

## What did Paul mean by ‘Those Who Know the Law’? (Rom 7.1)\*

PETER J. TOMSON

*Universitaire Faculteit voor Protestantse Godgeleerdheid, Brussels, Belgium*

In the framework of his grand argument on the law in Rom 6 and 7, Paul in Rom 7.1–4 uses a comparison that specifically appeals to ‘those who know the law’:

<sup>1</sup>Ἡ ἀγγοεῖτε ἀδελφοί – γινώσκουσιν γὰρ νόμον λαλῶ – ὅτι ὁ νόμος κυριεύει τοῦ ἀνθρώπου ἐφ’ ὅσον χρόνον ζῆ;

<sup>2</sup>ἢ γὰρ ὑπανδρος γυνὴ τῷ ζῶντι ἀνδρὶ δέδεταί νόμῳ: ἐὰν δε ἀποθάνῃ ὁ ἀνὴρ, κατήρηται ἀπὸ τοῦ νόμου τοῦ ἀνδρός. <sup>3</sup>ἄρα οὖν ζῶντος τοῦ ἀνδρός μοιχαλὶς χρηματίζει ἐὰν γένηται ἀνδρὶ ἐτέρῳ. ἐὰν δὲ ἀποθάνῃ ὁ ἀνὴρ, ἐλευθέρα ἐστὶν ἀπὸ τοῦ νόμου, τοῦ μὴ εἶναι αὐτὴν μοιχαλίδα γενομένην ἀνδρὶ ἐτέρῳ.

<sup>4</sup>ὥστε, ἀδελφοί μου, καὶ ὑμεῖς ἐθανατώθητε τῷ νόμῳ διὰ τοῦ σώματος τοῦ Χριστοῦ, εἰς τὸ γενέσθαι ὑμᾶς ἐτέρῳ, τῷ ἐκ νεκρῶν ἐγερθέντι . . .

<sup>1</sup>Do you not know, brethren – for it is to those who know the law that I am speaking – that the law has authority over a person *during one’s lifetime*?

<sup>2</sup>For a married woman is bound by law to her husband as long as he lives; but if her husband dies she is free from the law of her husband.

<sup>3</sup>Thus, as long as her husband lives, she will be considered an adulteress if she becomes another man’s, but if her husband dies she is free from that law, so that she is not an adulteress if she becomes another man’s.

<sup>4</sup>Therefore, my brethren, you also have died to the law through the body of Christ, so that you may become another’s: his who has been raised from the dead . . .

At first glance, the comparison limps. Unlike the believer, who in Christ has ‘died’ to the law, it is not the woman’s own death that frees her from the law, but her husband’s. For one thing, this rules out the various allegorical explanations of the comparison.<sup>1</sup> As in the case of parables, we should not look for too many terms in

\* Short paper read in Dutch in a simpler form at the 2002 Studiosorum Novi Testamenti Conventus at Zeist, in the Netherlands. Translations of biblical passages are adapted from the RSV. I am obliged to the NTS Editors whose questions helped enhance the argument.

<sup>1</sup> C. E. B. Cranfield, *A Critical and Exegetical Commentary on the Epistle to the Romans* (Edinburgh: T. & T. Clark, 1975–9) 334–5. Too ingeniously, J. D. Earnshaw, ‘Reconsidering Paul’s Marriage Analogy in Romans 7.1–4’, *NTS* 40 (1994) 68–88, proposes it concerns an ‘analogy’ involving the Christian’s ‘marriage’ first to Christ who died (the ‘first husband’, under the law) and then to the Risen one (the second one, liberating).

common. Cranfield soberly summarises the one point of correspondence: ‘the occurrence of a death effects a decisive change in respect of relationship to the law’.<sup>2</sup>

More importantly, the comparison contains a baffling paradox.<sup>3</sup> In order to illuminate his argument that the law somehow is made ineffective through death, Paul adduces a practical case showing how the law remains in force during the lifetime of those involved. Moreover he introduces the example with the words ἡ γὰρ ὑπανδρος γυνή . . ., which links up with the address to the readers, ἡ ἀγνοεῖτε ἀδελφοί, γινώσκουσιν γὰρ νόμον λαλῶ . . . . Clearly, he supposes his readers will not ‘ignore’ but personally ‘know’ the example from the law.<sup>4</sup> How can he refer the Roman Christians to a law that holds during their lifetime and at the same time say they have ‘died to the law’?

The most penetrating analysis of this *crux interpretum*, in my opinion, is given by Fitzmyer, even though his explanation is not quite satisfactory in the end. Fitzmyer sums up: ‘One of the major problems in this chapter is, Of what law does Paul speak? Does *nomos* in 7:1a refer to the same law as in v 1b and the subsequent verses?’<sup>5</sup> He then lists explanations to the effect that different laws are spoken of. Some, like Bultmann and Käsemann, suppose the law the Roman believers ‘knew’ was *law in general*<sup>6</sup> or *Roman law* – did not Paul write to Rome? – and the one they had ‘died’ to, the Jewish law.<sup>7</sup> Conversely, others think that the law the believers had died to is *natural law*<sup>8</sup> or *general law* as from Adam;<sup>9</sup> in which case the example of the married woman must derive from Jewish law.

2 Cranfield, *Romans*, 335. Earnshaw, ‘Reconsidering’, is right to point to 7.4 εἰς τὸ γένεσθαι ὑμᾶς ἐτέρῳ as extending the example, but I think this is done rather loosely and should not be forced to fit into a coherent ‘analogy’.

3 J. A. Fitzmyer: *Romans: A New Translation with Introduction and Commentary* (AB 33; New York: Doubleday, 1993) 455, says Paul ‘interweaves two arguments’: one, ‘that law binds only the living’, and another, which ‘imperfectly’ illustrates the first, ‘that the wife is freed by the death of her husband’. To the extent that the example applies to the reader’s own lifetime, it seems better to call the argument paradoxical.

4 One could translate γινώσκουσιν νόμον generically: ‘those who know what law is’ (ibid., 454), but it would make no difference since in any case some interpretation of the Mosaic law is concerned.

5 Ibid., 455.

6 Because the article is lacking; cf. n. 4 above. H. Ridderbos, *Aan de Romeinen* (Commentaar op het NT; Kampen: Kok, 1959) can be added to Fitzmyer’s list.

7 Thus M.-J. Lagrange, *Saint Paul, Épître aux Romains* (Ebib; Lecoffre, Paris 1950) *ad loc.* and 180–8, excursus ‘L’abrogation de la Loi’: the ‘old’ Jewish law has been abolished, but Paul’s example appeals to general law on which the Romans are known specialists. The interpretation breaks down on the point Lagrange mentions on p. 161: both Roman and Jewish law recognise divorce, but Paul does not.

8 Fitzmyer refers to Origen, *Comm. in Rom.*, MPG 14.1032.

9 Because of ἐντολή and the reference to Gen 3.13 in Rom 7.11, 13; thus Didymus the Blind, etc.

Neither attempt to resolve the paradox is convincing. After all, the argument of Romans is all about the validity of the law.<sup>10</sup> Moreover we do not get the impression, as, for example, in Rom 7.22–3 or 8.2, that Paul is playing on various secondary associations of the word νόμος. Therefore according to most,<sup>11</sup> including Fitzmyer himself,<sup>12</sup> in both cases in 7.1 the Mosaic law must be involved.

Nor is it likely that Paul is addressing Jewish Christians, for whom, by exception, the law would have retained a practical significance. On the contrary, several times in the letter Paul apostrophises gentile Christians (Rom 1.5, 13; 11.13). Fitzmyer sums up: 'Paul can assume some knowledge of the Mosaic law among the [predominantly gentile] Christians of Rome . . .'.<sup>13</sup>

But how can Jewish and gentile Christians in Rome have 'died' to the law, if at the same time they personally 'know' the 'law' about the married woman to be binding during their lifetime? In his 'Comment' on Paul's argument in these verses, Fitzmyer affirms: 'Because Christians have experienced death in and through Christ, the law has no more claim on them.' But in his 'Notes' he writes, referring to the example of the married woman: 'The law is still in effect, indeed, but it is the Christian who has died to it.'<sup>14</sup> The paradox is in place.

The explanation offered here turns on the remarkable fact that Paul quotes the same law also in 1 Cor 7.39–40,<sup>15</sup> but in a way and in a context that reveal more of its character:

Γυνὴ δέδεταί ἐφ' ὅσον χρόνον ζῆ ὁ ἀνὴρ αὐτῆς: ἐὰν δὲ κοιμηθῆ ὁ ἀνὴρ, ἐλευθέρᾳ ἐστὶν ᾧ θέλει γαμηθῆναι, μόνον ἐν κυρίῳ. Μακαριωτέρᾳ δὲ ἐστὶν ἐὰν οὕτως μείνῃ, κατὰ τὴν ἐμὴν γνώμην . . .

10 Consequently, the (Stoic!) 'law of nature' in Rom 1 is only taken to confirm the import of the Mosaic law.

11 Also Cranfield, *Romans*, as noted by Fitzmyer. Add to his list: J. D. G. Dunn, *Romans 1–8* (WBC 38A; Dallas: Word, 1988); W. Schmithals, *Der Römerbrief: Ein Kommentar* (Gütersloh: Gütersloher/Mohn, 1988); D. J. Moo, *The Epistle to the Romans* (NICNT; Grand Rapids, MI: Eerdmans, 1996); S. Légasse, *L'épître de Paul aux Romains* (LD 10; Paris: Cerf, 2002).

12 Fitzmyer, *Romans*, 456, dragging his feet a little: 'Hence it seems better to understand *nomos* at least from v 1b on as referring to the Mosaic law, and the same seems to be intended in v 1a as well.'

13 *Ibid.*, 457. Similarly Cranfield, *Romans*, 333: 'Gentile Christians as well as Jewish could no doubt be assumed to have some knowledge of the OT law.'

14 Fitzmyer, *Romans*, 455, 458.

15 Fitzmyer, *Romans*, 457, is among the few to note this, but draws no conclusions: 'See 1 Cor 7.39.' Similarly O. Michel, *Der Brief an die Römer* (KEK üb. d. NT 4; Göttingen: Vandenhoeck & Ruprecht, 1966) 166. Earnshaw, 'Reconsidering' deals with 1 Cor 7.39 extensively (the presentation of the two passages on p. 77 is very helpful), but he is only interested in linguistic relations and ignores the fact that Paul is applying a rule here. Légasse, *Romains*, ignores 1 Cor 7.39 (except as concerns the verb δεῖν, p. 441 n. 19).

*A woman is bound during the lifetime of her husband; but if the husband dies, she is free to be married to whoever she wishes, but only in the Lord. But she is happier if she stays so, in my own opinion . . .*

This concerns the last in a series of cases in which Paul instructs the Corinthians how to behave when married life could conflict with ‘the things of the Lord’. Paul’s ‘own opinion’ at the end contrasts with the sentence he has just cited. This reveals the sentence is an accepted rule, as is also seen from its prescriptive third person grammar. There is no formal reason not to call it a ‘law’. As in several of those other cases, Paul teaches both such an accepted law and his own (more restrictive!) personal opinion (cf. [συγ]γνώμη also in 1 Cor 7.6 and 25).

The corresponding words which we have printed in italics here and in the quotation from Rom 7.1–4 above, show that, given his habitual degree of variation, Paul is citing the same law in both cases. It is also clear that he does so with very different aims. In the context of his practical instruction, he intends it *literally* in 1 Cor 7.39. But in Rom 7.2–3, he uses it as a *metaphor* illuminating his general argument about the law. This becomes explicit in the conclusion, ‘. . . that you may become another’s, his who has been raised from the dead’ (Rom 7.4).

Let us now look at some details which allow us to identify this law. The conditional clause ‘only in the Lord’ (apparently meaning ‘only within the Church’) reveals that it concerns a rule that obtains in the Church. In other words, Paul cites a law from Christian tradition he deems valid, even if his own opinion is more restrictive.

Further identification is possible by paying attention to Rom 7.3. It is an explicative corollary which *excludes divorce* as a means of terminating the marriage bond by stating that as long as the husband lives, the woman cannot ‘become another man’s’. Now in the same context in 1 Corinthians, Paul gives another rule which is clearly related and contains a similar corollary. In view of its stated origin, this one even appears to represent the basis of the law cited in 1 Cor 7.39: ‘I command – *not I but the Lord*: a woman should not leave her husband, and if she has left him, she must remain unmarried or be reconciled with her husband; and a man may not send away his wife’ (1 Cor 7.10f.). ‘Leaving’ her husband was the way in which a woman could dissolve her marriage under Hellenistic law.<sup>16</sup> Paul did not recognise that option, for he applied to women under Hellenistic law what he also held to be valid for all men: divorce was excluded. Paul taught this commandment not on his own authority but on that of ‘the Lord’, and he applied it also to non-Jewish Christians.

<sup>16</sup> P. J. Tomson, *Paul and the Jewish Law: Halakha in the Epistles of the Apostle to the Gentiles* (CRINT 3/1; Assen–Maastricht/Minneapolis: Van Gorcum/Fortress, 1990) 117, 108–9; it is also presupposed in Mark 10.12, which shows the gospel here (as in Mark 7.2–3) addresses gentile Christians.

In case any doubt remains as to who this 'Lord' is, the gospels refer us to the synoptic tradition where Jesus is quoted as teaching: 'Anyone who divorces his wife and marries another, commits adultery, and whoever marries a woman divorced from her husband, commits adultery.'<sup>17</sup> The double pronouncement carefully excludes divorce, as in Rom 7.2–3. As we shall see in the continuation, the exclusion of divorce was by no means generally accepted in ancient Judaism. We seem to be confronted with a feature typical of the Jesus tradition.

Here, our investigation yields a first set of conclusions. Both in Rom 7.2–3 and in 1 Cor 7.39, a 'law' concerning marriage from pre-Pauline tradition is cited that must derive from Jesus and is applied also to gentile Christians. Paul apparently did not think it strange to designate a teaching associated with Jesus as law (Rom 7.1a), as indeed he could speak of the 'commandments' of Jesus.<sup>18</sup> All this explains how he could suppose gentile Christians in Rome would 'know the law' of the married woman. We noted, however, that in Rom 7.2–3 he applied it metaphorically. Therefore we can now also conclude that to Paul's mind *the metaphorical use did not cancel out the literal meaning of this law*. The implication would seem to be that Paul's argument in Rom 6–7 did not aim at the abolition of the Jewish law or parts of it. We would, then, be left with the task of explaining what Paul's argument was about.

Respecting the limits of a 'short study', we could reduce that task to a short summary and there stop our investigation. There is, however, one important aspect we have not yet pursued: the fact that according to most exegetes, the case of the married woman somehow relates to the Mosaic law. It will prove useful to try and put this law, which we saw derives from the Jesus tradition, on the map of first-century Judaism.

Three observations must be kept in mind. First, Paul can hardly be supposed to have thought in terms of the neat opposition between 'Jewish' and 'Christian' thought that later became standard. The construction of the 'Jewish law' as an entity alien to Christian theology is self-evidently an anachronism in relation to Paul's day. In the immediate continuation, Paul affirms: 'the law is holy, and the commandment is holy and just and good' (Rom 7.12, cf. 7), and correspondingly, he can appeal to 'the law' in support of his practical instruction.<sup>19</sup>

17 Luke 16.18, the purest formulation. On Mark 10.11–12 see previous note; on Matt 19.9 and on the related story in Mark 10.1–10 and Matt 19.1–8, see Tomson, *Paul*, 112–16 and below, n. 25. In an earlier study (see below, n. 30), Fitzmyer accepts the attribution of the synoptic divorce prohibition to Jesus yet identifies the 'Lord' in 1 Cor 7.10 as 'the risen *Kyrios*'.

18 1 Cor 7.25; 14.37, ἐντολή κυρίου, cf. 7.10. Cf. 9.21, Paul is ἔννομος Χριστοῦ, 'law-obeying of Christ', and Gal 6.2, Christians are to bear with one another and thus to fulfil τὸν νόμον τοῦ Χριστοῦ. Brotherly love as an ἐντολή of Jesus is also rooted in Johannine parlance: John 13.34; 15.12; 1 John *passim*.

19 1 Cor 9.8–9; 14.21, 34; and see in this light Gal 5.14; Rom 13.8–10.

Second, in these chapters Paul is not interested in certain details of the law to be kept or not to be kept. As we saw, he cites the example from the law metaphorically, by way of illuminating an argument on the law in a general sense. If the argument is not about its plain abolition, it must be about something else.

Third, on the practical level and not at all to the exclusion of the previous observations,<sup>20</sup> in Paul's day the Jewish law was extant in rather different communities of interpretation. Rabbinic literature informs us about the two Pharisaic schools of Shammai and Hillel, whose reputed disagreements on many details of marriage law are fully relevant here;<sup>21</sup> and the consensus of rabbinic scholars is that disputes between these schools can roughly be dated to the Second Temple period. Furthermore, we possess the sectarian writings from Qumran which are definitely pre-70 and may be assumed largely to coincide with the Essene interpretation. Somewhere between these known positions, the tradition of Jesus and his early followers is to be located.

Now as to the 'law' about the married woman, Fitzmyer correctly notes that 'as such [it] is not found in the OT'. He is wrong, however, when, misled by Strack-Billerbeck, he goes on to state that 'it agrees with the principle enunciated in later rabbinic literature, e.g. in *m. Qidd.* 1:1'.<sup>22</sup> Indeed, the law Paul quotes neither coincides with OT legislation nor with rabbinic *halakha*. It appears we must look for a *different interpretation* of the Mosaic law.

The subject we are dealing with is marriage and divorce. The pivotal scriptural passage here, which is quoted in discussions about divorce both in rabbinic literature and in the NT, is Deut 24.1–4.<sup>23</sup> In describing a complex legal case, this passage mentions two ways in which a marriage is dissolved: 'If he writes her a bill of divorce . . . and if she goes and becomes another man's, and the latter husband dislikes her and writes her a bill of divorce; or if the latter husband dies . . .' Besides the husband's death, the Mosaic law elaborately acknowledges *divorce by writ* as a legal termination of marriage. This is what the Mishna passage referred to by Fitzmyer renders in clear-cut language: 'A woman . . . acquires herself [i.e. her freedom] by two means . . . She acquires herself by a divorce deed and by death of the husband' (*m. Kiddushin* 1.1).

20 The once habitual but facile opposition of law and apocalyptic theology has been ruled out by Qumran.

21 *m. Yev* 1.4; *t. Yev* 1.10–13.

22 Fitzmyer, *Romans*, 457, citing the quote of *m. Kidd.* 1.1 in H. L. Strack and P. Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch* (vols 1–4, index vols 5–6 by J. Jeremias; Munich: Beck, 1922–74) 3.234. Similarly U. Wilckens, *Der Brief an die Römer*, pt 2 (EKKNT 6/2; Zurich/Neukirchen: Benzinger/Neukirchener, 1987) 64, and again p. 66 n. 260, citing Strack-Billerbeck, *Kommentar*, 377, where 1 Cor 7.39 (excluding divorce!) is suggested to coincide with *m. Kidd.* 1.1 and *m. Gitt.* 9.3 (stating conditions for divorce, see n. 27 below!).

23 Mark 10.4 and Matt 19.7; *m. Gittin* 9.10 and, more explicitly, *Sif. Deut.* 269 (ed. Finkelstein, 288).

Significantly, the Deuteronomy passage also seems to be echoed in Paul's phrase, 'if she becomes another man's' (Rom 7.3). Not only is this a glaring Semitism,<sup>24</sup> it is verbally identical with Deut 24.2 LXX: (ἐάν) ἀπελθοῦσα γένηται ἀνδρὶ ἑτέρῳ. Paul, however, carefully excludes the possibility of divorce and subsequent remarriage and hence follows a different interpretation, one which denies the divorce option presupposed by Deuteronomy. We have identified this as a teaching of Jesus. Indeed in the synoptic pericope, it is set off against the opinion of the Pharisees, who based themselves on Deut 24.1!<sup>25</sup>

On the other hand, the expression 'she is free to be married to whoever she wishes' (1 Cor 7.39) is strikingly reminiscent of legal elements from rabbinic law defining the dissolution of marriage. According to the first, anonymous, opinion in the Mishna, the 'essential phrase of a divorce bill' reads, in Hebrew: 'Behold, *you are permitted to any man*', while Rabbi Yehuda renders an alternative tradition, which is in Aramaic and could well be older: 'This is to you, from me, a bill of divorce, a letter of remission, that *you may go and be married to any man you wish*' (*m.Gittin* 9.3).<sup>26</sup> The measure of verbal correspondence makes it likely that such elements already existed in Paul's time, but that he or his tradition used them to define the sole legal means of terminating marriage that they recognised: death of the partner. Finally, as I have shown elsewhere, the restrictive clause 'but only in the Lord' (1 Cor 7.39) compares with another, probably ancient, rabbinic legal element.<sup>27</sup> The conclusion that we are concerned with apostolic, Jewish-Christian law tradition is confirmed by the observation that the word *μοιχαλῖς* (Rom 7.3) is uniquely Jewish and Christian.<sup>28</sup>

An overview of the ancient Jewish communities of interpretation puts this in historical perspective. While according to the Mishna, the two schools of Shammai and of Hillel differed on the interpretation of Deut 24.1 in defining the legal grounds for divorce,<sup>29</sup> the Qumran documents exclude divorce

24 F. Blass, A. Debrunner and F. Rehkopf, *Grammatik des neutestamentlichen Griechisch* (17th edn; Göttingen: Vandenhoeck & Ruprecht, 1990) 153, noted by Cranfield, *Romans*, 33 n. 5; Fitzmyer, *Romans*, 458.

25 Mark 10.2–12. In view of the cumulative Qumran, NT and rabbinic evidence, the revision in Matt 19.1–9 reflects a softening of Jesus' teaching towards the Shammaite position, *accepting* the divorce principle of Deut 24.1 although on the stricter reading: ἐπὶ πορνείᾳ (Matt 19.9; cf. 5.32); see Tomson, *Paul*, 112–16.

26 Again misleadingly quoted by Strack–Billerbeck on 1 Cor 7.39, see above n. 22. R. Yehuda often represents a conservative strand in the lineage of R. Eliezer, see J. N. Epstein, *Introduction to Tannaitic Literature: Mishna, Tosephta and Halakhic Midrashim* (ed. E. Z. Melamed; Jerusalem: Magnes Press, 1957 [in Hebr.]) 106–25.

27 The tradition of divorce clauses of R. Eliezer, 'the conservative', *m.Gittin* 9.3, which is rejected as being contradictory to the principle of legal divorce; see Tomson, *Paul*, 121–2.

28 Fitzmyer, *Romans*, 458.

29 See rabbinic passages in n. 23.

altogether.<sup>30</sup> On this score, Jesus and the apostolic tradition apparently held a position close to that of the Qumran covenants.<sup>31</sup> The little phrase to the effect that ‘not I, but the Lord’ taught that marriage is lifelong (1 Cor 7.10) speaks volumes about the place of Paul, the former Pharisee, in Judaism and vis-à-vis the Jesus tradition.

*Conclusion.* In the course of his argument about the law in Rom 6–7, Paul, appealing to the ‘knowledge of the law’ of his readers, adduced an apostolic marriage law that had its origins in the teachings of Jesus. It reflects an interpretation of the Mosaic law much stricter than that of the Pharisees and closely resembling the one found in the Qumran scrolls. As is seen in 1 Cor 7, Paul considered it binding also on gentile Christians, which is why he could assume it to be personally known to his gentile Christian readers in Rome.

While quoting it as binding law in 1 Cor 7.39, Paul utilised it in Rom 7.2–3 as a metaphor illuminating his argument on the law.<sup>32</sup> As we have noted, this shows that the intention of the argument was not to abolish the Jewish law. What it did intend to do is, of course, hotly debated among exegetes; some brief indications must suffice here.

Pursuing some of our findings thus far, we could venture that Paul’s argument as a whole is metaphorical in nature. So much seems obvious in the summary that links up the example with his argument: ‘You have died to the law through the body of Christ, so that you may become another’s: his who has been raised from the dead’ (Rom 7.4).<sup>33</sup> Given the prominence of ‘death’ and ‘resurrection’, its language could be further described as *apocalyptic*. Clearly also, its logic defies rational analysis: one can be bound lifelong by a law one has also ‘died’ to.<sup>34</sup> Such

30 CD 4.19–5.5; 11QTemp 57.17–19. See the excellent discussion by J. A. Fitzmyer, ‘The Matthean Divorce Texts and Some New Palestinian Evidence’, in *idem, To Advance the Gospel: New Testament Studies* (New York: Crossroad, 1981) 79–111. My only critique would be that while actually viewing ‘the absolute prohibition of divorce as coming from Jesus himself’, Fitzmyer holds Paul in 1 Cor 7.10–11 as ascribing it to ‘the risen *Kyrios*’ (99, 81).

31 There is even a verbally identical scriptural argument, which points to a tradition in common: marriage is indissoluble since ‘as from the principle of creation, “Male and female He created them”’, Mark 10.6; CD 4.21. The radical appeal to ‘creation’ as against the permissiveness of Moses and David is also analogous.

32 Here the observations of Earnshaw, ‘Reconsidering’, 80, 83 are useful. The wording used in Rom 7: νόμος (not in 1 Cor 7), κατήργηται and ἀποθάνῃ (instead of κοιμηθῆ and ἐλευθέρᾳ ἔστιν in 1 Cor 7), displays ‘a calculated choice of words’ serving the argumentation of Rom 6–7. In line with my analysis, I would say Paul *varied the wording of the law* quoted in 1 Cor 7 for it to function as a metaphor in Rom 7.

33 Légasse, *Romains*, 436 observes the readers’ death is ‘purement métaphorique’; cf. the other ‘metaphors’ he discerns in Paul’s argument on pp. 391, 418, 427.

34 This is not the place to go into the painful questions Paul’s and Jesus’ divorce prohibition raises in modern Church life. Cf. the sensitive observations on ‘theological implications’ by Fitzmyer, ‘Divorce Texts’, 99–102.



observations help us comprehend if not the content then at least the *paradoxical form* of Paul's grand argument on the law.

Its implications *on the practical level* must be read from the position Paul was in when writing, which was, as Krister Stendahl has reminded us once and for all, 'among Jews and gentiles'.<sup>35</sup> In order to do justice to 'all', I suggest, Paul affirmed a differentiated practical validity of the law for Jews and for gentiles. Even if 'all' are saved and justified not by 'doing the law' but by 'being in Christ', Jews must observe 'the whole law' (cf. Gal 5.3) while non-Jews must not. Hence Paul's ever varied motto that 'neither circumcision counts for anything nor uncircumcision, but keeping God's commandments' (1 Cor 7.19).<sup>36</sup>

35 K. Stendahl, *Paul among Jews and Gentiles, and Other Essays* (London: SPCK, 1977).

36 Cf. Rom 4.10–12, and, read in this light, Gal 3.28; 5.6; 6.15; 1 Cor 12.13; Col 3.11. For a comprehensive presentation of Paul's thought, see P. J. Tomson, *'If this be from Heaven . . .': Jesus and the New Testament Authors in their relationship to Judaism* (Sheffield: Sheffield Academic, 2001) ch. 4; for the phrase τήρησις ἐντολῶν θεοῦ, Tomson, *Paul*, 270–4.