

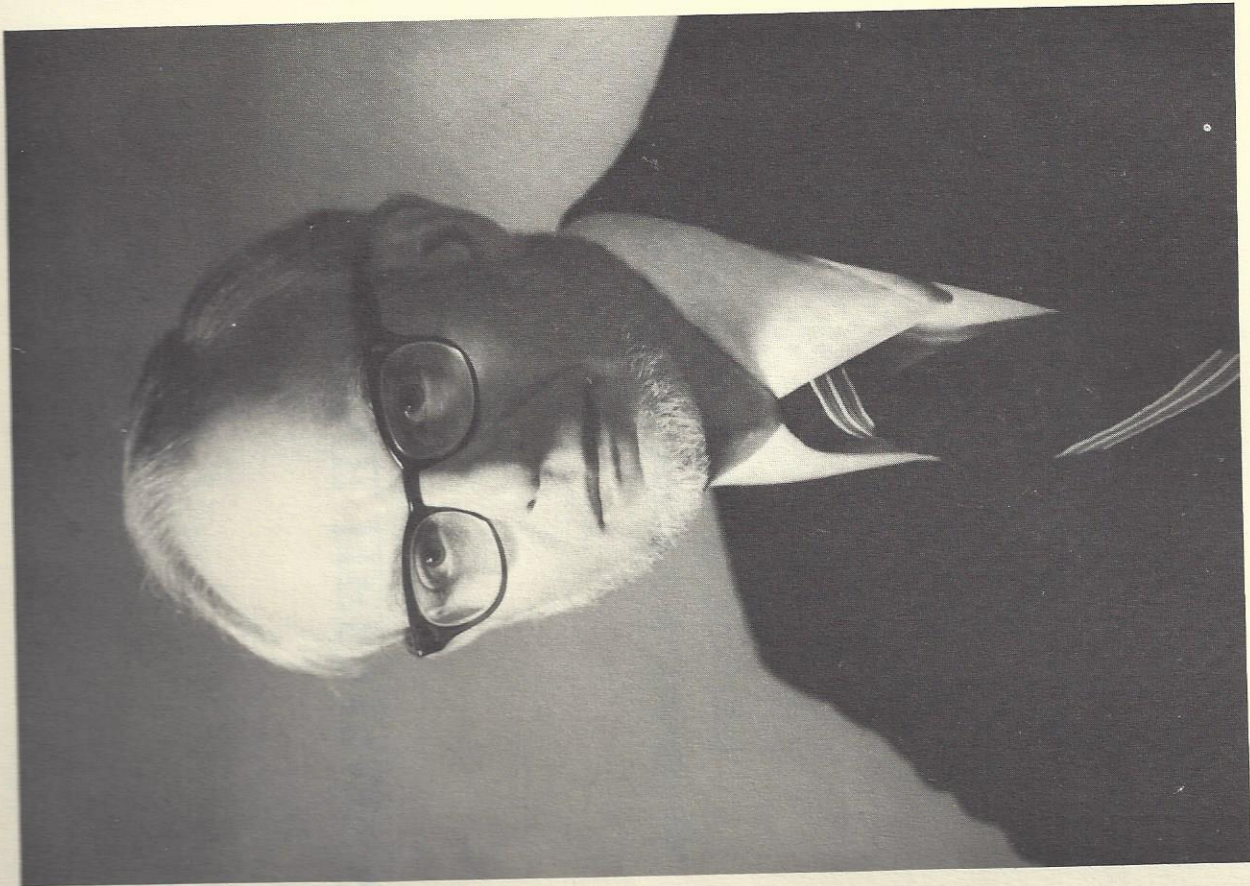
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NOTES

¹A. L. Thompson, *Responsibility for Evil in the Theodicy of IV Ezra*. A Study Illustrating the Significance of Form and Structure for the Meaning of the Book (SBLDS 29; Missoula: Scholars Press, 1977). See especially 218-235; 257-290.

²The treatment by G. H. Box, *The Ezra-Apocalypse* (London: Pitman, 1912), Introduction, which also appears in abbreviated form in R. H. Charles (ed.), *APOT*, II 549-553, goes too far in source-separation. Even so, the problems to which Box and others before him had called attention are not adequately addressed by the solution that traditional materials have been collected and given a structural or thematic unity. More literary-critical attention is called for than is provided by Hermann Gunkel in his often magnificent treatment of the apocalypse (E. Kautzsch, ed., *Die Apokryphen und Pseudepigraphen des Alten Testaments* [2 vols.; Tübingen: Mohr, 1900]), II 350-352. The same applies to Thompson (*Responsibility for Evil* 121-148) and to the treatment by J. M. Myers, *I and II Esdras*. Introduction, Translation and Commentary (AB 42; Garden City, N.Y.: Doubleday, 1974) 119-121.

³Gunkel, *APAT*, II, 342-343.

⁴Hab 1:2—2:4; Pss 73 and 44.

⁵Rev 14:1-5; Rom 11:25; Mark 13:27, etc.

⁶This is the great weakness of Thompson's study, in my judgment. See *Responsibility for Evil* 219-220; 229-232.

⁷Rom 11:25-36.

⁸Rom 5:6—6:14; 7:7-25.

⁹See my treatment of prophetic eschatology in "Famine in the Perspective of Biblical Judgments and Promises," in George R. Lucas, Jr. and Thomas W. Ogletree (eds.), *Lifeboat Ethics: The Moral Dilemmas of World Hunger* (New York: Harper and Row, 1976) 84-99. I have also dealt with the subject at more length in an unpublished paper titled "Christian Misreadings of Basic Themes in the Hebrew Scriptures."

¹⁰Gunkel in Kautzsch, II 338-339; C. G. Montefiore, *IV Ezra: A Study in the Development of Universalism* (London: George Allen & Unwin, 1929) 12-16.

THE LAW AND "THE LAW OF SIN AND DEATH"
(ROM 8:1-4):
REFLECTIONS ON THE SPIRIT AND
ETHICS IN PAUL

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ROM 8:1-4 is foundational for Paul's ethics, no less than for his theology. True, strictly speaking, Paul does not write "ethics" any more than he writes "theology" in the technical sense. What he says with regard to the particulars of human behavior, such as marriage or civil authority, is exhortation and counsel. The relevance of Rom 8:1-4 for ethics is not immediately clear, for no particular behavior is called for or prohibited. Nonetheless, the passage is literally "foundational," for what Paul says here belongs to the foundations on which his "ethics" rest.

At the same time, and perhaps for the same reasons, it embodies major issues in the interpretation of Paul. Not only are key terms mentioned—law, Spirit, flesh, sin, death—but the passage uses them in somewhat unusual ways. Besides, because it occurs at a transition in the Letter, how one interprets Paul here will affect the interpretation of what precedes and what follows. A full discussion of all these matters would exceed the possibilities of an essay. Nonetheless, by attending to major elements here, we will illumine important aspects of Paul's thought which affect his ethics.

I

- (1) So there is now no condemnation for those in Jesus Christ.
- (2) For the law of the Spirit of life in Christ Jesus has set me¹ free from the law of sin and death.
- (3) For what the law was not able to do, in that it was weakened through the flesh—God, in sending his own Son in the likeness of sinful flesh²
 - and to deal with sin³
 - condemned sin in the flesh⁴

- (4) so that "the just requirement of the law" [RSV] might be actualized in us who live, not according to the flesh, but according to the Spirit.

It is quite possible that v. 1 (together with 7:25b) is an interpolation or gloss.⁵ Advocates of this possibility rightly point out that if v. 2 were to follow 7:25a, the flow of thought would be improved:

- 7:24b I am a miserable man! Who will rescue me?
 25a Thanks be to God, through Jesus Christ our Lord!
 25b So therefore I myself serve the law of God with my mind
 25c but with my flesh [I serve] the law of sin.
 8:1 So there is now no condemnation. . . .
 2 For the law of the Spirit of life has set me free. . . .

7:25bc clearly mars the flow of thought. That 8:1 also disturbs it is not quite so clear. Since *katekrinen* appears in v. 3 and *katakrima* in v. 1, one might infer that the motif of condemnation frames the unit. However, the words appear to be used in somewhat different senses: in 8:3 *katekrinen* refers to God's action vis-a-vis sin, whereas in v. 1 *katakrima* refers to the divine Judge's definitive, negative verdict on human life, especially as it has been portrayed in the preceding verses. Moreover, and more important, conceptually v. 1 stands like Melchizedek—without antecedent or successor (despite the *gar* at the beginning). One suspects that once 7:25bc was inserted, a sensitive copiest realized that a transition from 7:25c to 8:2 was impossible (because of the *gar* in v. 2), and so introduced v. 1, with an eye on *katekrinen* in v. 3, and perhaps on *katakrima* in 5:18 as well. In any case, the difficulties of the transitions from one clause to another are so great that one should not base the interpretation of vv. 2-4 on the present connection with v. 1. Michel's proposal that v. 1 originally followed v. 2 simply underlines the difficulty without solving it.⁶

Whereas the beginning of our paragraph is somewhat uncertain, the end is clearly seen in v. 11. Not only does v. 12 begin afresh with "so therefore" (*ara oun*), but vv. 5-11 develop the theme of the concluding phrase of v. 4. Moreover, vv. 10-11 give an eschatological outlook to Christian existence, so that vv. 2-11 are a kind of resumé of Pauline theology, as is Rom 5:1-11. It will be clear that our study of vv. 2-4 cannot ignore the rest of the paragraph.

Nor can we ignore what Paul had just written, for there are several links

between our passage and chap. 7.⁷ (a) Commentators point out that the liberation mentioned in v. 2 appears to pick up the theme of 7:1-6—the somewhat awkward analogy of the woman who, on the death of the husband, is "free from the law" (*eleuthera estin apo tou nomou* 7:3; cf. *ēleutherōsen me apo tou nomou tes hamartias kai tou thanatou* 8:2). Because of this connection, 7:7-25 is sometimes called an excursus.⁸ Were 7:7-25 a true excursus, however, one would scarcely expect links between it and our passage; yet *ho nomos tēs hamartias kai thanatou* clearly picks up *nomos hamartias* of 7:23.⁹ (b) Moreover, 8:7 speaks of the "law of God" as does 7:22, and the motif of "inhabiting" appears in 8:9-11 (*oikein, enoikein* resp.) and in 7:18,20 (*enoiken, oikein*, resp.). (c) Similarly, the question, "Who will rescue me?" (7:24) is answered in 8:2. The liberation theme of 8:2 was already announced in 6:18, 20-22, where Paul writes rhetorically about being liberated from sin, enslaved to righteousness. (d) The phrase "in Christ Jesus" (8:2), whether it is adjectival or adverbial,¹⁰ takes up a theme which first appeared in 6:11.¹¹ Indeed, the whole of chap. 6 is an exposition of what it means to be "in Christ Jesus" through participation in his death. Assuming that 8:1 is a gloss, after 6:23 "in Christ Jesus" does not appear again until 8:2. One might even say that had Paul not first expounded this theme in chap. 6, the phrase might well have been only partly intelligible to the Roman readers, whom Paul had not taught personally, when they came to 8:2.

In sum, Rom 8:2-4 gathers up various themes and connects them with motifs in adjacent chapters.

II

It is apparent that the sentence which begins at v. 3 is extremely awkward. We expect Paul, having written "for what the law was unable to do . . ." to continue with something like "God did by sending his own Son . . . through whom he condemned sin. . . ." Instead, the sentence appears to begin all over, thus turning the initial clause into an anacolouthon in the nominative (or accusative) absolute.

On closer inspection, it appears that one reason for this awkwardness is that Paul incorporates a traditional phrase, which Schweizer classified as one of the "Sendungsformeln"—early Christian sentences which formulate a christology in terms of God's sending of his Son (pre-existence being assumed).¹² The exact wording of the traditional material is difficult to recover.

It is instructive, however, to compare our passage with Galatians 4.

Galatians

when the fulness of time came
 God sent out his Son
 born of woman
 born under the law
 in order that he might redeem
 those under the law
 what the law was unable to do . . .
 God having sent his Son
 in the likeness of sinful flesh
 and to deal with sin
 condemned sin in the flesh
 in order that the right
 requirement of the law
 might be fulfilled in us, etc.

Romans

what the law was unable to do . . .
 God having sent his Son
 in the likeness of sinful flesh
 and to deal with sin
 condemned sin in the flesh
 in order that the right
 requirement of the law
 might be fulfilled in us, etc.

It appears that we have a pattern of thought: God sent his Son in order that . . . might be achieved for the human situation. "In the likeness of sinful flesh" in Rom 8:4 has its functional equivalent in "born of woman," etc. in Gal 4:4. That is, in both cases, the qualifying phrases interpret the "sending," in terms that link it specifically with the immediate conceptual context.¹³ (Moreover, *en homoïōmati sarkos hamartias* in Rom 8:3 should be compared with *en homoïōmati anthrōpōn genomenos* in Phil 2:7; in Romans Paul uses "flesh of sin" because this is the theme of the context, whereas the hymn in Philippians was concerned with the movement from equality with God to humanness.) The pattern is linked to its context also by the introductory phrases. Accordingly, in Galatians Paul wrote of "the fulness of time" because the context concerned the maturation of the heir (*epi' hoson chronon . . . to plērōma tou chronou*), and in Romans he emphasized the incapacity of the law to deal with sin and flesh, the theme of the previous chapter.

I have deliberately written of a "pattern" instead of a tradition (apart from a possible "sending-formulation") because I doubt whether a fixed tradition can be recovered here. Paulsen, however, has suggested that Paul used a tradition which itself had been expanded before it reached him. That is, first came the "sending-formula," then the addition of the purpose clause.¹⁴ There is simply not enough firm evidence to warrant such a conclusion. Indeed, precisely the evidence he cites—namely Dahl's compilation of phrases which suggest a "teleological scheme" characterized by a christological statement + a soteriological purpose clause¹⁵—suggests a pattern more than a two-stage pre-Pauline tradition. It is better, therefore, to regard the purpose clause here as Paul's own, though it is quite possible that he followed a pattern of early Christian preaching in formulating such a clause. A pattern which is traditional is not yet a tradition—a more or less fixed formulation.

In fact, Paul appears to be following a more extended pattern, as the parallel sequence of motifs in Romans 8 and Galatians 4 suggests:

Galatians 4

the sending of God's Son
 soteriological result
 sons of God
 Abba
 heirs

Romans 8

the sending of God's Son
 soteriological result
 life by the Spirit
 sons of God
 Abba
 heirs, fellow-heirs with Christ

Only in these passages does Paul refer to "Abba." It is likely that he is reusing his own pattern of thought, rather than following one common to Hellenistic Jewish Christianity. What Paul has done in Romans 8, then, is to appropriate a traditional way of speaking about God's Son, as well as to rework his own pattern of thought.

Whereas Matt 5:17 has Jesus say that he did not come to abolish the law but to fulfill it, Paul says that God's Son was sent so that Christians might fulfill its *dikaïōma*. Paul never says that Jesus fulfilled the law or its *dikaïōma*, as Markus Barth clearly implies.¹⁶

III

When we begin to analyze the argument of our passage, we note first that it consists of two sentences, each of which makes its own point, so that either of them could stand alone. On the surface, the logic of neither requires the other. Yet they are linked; the *gar* in v. 3 clearly implies that what is said in v. 2 is the result of what is said in v. 3. In other words, the liberation "from the law of sin and death" follows from God's condemnation of "sin in the flesh." Understanding the argument requires us to grasp the relationship between the act of God in Christ (*katekrinen*) and the act of the Spirit in persons (*eleutherōsen*). At first glance, a connecting link in the argument appears to be missing. Moreover, the second sentence contains its own stated result of God's action—the fulfillment of *to dikaïōma tou nomou* in those who live by the Spirit. This suggests that being emancipated by the Spirit and living by the Spirit are intimately linked. To live by the Spirit is to be freed from the law of sin and death. This is clear enough. The "missing link" is a phrase that would connect the sending of the Son (to condemn sin) and the sending of the Spirit. Paul evidently assumed that this did not need to be stated explicitly. The third thing, however, is more problematic: How is the "fulfillment" of *to dikaïōma tou nomou* related to the emancipation from "the law of sin and death?" and how, in turn, is this related to "what the law could not do"?

A. Our passage initiates a discussion of the Spirit, which includes the subsequent paragraph (vv. 12-17). Moreover, the end of the first para-

graph (v. 11) mentions the "vivification" of the mortal body through the Spirit; the next (vv. 12-17) also ends with the same theme, now expressed as "glorification." The next paragraph (vv. 18-30) develops this motif by linking the glorification of the Christian with the liberation of all creation; the paragraph begins and ends with the note of *doxa* (also the last word in v. 17; see v. 18, 19, 30; also 21). The peroration (vv. 31-39) follows. In other words v. 3 initiates the discussion of Christian existence, carefully constructed by linking terms. This suggests that v. 2 functions as a topic sentence, and that vv. 3-30 are its exposition. If this is the case, then v. 2 states the whole theme in a nutshell. Therefore clarity with regard to v. 2 is crucial.

The heart of the matter lies in Paul's uses of the term *nomos* in our passage (and in v. 7):

- v. 2a *ho nomos tou pneuma tēs zōēs en Christō Iēsou*
- 2b *ho nomos tēs hamartias kai tou thanatou*
- 3 *ho nomos*
- 4 *to dikaiōma tou nomou*
- 7 *ho nomos tou theou*

Vv. 3 and 7 clearly refer to the revelation of God in Scripture, the Torah, and v. 4 also has this in view, though with a particular nuance. The crucial question is whether v. 2a also refers to the Torah.

Recently, Lohse¹⁷ has insisted that this is the case. He admits that in 7:21 Paul uses *nomos* in a general sense, "I find it to be a law that when I will the good, evil is present to me." Nonetheless, he argues that in chap. 7 Paul repeatedly writes of *nomos* because he is presenting the human situation under law, be it that of the Jews under the Torah or that of the gentiles under their own "law." Not even Paul's reference to "another law" in one's members refers to a law other than the Torah, but to the same law. "It contains the will of God and is therefore *nomos theou*; but because there has developed a destructive relation between sin and law, the law is always *nomos hamartias* for the unredeemed person." Therefore *ho nomos tēs hamartias kai tou thanatou* in 8:2 expresses not what the law in itself is, but what it has become for the unredeemed self. However, where the Spirit creates life, there the law is "the law of the Spirit of life." Correct as Lohse may be in saying that "Paul the Christian has by no means become indifferent to the law," and that Paul believes his understanding of the law restores it to its true original meaning as witness to justification by faith (p. 287, 283, resp.), one must dissent from

Lohse's interpretation of Rom 8:2. In fact, Lohse's intent is better served by a different interpretation of this verse.

Even more drastic are the assertions of von der Osten-Sacken.¹⁸ He not only identifies "the law of sin and death" with the Torah, but also argues that the "other law" in 7:23 which fights against the law which the self affirms is really the same law—the Torah. This is because, he claims, the willing of the good (Torah) itself does evil, because the Ego covets while willing not to covet. Fundamental to this position is the view that Paul never speaks of the law as such but only in relation to the self, so that the law changes as the self decides for or against the gospel. This manifests existentialism's penchant for refusing to speak of anything save in relation to the deciding self.

Nor is Käsemann's interpretation (see *An die Römer, ad loc.*) finally satisfying; even though he rightly sees that *nomos* in v. 2 is used in an extended sense, he still insists that one is supposed to think of the Torah at the same time. True, Paul does not yet think of the famed *tertius usus legis*; true also is the observation that "the law of the Spirit" is "the Spirit itself, understood according to its ruler-function in the domain of Christ." Not true is that the Spirit separates one "from the irreparably perverted law of Moses," a conviction in which Paul is said to agree with the enthusiasts. Where does Paul ever speak of something bad that has befallen the Torah in such a way as to pervert it? Both Lohse's and Käsemann's interpretations come too close to answering Paul's question, "Did the good [the law] become death for me?" with a Yes! Paul, however, answered *mē genoito!* (7:13). In commenting on this verse, Käsemann correctly writes, "Paul was no antinomian. . . . The law in its truth does not belong together with sin and death. Nonetheless it has been misused by the power of sin, which always perverts the good, and now achieves the opposite of what is intended."

In fact, when we look at the verbs which state the human plight, we find that their subject is never the law but always sin. Law is involved, but always as a rather passive instrument, as something that, as a counterweight to sin, has been neutralized—or as 8:3 says, "it has been weakened" and so is ineffective. Note the following:

- 7:7 Is the law sin? By no means! For I would not have known sin except through the law (*dia nomou*).
- 7:8 Sin, taking opportunity, through the commandment (*dia tēs entoles*) wrought . . . all coveting.
- 7:11 Sin, taking opportunity through the commandment (*dia tēs*

entolēs) deceived me and through it (*di' autēs*) killed me.

7:13 Sin, through the good (*dia tou agathou*, vis., law) wrought death for me so that sin might be surpassingly sinful through the commandment (*dia tēs entolēs*).

The law is, and remains, the law of God—holy; and the commandment is just, holy and good (7:13). Rom 7:7-25 implies that Paul's gospel is not accurately characterized by the slogan "freedom from the law." It is freedom from sin and death that is at the center. What is finally unsatisfying about Käsemann's interpretation is that it does not appear to represent adequately Paul's passion to indict sin by vindicating the law itself.

Paul achieves this by speaking of sin as a power; it is almost "per-sonified." Sin is not something that one does, a transgression; rather, sin is something that does something to the doer. The coming of the commandment stimulated sin, until then inert ("dead," 7:8), so that it came to life and the self "died"—became subject to death. This is how the commandment, designed for life, was discovered to lead instead to death (7:7). How is it possible for things to turn out this way? Why cannot a law which is holy (7:13) and spiritual (7:14), or a commandment which is just, holy and good, produce the life it is designed to produce?

Rom 7:14 gives two answers, each interpreting the other: "I am fleshly" and "I am sold under sin." Vv. 15-23 explicate this startling assertion. Sin is domiciled in the self (*he oikousa en emoi hamartia*, 7:17,20). What resides in the self is not the good, but this tyrannical power.¹⁹ If the good were inherent (even if, like sin, it were at first "dead"), hearing the law would activate it, so that one could achieve the life-giving good which the law intends. The law would then be an activator of the good, and self-actualization would be salvific. But the good does not reside in the self: what resides there is sin. It does not reside in the mind or the will, but in the flesh. Paul does not equate flesh and sin (though 8:3 comes close to it); rather, sin as a power resides in flesh, a domain, a field of force operating through one's body and its impulses. To be "fleshly" (*sarkinos*) is to have one's life controlled by the impulses, the power structure of the phenomenal which, by Paul's definition, stands over against the spiritual as a competing field of force. In short, for Paul the self never hears the law at ground zero, so to speak, as a neutral, free to achieve what is required. Only persons already involved with sin hear the law. For Paul sin is more powerful than even the holy law of God because sin resides in the self; it is already there when the law appears, so that it is in a position to pervert and thwart even the good which one intends. So consistent is this that Paul can write of "another law" in one's

organs, one which is not only at war with the law of the mind but which actually wins ("making me captive to the law of sin which is in my members," 7:23). As a result, the self is victimized, so that the intended good is perverted into the unintended evil (6:19). It is not to evade responsibility that Paul writes, "so it is no longer I that achieves it [evil] but the sin domiciled in me that does" (7:20), but to emphasize as relentlessly as possible the compulsory power of sin. *Vis-a-vis* this situation, no law, not even God's holy law, is able to extricate the self. It is not the law of Moses which is "irreparably perverted" but doing. So powerful is sin operating through the flesh that it has vitiated the power of the law (8:3).

Having explored the human situation as Paul portrays it, we can now return to our point of departure—8:2. "The law of sin and death" is not the law of God in its relation to the unredeemed self, but "the law of sin" in the members (7:23) which opposes the law of God. "The law of sin" is a structure of power, which one inevitably obeys. It is not really a matter of "the bondage of the will" but of the bondage of the self which is free enough to will but not free enough to achieve what is willed.

Over against this structure of enslaving power, liberation has occurred by means of a superior power—the Spirit. To make clear that the resolution coincides precisely with the portrayed dilemma, Paul coins the phrase "the law of the Spirit of life in Christ Jesus." It is not really correct to say that he could have omitted "law" in both clauses in v. 2, as Friedrich suggested,²⁰ for that would not make explicit that the Spirit too is a "law"—a structure of reality, of power, which governs life because one "obeys" it. Even more misleading is it to call this law "religion"²¹ for it is not a matter of one religion over against another. When Paul writes of the law of the Spirit liberating from the law of sin and death, it is clear that he assumes that there is no such thing as an autonomous self, but only a self in obedience to a structure of reality, of power. This is why he can go on to write of "existing" (*ontes*) or "living" (*peripatousin*) according to flesh or according to Spirit (8:4, developed in vv. 5-8).

B. In probing the argument of v. 2, we have already dealt with 3a—the flesh's weakening of the law. We have also laid the basis for understanding the divine action as stated here—condemnation of sin in the flesh. It is the sin domiciled in the flesh (see Note 4) that is condemned. In order to make that possible, the Son was sent "in the likeness of sinful flesh"—*en homoïomati sarkos hamartias*, clearly meaning identification with the human condition, not mere similarity. Had the Son been only "like" flesh, he could not have condemned the sin "in the flesh," precisely

where Paul had located the problem. Had the Son not participated in this kind of flesh, the "condemnation" would not have been liberating; it could only have exposed even more powerfully the human dilemma, so that the net result of knowing about such a Son would, like hearing the law, have only made one conscious of sin (3:20). This formulation of the radical identification of the Son with the full depths of the human condition is similar to that of 2 Cor 5:21—"him who knew no sin he made sin for our sakes. . . ." Christian theology, and especially Christian piety, has found it exceedingly difficult to follow Paul here because of the doctrine of Jesus' sinlessness. Whatever one may think about Jesus' sinlessness, Paul's formulations move on a different plane. They do not have in view the question of whether Jesus committed sins but whether the Son participated in the human condition sufficiently to achieve that which the human dilemma required.

At least equally important is Paul's understanding of the "condemnation." Büchsel is doubtless right in saying that here verdict and execution coincide because it is God's action, and that Paul has in view the Son-event as a whole rather than a particular item in it.²² Schlier correctly observes that Paul does not explain *how* sin was condemned by this event.²³ Still, we can infer the logic from what he says in this whole section. The power of the flesh was broken by the arrival in the flesh of the pre-existent, and hence divine, Son, and tacitly by his resurrection from the dead as well. What Paul assumes is that the Spirit is the power of the risen Christ imparted to those who are baptized. Therefore the Son's liberation from sinful flesh and death is simultaneously the basis of the believer's liberation in the present and the prototype of the future summation of liberation. This is what Paul actually says in v. 11: the Spirit of God who resurrected Jesus from the dead dwells now in the believer (just as sin had dwelt there before); therefore he who raised Jesus from the dead will vivify also the believer's death-bound body through the Spirit which now dwells in it. Because the Spirit now resides where sin had resided, Paul can say that "the law of the Spirit of life in Christ Jesus has liberated me from the law of sin and death."

It must be emphasized that Paul does not simply say that the Spirit liberates from sin and death. For him, it is the "Spirit of life in Christ Jesus." Apparently it never occurred to him to ask whether the Spirit did or does ever do this apart from the Son-event. This is because Paul's theology is *ex post facto* theology—it is reasoning after the fact. In other words, it was the experience of the Spirit, which could be had only by those who believed the gospel of the Son and his cross-resurrection, that

led to this understanding of things. As E. P. Sanders has shown,²⁴ Paul's thought did not run from dilemma to solution but the reverse. It was the experience of being in Christ by faith in what the gospel proclaimed that induced him to understand the human dilemma and its resolution as he did. Paul does not portray accurately Judaism's understanding of the human condition *vis-a-vis* the law any more than he represents accurately a Hellenistic gentile's attitude toward the Torah—nor does he intend to. For him, *this* emancipating power of the Spirit would not have been possible apart from the Son-event. Paul does not argue from a general understanding of the innate capacity of Spirit over flesh or sin any more than he relies on a general consideration of the innate limitations of law, any law. He assumes that divine Spirit is a more powerful field of force than flesh, sin or law because he regards the gift of the Spirit as an eschatological event.

C. The precise meaning of the purpose clause (*hina to dikaiōma tou nomou plērōthē en hēmin tois mē kata sarka peripatousin, alla kata pneuma*) is difficult to determine. Interpreters sometimes refer to Rom 13:8,10 ("he who loves the neighbor has fulfilled the law," and "love is the fulfillment of the law") and conclude that also here Paul has in mind the obligation to love as the "just requirement of the law" (RSV). Käsemann, however, warns us that Paul does not actually speak of love here. One must scrupulously avoid interpreting the clause in such a way as virtually to rewrite it.

Paul did not write *hina hēmas plērōun* (or, *prassin*) *ton nomon* ("so that we might fulfill [or do], the law", as Ridderbos implies: "the work of the Spirit consists precisely in the working out of the law in the life of believers (Rom 8:4)."²⁵ Nor did Paul write about *ta dikaiōmata tou nomou* ("the ordinances, or commandments, of the law"), as JB and TEV suggest ("the law's just demands" or "the commandments of the law," resp.). There is also insufficient basis for Murray to translate it as "the ordinance of the law"²⁶ just as it is improper for the NEB to render it "the commandment of the law," for when the LXX has this meaning in view it regularly uses the plural. Nor did the Apostle write that the *dikaiōma tou nomou* would be fulfilled *by* not living according to the flesh but by living according to the Spirit, as if the latter were a means to the former. The *mē kata sarka ktl.* phrase does not set conditions but characterizes those in whom the fulfillment occurs. In fact, Paul did not write about its fulfillment through us (*di' hēmas* either, but rather "in us." Even though Paul abandons the 1st pers. pl. in v. 4 for the 2d pers. pl. in the verses that follow, *en hūmin* appears too often not to color the meaning of *en hēmin*

in v. 1 (see *en humin* in v. 9, 10, 11 [bis]). Moreover, the repeated use of *emoi* and related expressions in 7:15-23 suggests that the resolution of the dilemma described there also occurs *in us*, not by or through us.²⁷ These considerations too point away from Rom 13:8, 10, for these verses have in view something to be done, not something done in us. In other words, the passive *plerōthē* must be taken seriously—something is accomplished in us.

That which is accomplished is *to dikaiōma tou nomou*. The word *dikaiōma* has a wide range of meanings. H. W. M. van de Sandt has reported the results of his investigation of the term.²⁸ (a) In Greek literature, *dikaiōma* was regularly used of legal matters, but with a range of meanings. Common among them was 'legal claim' or right. In the papyri it appears mostly in the plural, usually referring to legal documentations. (b) In LXX the sg. is relatively infrequent, and the plural is used often for *hoq(ah)*, commandment, ordinance, statute—a meaning scarcely found in the papyri. Philo and the Apostolic Fathers follow LXX usage. Van de Sandt renders Rom 8:4 as "the legal claim of the law," and thinks it refers to the obligation to love. In a subsequent article,²⁹ he suggests that Paul's unusual phrase reflects a rabbinic tradition of summarizing the whole law, and he appeals to the phrase (*me)qayyem kol hattorah kulah*. Paul is said to have assumed that *plērōun* was the equivalent of *kol . . . kulah*, so that "performing the whole law" was turned into "totally performing the law." This is hardly persuasive. Paul's own usage of *dikaiōma* is uneven. It is generally acknowledged that rhetorical considerations led Paul to write *dikaiōma* instead of *dikaiōsis* or *dikatosunē* in Rom 5:16 (the surrounding terms all end in . . . *ma*). The same considerations evidently induced him to speak of the *dikaiōma* of the one man (Christ) over against the *paraptōma* of Adam in 5:18. The RSV therefore translates *dikaiōma* in v. 16 as "justification," and as "act of righteousness" in v. 18. In 2:16 Paul writes about the gentiles observing *ta dikaiōmata tou theou*, a phrase consistent with LXX usage. In 1:32 he writes of *to dikaiōma* which gentiles know. Here the RSV and NEB render it as "decree," JB as "verdict" and Barrett (*op.cit.*) as "God's righteous ordinance." The phrase *to dikaiōma tou nomou*, however, is found only here.

So we are thrown back on the context of 8:4. What has happened "in us"? The power of sin and death, which operated in the flesh, has been displaced by the power of the Spirit. One power structure has replaced another. Now one is no longer captive of the law of sin in one's members but is subject to a new order, that of the Spirit. Now willing the good is no

longer thwarted by the "other law," for one has been emancipated from it. The mindset of those in the Spirit, or those in whom the Spirit resides, leads to life (8:5-9). In short, what the Spirit accomplishes is the *dikaiōma tou nomou*, the rightness, the right intent of the law—life. Paul expresses the achievement of the Spirit in this difficult phrase about *law* because so much of his foregoing discussion was concerned with the incapacity of the law to make good in the situation of the self without the Spirit.³⁰

At the same time, Paul does not speak simply of fulfilling the law, for that would obscure the qualitative difference which he sees between the old situation and the new. Nor does he speak of fulfilling the "law of Christ" (Gal 6:2), for that might imply that Christ's law has replaced that of Moses, as if one body of precepts displaced another.³¹

The fulfillment of the intent of the law is not the goal of Christian doing but its basis. This is not because the law has been internalized (Jer 31:31 is not in the background) but because the Spirit has been internalized. It now resides where sin had settled in. That is where the problem lay. For Paul, the Spirit achieves what the spiritual law is really all about. The Spirit achieves this in those whose relation to God is made right by faith, apart from obedience to the law—that is, whose relation to God is not the result of successful law-observance. Those who believe are baptized into Christ, and so belong to him³² because they now exist in his domain, and hence become recipients of the Spirit through which the risen Christ exerts his power on earth.

Because the right intent of the law is fulfilled, on the one hand, and because the consummation of what was inaugurated by the sending of God's Son is not yet consummated, on the other, Paul summons his readers to live by the Spirit. For Paul, one always lives "according to . . . (*kata*)" something, expressed in chap. 8 as the alternative of "Spirit" or "flesh." To live "according to" something is to heed it, to be determined by it and hence to obey it, to live within its jurisdiction. Persons dominated by sin and flesh simply cannot live "according to the Spirit" nor can they attain what the spiritual law intends. Because the law is spiritual, the life of Spirit-determined persons accords with the real intent of the law. It is not enhanced and perfected Christian doing that brings about the fulfillment of the *dikaiōma tou nomou* but the Spirit. Because the law is spiritual, being determined by the Spirit necessarily coincides with the fulfillment of the *dikaiōma tou nomou*.

Paul's exposition of the Spirit and the law, like his earlier discussion of faith and the law, could have ended with the same phrase: "we uphold the law" (*nomon histanomen* 3:31).

IV

In this context, the import of our passage for Paul's ethics must be left implicit, save for three brief comments.

First, Paul's understanding of the Spirit and the law clearly suggests that he did not regard the Spirit as a factor which enabled Christian persons to be more moral than non-Christian Jews. He himself had written that as a Pharisee he was "blameless" with regard to the righteousness of the law (Phil 3:6). The function of the Spirit was not to make people morally "better" but to emancipate them from the tyranny of sin which resided in the self. As noted, he discovered this about the self only as a result of being in the Spirit.

Second, the ongoing struggle between Spirit and flesh is precisely not what the NEB makes it—a tension between one's higher and lower nature (see the translation of Rom 8:5-8). Rather, it is the struggle between the power of the New Age and that of the Old, which continues until the End.

Third, what makes our passage foundational for Paul's ethics is what it reveals about his understanding of the doer, the moral agent. Getting his readers to reconsider that theme may well be Paul's perennial contribution to ethical reflection.

NOTES

¹Although *se* (A BG 1739 it yP Tert Ambrst Ephr *et. al.*) is the more difficult reading, *me* (as the majority of witnesses reads) is probably to be preferred. *hēmas* (*Ps Marcion Or SyPalbo*) clearly anticipates the *en hēmin* of v. 4. However, it is more likely that *me* in v. 1 resumes the *me* of 7:24 than that Paul should have switched to *se* for no clear reason. The observation that with "you" Paul moves to proclamation is not a reason, as Fuchs claims, but a necessary consequence of accepting this reading. Ernst Fuchs, *Die Freiheit des Glaubens* (BEvTh 14; Munich: Kaiser, 1949) 84. Fuchs is followed by Käsemann, *An die Römer* (Tübingen: J. C. B. Mohr [Paul Siebeck] 1973) and Heinrich Schlier, *Der Römerbrief* (Freiburg-Basel-Wien: Herder, 1977), 237-8. Cranfield sees that the appearance of *me* is quite unexpected, but having chosen it, concludes that Paul wanted to make sure that each reader applied the point to himself personally. This is scarcely satisfactory. C. E. B. Cranfield, *The Epistle to the Romans* (ICC; Edinburgh: T.&T. Clark, 1975) I 376-7. Barrett follows Origen in leaving it out altogether, thus turning the statement into a gnomic aorist: "Spirit liberates. . . ." *The Epistle to the Romans* (New York: Harper and Row, 1957) 153 n. 1. This is the least convincing solution. Curiously, Peter von der Osten-Sacken sees the sufficient reason for reading *me*—unity between 8:2 and chap 7—but still cannot decide the matter. *Römer 8 als Beispiel paulinischer Soteriologie* (FRLANT 112; Göttingen: Vandenhoeck & Ruprecht, 1975) 146 n. 11.

²Literally, "flesh of sin" (*sarkos hamartias*), analogous to "flesh of evil" in IQS 11:9.

³The omission of this phrase by a few mss. is probably accidental, a case of homoioteleuton. More important is whether *peri hamartias* is an allusion to Christ as "sin offering" because the phrase is so used in the LXX (e.g., Lev. 9:2; 14:31; Ps. 39:7; Isa. 53:10). The NEB ("and as a sacrifice for sin") represents this interpretation, which goes back to Origen; so also, e.g., ASV and Käsemann. It seems better, however, to take the phrase more loosely as "to deal with sin," as do RSV and Cranfield, for instance.

⁴Instead of taking *en sarki* with *katekrinen*, as Cranfield does for instance, it is better to take it with *hamartian*; i.e., not "in the flesh condemned sin" but "condemned sin the flesh."

⁵So Rudolf Bultmann, "Glossen im Römerbrief," in *Exegetica*, Erich Dinkler ed. (Tübingen: J. C. B. Mohr [Paul Siebeck], 1967) 278-9 (orig. published *ThLZ* 72 [1947] 197-202). Bultmann is followed by Käsemann, *ad loc.* but rejected by Cranfield.

⁶Otto Michel, *Der Brief an die Römer* (KEK; Göttingen: Vandenhoeck & Ruprecht, 1955), *ad loc.*

⁷This was seen also by H. W. M. van de Sandt, "Research into Rom. 8,4a: The Legal Claim of the Law," *Bijdragen. Tijdschrift voor Filosofie en Theologie* 37 (1976), 253.

⁸Barrett, 154, calls 7:7-25 an excursus, as does Schlier, 237.

⁹The recurrence of the same phrase in 7:25b drops out of consideration if it is a gloss, as has been judged here.

¹⁰Schlier proposed a third possibility—that it modifies the whole phrase that precedes it.

¹¹Perhaps the first occurrence of the motif "in Christ" is Rom 5:10 (*sōthōsometha en tē zōe autou*); what the subsequent paragraph emphasizes is what occurred through (*dia*) Christ, not in (*en*) him.

¹²"Zum religionsgeschichtlichen Hintergrund der 'Sendungsformel' Gal 4:4f.; Rm 8:3f.; I Joh 4:9," ZNW 57 (1966) 199-210, esp. 207. The possibility that "sent his Son" was a more or less fixed formula was discussed already in 1903 in the pioneering study by Alfred Seeberg, *Der Katechismus der Urchristenheit*. This is now reprinted in ThB 26 (Munich: Kaiser, 1966); see 58-62.

¹³This observation carries out the suggestion by Henning Paulsen, *Überlieferung und Auslegung in Römer 8* (WMANT 43; Neukirchen: Neukirchener Verlag, 1974) 41.

¹⁴*Op. cit.*, 43-44.

¹⁵Nils A. Dahl, "Formgeschichtliche Beobachtungen zur Christusverkündigung in der Gemeindepredigt" in *Neutestamentliche Studien für Rudolf Bultmann* (BZNW 21; Berlin: de Gruyter, 1954) 7. Werner Kramer used Dahl to speak of a "splinter" of a *pempein* formula which appears more fully in John. *Christos Kyrios Gottessohn* (Zurich: Zwingli Verlag, 1963) 111-12. For relying on John, he was criticized by Klaus Wengst, *Christologische Formeln und Lieder des Urchristentums* (SNT 7; Gütersloh: Gerd Mohn, 1973²) 59 n. 22. (Kramer, it should be noted, regards the purpose clause as Pauline.)

¹⁶*Jesus the Jew* (Atlanta: John Knox Press, 1978), 19-20.

¹⁷Eduard Lohse, "ho nomos tou pneumatos tēs zōes. Exegetische Anmerkungen zu Röm 8,2" in *Neues Testament und christliche Existenz* (H. Braun Festschrift). H. D. Betz and L. Schottroff, eds. (Tübingen: J. C. B. Mohr [Paul Siebeck] 1973) 279-88. So also Kurt Niederwimmer, *Der Begriff der Freiheit im Neuen Testament* (Berlin: Töpelmann, 1966) 172, 192.

¹⁸*Op. cit.*, 210-11, 226-8.

¹⁹One can scarcely insist too vigorously that Paul did not write what common English translations (AV, RV, RSV, NEB, ASV) make him write—"nothing good dwells in me." Paul is not answering the question, How much good is in me? but rather, Does the good reside in the self? The consequences of this persistent mistranslation have been enormous.

²⁰Gerhard Friedrich, "Das Gesetz des Glaubens. Röm 3,27," *ThLZ* 10 (1954), 407. Friedrich's conclusion is all the more remarkable because he has seen clearly that Paul deliberately takes up the phrasing of 7:23.

²¹So Barrett, *op. cit.*, 155. Unavoidably, he must then regard "the law of sin and death" as the law of Moses, a religion, a way of life (his phrases) which has been replaced by another religion.

²²Friedrich Büchsel, *kataktrinō*, Kittel, *ThWB* III 593.

²³*Op. cit.*, *ad loc.*

²⁴E. P. Sanders, *Paul and Palestinian Judaism* (Philadelphia: Fortress Press, 1977), 474-5, *passim*.

²⁵Herman Ridderbos, *Paul* (Grand Rapids: Eerdmans, 1977; Dutch orig. 1966), 283. So also Andrea van Dülmen, *Die Theologie des Gesetzes bei Paulus* (SBM 5; Stuttgart: Verlag Katholischer Bibelwerk, 1968) 81 n. 38, 122, *passim*. She appears to see the tension between this view and the implication of *plērōthē* when she says that the passive suggests that the fulfillment depends not so much on one's own effort as on the life in the Spirit, 123.

²⁶John Murray, *The Epistle to the Romans* (New Int. Comm.; Grand Rapids: Eerdmans, 1959; 1 vol. ed., 1977), *ad loc.* So also J. A. Ziesler, *The Meaning of Righteousness in Paul* (SNTSMS 20; Cambridge: Cambridge University Press, 1972) 204.

²⁷Egon Brandenburger has called attention to the importance of "spatial" language in Paul, especially in Rom 5-8. *Fleisch und Geist* (WMANT 29; Neukirchen: Neukirchener Verlag, 1968), 54-57, 197-216. Brandenburger is concerned primarily with the relation of Paul's concepts to that of dualistic Wisdom in Philo.

²⁸*Op. cit.* Essentially the same conclusions were reached by Schrenk, Kittel, *ThWB* II 223-7.

²⁹"An Explanation of Rom. 8.4a." *Bijdragen. Tijdschrift voor Filosofie en Theologie* 37 (1976) 361-78.

³⁰It is doubtful whether Paul means that the "new order" of the Spirit had previously revealed itself in the inner self's desire to do the will of God but was unfulfilled, as van Dülmen claims. *Op. cit.*, 119-20.

³¹This was seen also by C. H. Dodd, "ENNOMOS CHRISTOY" in *Studia Paulina* (de Zwaan Festschrift) (Haarlem: Bohn, 1953), 102-3.

³²Niederwimmer expressed it aptly: "Im Herrn sein heisst des Herrn sein" ("To be in the Lord is to belong to the Lord"). *Op. cit.*, 189.