s covenant. The law, it is assumed, is something that applies to only Israel. Because of this the whole debate about “works” in relation to righteousness proceeds on the basis that those who are judged as righteous or unrighteous according to the law are Jews to whom the law was given. The arguments thus focus on how the law either emphasizes the necessity of obedience for Jews to be vindicated, or whether Jews, because they possess the law and covenant, are saved regardless of the level of obedience. Either way, the emphasis lies on understanding the law and obedience to the law within the closed circle of Judaism over against Gentiles.

The singular change of seeing that the Jewish nomos was interpreted as a universal and transcendent nomos that embodies universal ethical standards for all

50 This is the case for A. Andrew Das’ study, Paul, the Law, and the Covenant; Chris Van Langingham, Judgment and Justification in Early Judaism and the Apostle Paul; S. Gathercole, Where is Boasting?: Justification and Variegated Nomism, vol.1: The Complexities of Second Temple Judaism. Van Langingham’s conclusions demand that the nature of the arguments being made as well as the genre of literature in which they are made should be significant in evaluating the view of the law and ethical living in Second Temple Judaism. The material we studied largely addresses a pseudo-Gentile audience, and does not address the issue of Jewish transgression of the law. From this angle, we have arrived at a similar conclusion, but, as we have seen, with some nuance. Though, as I shall point out, a few scholars in this volume begin to press in another direction.
humanity significantly reorients how we understand this issue. It shifts the framework for understanding the law and its commands, as we noted above in chapter four, from the giving of the covenant to Israel to a framework that incorporates and is driven by the establishment of God’s universal nomos to which all humanity is accountable. This is a point noted mostly by suggestion in several of the essays in the first volume of *Justification and Variegated Nomism.* Our study has attempted to articulate this difference in framework with more detail and clarity. Because of the Greco-Roman web of discourse within which many Diaspora Jewish interpretations of the law take place, keeping the commands of the law does not result only in “staying in” the covenant. According to these interpretations obedience to the law’s commands does not maintain Jewish status as God’s covenant people, but leads to being a δικαιοσύνη people. Keeping the commands of the universalized Jewish nomos makes an individual and a community “just” and virtuous. What we have seen in the interpretations and arguments reflected in the Diaspora Jewish writings we considered is not “covenantal nomism”; rather, it is something like “cultural-ethical nomism.”

Seeing things within this wider framework has shown us that the understanding of the law with which Paul was in conversation in Romans cannot be reduced to a “legalistic” or “works righteousness” understanding; neither was it simply “nationalistic” or one of “ethnic superiority.” It was an ethnic superiority rooted in ethical obedience. This appears much like “covenantal nomism” with one very significant difference: the significance of obedience to the law pertains not just to Jews and their obligation as being in God’s

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51 See specifically Spilsbury, “Josephus,” 258–60; David Hay, “Philo of Alexandria,” 370–73, 78–79
covenant. Rather obedience is understood on the basis of participation in the Greco-Roman ethical discourse. It is observance of the commands of the one law which the one God gave to all humanity. Obedience and “righteousness” on the basis of obedience is held out to Gentiles as well. In other words, the law is not limited to God’s covenant. The power of the Jewish boast in the law is observance of universally known ethical norms through the commands of the particular Jewish νόμος.

At the same time, the Diaspora Jewish literature we have discussed does not devalue ethnic significance related to the law. We agree that there was a distinctive ethnic-social element. In these Diaspora Jewish interpretations, this ethnic-social element stood upon obedience as well as possession of the law. The law which Jews possessed and obeyed was given for the purpose of ethical virtue; it found its significance on the stage of universal ethical discourse. Obedience is not for the purpose of “staying in” the covenant and thereby be a people distinct from others. Obedience to the law leads to the same ethical virtue toward which Greeks and Romans strove. Obedience leads to virtue which makes Israel “just.” Distinctiveness is found in the achievement of virtue on the basis of the law, not in “election” and thus being God’s special people just because of possession of the law. Jews may achieve virtue because of God’s covenant or giving of the law, but such a claim is hard to find in most of the Diaspora interpretations of the law. As we saw, there are references to the Decalogue and to Moses giving the law, but little emphasis placed on a covenant by which Israel is “safe” from God’s judgment.

As we noted in the introduction, not all understandings of the Jewish nomos are the same. There is much said in Second Temple Judaism about the law, and differences in the frameworks in which we find interpretations of the Jewish law influences the claims
they made. We do not want to make the same general mistake of substituting one “all-Jewish” view of the law with another. In other words, substituting an old “legalistic” or “works-righteousness” view of the law with a newer, more improved “covenantal nomism” does not answer all of the problems and questions. Hermann Lichtenberger importantly writes that

(i)t would be fatal if Sanders’ *Paul and Palestinian Judaism*, which has been a standard work for some time, suffered the same fate as Billerbeck’s *Kommentar zum NT aus Talmud und Midrasch*, which by its monumental fullness…released a whole generation of scholars from any independent study of the sources. Even after Sanders the question of the Jewish law is still at issue.52

In investigating in detail the understanding of *nomos* in Romans 2, we have entered into the vast and complex world of Diaspora Jewish interpretations of the law. What we have seen in this study is a *particular* understanding of the Jewish *nomos* upon which Paul constructs his argument to his particular audience in Rome. This Judaism with which Paul is in conversation certainly does not stand for Second Temple Judaism. It is contextual. That is, we have described a particular set of arguments and interpretations about the Jewish *nomos* that are part of a certain web of discourse in the Greco-Roman world. Paul’s argument in Romans 2 is likewise contextual as it depends upon this web of discourse. Thus, my study is not meant to replace “covenantal nomism,” as if I were arguing for a whole Jewish pattern of religion. We have, however, drawn attention to an important understanding of the law in Diaspora Judaism that is different from “covenantal nomism” and it is one in conversation with which Paul developed one of his more significant arguments about the law.

Paul and the Law

The effect of our study on both of the above areas means that there is room for reconsideration of certain elements of the larger issue of Paul and the law. In the following pages, I will take what I have argued concerning Paul’s engagement with the Diaspora Jewish framework of understanding the law and apply it, by way of suggestion, more widely to what Paul says outside of Romans. I will briefly comment on the following issues: (1) Paul’s “problem” with the law; (2) Paul’s apparent “oscillation” between nomos as the particular Jewish law and nomos as a universal standard; (3) the ongoing significance of the law for Paul’s ethical instruction.

Paul’s “Problem” with the Law

If the conception of the Jewish law with which Paul was in conversation in the letter to the Romans is what we have described in this study, then the “problem” Paul has with the law should receive some reconsideration. Within the generally accepted interpretation of the “New Perspective,” the problem Paul had with the law is that it is used to exclude Gentiles from participating in the people of God. Gentiles, because they do not possess the law and are thus outside of the covenant people, must take upon themselves the “works of the law.”

Based on our work, we saw that in Romans 2 the problem Paul had was not that Gentiles were not being allowed to be “in” the covenant community, but that being “just” (δικαιός) cannot happen apart from obedience to the law. The issue at stake in the Roman community composed of both Jew and Gentile related to the common issue of the day: how is an individual and a community “just” (δικαιός)? The argument in Romans 2, on the interpretation I offer, seems to significant links with the problem reflected in
Romans 14 where community members were evaluating—judging—on the basis of living in accord with the law (Rom. 14:1–23). That is, Paul’s argument in Romans 2 may be intended to provide a foundation to address those who lived in accord with the law’s particular commands (food laws, Sabbath, etc.) and may have considered themselves more ethically “just” than those who did not. His point is to undermine this sort of perspective by arguing from its own basic premises.

The issue was not one of being in or out of the covenant, but of ethical δικαιοσύνη. Paul’s problem, seen in this context, is with the use of one particular manner of living as a way toward “justice” (δικαιοσύνη) and its ethnic/social consequences. Such claims cannot be made because according to Paul’s evaluation humans as a matter of fact sin regardless of what nomos they claim to follow. No one attains “justice” (δικαιωσύνη). In Paul’s thought the Jewish nomos—and any nomos for that matter—only leads to the knowledge of sin and is incapable in itself of bringing about the δικαιοσύνη to which it points (3:20; 7:1–14). Within this framework Paul’s argument in Romans 2 emphasizes that there is no place for distinction or judgment on the basis of “works of the law.” From Paul’s perspective, the arguments in the community were only creating division on the basis of particular manifestations of transcendent nomos where there should be unity on the basis of the ethical goals to which they point (13:8–10). In this pursuit of δικαιοσύνη all humanity falls short of God’s law (Rom. 3:23; 7:1–25), and therefore arguments and judgments based in claims to virtue and “justice” on the basis of keeping nomos are futile. In this light, Paul’s “problem” with the law is not a mark of difference from or opposition to Judaism—at least the one with which he was in conversation. Paul’s evaluation of the law actually is one within the possibilities and
arguments put forth by Diaspora Jews. He upheld the value of the law as understood within the Diaspora Jewish framework, but also recognized the futility of the entire endeavor.

**Paul’s “Oscillation” between a Particular and Universal Nomos**

As we noted in this study, the apparent oscillation between particular and universal *nomos* in Romans 2 is explained when we see that Paul is relying upon Diaspora Jewish interpretations of the Jewish *nomos*. But this problem is not limited to Romans 2. Several scholars mention Romans 7:1–12, 22, 25, and 8:7 as places where Paul uses *nomos* in a way that may refer to either the Jewish *nomos* or some universal *nomos*. 53 Heikki Räisänen has most forcefully argued on the basis of a number of places in Paul’s letters that Paul “oscillates” without explanation between the Mosaic law and a law applicable for Gentiles. 54 Räisänen draws most attention to Gal. 3:13–14, 23–25, and 4:1–11. 55 In these places Paul places the Gentile audience under the law: “Christ redeemed us from the curse of the law” (3:13); “we were imprisoned…under the law…the law was our paidagogos” (3:23–24); “God sent his son…in order to redeem those who were under the law, so that we might receive adoption as children, and because you are children…” (4:4–6). In these statements the problem is not that Paul is using *nomos* to refer to some universal concept of law whereas in other passages he uses *nomos*


55 Ibid., 19–22.
to refer to the Mosaic law. As Räisänen observes, “the context suggests that he is talking about the Sinaitic Torah” but Paul’s use of “we” and “us” in these passages demands that ‘curse of the law’ must…have a wider reference.”  

Räisänen goes on: “while Paul is seemingly talking of the Mosaic law of Sinai, and even bases part of his argument on dating it in the time of Moses, the law nevertheless tacitly assumes much wider dimensions. Paul is simultaneously thinking of something that concerns all men, not just the Jews. The situation of Jew and Gentile (before the law) melt together.”

For Räisänen and others, the point that leads to the problem of Jewish Torah vs. a universal nomos is a view that by default nomos “denotes the Mosaic law of Sinai” which “by definition concerns the Jews, but not the Gentiles.” In Westerholm’s Perspectives Old and New, thesis #3 about the law in Paul is that “The law of Moses contains ordinances binding only on Jews.” This view of the law presumes that the Mosaic law is

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56 Ibid., 21. This is contra a number of scholars who interpret Paul was referring to “Jewish believers who have lived under the curse of the law” and “Jews” under the law in vv.23–25 (F. Matera, Galatians [Collegeville: The Liturgical Press, 1992] 120, 136); or to “Gentiles who had not yet submitted to circumcision” and “Jews” who are under the guardianship of the law (R. Longenecker, Galatians [Waco: Word, 1990] 121, 145). Both of these are difficult readings of these passages since Paul shows no signs of referring to only Jews or Jewish believers or even Gentiles who are considering circumcision in the wider contexts of these passages. The first person plural pronouns make the best sense in the flow of the argument if they are understood as Paul identifying with his entire audience (cf. F.F. Bruce, The Epistle to the Galatians: A Commentary on the Greek Text [Grand Rapids: Eerdmans, 1982] 166–67, 182; Westerholm, Perspectives Old and New, 414–16). James Dunn suggests that 3:13–15 refer to Jews and Gentiles, while vv.23–25 refer to Jews who are under the law (The Epistle to the Galatians [Peabody: Hendrickson, 1993, 2002] 176–77; 198–99). But this likewise is difficult since vv.23-25 seem to parallel the thought in vv.13–15 by the idea of being “under the law.” Moreover, Dunn’s attempts to fit this into the overall logic and flow of Paul’s argument is strained. J. Louis Martyn’s interpretations of these passages is, to my mind, the most convincing (Galatians: A New Translation with Introduction and Commentary [New York: Doubleday, 1997] 317–18, 334–36, 390–91).

57 Ibid., 22.

58 Ibid., 18. This is also the case for James Dunn, who writes that nomos in Paul’s letters “as a rule we can assume that when Paul spoke of nomos and ho nomos he was thinking of the Torah” which is summed up as “Israel’s covenantal obligations” (The Theology of Paul the Apostle, 132–33).

59 Westerholm, Perspectives Old and New, 417.
clearly distinct from conceptions of universal or transcendent _nomos_. If, however, a view of the law as we have seen in Diaspora Jewish literature plays a role in Galatians as it does in Romans, then the problem is not Paul’s statements about the law but the view of the law assumed by scholars. According to these Diaspora interpretations, _nomos_ refers to the Mosaic law, but in such a way that its scope is not limited to Israel. It is a _nomos_ understood by reference to the Jewish _nomos_ and particularly the Decalogue. But by _redefinition_ or “reorientation” in conversation with Greco-Roman _nomos_ discourse it concerns not only Jews but _also_ Gentiles. It is according to this redefinition that the _nomos_ refers to not just Israel’s covenant obligations, or concerns only Jews, but is in fact a universal _nomos_ under which all humanity exists.

A reconsideration of the above passages in both Romans and Galatians in light of this context would, I suspect, yield very interesting results. It would be worthwhile in light of this to reconsider the nature of the problem in Galatia—was it an issue of salvation and “being in God’s covenant people” or was it an issue of determining the

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60 Thus, the more limited understanding that _nomos_ refers to “Israel’s covenantal obligations” (Dunn, _The Theology of Paul the Apostle_, 132) does not accurately represent the interpretations of the law in Diaspora Jewish writings. Dunn rightly draws attention to the fact that Paul does hold all humanity accountable to the law (_Theology_, 136–37). But Dunn’s analysis still maintains some distinction between the Jewish Torah and a universal or transcendent _nomos_ (“for Paul the law was first and foremost the Jewish law, the Mosaic Torah” [Theology, 137]) and does not clarify how the commands of the law apply to both Jews and Gentiles. The resulting view is then different from the interpretations of the law we found in Diaspora literature where the universal-yet-particular Jewish _nomos_ is understood in terms of its Jewish commands and not as we have seen in Diaspora literature in terms of universal ethical norms.

61 Stephen Westerholm writes that “Paul does picture Gentiles as sharing the Jewish dilemma (of being “under the law”)” and that “he has not systematically maintained the distinction between Jews who are under the law and Gentiles who are not.” Westerholm writes of it as “an unconscious generalization” (Perspectives Old and New, 417). I suggest that there is nothing “unconscious” about this. Paul’s Diaspora Jewish context provides a more than adequate interpretation of the law that would allow Paul to make such references to Jews and Gentiles equally being under the law.

62 J. Louis Martyn moves in this direction in his commentary on Galatians. Our work in this study benefits from a more detailed investigation of how Diaspora Jewish literature engages with the more widespread _nomos_ discourse in the ancient world and could, I think, supplement Martyn’s work in important ways.
nature of ethical living in the community? That is, was the problem how Gentiles should be saved or a problem of how Gentiles “in Christ” should live (according to the law or not according to the law?)? It would also be worthwhile to reconsider Paul’s view of the law and the details of his arguments in light of the Diaspora Jewish perspectives.

**The Law and Ethical Living in Paul’s Thought**

The view of the law in Diaspora Judaism, as a view of the law that derives from conversation with Greco-Roman arguments about νόμος and ethical living, has implications on how we might understand Paul’s ethical instruction. Scholars have troubled over the ongoing significance of the Jewish *nomos* for Paul’s Christian communities. At points Paul argues against “works of the law” (3:27–28; Gal. 3:2–12) but at other times he insists that believers “fulfill the law” (Rom. 8:4; 13:8–10) and that keeping the commands of the law is of importance, even if actual circumcision is not (Rom. 7:1–14; 13:8–9; 1 Cor. 7:19; Gal. 5:14). For some scholars when Paul speaks of believers fulfilling the law apart from circumcision or other specific Jewish laws he misunderstands the law by not treating it as a whole. Either that or he is picking and choosing—adapting the importance of the law to his needs. The example in 1 Cor. 7:19 illuminates the problem particularly clearly. Here Paul states that “circumcision is nothing and uncircumcision is nothing, but keeping the commandments of God (is what matters).” Here Paul relativizes circumcision but in the same statement claims that “keeping the commandments of God” counts for something. Likewise in the above passages in Romans and Galatians Paul emphasizes commands from the law of a more universal application and summarizes them in terms of “love.”
Recently, both Markus Bockmuehl and James Thompson have argued that Diaspora Judaism provides an important foundation upon which Paul builds the ethical living to which he calls his communities.\textsuperscript{63} Bockmuehl argues upon a wide Jewish basis that Paul applies an understanding according to which Gentiles are to obey the laws applicable to them, while Christian Jews should still live according to the Torah.\textsuperscript{64} According to Bockmuehl Paul draws on the Noachide laws for Gentiles, which held a long tradition of development in Second Temple Judaism\textsuperscript{65} and provide “the rationale and content of early Christian ethics, as well as its criteria of selection in the use of Old Testament laws.”\textsuperscript{66} Even though he writes that “Jewish concepts of a universal law for Gentiles proved to be indispensable for the development of Christian ethics” he limits the usefulness to Noachide laws.\textsuperscript{67}

James Thompson argues differently, that Paul “gives moral instructions that are derived from the Torah and correspond largely to the summaries of the law that Jews in the Diaspora had developed” and that Paul “follows common interpretations of the law.”\textsuperscript{68} Thompson shows, from a limited selection of texts, that Diaspora Jews used a variety of ways to interpret the Jewish law and make it applicable to all humanity.\textsuperscript{69}


\textsuperscript{64} Bockmuehl, \textit{Jewish Law}, 167–72.

\textsuperscript{65} Ibid., 155–58.

\textsuperscript{66} Ibid., 173.

\textsuperscript{67} Ibid., 173.

\textsuperscript{68} Thompson, \textit{Moral Formation}, 208.

\textsuperscript{69} Ibid., 19–41.
Thompson argues that Paul shares in common with his Diaspora counterparts a view that “all humanity is subject to the law’s demands” but also that he appeals only to “a limited range” of instruction from the Torah. Thompson is not clear on the matter, but he does not claim that there are different commands applicable to Gentiles than to Jews. One caveat is that Paul is “less dependent” on Greco-Roman conceptions than his Diaspora Jewish counterparts. This is evident from Paul’s lack of use of the cardinal virtues and lack of a clear use of concepts such as “law of nature” in his actual ethical instruction. Furthermore, the centrality of “love” as the fulfillment of the law is distinct in Paul, even though some Diaspora Jewish writers do refer to Leviticus 19:18.

These scholars confirm our argument about the significance of Diaspora Jewish interpretations of the law for Paul’s argument in Romans 2. While the general Diaspora Jewish context has been confirmed as significant in our study, we also have been able to gain more specificity. With Thompson and contra Bockmuehl, this study argues that Paul’s context of ethical instruction is not the concept of Noachide law. What is problematic in Bockmuehl’s treatment, however, is that he seems to overlook that many

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70 Ibid., 133–34.
71 Ibid., 208.
72 Ibid., 209.
73 In addition, see U. Schnelle, Apostle Paul: His Life and Theology, trans. E. Boring (Grand Rapids: Baker Academic, 2003) 506–21. Schnelle also agrees in general terms with the main lines of the present study, with the caveat that he sees Paul “redefining” the Jewish nomos (520–21). I agree in a limited way. Paul does not entirely “redefine” how the Jewish law is understood, though he does, as I shall point out, apply the Jewish nomos to a norm that is not quite the same as Greek virtue or transcendent nomos. Others who stress the importance of Diaspora Jewish context as providing not just parallels with certain elements of Paul’s thought, but as providing a substantive context and frameworks of thought, language, and concepts that Paul either was engaged with or used himself include: P. Borgen and S. Giversen, eds. The New Testament and Hellenistic Judaism (Peabody: Hendrickson, 1997); Borgen, Early Christianity and Hellenistic Judaism (Edinburgh: T & T Clark, 1996); Tobin, Paul’s Rhetoric; “Romans 10:4: Christ the Goal of the Law.”
Diaspora Jewish writers do not distinguish between those laws that apply to Gentiles and those that apply to Jews. The nomos of which Diaspora Jewish writers write is one nomos, the commands of which apply to Jew and Gentile. Furthermore, the Diaspora Jewish writers we have considered do not appeal to Noah or commands given before the Mosaic law was given. Rather, they appeal to universally recognized ethics for all people with which the particular commands align. Moreover, our study agrees with Thompson that Paul’s ethical instructions do not derive from certain commands made applicable to Gentiles, but rather from what we have called “reorientations” of the Jewish nomos whereby the commands are hardly specifically Jewish, but are still said to derive from the Torah.

One of the contributions of our study to is to point out the larger landscape upon which the Diaspora Jewish (and Pauline) ethical arguments have been made. By doing this, we can see the larger landscape upon which Diaspora Jews interpreted the law and possibly why Paul can omit the ethical importance of certain particular Jewish laws. Paul clearly devalues the particular commands of circumcision, Sabbath, and dietary laws. I do not, however, think we can say that Paul claims that they are unnecessary and to be thrown out for Jews. I suggest that the larger discourse about nomos which we have discussed is helpful in providing a way to understand what Paul is doing.

In Paul’s Diaspora context laws such as circumcision, Sabbath, and food laws receive meaning in relation to the ethical goal to which they point—whether as symbolic or otherwise. I suggest that Paul understands the ethical purpose or telos in terms of the manner of living that derives from Paul’s understanding of the Christ event. Of utmost significance, then, for Paul’s “reorientation” is the example of Christ and not “nature,”
paideia, or Greek virtue itself. This is where he differs from his Diaspora Jewish counterparts. In Galatians 3:24 Paul calls the (Jewish) law a \( \pi\alpha\iota\delta\alpha\gamma\omega\gamma\omicron\omicron\sigma\varsigma \cdots i\zeta \) \( \chi\rho\iota\sigma\tau\omicron\omicron \). He also refers to “the law of Christ” (Gal. 6:2). In Romans 10:4 Paul famously writes that “Christ is the telos of the law.” All of these statements relate Christ to the law, and not entirely in a negative fashion; rather it is relating the law to Christ in a subordinate fashion; the Jewish nomos still finds great significance in relation to Christ.

In light of our study, it would be very fruitful to explore how these statements relate to the widespread nomos discourse we have outlined and the Diaspora Jewish participation in that discourse. Initially, I suggest that Romans 10:4 is not a statement about the cessation of the law, but a statement about Christ as that to which the law guides or points.\(^74\) The law’s commands, in other words, all point to the example of God’s \( \delta\iota\kappa\alpha\iota\sigma\sigma\omicron\varsigma \) in Christ, the example of suffering or self-giving love for one’s neighbor (Rom. 13:8–10; 14:15; Gal. 6:2; Phil. 2:1–15). This also would make sense of Galatians 3:24–25. The law, as a paidagogos, instructs and guides those under it toward a goal, which is met in the person of Christ.\(^75\) Could the “law of Christ” in Gal. 6:2, formally, be


\(^75\) I find much to agree with in David Lull’s article “The Law was Our Pedagogue”: A Study in Galatians 3:19–25,” \textit{JBL} 105 (1986) 481–98. Lull is correct to stress that the law does not lead to Christ who “instructs” in ethical living. I find it interesting, however, to consider that Paul refers to Christ as embodying the ethical life to which the law as a pedagogue assisted the child in achieving (497). As Lull draws attention to, the pedagogue’s purpose was to participate in the child’s education in virtue, regardless of how various people in the ancient world evaluated the pedagogue’s effectiveness in this task (“The Law,”489–95). Interestingly (but not accidentally) much of the literature to which Lull draws attention participates in many aspects of the same nomos-ethical discourse we discussed in chapters two and three above. In light of this, it would be certainly worthwhile to investigate the intersection of the Greco-Roman \( \pi\alpha\delta\alpha\gamma\omega\gamma\omicron\omicron\sigma\varsigma \) with Diaspora interpretations of the Jewish nomos. In an article that interprets the pedagogue slightly differently, Michael Smith views the pedagogue too much under the influence of the “New Perspective” and thus emphasizes the way Paul’s reference to the law as a “pedagogue” is to emphasize the law’s purpose of “(guarding) Israel from being contaminated by the Gentile religions around her…by being a wall to keep her locked in and the Gentile sinful practices locked out” (“The Role of the
understood as something like transcendent *nomos* to which the commands of the Jewish *nomos* point or of which they are symbols?  

This may be likely if indeed Paul makes these statements within an already familiar framework within which the Jewish *nomos*, as well as all other *nomoi* and manners of living, were already being related to some universal and transcendent ethical standard. For Paul, this is the example and person of Jesus Christ. As such, believers—both Jew and Gentile—can be said to “fulfill the law” by obeying the central command: “love one another.” This does not nullify the law, but upholds it as Paul writes in Romans 3:31. One may still be circumcised, follow Sabbath, or even dietary laws if that is one’s preference. But one must understand that doing so does not make one ethically superior or distinct, for it is not the laws themselves that matter. Let me attempt to sum this up by adapting and stringing together Paul’s statements: “circumcision is nothing (in itself) and uncircumcision is nothing (in itself), but what matters is “keeping the commands of God,” the chief of which is “summed up in this: you shall love your neighbor as yourself,” which is the “law of Christ.”

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76 Michael Winger presses in this direction in his article “The Law of Christ,” *NTS* 46 (2000) 537–46. He interprets *nomos* in Gal. 6:2 through the lens of more general conceptions of “law,” suggesting that the “law of Christ” is “the true law” (545). Winger’s argument focuses more on general linguistic understandings of *nomos*, whereas I am coming at things from the angle of perceptions of *nomos* held by Greek, Roman, and Jewish writers. Moreover, I am not sure that Paul’s phrase in Gal. 6:2 means that the Jewish law is “plainly an inferior one” as Winger suggests (545).

77 Adapted from 1 Corinthians 7:19.

Paul does not oppose the Jewish law or break with Judaism. Rather, Paul works within a web of discourse that includes Paul’s Diaspora Jewish context and applies the Jewish arguments and interpretations of the law rooted in this web of discourse to focus not on Greek virtue or “law of nature” but upon the Jewish Messiah. This is not to revert to an older paradigm according to which Diaspora Judaism paved the way for Christianity. Rather, my claim is that Diaspora Jewish interpretations of the law, in participation with a complex web of discourse in the first century Mediterranean world, provided for Paul much of the language and framework through which to communicate the significance of Jesus Christ for ethical living “in Christ” to his audience in Rome and quite probably, I suggest, his other letters as well.

79 Gal. 6:2.
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