

# Studies in Christian-Jewish Relations

---

---

A peer-reviewed e-journal of the Council of Centers on Jewish-Christian Relations

Published by the Center for Christian-Jewish Learning at Boston College

## The Blessing of Israel and “the Curse of the Law” A Study of Galatians 3:10-14

Vincent M. Smiles

College of St. Benedict and St. John’s University

Volume 3 (2008)

<http://escholarship.bc.edu/scjr/vol3>

By his own testimony, Paul was “circumcised on the eighth day, of the people of Israel, the tribe of Benjamin, a Hebrew of the Hebrews, as to the Law a Pharisee, as to zeal a persecutor of the Church, as to righteousness under the Law beyond reproach” (Phil 3:5-6). Paul never lost his sense of what his heritage involved, but his harsh treatment of that heritage emerges in the next verses. “All such advantages,” he says, he now regards as “loss,” indeed even as “rubbish,” “for the sake of Christ” (3:7-9). In both halves of his life, Paul was something of an extremist. We do not know how old he was when, only three years or so (c. 33-34 CE)<sup>1</sup> after Jesus’ death, he experienced the Damascus epiphany which utterly transformed him. But we do know that for close to the next thirty years, until his death in Rome under the persecution of Nero (c. 63 CE), he ardently pursued his new call “to preach the gospel to the Gentiles” (Gal 1:16), and did so with all of the “zeal” that had characterized his earlier life as a Pharisee and persecutor of the Church (1:13-14).

Paul’s conversion radically transformed for him the Law in which he “had been raised by the strictest” standard (Acts 22:3; 26:5; cf. Gal 1:13-14).<sup>2</sup> By the time he wrote Galatians (c. 54-55

<sup>1</sup> The chronology of Paul’s ministry and the dates of the letters are all somewhat uncertain. I am following a fairly traditional outline, but for more full discussion and some alternative views, see Lüdemann, *Paul*.

<sup>2</sup> Stendahl, *Paul*, 7-23, insists on “call rather than conversion,” and he is correct that it was not a matter of Paul going “from one ‘religion’ to another” (9). Nevertheless, faith in Christ changed Paul’s perspective regarding aspects of his “former life in Judaism” (Gal 1:13). Stendahl also stresses that Paul exhibits no “remorse” (13) about his life in Judaism, which is true, but again we cannot (no matter how we might wish) avoid seeing some severe “critiquing” by Paul both of the Law and of Jews who, in his view, misinterpret it, as I hope to show. Boyarin, *Radical Jew*, 272, n. 9, in line with the “Gaston-Gager Hypothesis” (42), wants to avoid seeing Paul as “critiquing some essential fault in the Law or in the Jews’ observance of it.” For Boyarin, it was a matter, in the name of “universalization” (276), of Paul “trying to extend [the Law] to all folks” (272). I agree that Paul had a strong interest in universalism, but the

latter could only be established by exposing the fault of what stood in its way, namely, an insistence on “works of law” as definitive of the covenant. This does *not* mean, either on Paul’s part or on ours, seeing ancient Judaism as monolithically “a religion of ‘works-righteousness’ ... in which meritorious works *automatically* earn one’s salvation” (43). It involves only the mundane observation that ancient Judaism so identified covenant with law – as, for instance, Deuteronomy shows – that the grace of the one was inextricably involved in the demands of the other. Paul’s conversion at some point involved, in part, seeing “the grace of God” (Gal 2:21) in antithesis to the Law’s requirements of “works” (e.g., Gal 2:16; Rom 11:6), since such requirements suggest that God’s eschatological deed in Christ was not of itself sufficient for “the salvation of everyone who believes, Jew first, then Greek” (Rom 1:16). Paul’s critique of works-righteousness was primarily aimed at Jewish-Christians and it remains applicable, in my view (speaking as a Catholic), to attitudes and practices of both religions.

<sup>3</sup> Referring to “opposition” or “opponents” in Galatia has become a little controversial, but in light of the history we can reconstruct, it strikes me as fully appropriate. On the history, see Lüdemann, *Opposition*. For other views, see Martyn, “Law-Observant Mission” (who prefers the term, “Teachers”) and Nanos, “Political Context” (who prefers “Influencers”).

As a phrase, “the curse of the law” is undoubtedly offensive, particularly, one imagines, to Jewish ears; it is also difficult for Christians.<sup>4</sup> But we do well to remember that Paul derived the concept from Deuteronomy 27-30, probably in response to his opponents’ teaching (more on this below) and that, in Paul’s rhetoric, the phrase is deliberately paradoxical. On the one hand, Paul cannot permit the Law to exclude the Gentiles from participation in the status of Israel as God’s elect; but on the other hand, neither can he turn his back on the Law, and even less can he turn his back on Israel or disparage its divine election and covenant. Interpreting Paul’s critique of the Law as an attack on election and covenant is, as I shall argue, one of the

<sup>4</sup> Gaston, *Paul and the Torah*, and Gager, *Reinventing Paul*, have championed the view that Paul’s teaching on the Law was aimed *only* at Gentiles; in Gager’s words, “*In all likelihood Paul ... is not speaking about the law as it relates to Israel but only about the law and Gentile members of the Jesus-movement*” (44, compare 58). This notion is ecumenically attractive, but:

- 1) Historically it is highly *unlikely* that Paul could have confined his message exclusively to Gentiles (even, says Gager, in Jewish synagogues [51]).
- 2) Though Gentiles (as I will argue below) were Paul’s *primary* audience, Jewish-Christian apostles instigated the debate about the *Jewish* Law, as Gager properly insists. From this he concludes that the disputes had nothing to do “with Jews or Judaism outside” [“the Jesus-movement”] (69). But Paul is controversial precisely because he believed that all Jews should accept Christ and feared for their salvation, if they did not (Rom 9:1-3; 10:1; 11:23). If Gager were correct, it is difficult to understand why Paul “five times received the thirty nine lashes” (2 Cor 11:24) and why his life was threatened (Acts 23:12-14).
- 3) Most important, Paul himself applies his teaching *directly* to critique of Jews (e.g. Rom 2:17-3:31; 9:31-32) and the Law (Gal 3:10-21) as well as to the needs of Gentiles. Paul says in Rom 3:19 that “what the Law says, it says to those in (under) the Law, so that...the *whole world* might be held accountable to God,” and then immediately follows that with the explanation that “by works of law *no flesh* shall be made righteous before [God].”

Consequently, we cannot avoid Paul’s inclusion of Jews and Gentiles under the one rubric. It may be impossible to remove the offensiveness, but it helps if we note that his teaching on the Law does *not* amount to a rejection of Judaism or the covenant (see the next note).

serious missteps of recent scholarship on Paul.<sup>5</sup> Critique of the Law does not, for Paul, lead to denial of the covenant; careful nuance is required here.

Galatians is an intense letter, nowhere more so than in 3:10-14. One of the most difficult aspects of the passage is whether “the curse of the Law” applies only to Jews or to both Jews and Gentiles. Resolving this problem is crucial since it has everything to do with what Paul understood “the curse of the Law” to be and thus it affects the overall understanding of Paul’s thinking about the Law. The question, therefore, is of great concern to exegetes, especially where ecumenical concerns hover in the background of their work (see notes 6 and 7). If the curse, for Paul, applied only to Jews, then the sphere of the Law’s dominion was quite limited. In such an interpretation, Israel’s redemption from the curse was a necessary “intermediate step” for the salvation of the Gentiles, since “Christ through the cross redeemed Israel from the curse of the law so that the blessing of Abraham might come to the Gentiles in Christ Jesus.”<sup>6</sup> Fur-

<sup>5</sup> The credit for finally convincing Christian scholars not to portray ancient Judaism as narrowly “legalistic” belongs to Sanders, *Palestinian Judaism*; see also *Paul, the Law*. It is, therefore, deeply ironic that, in his attempt to deny Paul’s critique of works-righteousness, Sanders ends up saying that Paul “explicitly denies that the Jewish covenant can be effective for salvation, thus consciously denying the basis of Judaism” (*Palestinian Judaism*, 550-551, here 551; see also *Paul, the Law*, 46-47). This, if correct, would be a far more radical rejection of Judaism (see also n. 17 below, and Gager’s critique of Sanders [*Reinventing Paul*, 46-49]). In my view, what Sanders has failed to recognize is that Paul *separated* the Law from the covenant and, while affirming the latter, denied that the Law was *constitutive* of the covenant. There is, in Paul, a critique of works-righteousness (see n. 8), which is as applicable to Christian failings as it is to those of Judaism. I have set out my criticisms of Sanders on this point more fully in Smiles, *Gospel and Law*, 21-25 and 214-216. The issue is complex and I will return to it in the conclusion below.

<sup>6</sup> This is the thesis of Donaldson, “The ‘Curse of the Law,’” 94, 97; it is diametrically opposite to Gager, *Reinventing Paul*, 88, who applies the entire passage to Gentiles alone. Donaldson enumerates at length scholars who favor an inclusive reading of “us” (3:13) and those who, like himself, read it as referring to “Jewish Christians exclusively” (97 and nn. 2-3). Other scholars agree-

ther, an Israel-only curse profoundly impacts how one interprets the phrase “works of law.” An Israel-specific interpretation lends itself to “works of law” having to do with “nationalism” or with Israel’s specific plight rather than (as I shall argue) with a critique of the Law itself.<sup>7</sup> If, however, in Paul’s thought, the curse applied to all humanity, then other perspectives are more possible, including that by “works of law” he thought also of “works” in general,<sup>8</sup> and that he regarded the Law as having a universal reach such that Gentiles also had to reckon with it.

---

ing with Donaldson include: Boers, *Justification*, 69 (also 74, 150), Kruse, *Paul*, 86-89, and Boyarin, *A Radical Jew*, 136-145 (n. 143). Dunn, *Epistle*, favors an exclusive reading in 3:10 (172) but an inclusive reading in 3:13 (176). See also Wright, next note.

<sup>7</sup> Wright, *Climax*, 141, interprets 3:10-14 in terms of Israel’s still being “under the curse of Deuteronomy 29,” and thus he takes 3:10 to refer to Israel “as a whole” being in “exile” (142, 146), and the “we” of 3:13 to refer to “Jews” exclusively. This requires reading into the text a somewhat complex narrative for which there is scant evidence. For a full critique of this view, see Kim, *New Perspective*, 136-141. The primary advocate of the “nationalist” interpretation is Dunn, beginning with his essay, “New Perspective on Paul.” I have set out my agreements and disagreements with Dunn in this regard in Smiles, “Concept of ‘Zeal’; see also n. 9 below.

<sup>8</sup> *Erga nomou* (“works of law”) is almost unattested prior to Paul, but is an important phrase for the apostle in polemical contexts (Rom 3:20, 28; Gal 2:16; 3:2, 5, 10). Its rare appearance in a Qumran letter (4QMMT), on which, see Martinez, *Dead Sea Scrolls*, 77-79, shows that Paul’s use of the phrase was not completely unprecedented. The phrase indicates that by *nomos* Paul mostly has in view the Mosaic (Sinaitic) legislation, as is maintained by Westerholm, *Perspectives*, 298-300. The many instances where *erga* stands alone as an abbreviation of the whole phrase (Rom 3:27; 4:2, 6; 9:11, 32; 11:6; see also Eph 2:9) shows how important that word is for the meaning of the whole; it is the “works” the Law requires that occasion the debate. That emphasis on “works” also shows that “works-righteousness” is a target of Paul’s concern. Further on this, see Smiles, *Gospel and Law*, 119-120, and the insightful critique of the “new perspective” in this regard by Kim, *New Perspective*, 60-66, especially n. 212. Gaston, *Paul and the Torah*, 100-106, interprets “Works of Law as a Subjective Genitive,” but for good reason the interpretation has been rejected; e.g., Westerholm, *Perspectives*, 313-314.

## The Thesis

Although Paul was well aware of Jews’ being bound to the Law in a unique way (e.g., Rom 3:1-2; 9:4), he nevertheless instinctively thought of the Law as having a claim on all humanity; the Law not only held “promise” for the world, it also held “the whole world” to account (Rom 3:20).<sup>9</sup> Further, from his encounters with his opponents’ teachings, Paul had come to view the Law as a power of “the present evil age” (Gal 1:4), to the extent that in Galatians he turned his polemic not primarily against the “agitators” (1:7), but against the Law itself (3:15-20). The whole world, including the Messiah himself (3:13; 4:4), came under the Law’s curse, and the curse itself was complex, binding under its power both the transgressors and the obedient. Such ideas required Paul polemically to distinguish the Law – specifically, the Law of Sinai – from the Abrahamic promises and inheritance, and thus also from God’s action in Christ.

---

<sup>9</sup> Dunn, *New Perspective*, 29 and n. 108, and 417 and n. 19, criticizes my view that in Galatians Paul contests “the law’s claims upon the *entire world*” (*Gospel and Law*, 126). He provides no specific reason for this criticism, but it occurs as part of his defense of “works of law” as the works “by which Judaism distinguished itself and kept itself separate from the (other) nations” (*New Perspective*, 28). In line with this criticism, he claims that I set “‘social’ and ‘theological’ interpretations in antithesis” (29 and n. 112, with reference to *Gospel and Law*, 125-128). This claim is inaccurate, and Dunn’s failure to capture what I wrote is symptomatic of his failure to grasp the weakness of his overemphasis on “nationalism” as the way to understand Paul’s statements on the Law. I agree with Dunn that circumcision, Sabbath and food laws functioned as “boundary markers,” and that Paul rejects separatism. But behind separatism lies the belief that the Law grants a *status before God to which Gentiles can attain only by obeying the law*. Since the Galatians are close to accepting this belief, *that* is the point Paul must refute. What the law affirms about Jews is not a problem for Paul, but what, in the opponents’ teaching, it *denies about Gentiles*, is the problem – namely, that unless they obey the Law, they cannot be included in the promise. Romans 14 shows that Paul had no problem with the Law as a boundary marker, but he rejected the notion that the Law determines the basis of the divine-human relationship. The Law’s role for both Jews and Gentiles – thus for the “entire world” – was Paul’s concern. The social function of the law (as a “boundary marker”) is one thing, the theological implications of *requiring* obedience to it are another.

Such a turn against the Law itself was deeply paradoxical, since Paul, of course, had to appeal to the Law – in the sense of *graphe* (“scripture”) – to make his case. Small wonder that Paul’s teaching on the Law is so complex and difficult. In any event, it is crucial to recognize that Paul separates the Law from the covenant; his critique of the former does not involve rejection of the latter.

This thesis requires careful exegesis of Galatians 3:10-14 and its context. This includes, importantly, the wider context of how Paul viewed Gentiles in relation to the Law prior to his Damascus experience. It is this that shows how natural it was for him, even as an apostle, to think of Gentiles as also being subject to the Law’s curse.

### Gentiles and the Law in Paul’s Pre-Conversion Period

As many studies have shown, Jewish attitudes toward Gentiles in ancient times were very diverse.<sup>10</sup> Paul’s own language suggests that he originally belonged well toward the negative, separatist edge of that wide spectrum. In his letters he presupposes, as a point no one would argue, that the *ethne* (“Gentiles”) are “sinners” who exemplify heinous immorality (e.g., 1 Cor 5:1; 1 Thes 4:5). Paul continued to employ this language long after his conversion, long after he had worked extensively among Gentiles and had come to interpret the scriptures in

<sup>10</sup> E.g., Donaldson, *Paul and the Gentiles*: 52-74; Sanders, *Palestinian Judaism*, 206-212; idem, *Judaism*: 72-76; Bertram and Schmidt, s.v. *ethnos*, *ethnikos*, *Theological Dictionary*, 364-372; Fredriksen, “Judaism, 532-564, esp. 533-548. Ancient texts (both Biblical and intertestamental) betray a wide spectrum of attitudes, from the most positive (Ruth, Jonah) to the most negative (Jubilees). Donaldson, *Paul and the Gentiles*, 295, recognizes that Paul belonged within “the more stringent and zealous forms of Pharisaism,” but then maintains, in light of Gal 5:11, that Paul “played an active role in the making of [full] proselytes” (296). The latter is not impossible, but Dunn, *New Perspective*, 417, n. 18, is correct to emphasize “the far weightier considerations which flow from the fact of Paul’s ‘zeal’ as a persecutor.”

terms of their inclusion within Israel’s heritage (e.g., Gal 3:8). In other words, he continued throughout his apostolic career – Romans 2:14-15 notwithstanding – to presume that Gentiles were the prime illustration of immorality. The most likely explanation for this would seem to be the zeal for the Law and the separatist language that characterized his pre-conversion years.

Separatism, as I have maintained elsewhere, was motivated by Israel’s desire – especially among the “zealous” – to maintain fidelity to the covenant and Law of Sinai.<sup>11</sup> Zeal sometimes required separatism, whether from Gentiles or from apostate Israelites, in defense of the Law. Israel’s awareness of being distinct from the “nations” pervades both Old Testament and apocryphal texts, from Genesis 34 to Jubilees 30,<sup>12</sup> but exile and persecution increasingly fractured Israel into groups with different responses to the realities of Gentile domination. Already in the early Second-Temple period, Ezra and Nehemiah were representative of Jews who, in defense of the covenant and Law, deemed it necessary to be separate “from the pollutions of the nations of the land” (Ezr 6:21; cf. Ezr 9-10; Neh 13:23-31); other Jews explicitly repudiated such separatism (1

<sup>11</sup> See Smiles, “Concept of ‘Zeal’,” especially 287-291. “Separatism” is a preferable term to “nationalism,” because it matches the vocabulary of texts from Lv 20:24 and Ezr 6:21 (9:1) to 1 Mc 1:11 and Jubilees 22:16. Paul clearly rejected separatism (e.g., Rom 3:29-30; Gal 3:28; 6:15), but Dunn, *Theology*, 69, goes much too far in thinking that separatism (his preferred term is “nationalism”) is what Paul reacted against “in his conversion to faith in Jesus” (69), and even that Jewish motivation for Torah-observance was “to keep themselves distinct from Gentiles” (364)! On the motivation for law-observance among Jewish zealots, see Smiles, “Concept of ‘Zeal’,” 291.

<sup>12</sup> Gn 34 and Jub 30 both deal with the story of the rape of Dinah by Shechem and the sly revenge taken by Simeon and Levi. The contrast between the two interpretations of the story is very telling. Both show awareness of Israel’s distinctiveness, but whereas Gn 34:30 could envisage a covenant between Israel and Shechem, Jub 30 emphatically could not. The latter takes Dt 7:2-6 very literally (“You must utterly destroy them, make no covenant with them and show them no mercy”).

Mc 1:11-15). The crisis of 167 BCE (1:41-62), however, drew clear battle lines between the separatists and the assimilationists, so that separatism ultimately obtained not only between Jews and Gentiles, but also among Jews themselves.<sup>13</sup>

In this context, for the separatists, Gentiles represented the epitome of wickedness; the nadir of Israel's depravity was that they "followed [or exceeded] all the abominations of the nations" (2 Chr 36:14; cf. 1 Esdras 1:47). Punishment at the hands of Gentiles forcefully demonstrated the moral depths to which Israel itself had sunk (e.g., Ez 4:13; 22:15; 2 Chr 36:15-21; Jub 23:23). The phrase, "sinners of the Gentiles" (Gal 2:15), echoes similar phrases in 1 Maccabees (e.g., 1:34), 3 Maccabees 6:9 (cf. 5:13) and Jubilees (23:23-24; 24:28). Jubilees envisages that the "judgments" and "curses" Israel had suffered would ultimately fall on the Gentiles themselves (23:30), and Wisdom of Solomon follows and develops further the Leviticus theme (18:24-25) that it was the depravity of the original inhabitants of the "holy land" that caused them to be driven out and destroyed, "for they were an accursed seed (*sperma gar en kateramenon*) from the beginning" (Wis 12:11). Paul echoes this Wisdom motif in Romans 1:18-25.

The New Testament also blithely presumes that "Gentiles" and "sinners" are synonymous terms (e.g., Mt 5:46-47, cf. 18:17; Lk 18:32 with 24:7, cf. Acts 2:23; 1 Pt 4:3), but no New Testament writer more clearly echoes this notion than Paul (1 Thes 4:5; Gal 4:8-9; 1 Cor 5:1; 12:2; Rom 2:14; 9:30). His usage of the terms *Israel*, *laos* ("people") and *ethne* echoes faith-

<sup>13</sup> Elliott, *Survivors of Israel*, adduces abundant evidence showing that "traditional national views of Israel's election" were much in decline in Second-Temple Judaism and were largely replaced by factionalism (i.e. separatism *within* Israel) and notions of "individual judgment" (here 73, and see 57-113 and 203-207).

fully the LXX's usage, which in turn reflects the Masoretic text.<sup>14</sup> A telling example is Paul's usage sixteen times of *Israel*. No instance includes Gentiles,<sup>15</sup> showing that, in spite of his long Gentile mission, Paul never lost his awareness of the distinction between Israel and the rest of the world. In Romans 9:25-26, however, Paul applies to Gentiles the words of Hosea 2:23 and 1:10, to the effect that Gentiles in Christ are raised to the *laos*-status of Israel. Apart from Christ, Gentiles could never be "offspring of Abraham, heirs in accordance with [the] promise" (Gal 3:29). That God has enabled Gentiles to receive "righteousness" in large measure constitutes for Paul the eschatological scandal over which, he believes, unbelieving Israel has stumbled (Rom 9:30-33 with 10:10-13).<sup>16</sup> Ephesians is succinct: "The mystery of Christ" is that "the Gentiles are coheirs, members of the same body and sharers in the promise" (3:3-6; cf. 2:11-22).<sup>17</sup>

<sup>14</sup> See Smiles, *Gospel and Law*, 109-115, especially 109, n. 11. In brief, the vocabulary of the Hebrew texts, followed closely by the LXX, demonstrates vividly Israel's awareness of its distinctiveness from other nations. E.g., Hebrew *am* ("people") is consistently reserved for Israel (e.g., Ex 1:20; Nm 11:29), though the plural (*amim*) is occasionally used of Gentiles, who are otherwise always designated *goyim*. The LXX nearly always translates *am* as *laos*, and *goyim* as *ethne*, and the New Testament consistently follows the LXX's usage.

<sup>15</sup> Gal 6:16 is a special case, and might be inclusive of Gentiles. For discussion, see Das, *Paul and the Jews*, 44-46; Sanders, *Paul, the Law*, 173-174, and Smiles, *Gospel and Law*, 112 and n. 20.

<sup>16</sup> The "stone of stumbling" (Rom 9:33) is Christ, but what makes him such a "scandal" is that he is "Lord of all," eliminating "the difference between Jew and Greek" (10:12).

<sup>17</sup> Martyn, *Galatians*, 349, 350, based on 3:16-20, maintains that until Christ "God's promise to Abraham remained in a docetic, unembodied state"; in other words, that in Galatians Paul repudiated any "belief in the divine election of the ancient people of Israel." This is an even stronger version of Sanders' view that "Paul denies the Jewish covenant," which I have already rejected (n. 5 above). As Martyn knows, Romans "several times refers to Israel as God's people" (350), but this means that he has to posit a dramatic change of mind on Paul's part between the two letters. But Galatians does not require such a radical interpretation – quite to the contrary! It is the *Law* Paul sepa-

This all suggests that in the time of his persecuting the church Paul had a very negative, separatist attitude toward Gentiles and, indeed, toward Jews who – whether because of Gentiles or for other reasons – compromised the covenant and the Law. This survey also suggests that zealous Jews, such as Paul, could readily describe Gentiles as “an accursed seed” (Wis 12:11). Even as he dictates Romans 1:18-32, Paul continues to assume that idolatry, the prototypical Gentile sin, inevitably leads to other sorts of Gentile “uncleanness.”

Furthermore, he continues to take it for granted – a presumption that adds considerable complexity to his theology – that the Jewish Law, though not the means to righteousness, articulates “the righteous demand” of God (Rom 8:4), exposes humans as sinners (3:9-20), and provides instruction for the life of faith (15:3-6). In other words, Paul brought into his apostolate presumptions about Gentile sin versus the demands of the Law that he never abandoned. It was *by the measure of the Law* that “all, both Jews and Greeks,” were exposed as sinners (3:9-18); “we know that whatever the Law says, it speaks to those who are under the Law (*hypo nomon*), so that every mouth might be silenced, and the *whole world* held accountable to God” (3:19).

### The Context of Galatians 3:10-14

The context of our passage strongly suggests that Paul has primarily the Galatians in mind as he turns to consider those who are *ex ergon nomou* (“of works of law”). In 3:1-6 he directly addresses the “foolish Galatians” and rebukes them by asking whether they “received the Spirit by works of law or by the hearing of faith.” In 3:7-9, with the aid of Genesis 12:3 and

---

rates from God and the covenant, not Israel's election (especially if 6:16 refers to Jews – n. 15 above). Christ alone, as the “singular seed” (Gal 3:16), is the goal of the promise, in that he is the way it reaches “all nations,” but this does not require any denial of Israel's “divine election.” More on this below.

18:18, he applies explicitly to Gentiles the general principle that “those who are of faith (*hoi ek pisteos*) are children of Abraham.”<sup>18</sup> It is, therefore, inherently probable that in 3:10-14 he is describing what he believes to be true of believers in Galatia (5:2-4). The notion of some interpreters that suddenly the Galatians are *not* in view and that Paul is thinking *only* of Jews requires an unlikely interpretive leap. In 4:21 Paul rebukes the Galatians for their desire to be “under the law.” At other points, he refers to that desire (3:1-5; 4:8-10; 5:2-4). These considerations make it more than likely that *hoi ex ergon nomou* (“those relying on works of law”) refers to the Galatians, and their fascination with the Law.

However, some understand the context to require that *hoi ex ergon nomou* describes only Jews. Donaldson, for example, proposes the thesis that “the redemption of Israel” is “a prerequisite for or condition of...the blessing of the Gentiles.”<sup>19</sup> In dis-

---

<sup>18</sup> Hays, *Faith of Jesus Christ*, 172-3, suggests that *ek pisteos* in 3:7, 9 is “an allusion to Hab 2:4,” and anticipates Paul's quotation of that text in Gal 3:11. Thus, *hoi ek pisteos* primarily connotes *not* “those who have faith” but rather “those who are given life on the basis of Christ's faith.” This is ultimately unconvincing. Among several problems, it does not account well for *ek pisteos* in 3:8 which holds 3:7 and 9 together, and which obviously echoes *Abraam episteusen* in 3:6 (quoting Gn 15:6). Further, a focus on “the religious disposition” of faith in 3:1-15 need not be seen as in “contradiction” (171) with the Christological focus of 3:16-29. As 2:16-21 shows, human faith (*episteus-amen*) leads to incorporation with Christ (2:19-20); faith involves participation in all that Christ does and accomplishes. Hays' somewhat tortured exegesis is occasioned by his insistence on the “faith of Christ” as the only way to understand *pistis Christou*. Donaldson, “Curse of the Law,” 101-102, mostly favors Hays' exegesis.

<sup>19</sup> Donaldson, “Curse of the Law,” 94 (see n. 6 above). The apparent contrast, in support of this, between “us” (3:13a) and “the Gentiles” (3:14a), which Donaldson cites (97), is not decisive and is considerably weakened by the “we” of *labomen* (“we might receive”) in 3:14b, which, as even Donaldson acknowledges (98), includes both Jews and Gentiles. If Paul intended to say, as Donaldson avers, “Christ redeemed *us* (Jews)...in order that (*hina*) Abraham's blessing might come to *Gentiles*,” then the second *hina* of 3:14 (“in order that we might receive...”) would seem to be introducing yet a third step in the salvific process (the reception of the Spirit by both Jews and Gen-

Discussing the context of the passage, he correctly notes that in 3:10-14 "Paul is replying to the argument of his Judaizing opponents that some form of Torah observance...was mandatory for *any* who wanted to be included among the 'sons of Abraham'."<sup>20</sup> In this, he follows standard descriptions of the situation in Galatia that occasioned the letter's composition. In this view, the threat Paul perceives is that the Galatians are being persuaded to follow the Law, because they are afraid that Paul's law-free gospel, focusing only on Christ's redemptive death and resurrection, is insufficient. Donaldson's next sentence, however, departs from this context and misses the point of the passage completely. "In other words," he says, "the status of uncircumcised and unbelieving Gentiles is not under dispute here; they do not enter the picture at all."<sup>21</sup> But why mention "unbelieving Gentiles"? Of course "they do not enter the picture;"

tiles). This is unlikely in itself, and it separates "the blessing of Abraham" from "the promise of the Spirit," terms that, for Paul, were synonymous, as 3:1-9 shows (on this, see Martyn, *Galatians*, 317). Note also the parallel, and synonymous, phrases in 3:23-25 and 4:3-5 that Donaldson (98) also wishes to see as separate moments in the redemptive plan, again by distinguishing "us" as Jews from "us" and "you" as both Jews and Gentiles. Stendahl, *Paul*, 18-22, attempts the same distinction with respect to 3:23-25. The scheme is weak in itself, and Romans 5:12-6:23 (especially 5:12-13, 20; 6:14-15), presupposing that Sin, Death and Law are *universal* powers from which Christ rescues *all* humanity, presents a considerable challenge to it. Donaldson's attempts to answer the challenge ("Curse of the Law," 96) are less than convincing. It is clear that Paul sees God as working through Israel for the salvation of the Gentiles, and through the Gentiles for the salvation of Israel (Rom 11:11-32). Donaldson overstates the case when he says that "Christ redeemed Israel so that the Gentiles might be blessed" (98).

<sup>20</sup> Donaldson, "Curse of the Law," 97 (emphasis added). His prior sentence misses an important nuance and begs the question. He says that "those subject to the curse from which Christ offers redemption...are to be seen as Torah observers in particular." Actually, *hosoi ex ergon nomou* is best translated, "Those who *rely on* works of law" (see Donaldson, *Paul and the Gentiles*, 181, and n. 27 below), which easily includes Gentiles. Of itself, observance (whether of Jews or Gentiles) neither incurs the curse nor brings deliverance from it.

<sup>21</sup> Donaldson, "Curse of the Law," 97.

Paul's concern is with the *believing* uncircumcised Galatians. It is their status that is the point of the dispute. This obfuscation causes Donaldson to exclude from consideration precisely the group who are central to Paul's concern.<sup>22</sup>

Further, Donaldson sees 3:10-14 as analogous to 2:15-17 where Paul distinguishes "Jews by birth" from "sinners of the Gentiles." Paul reintroduces, says Donaldson, "a distinction between Jewish and Gentile groups" in 3:10-14 in support of "the thesis" in 2:15-21.<sup>23</sup> This presupposes that the distinction between "Jews by birth" and "sinners of the Gentiles" (2:15) was introduced by *Paul* as an idea he wished to *defend*. In fact, however, the distinction had been introduced by *Peter* in Antioch (2:11-14) and was something, with respect to life "in Christ," that *Paul abhorred* (3:28; 5:6; 6:15)!<sup>24</sup> Paul's "thesis" in 2:15-21 – at least its negative edge – is that "*no one* is made righteous by works of law." He thereby aims to expose Peter's

<sup>22</sup> Just previously ("Curse of the Law," 96), Donaldson contrasts *hypo nomon* ("under law") with *hypo ta stoikeia tou kosmou* (4:3, 9; "under the elements of the world"), averring that only the latter applies to "all human existence apart from Christ." But this ignores the context of Galatians where Gentile desire to be "under [the] Law" is the whole issue. Ironically, Donaldson correctly says, "No doubt Paul would agree that unbelieving Gentiles are under a curse as well; but that is not his point here" (97). This, of course, is true, but Donaldson misses what the point really is – *believing* Gentiles, who are in danger of "turning back" (4:9) and incurring the curse all over again.

<sup>23</sup> Donaldson, "Curse of the Law," 97.

<sup>24</sup> In defense of the view that "under the law" does not apply to Gentiles, Donaldson, *Paul and the Gentiles*, 182-184, argues at length that the "distinction" between Jew and Gentile was of "continuing significance for Paul" (182). Of course, I agree with this, as indicated above. But it is crucial to distinguish between when Paul maintains the distinction (e.g., Rom 1:16; 9:30-32) and when he insists that it does not exist (e.g., Rom 3:22-23; 10:12). The former represents Paul's conviction of the primacy of the covenant ("*apart* from the Law" – Rom 3:21) and thus the special status of Israel (3:1-2; 9:4; 11:28-29), but the latter represents his view that Israel's status (which Gentiles come to by faith) has nothing to do with the Law, and thus Jews and Gentiles alike attain to the covenant *only* by grace and by faith (Rom 9:16); all alike are "sinners" in the sense of utter dependence on divine grace.

“distinction” between Jews and Gentiles as an illusion, in that all alike are “sinners” (2:15-17).<sup>25</sup> Stated positively, by baptism “into Christ...there is no longer Jew nor Greek,...you are all one in Christ Jesus” (3:28); “neither circumcision nor uncircumcision is of any avail, but only new creation” (6:15). It makes nonsense of 3:10-14, therefore, to claim, as Donaldson does, that it supports the thesis of 2:15-21 by distinguishing Jews from Gentiles. It would be truer to say that 3:10-14 supports 2:15-21 by doing the opposite, “for all<sup>26</sup> who rely on works of law are under a curse.”

### “The Curse of the Law” in Galatians 3:10-14

The investigation thus far suggests that Paul brings into his apostolate ideas about Gentiles as prototypical “sinners” who stand under the condemnation (curse) of the Law, and that he has become convinced that the Law indicts Jews also as sinners: “Scripture confined all under sin” (Gal 3:22; cf. 2:17; Rom 3:23; 11:32). Writing to the Galatians, he fears that they are in danger of capitulating to the Judaizers’ pressure for them to become law-observant. In this context – and keeping context in the foreground is crucial for interpreting this passage – Paul needs to demonstrate to the Galatians that their “desire to be under law” is disastrous (5:2-4). To this end, he must also undermine the strong point of the Judaizers’ position: their ability to cite scripture’s commands that the Law must be obeyed. Thus, it is not enough for Paul to turn his invective on the Judaizers; his primary target has to be the Law itself (3:15–4:11). This means that in 3:10 Paul is not merely speaking

<sup>25</sup> On the conditional clause of 2:17 as a “fulfilled” condition, intending to say that “we” (Peter, Paul, Jewish and Gentile Christians) “were [indeed] found to be sinners” when “we came to faith in Christ,” see Smiles, *Gospel and Law*, 152-154 and n. 108.

<sup>26</sup> On *hosoi* here denoting the “‘uncertainty’ or ‘potentiality’” of the group in question, see Stanley, “‘Under a Curse,’” 481-511, here 498 and n. 51. However, Stanley’s doubting (498) “[w]hether Paul had the Jews in mind at all” in 3:10 – the diametrically opposite position to Donaldson – goes too far.

about Jews and Gentiles who ascribe what he regards as an inappropriate primacy to the Law; he is also speaking about the Law and how it functions in the world as a power of oppression when interpreted as his opponents do. The latter theme becomes explicit in 3:11-21 where he separates the Law from the promises, the covenant and Christ. Quite typically, he begins his argument with its conclusion: “Those who rely on works of law are under a curse.”<sup>27</sup>

Grounded in the climactic curse of Deuteronomy 27:26, Paul’s pronouncement functions as “a threat” at the very least to any who might contemplate placing themselves under the Law by accepting circumcision and other commands.<sup>28</sup> Paul, however, is describing more than simply a threat. “The curse of the Law,” for him, denotes the Law as a power of “the present evil age” (1:4), to which believers must “die, in order to live to God” (2:19).<sup>29</sup> “The curse of the Law” is more than an epithet

<sup>27</sup> “Rely on” (RSV) or “depend on” (NAB) is regularly employed in translating this verse, though the verb as such does not occur in the Greek text. Bonneau, “Paul’s Argument,” 73 and n. 33, rejects “rely” on the grounds that it is not in the Greek and it suggests that “one seeks justification by accomplishing the law’s requirements.” Yet he characterizes Paul’s opponents (quite rightly) as “those who believe that one must observe the works of the law in order to be justified” (75). Further, in Rom 2:17 Paul describes his opponents as “relying on law” (*epanapaue nomo*) and in Phil 3:4-6 “trusting in flesh” is synonymous with “having my own righteousness from law.” Reliance on law-observance for proper standing is characteristic of many religions, not only conservative Jewish-Christianity.

<sup>28</sup> On 3:10 as a “threat,” see Martyn, *Galatians*, 311, and Stanley, “Under a Curse,” 501. On the other hand, Stanley seems to see the curse only as a “potentiality” (509) as though Paul did not see it as realized. However, 3:13, in conjunction with 4:4-5, suggests that for Paul the power and curse of the Law were very real (see also 2:19-20). Martyn, *Galatians*, 308, rightly speaks of “the Law with which [the Teachers] frighten the Galatians,” but which also falls on “these persons themselves.” Thus, “the human dilemma consists at its base, not of guilt, but of enslavement to powers lying beyond the human being’s control.”

<sup>29</sup> Thus Wright, *Climax*, 145, misses the point when he suggests that, because of “the remedy of repentance” and the “sacrificial system,” Paul could

Paul slings at the opponents' teaching. This becomes apparent, first, in his statement that Christ was "born of a woman, born under law" (4:4), meaning that subjection to law was an aspect of human bondage to "the elements of the world" (4:3, 9).<sup>30</sup> This coheres with Paul's view of the Law as an enslaving power, which is quite evident in Galatians (2:4; 3:23-4:9; 4:22-5:1, 13). Secondly, the reality of the curse is apparent in Paul's presenting the opponents themselves as victims of the Law's power to deceive. Already, in 2:15-17, Paul has intimated that the Judaizers, like Peter and the rest in Antioch (2:11-14), suffer from the illusion of privilege in the Law, believing themselves to be at an advantage over against "sinners of the Gentiles." "In Christ," however, "even we (Jews) were found to be sinners" (2:17), no less than the Gentiles. "Righteousness by faith in Christ" disclosed the illusion of righteousness "by works of law" (2:16-21).<sup>31</sup>

---

not have maintained that the Law held a curse over the head of the disobedient. For Paul, even if a person never needed the atonement-system, obedience could never amount to righteousness, since no such law existed (Gal 3:21). With or without the Law "all have sinned and fall short of the glory of God" (Rom 3:23; see 2:12); the Law exposed and condemned human wickedness, it could not remedy it.

<sup>30</sup> Donaldson, "Curse of the Law," 96-97, tries to refute the thesis of Reicke, "The Law and This World," 259-276, that to be "under the elements of the world" is equivalent in this passage to being "under law." Donaldson attempts no detailed exegesis of 4:1-11, but appeals only to what he sees as "the natural meaning" of "under law" (97) and to the change of pronouns from 4:5a ("those") to 5b ("we"). This is far from sufficient, since the latter, as Donaldson knows (98) denotes "Jews and Gentiles," as also must the "you" of 4:6a, the "our" of 4:6b, and the "you" singular of 4:7! The same critique applies to Boyarin, *Radical Jew*, 143. The detailed exegesis provided by Martyn, *Galatians*, 390-392 and 393, n. 21, also his "Comment #41" (393-406) shows the essential accuracy of Reicke's view.

<sup>31</sup> Martyn, *Galatians*, 315, speaks of Paul using the form of "Textual Contradiction...in order to show that the promise of Lev 18:5 is a falsification of the gospel." Paul sees his opponents as lost in illusion, because they do not understand the Law (cf. 2 Cor 3:14-18), but he also blames the Law itself for producing the illusion! In Rom 2:17-19 (also 9:30-10:4), he shifts the blame for misunderstanding onto his opponents.

Paul's fear that the Galatians are falling under the same illusion is apparent at various points, particularly where he uses vocabulary suggesting "knowing" (as in 2:16a) and its opposites. In 3:1 he asks the Galatians who it was that "bewitched" them and drew their gaze from the vision of the crucified. He then asks a series of questions, all of which have to do with the proper understanding of what they experienced in coming to faith and questions the Law's role in this process. This section climaxes in 3:7 with the conclusion, "You *know*, then, that those who believe (*hoi ek pisteos*) are Abraham's children" This direct address leads into Paul's declarative statements on what he sees as the true understanding of the Law. In reality, the Galatians' "knowing" is awry; they seem to be in the process of accepting a view of the Law that Paul finds deeply troubling. What specifically concerns him is not that Deuteronomy and other texts indict humans as sinful and as deserving of condemnation; that is a notion Paul accepts and retains also in Romans (3:9-20). Nor is there good reason to believe that he sees the Law as impossible to fulfill.<sup>32</sup> What concerns him is that the Law – most specifically its Mosaic legal requirements (see again n. 8 above) – has attained, by the "persuasion" of the opponents (5:8), the divine authority to define the covenant, the promises and "righteousness."

The very Law, which Paul himself quotes, is the most powerful weapon the opponents can use against his gospel. For the Galatians, the Law has become not merely an indictment of sinfulness, but also, unless they undertake its requirements, the condemning voice of *God*. This makes the Law constitutive of the divine-human relationship. The apostle cannot permit such

---

<sup>32</sup> Not only does Phil 3:6 call this into question, but so also does the fact that though such an argument was available (cf. Acts 15:10), nowhere does Paul employ it. On this, see Martyn, *Galatians*, 310-311; Westerholm, *Perspectives Old and New*, 304, and Smiles, *Gospel and Law*, 200-201. For a contrary view, see Schreiner, *Law and Its Fulfillment*, 44-50, and Kim, *New Perspective*, 141-143.

a notion to stand, since the essence of what he preaches is that God in Christ has enabled “righteousness” by faith alone (2:16-21; 3:1-6). For Paul, the nature of the divine-human relationship is at stake. The power of the Law to compel human obedience is what forces him to distinguish between the Law as Mosaic legislation, which makes that relationship (i.e., the covenant) dependent on law-observance,<sup>33</sup> and the Law as “scripture,” which witnesses to the gospel (3:8) and demands the “hearing” of the Galatians (4:21).

The ability of the opponents to quote the Law in order to enforce the Law’s observance is what, in my view, explains Paul’s difficult and contradictory quotations from scripture in these verses, beginning in 3:10.<sup>34</sup> On the face of it, Deuteronomy (not only 27:26) contradicts Paul’s entire thesis in Galatians; it fa-

<sup>33</sup> On this perspective as an aspect of the mindset of Jewish zealots, see Smiles, “Concept of ‘Zeal,’” 291-292. Watson, *Paul, Judaism and the Gentiles*, 122, strives to maintain that Paul’s “antithesis between faith and works does not express a general theoretical opposition between two incompatible views of the divine-human relationship. Rather, it articulates the Pauline conviction that the church should be separate and distinct from the Jewish community.” Thus, in Galatians, Paul’s arguments are not about faith versus works, but about seeking “to reinforce the barrier separating the church from the Jewish community” (98). I agree that there was a *de facto* separation between the church and Judaism, but this was more a phenomenon Paul lamented than one he either wanted or needed to reinforce. More problematic for Watson’s thesis, however, is the strong evidence, from Deuteronomy through numerous later texts, that the covenant was seen as dependent on law-observance. On the latter, see Das, *Covenant*, 45-69. Of course, Paul himself insists on “doing” (e.g. Gal 5:14; 6:7-10; 2 Cor 5:10), but for him behavior derives from the Spirit (“faith at work in love” – Gal 5:6) and can only be defined in the context of the gospel. In that task the Law as “scripture” provides “instruction,” but not ultimate definition (Rom 15:4-5); see Smiles, *Gospel and Law*, 244-251.

<sup>34</sup> Barrett, “Allegory,” 6-7, is probably correct that this text and others were introduced into the debate not by Paul but by the Judaizers; see also Martyn, *Galatians*, 309. Regarding the texts in 3:11-12, Martyn, *ibid.*, 330-331, thinks that both Paul and his opponents employed “Textual Contradiction” and that Paul *anticipated* their appeal to Lv 18:5 against his use of Hb 2:4.

vors only the opponents, since it unequivocally makes the covenant dependent on the observance of its legal prescriptions (e.g., Dt 27:1-29:1). Paul responds, on the one hand, by contesting the meaning of particular statements. But, on the other, Paul can only sustain his counter-interpretations by focusing on the cosmic and, indeed, the apocalyptic purposes of God: Christ’s function as the eschatological Redeemer (Gal 3:23-25; 4:4-5) and the Law’s positive (3:8) but limited role (3:21-25) in God’s plan of universal salvation.

In 3:10 Paul goes beyond affirming that all humans, whether Jew or Gentile, indict themselves as sinners when they disobey the Law. Universal sinfulness is a basic presupposition of Paul’s theology and 3:22 confirms that Paul has that in mind also here. In 3:10, however, his target is more human *illusion* about the Law – specifically, the opponents’ teaching which the Galatians are in danger of accepting, that obedience to the Law (“doing”) is determinative of the covenant and thus of the divine-human relationship. Paul’s affirmation, therefore, is that “all who rely on works of law are under a curse.” Paul makes clear in 3:11-12 what it is that causes the illusion. Whereas the Law, properly understood as “scripture” (Hb 2:4), establishes the divine-human relationship (“righteousness”) on faith, the Law as Sinaitic legislation (Lv 18:5) has duped its devotees into thinking that “righteousness” is only possible by obedience to its commands. The Law in the latter sense distorts the divine-human relationship, deludes its adherents, and brings them not to “the blessing” of the covenant, which God had always intended, but to “the curse of the Law.”

This means that God’s verdict and the verdict of the Law are *not* identical,<sup>35</sup> as is clear in 3:13 where Paul omits *hypo theou*

<sup>35</sup> This view is expressed clearly and effectively by Burton, *Galatians*, 164-165; see also Martyn, *Galatians*, 312, 321. A contrary view is expressed by Hübner, *Law*, 39. Hübner recognizes (38) that in 3:11-12 “a scripture quotation” (Hb 2:4), which is “seen as the expression of Divine truth,” is opposed to

("by God") from the LXX text of Deuteronomy 21:23; it was the Law, not God, that cursed the crucified Christ.<sup>36</sup> What has turned the tide against the Law and its power to condemn is God's action in Christ. Christ is the hermeneutical key, as Paul sees it, for the true interpretation of scripture. But scripture itself – here is the heart of the paradox about the Law in Galatians – both witnesses to the truth of the gospel (e.g., Hb 2:4) and provides the ammunition for the Law to function as a power of condemnation (e.g., Dt 27:26; Lv 18:5). The Law, which the Galatians wish to be under, is also the Law that, interpreted "correctly," proclaims their liberation (4:21-5:1). Hence, in 3:11-12, Paul quotes scripture against scripture in service of illustrating this dual face of the Law. On the one hand, the Law reveals God's design for salvation and is an ally of the gospel, but on the other, as manifest in the teaching of the opponents, it is a power of "the evil age," a "curse" from which humans require rescue.

Paul proceeds in 3:11 to restate his theological thesis of 2:16 about justification through faith, but now he grounds the thesis in Habakkuk 2:4, "The one who is righteous by faith will live."<sup>37</sup> This verse recalls 2:16, but it also anticipates 3:21, that

---

a "quotation from the Law" (Lv 18:5) which might be seen as "the expression of falsehood and deception." But he rejects this possibility on the grounds that "the curse pronounced by the Law in Deut 27:26 is completely effective, and it is completely effective precisely because it is *God's* curse, though of course pronounced by the Law." In order to maintain this view, Hübner has to say that, for Paul, "the authority of the Law" is so great that it is capable...of moving God himself to react to the stipulations of the Law," a notion to be found nowhere in Paul's letters. The Law is a power, like Sin and Death, which God defeats in the death of Christ (see n. 42 below) – in Galatians, the cosmic power is the Law.

<sup>36</sup> That Paul used the LXX text is apparent from his near-verbatim quotation and from the fact that only the LXX provides the link Paul needs between Dt 27:26 and 21:23 (using a form of [epi]katarasthai in both verses). On this, see Martyn, *Galatians*, 320-321, and 326.

<sup>37</sup> In light of the contrast with "by law," it is best to take "by faith" with "made righteous" rather than with "shall live." Fitzmyer, *Romans*, 265, argues the

the Law was not "given to confer life;" the Law's purpose had always been more limited (3:19-25). Paul envisages here the sharp antithesis between the claims of the Law, as in the opponents' use of Leviticus 18:5, and the Law's true intent, as articulated by Habakkuk 2:4.<sup>38</sup> But such use of scripture to counteract scripture only intensifies the paradox of the Law, which on the one hand proclaims the gospel (3:8, 11; 4:21-31) but on the other arrogates power it does not have and so deceives its adherents. This dual, paradoxical character of the Law is nowhere more apparent than in 4:21. "The Law" which the Galatians foolishly "desire to be under" is the oppressive Law that deceives and enslaves (4:9); they must learn to "listen to the Law" that witnesses to the gospel. As 3:12 will show, the Law as a negative power promises what it cannot give and defies scripture's true testimony that "righteousness" is "by faith."

"The Law, however, is not based on faith;" its claim – a text undoubtedly quoted by the opponents – is that "the one who does them (*viz. erga nomou*) will live by them" (Lv 18:5),<sup>39</sup> meaning that the Law itself is the measure of righteousness. Such a claim, as in the opponents' preaching, demonstrates why Paul, in this context, can think of the Law as a power that illegitimately interposed itself between "the promises" to Abraham and their fulfillment in Christ (3:15-18). The Law as *graphe* "proclaim[s] the gospel" (3:8) but when it claims to be the channel of "the inheritance" (*ek nomou he kleronomia*,

---

opposite, since he thinks that Paul must have followed Habakkuk's phrasing for whom "by faith" modified "shall live." Paul, however, did not follow exactly either the Hebrew original or the Greek (LXX) translation of Habakkuk's text; for Paul, as Fitzmyer knows well enough, the issue is *how* one attains to *righteousness*. Martyn, *Galatians*, 312-314, convinced of the "subjective genitive" interpretation of *pistis Christou* ("faith of/in Christ"), tries to have it *both* ways.

<sup>38</sup> No distinction between "law" and "prophets" is operative here.

<sup>39</sup> Cosgrove, *Cross*, 59 and n. 39, shows that Lv 18:5 was widely used in Second-Temple Judaism as a "common sentence-summary of the law," which needed no citation-formula, as in Gal 3:12 (cf. Rom 10:5).

3:18), then it deceives its adherents. When its power extends to defining righteousness in terms of its own prescriptions (3:12), then its judgment no longer conforms with the judgment of God and it shows itself to be a power that must be defeated for the sake of human salvation. By its insistence on *erga* as defined by itself, the Law distorts the divine-human relationship, arrogating to itself a normative power it does not have.<sup>40</sup>

Nevertheless, such power is being wielded in the world with devastating effect. From Paul's perspective – the opponents would completely disagree – the Galatians are being seduced from their allegiance to Christ (1:6; 5:2-4).<sup>41</sup> By placing themselves under the power of the Law, both Jews and Gentiles become subject to its power of condemnation, its “curse,” which falls on both the obedient and the disobedient. It falls on the obedient, because the Law cannot in fact “confer life” (3:21) and thus deceives them regarding “righteousness.” It falls on the disobedient in condemning their sinfulness, but also, again, by convincing them that the Law's commands are the norm of righteousness. The incarnation of this “curse of the Law” is the preaching of the opponents. Thus it is that in this letter, it is not “Sin” (Rom 6) or “Death” (1 Cor 15), but “the Law” that is the power of “the evil age” from which humans require res-

<sup>40</sup> Contra Bultmann, *Theology*, I: 264, this does *not* mean that “*man's effort to achieve his salvation by keeping the law* only leads him into sin, indeed this effort in the end *is already sin*.” The polar opposite to Bultmann, and also to be rejected, is Wilckens, *Rechtfertigung*, 92 that “only the one who fulfills the Law perfectly will gain life thereby,” whereas in reality “all Jews have sinned, so that the Law curses them” (my translation). Paul's view lies between these extremes. The Law neither defines nor confers righteousness, but the doing of the Law, *within the demands and freedom of the gospel*, remains an essential aspect of the life of believers (Rom 2:1-29; Gal 5:14).

<sup>41</sup> The opponents, of course, would maintain that faith in Christ and obedience to the Law are in perfect coordination. Paul cannot permit this, because it requires Gentiles “to become Jews” (*ioudaizein* – 2:14), and thus compromises the eschatological power of grace and faith.

cue.<sup>42</sup> “Christ redeemed us” from that curse, says Paul, by “becoming a curse for our sakes” (3:13), meaning that, as the crucified, he suffered the Law's condemnation and thereby, once and for all, broke that power,<sup>43</sup> so that “the blessing of Abraham” was able to flow unhindered for both Jews and Gentiles (3:14).

### The Motivation for Paul's Strange View of the Law

Paul's complex portrait of a multi-faceted *nomos* has some counterpart in the wide range of meanings of *Torah* within the *Tanakh* and ancient Judaism generally. There also, *Torah* occasionally is parallel with “covenant” (*berit*), emphasizing God's saving actions (e.g. Hos 8:1; Ps 78:10). On its own, it sometimes refers to the history of God's loving kindness for Israel (e.g. Dt 1:5) or is itself (as a body of instruction) an instance of such love (Dt 4:8). On the other hand, like *berit* itself, *Torah* is also found in parallelism with terms denoting “statute,” “decree” and “law” (*hoq*, *mizvah*, *mishpat*; e.g. Ex 16:28; 18:16-20; 24:12; Lv 26:46), leading in the LXX to the translation of *Torah*

<sup>42</sup> Romans seems to envisage that through Adam's disobedience, Sin and Death entered the world (Rom 5:12) and the Law “subsequently entered, so that transgression might increase” (5:20). Prior to Christ, all humans were “under [the] Law” (6:14) and “slaves of sin” (6:17). Through Christ, humans are free from Sin and Law, but even now, outside of Christ's deliverance (7:24-25), Sin's power continues to use the Law in its death-dealing campaign, though the Law in itself “intends life” (7:10) and is “holy, righteous and good” (7:12). This scheme is not apparent as such in Galatians; the only one of the trio that features here is the Law, but its personification (most notably in 3:15-18) shows that also in Galatians Paul sees it as one of the powers (“the elements” – 4:3, 9) of the world.

<sup>43</sup> It is difficult to know for sure *how*, in Paul's view, Christ's death broke the power of the curse. It does not seem to be a matter of propitiation or vicarious substitution. The best clue in the context is probably *dia nomou* (“through law”) in 2:19, where the Law itself is the instrument of “my” death “to law,” and the closely related assertion, “I have been crucified with Christ” (*Christo synestauromai*). The Law's curse of the crucified, and thus of those “in him,” placed Christ beyond the pale of the Law, and thus set him, and them, free from it. For fuller discussion, see Smiles, *Gospel and Law*, 170-172.

as *nomos*. Paul, as already emphasized, sees *nomos* primarily as the Mosaic legislation of Sinai (n. 8 above), but he is also fully aware that *Torah* has to do with covenant and grace (e.g. Rom 3:21b; 9:4, 31). Where he differs from the Judaism of his heritage is in his stark *separating* of the *Torah* of Moses from the patriarchal covenant. What his heritage regarded as utterly inseparable, Paul radically divided.

This separation leads to his harsh portrait of the Law, and it justifies John M. G. Barclay's description of Paul as "an anomalous Jew." On the wide "spectrum of [Jewish] voices...from the Diaspora" Paul is closest to that of "Cultural Antagonism;" he is "most at home among the particularistic and least accommodated segments of the Diaspora."<sup>44</sup> Other Jewish writers, such as Aristeas, Philo and *Wisdom of Solomon*, though fully conscious of the distinctiveness of Jews within the Gentile world, relate to that Gentile world and present Judaism to it in terms and modes of speech that show considerable sensitivity, even sympathy, with Gentile beliefs and values. Paul, on the other hand – even after years as "apostle to the Gentiles" (Rom 1:5; 11:13) – still largely sees the Gentile world as "suppressing the truth with wickedness" (Rom 1:18) and "on the way to destruction" (1 Cor 1:18). This suggests that even while disqualifying the Law of Sinai as determinative of the covenant, he continues to understand God and the gospel he proclaims in terms of his former zeal for the Law. But now he transfers his zeal to Christ and argues vehemently that the Law is *Christ's* witness; its true interpretation is to be found only in him (2 Cor 3:14-16). For Paul, Christ should have meant the uniting of Jews and Gentiles (Gal 3:28) around the Law as *graphe* and covenant, while maintaining freedom over against its "statutes" and "decrees" (4:31-5:14). But other Jews inevitably see such a path as an impossible betrayal of themselves as Israel – where there is "no

difference" (Rom 10:12; Gal 3:28), neither is there identity.<sup>45</sup> Hence, Paul's solution – tragically "aided" in later centuries by Christian supersessionism and triumphalism – has always seemed like an utter betrayal of the covenant. Even very recently, as noted above (notes 5 and 17; see n. 51 below), scholars have interpreted Paul as denying the value of the Jewish covenant, and even as rejecting the notion of Israel's divine election.

In fact, however, Paul denies neither the value of the covenant nor the reality of election. Paul's stress on "blessing," "promise" and "inheritance" in Galatians 3-4 exposes the weakness of such views. Brendan Byrne shows that *kleronomia* ("inheritance") "overarches the whole discussion from [Galatians] 3:15...to 5:1,"<sup>46</sup> and this is very evident in 3:29 which surprisingly sums up the gospel not as "belonging to Christ," but as being "Abraham's descendants, heirs (*kleronomoi*) according to [the] promise." Being "Abraham's heirs" corresponds to the Galatians' desire as they seek circumcision and law-observance (4:21; 5:2-4). Paul would confuse the Galatians and undermine his own argument, were he to suggest that the covenant was worthless or that until now there had never been an elected people. In the Galatians' context, what would be the point of such assertions? The exalted status of Israel (its divine election and covenant) was a *presupposition* Paul shared with the Galatians *and* with his opponents; along with God's action in Christ, it was the foundation of his argument.

Sanders is *partially* correct, therefore, when he says that Paul "denies that the Jewish covenant can be effective for salvation," but, as I see it, he is simultaneously *incorrect* at a crucial point. What Sanders should have written is: Paul denies

<sup>44</sup> Barclay, *Jews*, 392-393.

<sup>45</sup> The problem of Paul's universalism as the inevitable (and impossible) abandonment of identity is powerfully worked out in Boyarin, *Radical Jew*, e.g., 22-32.

<sup>46</sup> Byrne, "Sons of God," 189.

that the Jewish covenant *alone* is effective for salvation.<sup>47</sup> For Paul, all “the promises of God” have their “Yes” in Christ (2 Cor 1:20); he is the one at whom all of “the promises spoken to Abraham” were aimed (Gal 3:16). Israel’s election and covenant have in Christ their ultimate affirmation, not their denial. Israel, in that sense, is foundational for what Christ means for the Gentiles, since Christ brings to effect the promise to Abraham, “In you shall all the nations be blessed” (Gn 12:3; 18:18; Gal 3:8). For all of my disagreements with Donaldson, therefore, I fully accept his general notion that, for Paul, Israel has a vital role in God’s plan for the salvation of the Gentiles. Christ, for Paul, enfolds and brings to fruition for all nations – Jews and Gentiles – the divine election, covenant and promises of ancient Israel.

This does not rescue us – Jews and Christians today – from the agony of Paul’s Christ-exclusivism. Paul did fear for the salvation of Jews who refused to accept Christ, since the “covenant alone,” as he saw it, is not sufficient for salvation. But if, in this year of Paul, we wish to understand this anomalous first-century Jew, we owe it to him to see that it was the demands of the Law (the Sinai legislation) that he repudiated, not the election or the covenant. And he repudiated the Law’s demands in service of what he saw as the heart of the covenant from the beginning, that God had always intended its gifts to be universal. As far as Paul was concerned, Israel and its covenant existed for the same purpose as Christ – the salvation of the whole world. No matter its failures in Paul’s eyes, therefore, Israel was “beloved” by God (Rom 11:28); Paul even assures us that “for the sake of [his] own people, his kindred in the flesh,” he would be willing “to be cut off from Christ” (Rom 9:1-3). In a

<sup>47</sup> Sanders makes this error, because he does not see that Paul separated the Law from the election and covenant; he consistently strings them together, as though in Paul’s mind they all were one thing. See *Palestinian Judaism*, 551-552; *Paul, The Law*, 46-47.

sense, Paul was indeed apostate, but he was never Judaism’s enemy.

### Summary and Conclusion

Prior to his call, Paul belonged to the “zealous for the Law” within Judaism and as such held very negative views of Gentiles, as well as of Jews whose obedience to the Law was not sufficiently strict. His call convinced him that God had made Christ the means of salvation for both Jews and Gentiles, and thus for Paul the revaluation of the Law began immediately.<sup>48</sup> By the time he wrote Galatians Paul was already familiar with opponents who insisted that the Law remained in full effect for believers in Christ, including for Gentiles (Acts 15:1-5). The opponents in Galatia were meeting some success in convincing those churches that they must become law-observant, including that the males must accept circumcision.

It was now clear to Paul that the opponents themselves were not the heart of the problem; it was the power of the Law in the world that had to be addressed. His task was near impossible, however, since the very scriptures that Paul himself quoted were the source that gave authority to the opponents’ claims. A difficult and sharply paradoxical portrait of the Law is what emerges from Paul’s struggle with this dilemma. On the one hand, as in Romans, the Law is the gospel’s ally that proclaims God’s plan and promise and exposes humans as sinners. On the other hand, the Law has become a power in the world that, though not “contrary to the promise,” (in that it cannot “confer life” [Gal 3:21]), it has masqueraded as though it could in fact do so (3:12). The Law has deceived adherents and

<sup>48</sup> I am agreeing here with the thesis argued at length by Kim, *New Perspective*, 35-53, here 51, that “Paul derived his doctrine of salvation by God’s grace, through faith, without works of the law from his Damascus experience and that he formulated it quite early.” Kim’s critiques of Donaldson and Dunn on this point are quite telling.

non-adherents alike into believing that it is the norm of righteousness and thus Paul makes the Law itself a direct object of attack. This latter emphasis is unique to Galatians; in Romans it is considerably softened.<sup>49</sup>

The paradox of the Law in Galatians is, to a considerable degree, a matter of theological rhetoric – “rhetoric” in the sense that Paul plays with mythical images and power-packed terms, in order to persuade his audience (“You who wish to be under [the] Law, will you not hear the Law?”). The danger, however, in describing Paul’s language as “rhetorical” is the temptation to regard it as “mere rhetoric” and – especially since he withdraws from some of it in Romans – to dismiss it, as though it had no lasting value. Such a conclusion, in my view, would be tragic. Luther overstated his case, but he was not wrong to see in his own struggle a reflection of Paul’s, and to wrestle with the problem of the place of the Law in human salvation. Jews and Christians alike, in various streams of both traditions, wrestle today with the question of the power of the Law in the life of faith. Paul did not, and could not, provide any definitive answer, but his ability to recognize both that the Law is the authentic voice of God and that it can rise to become a power in its own right in opposition to God and, indeed, a power of oppression,

<sup>49</sup> Romans shifts the critique from the Law to the Law’s adherents and the power of Sin in which they (like all humanity) are caught. A good illustration of the shift is Romans 7 where Paul emphasizes the Law’s goodness (7:12) and that its intent is “for life” (7:10) and yet, in the presence of Sin’s domination, the Law ends up being an instrument of deception and death (7:11) through the awakening of “covetousness” and all manner of other “sins” (7:5-9). Even in Romans, therefore, coming to faith means being “severed from the Law” (7:6; but see also 14:1-15:1). But whereas in Galatians, it was the Law itself that “added [an illegitimate] codicil” (Gal 3:15-17) and caused the deception and illusion, in Romans, the problem lies with Sin and human weakness and with those who deal with the Law “as though [it were a matter] of works” (9:32), thus “being ignorant of the righteousness of God” (10:3). In brief, Romans blames Sin and Israel for the illusion of works-righteousness; Galatians blames the Law itself. For fuller discussion, see Smiles, *Gospel and Law*, 230-244.

provides essential food for thought both for those who too easily dismiss the way of the Law and those who are overly enamored of it.<sup>50</sup>

Finally, it is important to distinguish carefully between, on the one hand, Paul’s critique of the Law and his rejection of works-righteousness and, on the other, his thinking about Israel’s election and covenant. What he saw as the failures of Jews – their misinterpretation of the scriptures (Rom 9:32) and their “unbelief” (3:3; 11:20) – only confirmed in Paul’s mind the mercy and fidelity of God. It was unthinkable that the covenant might be denied. To be sure, in the absence of faith in Christ, Paul feared deeply for the “salvation” of other Jews (9:1-3; 10:1), but the covenant rests only on the fidelity of God (3:3-4), and “regarding election” Israel remains “beloved, because of the patriarchs” (11:28). Thus, Paul’s fear for Israel ultimately gave way to the hope and belief that somehow – in a way Paul could not understand, much less describe – “all Israel will be saved,” and the “covenant” will mean the “forgiveness of sins” (11:26-27).<sup>51</sup>

Paul *separated* the Law from the covenant because his call “to preach [Christ]” (Gal 1:16) changed his understanding of

<sup>50</sup> It is easy to understand why some scholars see Paul as hopelessly confused and self-contradictory in his thinking about the Law (e.g., Räisänen, *Paul and the Law*, 11), but (as I have tried to show) such thinking is not necessary, and does Paul no justice.

<sup>51</sup> For a thorough discussion of Romans 9-11, including a refutation of the “two-covenant” hypothesis, see Das, *Paul and the Jews*, 78-113. Generally I agree with Das’ exegesis, but his espousal (106) of Ruether’s quote from her *Faith and Fratricide*, 106, to the effect that “God *has rejected* the people of the Mosaic covenant” (emphasis added), is unfortunate, since (like other aspects of Ruether’s book) it goes too far at a crucial point. It flies in the face of what Paul himself says (“God has *not* rejected his people...” – Rom 11:2) and misses the nuance for which Paul struggles. Israel’s refusal of faith does *not* mean God’s rejection or lack of fidelity (Rom 3:3-4); though it is not *of itself* salvific, “the covenant” will issue in “the forgiveness of sins” (11:27). See also next note.

what the covenant, in its origins, was really all about. In his days as a zealot, he had identified the covenant with the Law, but as an apostle he came to the view that the covenant had always envisaged the ultimate inclusion of the Gentiles, and thus it had *never* been about “doing something, whether good or bad,” but was *always* about “God who has mercy” (Rom 9:11-12, 16). The Law (as Sinaitic legislation) was never intended as the definition of righteousness or the covenant, and thus ultimately it had to be set aside, though its role as witness to the gospel (Rom 1:1-2; 3:21; Gal 3:8) and as *Torah* (“instruction”) for the life of believers (Rom 15:4-5; Gal 4:21b) remained essential. Israel’s election and covenant, however, Paul never set aside – quite to the contrary.<sup>52</sup> Most especially in Romans, though still being emphatic regarding “not by works of law,” he emphasized the priority of Israel (Rom 1:16; 3:1-2; 9:4-5) and God’s unswerving fidelity to the covenant (9:6; 11:1-2, 28-29).

Even in Galatians, Paul presupposes the covenant, the promises and the inheritance (3:1-29) as the foundation on which the Galatians can rely as the “blessing” God had intended also for the Gentiles (3:8). Any suggestion that the founding covenant had not been operative for Jews would have called into question the value of “the inheritance” to which the Galatians were aspiring. Paul’s unhappiness with the Galatians only had to do with the *manner* of their attempt to attain the status of being “Abraham’s children;” he utterly agreed with them regarding *what* they wanted to attain (3:29). As he expresses it in Romans, it was a matter of Gentiles being “grafted onto” the vine of Israel (Rom 11:17). For Paul, “the curse of the Law” had to do with the Law’s power to misdirect the human gaze from “the grace of God,” but in no way could it detract from the covenant, God’s undying blessing of Israel. Just *how* “all Israel will be saved” was unknown to Paul; we, of course, need not be so diffident.

---

<sup>52</sup> I think that Gager, *Reinventing Paul*, 57, quoting from Meyer, “Romans 10:4,” 66, is completely correct to insist that “Paul nowhere suggests that the way to obedience for the Israelite lies in abandoning the Torah;” in fact, Romans 14:1-15:1 is very clear that believers in Christ, Jew or Gentile, who wished to follow the Law, were to be left in peace, as they in turn were not to “judge” those who did not obey all of its prescriptions. Rom 14 makes the essential point: for Paul, the Law is not *determinative*, for Jews or Gentiles, of the covenant or salvation in the manner his opponents were claiming.