

CONFERENCE PROCEEDING

*Unmuzzling the Ox: Should Torah be Normative for Gentile Christians?*¹

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Drawing on recent directions in theology and New Testament studies, scholars such as Michael Wyschogrod, Mark Kinzer, and David Rudolph, have forcefully argued that Jewish followers of Jesus as Messiah should continue to observe Torah.² We hope to push in this direction yet further, arguing that *gentile* Christians should reopen the first major intra Christian debate and consider making Torah normative for Christian behavior. What follows is divided into four sections: (1) Alexander, Aquinas, and the Unity of the Law, (2) Justin's *Dialogue* and the Quartodecimans, (3) Paul and the Muzzled Ox, and (4) Natural Law and the Noachide.

Throughout, we will be pursuing two strands of thinking in Christian history that are introduced and related to each other in section one, Alexander, Aquinas, and the Unity of the Law. The two strands of thinking concern natural law and the troubling Christian teaching that those who observe Torah as law after Christ's passion are committing mortal sin. Thirteenth century theologian Thomas Aquinas thoroughly wrestles with these issues in his *Treatise on Law*, one part of his much larger and well-known *Summa Theologica*. Examination of the *Treatise* reveals that Aquinas' highly influential interest in natural law is deeply connected to issues around the lasting authority of the Torah. Furthermore, an insistence on the unity of what Christians have often called the Old and New Testaments leads Aquinas to treat such questions at length under the rubric of "Old Law" and "New Law." Aquinas' discussion of Torah observance as mortally sinful is crucial and arises out of his reverence for the fourth and fifth century theologians Jerome and Augustine.

While a variety of thinkers have recently assessed the importance of Christological questions to Christian-Jewish antagonism, less attention has been given to the importance of Torah observance in such assessments. In section two, Justin's *Dialogue* and the Quartodecimans, attention to the position of Justin Martyr's interlocutor in the *Dialogue with Trypho* reveals that the question of law is most pertinent. We will briefly follow the discussion as Trypho or Tarphon

¹ Early drafts of large portions of this work have been reviewed and commented on by a variety of people whom we would like to thank including Warren Smith, Stanley Hauerwas, Randi Rashkover, David Novak, Daniel Colucciello Barber, Richard Hays, and Marc Goodman. Continuing conversation over the years with Holly Taylor Coolman has been invaluable.

² Michael Wyschogrod, "A Jewish Reading of St. Thomas on the Old Law in *Understanding Scripture: Exploration of Jewish and Christian Traditions of Interpretation* ed. Clemens Thoma and Michael Wyschogrod (New York: Paulist Press, 1986), 125-140; Michael Wyschogrod, "Letter to a Friend," *Modern Theology* 11:2 (April 1995): 165-171; Mark S. Kinzer, *Post-Missionary Messianic Judaism: Redefining Christian Engagement with the Jewish People* (Grand Rapids: Brazos Press, 2005); David J. Rudolph, "Messianic Jews and Christian Theology," *Pro Ecclesia* 14:1 (2005): 58-84; David J. Rudolph, "Paul and the Torah According to Luke," *Keshet: A Journal of Messianic Judaism* 14:1 (2002): 61-73; David J. Rudolph, *A Jew to the Jews: Jewish Contours Pauline Flexibility in 1 Corinthians 9:19-23*, WUNT 2 (Tübingen: Mohr-Siebeck, forthcoming 2010).

queries why Jews cannot continue to keep the law even if they believe in Jesus. Christian theology's continual failure to adequately answer this question as displayed in the subsequent quartodeciman dispute and beyond is a constant feature of Christian supersessionism. In the quartodeciman controversy, we see the seed that would bear terrible fruit in Jerome and Augustine's pronouncements regarding Torah observance as damning.

Once again, Christians must return to the circumstances and implications of the first major intra-Christian debate. In section three, Paul and the Muzzled Ox, we do so by way of an analysis of a particularly long pericope, I Corinthians 8:1-11:1. We take St. Paul's position in the vexing dispute over gentile law-keeping to be primarily pragmatic rather than timeless, a product of his calling as a missionary to the gentiles rather than an eternal pronouncement on the nullity of the Pentateuch. Here, in the question of meat offered to idols, Paul draws on the Torah *mitzvah* regarding the muzzled ox (Deut. 25:4) to argue that ministers of the gospel are worthy of pay. While Paul himself refused such a salary, his casuistic reasoning has been the final word on support for Christian clergy. Earlier in I Corinthians, Paul instructs the Corinthians to choose their own judges to settle disputes, and 8:1-11:1 should be seen as Christianity's earliest extant legal opinion. Paul is up to nothing less than a jurisprudential demonstration of how Christians could appropriate Torah as law through the lens of the Gospel. Paul becomes as one 'outside the law' with respect to salary, and his *halakah* invites his audience to become as ones 'under the law' concerning meat offered to idols.

We will conclude in section four, Natural Law and the Noachide, by beginning with reflections on the nature of most attempts to understand Christian supersessionism as Christologically rooted. Our argument throughout this paper locates the crux of Jewish Christian antagonism elsewhere and posits a different way forward. But what would become of theological ethics as we know it? Would Torah observance by gentile Christians threaten the uniqueness of the Jewish people? Where would gentile Christians begin were they to take on such an endeavor? Many of these challenges can only be admitted without being resolved. We would hope to provide some direction with the help of David Novak's reflections on Karl Barth and natural law, and in conversation with Mennonite theologian John Howard Yoder. We will suggest that the portion of Torah enjoined upon gentile Christians at the Jerusalem Council bears striking similarity to the seven commandments for the children of Noah as understood by Rabbinic Judaism. Novak points us to Elijah Benamozegh, a nineteenth century rabbi, who provides an account of the Noachide as natural law and whose thinking comes partly out of discussions with a Catholic friend who considered converting to Judaism. Benamozegh demands that we take natural reason and Jewish law as exact equivalents in a way that makes it impossible to undermine the rigors of the commandments by way of an appeal to natural law or the Noachide. His reconciliation of natural reason and law and Torah furthermore provides a sensibly gradual way for Christians to approach Mosaic law as a natural complement to Christian ethics.

Alexander, Aquinas, and the Unity of the Law

Marie-Dominique Chenu's *Nature, Man and Society in the Twelfth-century* documents a reemergence in the 12th century of Christian theological interest in the Hebrew Bible.³ Matthew Levering, following and expanding on the work of Chenu and others, argues that this renewed interest emerged out a desire to answer the Marcionite tendency of the Catharists or Albigensians but also could be traced to a desire to speak theologically with regards to an increasingly more

³ See especially Marie-Dominique Chenu, "The Old Testament in Twelfth-Century Theology," in *Nature, Man, and Society in the Twelfth Century: Essays on New Theological Methods in the Latin West*, ed. and trans. Jerome Taylor and Lester K. Little (Chicago: University of Chicago Press, 1968), 146-161.

complex legal and political situation.⁴ And why shouldn't medieval Christians have reconsidered keeping Torah? After all, everyone agreed that it was a divinely authored legal code.

We begin to answer this question by wading briefly into one of the most contentious areas of theology from Karl Barth onward, natural law. If one reads Thomas Aquinas' *Treatise on Law* as a whole, one can discern that natural law functions for Thomas, not so much as a guiding norm for human behavior, but as part of a larger theological discussion about the place of Jewish law in the Christian life.⁵ The *Treatise* is a vast series of mines. Those who explore the trove to be found in them often act as if no connections exist linking the various caverns. While natural law thinking has dominated discussion of Aquinas' jurisprudence, reflection on the 'Old Law' stands at the heart of the *Treatise on Law*, consuming eight of the nineteen questions. Natural law in and of itself is confined to just one question. Thomistic natural law and the question of the relationship between the two testaments, however, are linked for a simple reason. Aquinas' tripartite division of the 'Old Law' (moral, ceremonial, judicial) requires it since all of the moral law, by way of specification, is included in the natural law.⁶

As Levering notes, a great renewal of attention to the Old Testament had begun in the eleventh century, with issues raised by this renewal reverberating into the thirteenth.⁷ One of the central issues involved the fact that Augustine and Jerome had interpreted Paul as saying that keeping the 'Old Law' after Christ is a mortal sin. Aquinas refers to a "difference of opinion" between Augustine and Jerome as to when keeping the ceremonies of the old law became a mortal sin.⁸ For Jerome, Torah keeping condemned the observant one's soul immediately after Christ's resurrection—the apostles and early Jewish Christians only piously pretended to keep the law. Augustine's answer is more persuasive for Aquinas insofar as he suggests a period of transition time when it was acceptable for Jewish Christians to continue keeping Torah.

In any event, all three thinkers agree that keeping Jewish law, by their day and continuing on *ad infinitum*, brings with it the punishment of eternal death. (Aquinas' thinking on this matter, at least with respect to Jews, is contradicted by his later affirmation, in his *Commentary on the Romans*, of Paul's statement that "all of Israel will be saved."⁹) Jerome and Augustine's position rests on a

⁴ Matt Levering, *Christ's Fulfillment of Torah and Temple: Salvation According to Thomas Aquinas* (Notre Dame: University of Notre Dame Press, 2002), 6.

⁵ It should also be kept in mind that "[n]atural law' helps explain why there is a good deal of transcultural ethical commonality, but our knowledge of it is of such a character that it cannot serve as a foundation for settling disputes apodictically." This is true because "[i]n probable argument [Aquinas] followed Aristotle's attention to those truths useful to rhetoric because agreed upon. Neither helps us much if an opponent dissents, or when dispute about what the natural law consists becomes widespread. ... Natural law, like the [five] ways' linguistic end, marks the place where reason giving comes to a penultimate stop. Natural law, like 'what we call God,' names our consensus." Eugene Rogers, "The Narrative of Natural Law in Aquinas's Commentary on Romans 1," *Theological Studies* 59 (1998): 274-275.

⁶ Thomas Aquinas, *The Summa Theologica of St. Thomas Aquinas*, 2nd rev. edition, trans. Fathers of the English Dominican Province (<http://www.newadvent.org/summa/> [1920] 2008): II.1 q. 100. While the moral law is directly equated with the natural law, it may perhaps also be true that Aquinas uses the concept of the natural law to bring certain aspects of the old law back through a secret passage behind the door that Augustine and Jerome so assiduously blocked. In this way a ruler can implement the ancient juridical code of the Jews if he discerns it is the most expedient and rational form of human law or a Christian couple can circumcise their son if they discern that it is salubrious. However, if either the ruler or the circumcised Christian acts solely out of reverence to the word of God given to Israel than they have committed a mortal sin. Ibid.

⁷ Levering, *Christ's Fulfillment*, 6.

⁸ Aquinas, *Summa*, II.1 q. 103.4r.1.

⁹ See Thomas Aquinas "Selections from Thomas Aquinas's *Commentary on the Romans*" trans. and introduced Eugene Rogers in *The Theological Interpretation of Scripture: Classical and Contemporary Readings* ed. Stephen Fowl (Malden: Blackwell, 1997), 320-337.

tendentious reading of 2 Corinthians 3:6b: “for the letter kills, but the Spirit gives life.”¹⁰ Yet medieval Christianity, for a myriad of reasons, had a stake in not dispensing with all Old Testament law. Most pressingly, if Torah keeping is damnable, then what about the parts of the Hebrew Bible that Medieval Christianity heartily endorsed such as the ten commandments and most sexual prohibitions?

According to Levering, the solution had just recently been advanced in Aquinas’ own day. Alexander of Hales (d. 1245) and his followers had divided the ‘Old Law’ into moral, ceremonial, and judicial categories in *Summa Fratris Alexandri* (completed about 1260).¹¹ Aquinas takes up this solution in which the ceremonial precepts are considered “determinations of the Divine worship” and the judicial precepts are considered to be specific “determinations of the justice to be maintained among [humans]” (as opposed to the more general terms of the natural or moral law).¹² The moral precepts are specified by the fact that they all belong to natural law, they are all about acts of virtue, and they are all reducible to the Ten Commandments.¹³ These moral precepts are useful for justly ordering human relations insofar as they aid in cultivating the acquired virtues, but they are helpless with regard to supernatural justification, which requires the infused virtues.¹⁴ In this latter sense for Aquinas, even the moral law can occasion death according to II Corinthians 3:6b, if not aided by the Spirit’s grace.¹⁵

Discussion of Aquinas on the Torah has recently become the backdrop of a discussion (initiated by Michael Wyschogrod) regarding whether Jewish Christian converts should continue Torah observance after conversion. These discussions have sought and gained a specificity about Aquinas’ thought on the ‘Old Law’ and have posed pressing questions to the edifice of a tripartite division. (Of interest as well, Pope Benedict in a pre-papal treatment *Many Religions, One Covenant: Israel, the Church, and the World* abandons the division altogether and may even leave quite a bit of room for Christian keeping of Jewish law.¹⁶)

In criticizing Aquinas on the ceremonial law’s deadly character, Wyschogrod notices that the Aristotelian in Aquinas has him “convinced that classification is the key to understanding.”¹⁷ Indeed, as Aquinas says in subdividing the judicial law, “wherever there is order there must needs be division.”¹⁸ A theme which runs throughout Wyschogrod’s attempt to defend, on Christian grounds, his fellow Jews’ (whether Christian or not) keeping of the law is a skepticism about whether the unity of the law in Torah allows for any sub-classification, let alone that of Aquinas.

Aquinas insists throughout that the ‘Old Law’ is good (keeping Dionysius’ understanding of various degrees of goodness in mind).¹⁹ Every law aims at friendship, and the ‘Old Law’ is no

¹⁰ All Scripture quotations are to the *New Revised Standard Version Bible* (National Council of the Churches of Christ in the United States of America, 1989).

¹¹ Levering, *Christ’s Fulfillment*, 6. Thomas finds proof for this division in Deuteronomy 4:13, 14 and 6:1 (see the *sed contras* of Aquinas, *Summa*, II.1 q. 99.3, 4).

¹² *Ibid.*, II.1 q. 99.4.

¹³ *Ibid.*, II.1 q. 100.1, 2, 3.

¹⁴ *Ibid.*, II.1 q. 100.12.

¹⁵ *Ibid.*, II.1 q. 100.12 cf. q. 98.1.

¹⁶ Joseph Cardinal Ratzinger, *Many Religions, One Covenant: Israel, the Church, and the World* trans., Fr. John Rock (San Francisco: Ignatius Press, 1999).

¹⁷ Wyschogrod, “A Jewish Reading,” 126.

¹⁸ Aquinas, *Summa*, II.1 q. 104.4.

¹⁹ *Ibid.*, II.1 q. 98.1.

different in this regard.²⁰ The prohibition of the 'Old Law' is necessary, but not sufficient toward such ends.²¹ Since friendship requires similarity, we can only become friends with God if we become good. Therefore we need the moral precepts, even if, standing alone, such precepts deal death.²² The 'Old Law' has three particular purposes in salvation history: (1) to witness to Christ, (2) to draw people away from idolatry, and (3) to prepare the way for a particular people to serve as Christ bearers (which, according to Aquinas, requires a special sanctification).²³

As such, Aquinas employs Paul's analogy of the law as a pedagogue. The 'Old Law' was from God and thus perfect "in respect of time," though not simply. Just so, a boy could theoretically be perfect as a boy and yet still need maturing.²⁴ As the New Law represents our adulthood, for Aquinas, the 'Old Law' is weak and useless since we are no longer under that pedagogue.²⁵ While some might think that this reasoning should also make the moral law irrelevant, Aquinas disagrees. Though the goal of the New Law is that humans will follow the law 'written on the heart,' we still need the law of prohibition in some respects since "through fear of punishment, one is sometimes led to do so likewise, with delight and of one's own accord."²⁶ Nevertheless, there is generally a dualism between the Old and New. The Old is of the body, the New is of the mind. The Old works by fear, the New by Love.²⁷ Those who wish to maintain some semblance of this reasoning without resorting to the language of dualism might prefer an analogy Aquinas employs elsewhere, when he insists that everything in the New is in some way to be found in the Old as a tree is contained in a seed.²⁸

How, then, does Aquinas make sense of the ceremonial laws which are directed toward worship of the Divine? This question is what drives Levering's *Christ's Fulfillment of Torah and Temple: Salvation According to Thomas Aquinas*. According to Aquinas, their purpose generally is to institute certain external works, whereby humans makes profession of their subjection to God.²⁹ Thus there was a temporal reason for each of these particular laws. Observance of particular Torah laws is the only thing voided by the New Law since the temporal reason for them has passed.³⁰ Aquinas cannot leave it at that, however, as he rejects the idea that the ceremonial laws are now completely void. As such, Aquinas introduces another reason, a figurative reason, into the picture.³¹ Aquinas goes to great lengths in speculation on both the temporal and figurative causes for the details of the laws found in Torah. Aquinas, for instance, can enumerate reasons, both temporal and figurative, as to why circumcision should occur on precisely the eighth day.³²

It is the figurative sense of the text in such matters (and especially with regard to circumcision) that is critical. As Levering states, "For Aquinas it is not the case that if the Old Law is figurative,

²⁰ Ibid., II.1 q. 99.1 r.2.

²¹ Ibid., II.1 q. 98.1.

²² Ibid., II.1 q. 99.2.

²³ Ibid., II.1 q. 98.2, 4, 5.

²⁴ Ibid., II.1 q. 98.2 r.2.

²⁵ Ibid.

²⁶ Ibid., II.1 q. 92.2 r.4.

²⁷ Ibid., II.1 q. 91.5, cf. Ibid. II.1 q. 107.

²⁸ Ibid., II.1 q. 107.3.

²⁹ Ibid., II.1 q. 99.3.

³⁰ Ibid., II.1 q. 107.2 r.1.

³¹ Ibid., II.1 q. 99.3 r.3.

³² Ibid., II.1 q. 102.5 r.1.

then one no longer needs to pay attention to it. The figurative aspect of the Old Law is crucial for Aquinas not because he wishes to disregard the Old Law but because he wishes to establish the *unity* of the divine law.³³ What that unity means for Jews is a burning question.³⁴ It is the denial of the temporal in favor of the figurative which allows Thomas to call continued temporal observance of ceremonial law a mortal sin, and it is precisely here that Jewish readers of Aquinas, specifically Wyschogrod, take exception.

The Scriptural warrant that Aquinas asserts for his position regarding ceremonial law keeping as mortal sin is from Galatians 5:2, “if you let yourself be circumscribed, Christ will be of no benefit to you.”³⁵ For Thomas, temporally keeping the ceremonial law after Christ’s passion is, in effect, a denial that Christ has come. Wyschogrod queries “whether Thomas’ reading of Paul on the Mosaic law is substantially accurate.”³⁶ In a sympathetic answer he states, “It seems clear that Thomas tried very hard to weave a consistent position out of the many, frequently at least apparently contradictory, things Paul says about the law. It seems to me that the increase in clarity we find in Thomas over Paul is due largely to the division of the Old Law by Thomas into the moral or natural on the one hand and the ceremonial and judicial on the other.”³⁷

Wyschogrod insists that the Mosaic Law can be handled in ways other than Aquinas and his sources have, allowing for a more benevolent understanding of commandment keeping.³⁸ In short, he takes the strategy now most favored in the field of New Testament studies. Paul in Galatians is polemicizing against those who wish to Judaize gentiles rather than against Jews *per se*. This distinction between Jew and Judaizer is crucial for making sense of the very fact that there is a debate at all in Acts 15 over whether gentiles have to keep the law. If even Jewish Christians were no longer obliged to keep the law, then such should have been an underwhelming non-issue with respect to gentiles.³⁹

Levering, in his first chapter, wishes to respond to Wyschogrod’s essay on Aquinas along with his well-known “Letter to a Friend” which spawned a symposium and an entire issue of *Modern Theology*.⁴⁰ Levering takes umbrage with Wyschogrod’s plea for Jewish-Christians to still keep Torah and with his reading of Aquinas as asking Jews to quit such practices. By way of the figurative unity of the Old and New Law, he insists that, for Aquinas, Christians do still keep the

³³ Levering, *Christ’s Fulfillment*, 22.

³⁴ With respect to Jews living before the time of Christ, answering the question in terms of Aquinas’ own writing is the most simple. Faith in Christ was available by way of prolepsis; thus Aquinas repeatedly insists that there have been some belonging to the New Law at all times (Ibid. II.1 q. 98.2 r.4, 106.3 r.2, 107.1 r.2). Things become a bit more complicated in the New Testament period, however. While Christ was teaching and preaching before his passion, Law and Gospel were concurrent, and thus Jesus himself could and did keep the law in spite of claims by his opponents to the contrary (Ibid. II.1 q. 103.3 r.4). After Christ’s Passion, Aquinas’ sources diverge. Jerome and Augustine agree that keeping the ceremonial precepts after the Passion is a mortal sin, but Augustine allows for a brief dispensation in order that gentiles and Jews could be fused together in Christ. Jerome disagrees, positing instead what might be called a pious pretense defense of Peter’s actions in Acts 15 and other instances of Christian observance of the law post-Passion. Aquinas takes the side of Augustine on the basis of Paul’s faulting of Peter in Galatians (Ibid. II.1 q. 103.4 r.1).

³⁵ Ibid., II.1 q. 103.4.

³⁶ Wyschogrod, “A Jewish Reading,” 134.

³⁷ Ibid.

³⁸ Ibid., 136.

³⁹ Ibid., 137.

⁴⁰ *Modern Theology* 11:2 (April 1995): 163-241. The seven respondents to Wyschogrod’s “Letter to a Friend” were Eugene Borowitz, David B. Burrell, Ellen T. Charry, Paula Fredriksen, George Lindbeck, and David Novak with an epilogue written by Peter Ochs.

Mosaic Law in a real sense even if it is not the way favored by Wyschogrod.⁴¹ Without responding to Wyschogrod's exegetical moves, Levering further argues that in his reading of Galatians 5:2, Aquinas, "[l]ike St. Paul,...specifically has in mind the 'Jewish converts to Christianity'" (thus Levering sees no reason to believe that, for Aquinas, Jews who have not converted to Christianity are sinning by keeping the law).⁴² Levering apparently has no problem with the conclusion that Jewish Christians commit mortal sin if they keep the ceremonial aspects of the law. Jewish Christians keep the ceremonial law, which originally looked forward to Christ's Passion, by celebrating those Christian sacraments that now look back at Christ's passion. Wyschogrod's essay makes it clear how he would respond to such a possibility. He writes, "could [Jewish Christians] not after Christ celebrate the prediction that came true and point to the final fulfillment that both Jews and Christians await?"⁴³

For a Christian theologian, such a challenge to a tripartite division of Torah invites a renewed discussion of the place of Jewish law in Christian ecclesiology. Christian moral and political thought, and by extension Western secular political thought, has been marked by a certain vagueness. This is, in part, a result of the sort of thinking that requires a principle like natural law to justify the divine law. Fergus Kerr, in summarizing D.J. O'Connor's standard philosophical treatment of Aquinas on natural law suggests that "Thomas is so unclear about which of the natural law precepts are primary and which are secondary, and anyway, allows so much variability at the level of detailed choices, that his position seems little different than any other relativism."⁴⁴ In this sense, perhaps natural law is not so much a solution to Jewish and Christian unease with secularism, but rather a source. We shall return to this question in the final section of this essay.

Up until this point, one brilliant aspect of Aquinas' legal thought has remained under the surface in our discussion. While Aquinas thinks that law should only punish and not reward, he does not think, necessarily, that the only function of the law is negative. Law also functions in a way that shapes those under its commands. Law is formational. This understanding of law often hovers around the edges of Aquinas' discussion of the law as schoolmaster, but it is most beautifully put in his statement that the judicial precepts were not primarily "instituted that they might be figures, but that they might shape the state of that people who were directed to Christ."⁴⁵ In other words, the very identity of a people, particularly the Jews, can be caught up in a legal code.

Justin's *Dialogue* and the Quartodecimans

Jerome and Augustine's position, as described near the beginning of the previous section, rests on a highly specious reading of certain passages in Paul's letters and, as we shall see in this section, is likewise inherited. While thinkers from Rosemary Radford Ruether to John Howard Yoder and Daniel Boyarin have argued that the division between Jews and Gentiles turned on Christological questions, far fewer have been willing to assess the importance of rejecting Torah

⁴¹ Levering, *Christ's Fulfillment*, 28.

⁴² *Ibid.* 161. We do not see how this move to separate Jews from Jewish Christians holds true in Aquinas' account in *Treatise on Law*.

⁴³ Wyschogrod, "A Jewish Reading," 136. One of Wyschogrod's fellow essayists echoes this sentiment wondering why Jewish-Christians could not keep the ceremonial law also as a way of looking back at Christ's passion in a way parallel to advent week rituals. Edward Synan, "Some Medieval Perceptions of the Controversy on Jewish Law," in *Understanding Scripture: Exploration of Jewish and Christian Traditions of Interpretation* ed. Clemens Thoma and Michael Wyschogrod (New York: Paulist Press, 1986), 122.

⁴⁴ Fergus Kerr, *After Aquinas: Versions of Thomism* (Malden and Oxford: Blackwell Publishers, 2002), 98.

⁴⁵ Aquinas, *Summa*, II.1 q. 104.3.

observance in the schism.⁴⁶ In spite of the fact that Boyarin's recent book *Border Lines* includes an entire chapter on "Justin's Dialogue with the Jews," almost no space is given to the bulk of the substance of Justin Martyr's second century *Dialogue with Trypho*.⁴⁷ Attention to the position of Justin's interlocutor in the *Dialogue* reveals that the question of law is most pertinent. Trypho, perhaps R. Tarphon of Mishnaic fame, wants to know most of all why Jews cannot continue to keep the law even if they believe in Jesus. A perennial plague of Christian supersessionism is a continual failure to give a sufficient answer to this question. This failure is displayed here in Justin's *Dialogue* and in a then current debate over the date of Easter and even in recent Jewish Christian conversation.

Justin's *Dialogue* appears to be entirely unique in ancient Christian literature in that it takes place entirely upon Hebrew Bible grounds. Justin's understanding of obedience to Old Testament law is intriguing for a number of reasons, not the least of which is that it prefigured, in large measure, the solution that Aquinas and others took to the problem when it reared its head again in late medieval history. An additional intriguing reason for Justin's treatment of the Hebrew Bible is that he was a gentile convert after having reached adulthood, yet he seems, among Christian writers of his time, to be the most thoroughly familiar with and committed to Jewish Scripture.

Still, Justin begins the dialogue with what can only be described as a heavily supersessionist position:

The law promulgated at Horeb is already obsolete, and was intended for you Jews only, whereas the law of which I speak is simply for all men. Now, a later law in opposition to an older law abrogates the older; so, too, does a later covenant void an earlier one. An everlasting and final law, Christ Himself, and a trustworthy covenant has been given to us, after which there shall be no law, or commandment, or precept.⁴⁸

Worse yet, all Jews are lumped together as Christ killers who spread rumors that lead to the death of Christians.⁴⁹ Even more appalling from the perspective of our times, Justin suggests that God instituted circumcision and the law for two reasons – the hardness of Jewish hearts, and in order to mark off the Jewish people for suffering.⁵⁰ One can only look upon Tarphon's willingness to continue such a conversation for two straight days as evidence of a magnanimous, patient, truth-seeking spirit.

In spite of these claims, Justin insists that Christians both read and obey Jewish scripture.⁵¹ With this insistence, Justin is drawn into an extended debate over law keeping, the suffering of messiah, the deity of Christ, the trinity, baptism, and the place of the disobedient in the life hereafter. Over time, Justin's position begins to soften. He again suggests that the old law has ended with Christ, since the eternal law is now received by way of circumcision of the heart.⁵² When pressed as to why the law was given in the first place, Justin eliminates the 'marked off for suffering'

⁴⁶ Rosemary Radford Ruether, *Faith and Fratricide: The Theological Roots of Anti-Semitism* (New York: Seabury Press, 1974); John Howard Yoder, *The Jewish-Christian Schism Revisited* ed. Michael G. Cartwright and Peter Ochs (Grand Rapids: Eerdmanns, 2003); Daniel Boyarin, *Border Lines: The Partition of Judeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004).

⁴⁷ Justin Martyr, *The Dialogue with Trypho* (New York: Macmillan, 1930).

⁴⁸ *Ibid.*, 11.

⁴⁹ *Ibid.*, 17. See also 93 for the charge of deicide.

⁵⁰ *Ibid.*, 18,19.

⁵¹ *Ibid.*, 29.

⁵² *Ibid.*, 43.

reason and adds that the old law was for the purposes of worship and virtue and to give types of Christ.⁵³ What ensues is a fascinating discussion of law keeping after Christ.

Trypho pushes a question as to why Jews cannot continue to keep the law even if they believe in Jesus. Justin's initial response is to point out that since the destruction of the temple, not all the laws can be kept anyway. Trypho admits as much, but wants to know about those that can be kept. Once again a brief debate over circumcision begins in which Justin insists that not all who were saved in Old Testament were circumcised and that God instituted it for the hardness of Jewish hearts. Trypho is not satisfied, again asking why one may not admit those things and still desire to follow the law. Justin is cornered and says that, at least in his view, such people will be saved, so long as they do not try to convert gentile Christians to their position. Trypho wants to understand why Justin says this is just his view. To this, Justin reveals that there are quite a few Christians who take another opinion and will not associate with Jewish Christians who keep the law, even if they do not attempt to compel others to do so.⁵⁴

The conversation continues, and after a while Justin appears to backpedal still further in response to pointed questioning about the souls of God fearing and loving Jews who are not Christians. Justin is agitated by the question. "But now," he submits, "in fear of God's judgment, I shall not be bold enough to say whether or not any one of your race, by the grace of the Lord of Sabbath, may be saved."⁵⁵ Justin will not rest there, however, and insists, in opposition to his understanding of certain Jewish teachers, that those who are disobedient will not share in the "eternal kingdom."⁵⁶ Since Justin believes that obedience to Jewish law is not mandated, who are the disobedient disobeying? While not described in great detail, at least in this text, certain of Justin's arguments let us know that he takes a combination of natural law written on the heart through baptism (but also available in some regard to all nations) and the commands of Jesus and the prophets to be what replaces Jewish law as normative for the Christian life.⁵⁷ With regard to the latter, a comment of Justin's in the midst of discussing Jewish Christian rejection of Jesus' divinity is instructive. "I naturally disagree with such persons," he offers, "nor would I agree with them even if the majority of those who share my opinions were to say so. For we have been told by Christ Himself not to follow the teachings of men, but only those which have been announced by the holy Prophets and taught by himself."⁵⁸

When Justin refers to those Jewish Christians who deny the deity of Christ, he seems to be referring to the Ebionite sect. When he speaks of a dispute within Christianity as to whether to have fellowship with those who still practice parts of Jewish law, he may very well be referring to a debate over the quartodecimans, a controversy over the date of Easter which has recently come to the fore in scholarly research into Melito of Sardis' *On Pascha*. Two independent projects have been published as books on Melito's sole surviving work.⁵⁹ While the two authors, Alistair Stewart-Sykes and Lynn Cohick differ on a great deal, they are in agreement that

⁵³ Ibid., 44.

⁵⁴ Soon after, Justin also includes those Jewish Christians who deny Jesus' divinity as belonging to "our race" (Ibid., 48). He insists, however, that those Jews who once believed in Christ, but apostasized and now practice the law again will not be saved unless they repent (Ibid., 46-47).

⁵⁵ Ibid., 64.

⁵⁶ Ibid., 140. cf. Ibid., 120.

⁵⁷ Ibid., 43, 48, 85, 93. The *Dialogue* ends with a friendly departure.

⁵⁸ Ibid., 48.

⁵⁹ Alistair Stewart-Sykes, *The Lamb's High Feast: Melito, Peri Pascha and the Quartodeciman Paschal Liturgy at Sardis* (Boston: Brill, 1998) and Lynn Cohick *The Peri Pascha Attributed to Melito of Sardis: Setting, Purpose, and Sources* (Providence: Brown Judaic Studies, 2000).

anti-Jewish elements in *On Pascha* are probably to be attributed to debate internal to Christianity rather than to actual conflict with the synagogue at Sardis (as was long thought).⁶⁰ Melito sees everything in the Hebrew Bible as taking place by way of analogy and sketch and continues the New Testament practice of contrasting carnal Israel to the Church as spiritual Israel.⁶¹ “The Jerusalem below” is now “worthless because of the heavenly Jerusalem,” and “the narrow inheritance” is now “worthless because of the breadth of grace.”⁶² The people and law of Israel were of value before the church and the Gospel.⁶³ Their value has now “been depleted by the arising of the church.”⁶⁴

In many respects, this language, while quite troubling, might be traced in germ form to the New Testament itself, and it might also be considered hyperbole with respect to Judaism—hyperbole for the sake of venerating the object of praise, the marvelous grace now offered to all people. Further, this language is almost certainly part of an attempt to define Melito’s community against such sects as the Ebionites, a task made critical by a high stakes controversy over quartodecimans within Christianity. Finally, if Stewart-Sykes’ argument that Melito was himself of Jewish descent are correct, then one’s condemnation may become a bit less severe. Even with those caveats, however, certain elements in *On Pascha* suggesting that Israel’s disobedience, including the killing of Christ, require her death cannot be countenanced.⁶⁵ Nor can they be chalked up to rhetorical exaggeration. This is particularly true in light of a passage in the *Didascalia* (probably from early in the third century⁶⁶) that evidences great dependence on the paschal celebrating tradition in which Melito writes. The passage recommends “praying and watching for the annihilation of the [unbelieving Jews], because they erred and did not know our redeemer.”⁶⁷

The setting of this atrocious recommendation cannot be used to excuse it one iota. Nevertheless, the quartodeciman controversy does cast crucial light on our topic here. Stewart-Sykes argues persuasively that the piece should be seen as a liturgical text, written by Melito, and used in the celebration of Passover on the fourteenth of Nisan according to the Jewish calendar (the term quartodeciman coming from the date fourteen). We have record of no little dispute over the continued practice of Passover keeping by Syrian and other Christians. The most crucial preserver of the facts of this dispute is Eusebius whose *Church History* describes the row in brief and includes a letter on the topic attributed to Irenaeus. Irenaeus’ letter was written to the Roman bishop Victor who opposed quartodeciman Passover observance vigorously.⁶⁸

Eusebius tells us that in reaction to a letter written to him by Polycrates, then leader of the bishops in Asia Minor, “Victor, presiding over Rome sought to cut off straightway the churches of all the community in Asia from the common union, together with those which neighbored upon them, on the grounds of heterodoxy.”⁶⁹ In his letter, Polycrates had defended the practice on the

⁶⁰ Stewart-Sykes, *The Lamb’s High Feast*, 164-172, Cohick, *The Peri Pascha Attributed*, 7, 52-87.

⁶¹ Melito of Sardis, *On Pascha: With the Fragments of Melito and Other Material Related to the Quartodecimans*, ed. and trans. and introduced Alistair Stewart-Sykes (Crestwood: St. Vladimir’s Seminary Press, 2001), 35.

⁶² *Ibid.*, 45.

⁶³ *Ibid.*, 41.

⁶⁴ *Ibid.*, 43.

⁶⁵ See especially *Ibid.*, 90.

⁶⁶ *The Apostolic Fathers: Greek Texts and English Translations of Their Writings*, trans. and ed. J.B. Lightfoot and J.R. Harmer, ed. Michael Holmes (Grand Rapids: Baker, 1992), 558.

⁶⁷ *Didascalia* 21 as quoted by Stewart-Sykes in his publication of fragments and comments at the end of *On Pascha*.

⁶⁸ As discussed in Stewart-Sykes, *On Pascha*, 86-89.

⁶⁹ *Ibid.*, 86.

grounds that it was long standing tradition in the Syrian churches to keep a feast on that day honoring Jesus as the paschal lamb, and that such luminaries as the Apostles Philip and John and several notable bishops including Polycarp and Melito had kept such a feast.⁷⁰ Victor was not persuaded and, as a result, Eusebius reports that several letters, still in existence at the time of Eusebius, were sent “criticizing [him] severely.”⁷¹ Among these was one from Irenaeus that pleaded with him to keep the peace, citing the example of Polycarp and Anicetus (an earlier bishop of Rome) who had precisely the same dispute, but had “maintained peace with one another,” continuing to share in eucharist.⁷² As such, Stewart-Sykes argues that, particularly in the atmosphere from Polycarp and Anicetus through Polycrates and Victor and beyond, self-definition against Judaism was particularly important for these very reasons. In fact, Stewart-Sykes makes the case that there was a dispute among quartodecimans over what time to start the feast which broke the fast, either in tempo with the Jewish Passover feast or delaying it until midnight on the same night.

The dispute over quartodeciman Paschal celebration brings us full circle. The argument between churches in Asia Minor and Roman churches was not settled decisively until after Nicaea, at which point the practice was discontinued with the exception of churches isolated in Ireland. How to narrate the conflict remained a contentious issue among some of the great Western minds in the century after Nicaea. Augustine and Jerome’s dispute, in fact, arose on this score.

In Jerome and Augustine we have come to a remarkable juncture. The conclusion of the Jerusalem Council in Acts 15 left something of a moral vacuum in its wake. The numerous typologies of obedience on display in a work such as *I Clement* are a prime example of this truth. There are at least a dozen or so different types of authorities to which early Christians appealed rather than Torah. Sadly, by the time of Augustine and Jerome, the church was convinced that obedience to any part of the Jewish law—even celebrating a Passover feast as Polycarp did in honor of Jesus’ Passion—was an ‘obedience unto death’ of a different sort than spoken of in Paul’s letter to the Philippians and in early Christian martyr literature. Much preferable is the position to which Trypho was able to move Justin Martyr and to which Irenaeus cautioned Victor. Obedience to Jewish law is neither a mortal sin nor grounds for excommunication.

Paul and the Muzzled Ox

Contemporary New Testament scholarship not only casts grave doubts upon the case for reading Paul’s statements, particularly in II Corinthians 3:6b, as meaning that anyone who observes Torah is committing mortal sin, but also gives us reason to think that Paul’s rejection of law keeping is nowhere near as thorough as Christians have long taken it to be.⁷³ Recently, scholars such as Peter Tompson and Marcus Bockmuehl have been exploring the ways in which Paul, far from discarding Torah as a cause of mortal damnation, actually uses *halakah* in his letters to gentile converts.⁷⁴ In fact, earlier in the Corinthian correspondence, Paul commanded the church

⁷⁰ Ibid., 86-87.

⁷¹ Ibid., 88-89.

⁷² Ibid., 89.

⁷³ This section of our essay was initially written for a course with Richard Hays and we have drawn heavily from his reading of Paul, especially in Richard B. Hays, *Echoes of Scripture in the Letter of Paul* (New Haven: Yale University Press, 1989) and Richard B. Hays *First Corinthians* (Louisville: John Knox Press, 1997). Hays, *Echoes*, 122-153 beautifully treats the wider pericope in which II Corinthians 3:6b is set in “Chapter Four: A Letter from Christ.” Our primary difference with Hays is that he sees Paul’s appeal to the Torah as normative to derive its force almost entirely narratively, we also take it that Paul is working with the *nomos* of jurisprudence of Hebrew Scripture.

⁷⁴ Peter Tompson, *Paul and the Jewish Law: Halakha in the Letters of the Apostle to the Gentiles* (Minneapolis: Fortress Press, 1991); Marcus Bockmuehl, *Jewish Law in Gentile Churches: Halakhah and the Beginning of Christian*

to pick judges from its midst to settle disputes within their community. The idea of choosing judges from the church to preside over disputes seems strange to many Christians. For one thing, upon what body of law would such judges base their decisions? Certainly not the Torah, for there is a seemingly impregnable obstacle to Christians taking this tract—the letters of the apostle Paul. In what follows we hope to put forth an admittedly controversial suggestion: Mosaic Law interpreted jurisprudentially, that is casuistically or as legal wisdom, can and should exercise authority within Christian churches and that Paul, in spite of other very harsh things he sometimes said, at least once prominently used Torah in precisely such a way.

Within the lengthy section of I Corinthians (8:1-11:1) devoted primarily to the issue of meat offered to idols, there is a portion of text that does not deal directly with meat. Instead, Paul seems first to digress momentarily, in order to argue that an apostle has the right to gain a living through preaching the Gospel, and then to slowly return to the issue of idol meat by way of an artful use of Israel's wilderness idolatry. While commentators sometimes treat chapters nine and ten separately, we are persuaded that the apparent digression is central to Paul's argument. The chapters are indissolubly linked by Paul's unique understanding of freedom and his view of Biblical hermeneutics after Jesus. Mosaic Law, according to Paul, is written for contemporary instruction. In four instances, two from chapter nine and two from chapter ten, Paul drives home a single point—lessons from the Torah are for our instruction. Where in chapter ten Paul twice insists that the Exodus-Wilderness story occurred “as an example” to us, in chapter nine he has already made an almost verbatim statement: “Is it for oxen that God is concerned? Or does he not speak entirely for our sake. It was indeed written for our sake.”⁷⁵ Here, Paul is not speaking of a narrative from the Torah, but rather he dealing with a very specific commandment from Deuteronomy 25:4, “You shall not muzzle an ox while it is treading out the grain.”

Beginning with chapter ten's reference to Exodus, might it not be the case that Paul simply understands his Corinthian audience to be standing in the line of the Moses community with respect to salvation history and not with respect to the Law revealed at the conclusion of the Exodus? Put differently, Paul may not have created a strict dichotomy between baptism into Moses and baptism into Christ, but there nevertheless appears to be a definite distinction between the two. Is Paul, then, merely making use of Torah as a *paidagōgos*? As a negative example to be avoided? Far from being a negative example to be avoided, the bent of Paul's midrashic, retelling of the Exodus-Wilderness story, is that the Corinthians need to go back to school. He appears to be writing precisely against a view of a freedom gone amuck. Gospel freedom cannot lead the Corinthians to forget the lessons of salvation history. He writes, “Now these things occurred as examples for us ...” He then spells out five lessons to be learned in a fashion that sounds almost like the first half of a Decalogue:

- Do not desire evil ...
- Do not become idolaters ...
- Do not indulge in sexual immorality ...
- Do not put Christ to the test ...
- Do not complain ...

Public Ethics (Edinburgh: T&T Clark, 2000). Bockmuehl, intriguingly, makes very little reference to I Corinthians 8:1-11:1, and none to the critical text Deut 25:4 that Paul draws upon to justify the payment of Christian workers.

⁷⁵ This Pauline point of view is not unique to I Corinthians. See also Romans 15:4, “whatever was written in former days was written for our instruction.”

Paul's choice of a story is didactic. Like their ancestors of old upon entering a new era of freedom, if Paul's formerly gentile audience is not careful, liberty may lead to destruction.⁷⁶

In honing in on Paul's handling of the muzzled ox in chapter nine, we hope to further elucidate this point. Whatever Paul's message in Galatians regarding justification and the Law, he in no way believes that the apocalyptic end of the ages in Christ has excluded Torah as a "theological norm."⁷⁷ Paul's use of Torah here has puzzled many modern commentators. In what superficially appears as a mere digression from a discussion on idol meat, Paul in I Cor 9:9-10, quotes Deut 25:4: "For it is written in the Law of Moses, 'You shall not muzzle an ox while it is treading out the grain.' Is it for oxen that God is concerned? Or does he not speak entirely for our sake?"

Because of Paul's boldness in applying this text to his own situation, many have tried all manner of interpretive gymnastics to suggest that he is reading the text allegorically. A simpler solution is readily at hand. Paul was reading this text jurisprudentially. As Gordon Fee argues, "In keeping with the entire ancient Near East Paul well understood the paradigmatic, analogical character of law."⁷⁸ In fact, almost all law functions in this way. A first year JD candidate at any US law school quickly learns that it would be impossible for laws to be written to cover the infinite possibilities of human activity. Laws are written and arrived at in case law and are then applied analogically to a whole host of disparate situations. Why, for instance, must the muzzled ox be less fertile ground for legal interpretation than the goring one? Exodus 21:28-32's discussion of the goring ox serves as a basis for a complex system of Jewish tort law. In fact there is evidence that "do not muzzle the ox" was the source of human labor law in second-temple Judaism.⁷⁹ Paul hardly seems to be improvising. There is little reason, other than a profound fear that Paul may be upsetting the apple cart by engaging in casuistry, to suspect that Paul is using allegory here.

Peter Tompson's explanation of the legal movement of the text is a helpful antidote to more fanciful readings of the text. "It becomes obvious that there is a double [*qal vahomer*] argument: one from the ox on man and another from the field laborers on preachers. The common element transferred from one category to another is the right to eat while working. Thus Paul utilizes a halakhic...tradition related to a saying of Jesus."⁸⁰ In short, Paul could assume that Deuteronomy 25:4 was written for his instruction (and so we can today) because of an ability to sift a generalized legal rule from common particularized cases.

Those who want to read Paul's use of the Law in this instance as allegorical do so, it seems, because they assume a Gospel versus Law distinction as a grid onto which everything in Paul can be readily mapped. Hans Conzelmann's muted but unmistakably critical estimation of the text nicely demonstrates our point: "In this passage we are a long way from the topic of Law and justification by faith."⁸¹ A more nuanced version of Conzelmann's position is to be found in

⁷⁶ See Hays, *Echoes*, 91-94.

⁷⁷ It has been argued that "the singular apocalypse of Jesus Christ excludes any other decisive and critical *theological norm*, whether that be Torah in Paul's situation or modernist, liberal canons of rationality in Hauerwas's situation." Douglas Harink, *Paul Among the Postliberals* (Grand Rapids: Brazos Press, 2003), 83 (emphasis ours).

⁷⁸ Fee *The First Epistle to the Corinthians* (Grand Rapids: Eerdmans, 1987), 408.

⁷⁹ Tompson lists a variety of rabbinic texts that used the text for various purposes. Tomson, *Paul and the Jewish Law*, 127. cf. Anthony Tyrell Hanson *Studies in Paul's Technique and Theology* (London: S.P.C.K., 1974), 164.

⁸⁰ Tomson, *Paul and the Jewish Law*, 129. Tomson treats this separately (pp. 125-131) from the fuller chapter in which he treats the text as a whole (pp. 189-221, "Chapter Five –I Cor 8-10: 'On Idol Offerings'"). Our reading here places the text in the context of the wider argument as we seek to address the question of Paul's refusal to make use of the right.

⁸¹ Hans Conzelman, *First Corinthians: A Commentary on the First Epistle to the Corinthians (Hermeneia: a Critical and Historical Commentary on the Bible vol. XXXVI)*, trans. James W. Leitch (Philadelphia: Fortress, 1975), 155.

D. Instone Brewer's analysis of Paul's use of the Law in this passage, "[Paul] has derived a ruling which carries all the force of the written Law, but he does not demand obedience. He preached freedom from the Law, so although he has demonstrated his rights under the Law, he does not claim them."⁸² If this reading of Paul's renunciation is correct, then our thesis is in danger. Does Paul's refusal to flatly 'demand obedience' mean that the Law is null and void and that it would be wrong for Christians to use Torah (and the Scriptures as a whole) jurisprudentially?

To address this challenge, it is necessary to frame Paul's renunciation of his right within the larger argument in I Corinthians 8:1-11:1. Such a holistic reading is made difficult because of the seemingly illimitable hermeneutical potential of the lengthier pericope. Exegetes have espoused interpretations ranging from Paul believing eating meat offered to idols was adiaphoric to Paul prohibiting Christians from eating such meat under any circumstance. We have argued, following Hays, that chapters nine and ten are unmistakably linked by the key phrase—for our instruction. The chapters also function together thematically. Paul argues that participating in temple sacrificial meals should be avoided by the Corinthians (a) out of self-sacrificial love for the weaker brother, (b) because the God of the Torah is a jealous God who still does not countenance idolatry, and most importantly (c) because following the Law in this matter is critical for the sake of the Gospel.

Going back yet further, initially in chapter eight Paul appears simply to agree with the justification for eating meat offered to idols: idols are simply social constructs ("no idol in the world really exists"); since Christians worship the one God, they are at liberty to partake of everything that God has created (8:4-6 cf. 10:26). Paul, however, immediately begins to hammer away at the force of such a case. In 8:7-13 Paul argues that, imaginative figments as they may be, idols can be harmful to the point of destroying the faith of those who do not fully understand the meaning of there being only one God. It is most reprehensible to Paul that the 'strong' in Corinth, for the sake of their knowledge and in order to defend their liberty, are willing to endanger the souls of weaker brothers and sisters for whom Christ died.

Having articulated the rationale for not participating in temple banquets out of consideration for weaker sisters and brothers, Paul's argument appears to have swerved when he returns to the topic directly in chapter ten. However, in Paul's bold statement, "So by your knowledge those weak [faithful] for whom Christ died are destroyed," (8:11) we have at least been given a hint of the bold polemic against participating in sacrificial meals in pagan temples that Paul develops in chapter ten. Herein, Paul suggests that participating in temple meals is damnable, demonic idolatry. He ends his lessons from the Exodus-Wilderness retelling with a thundering: "Therefore, my dear friends, flee from the worship of idols" (10:14). If Paul really believes that 'no idol really exists,' why is he so intent on running the other way from them?

Paul urgently wanted the Corinthians to understand that Christian faithfulness is not about some abstract gnosis but about a community's standing before a fearsome and jealous God. The story of 10:1-4 stands as a bold warning that they would be in dire straits if they dabbled too much in the temptations of the local temple. Richard Horsley argues persuasively that pagan temples were centers of the imperial patronage system wherein a great deal of social networking occurred.⁸³ Moreover he argues that many of the citizens of Corinth were apparently former colonists eager to climb social ladders. When they spoke of their liberty to participate in pagan

⁸² D. Instone Brewer, "1 Corinthians 9:9-11: A Literal Interpretation of 'Do Not Muzzle the Ox,'" *New Testament Studies* 38:4 (1992), 565.

⁸³ Richard A. Horsley, "Rhetoric and Empire—and 1 Corinthians" in *Paul and Politics: Ekklesia, Empire, Imperium, Interpretation, Essays in Honor of Krister Stendahl* ed. Richard Horsley (Harrisburg: Trinity Press, 2000), 89.

temple sacrificial meals they were also defending their pretensions to be “kingly,” “rich,” “wise,” “powerful” and “nobly-born.”⁸⁴ In such a situation one can see why Paul’s rejection of their wisdom is so intense. Paul had sought to argue throughout the letter that the church is a distinct assembly. It was unconscionable for Paul that the ‘wise’ amongst the Corinthians were brandishing the theological slogan “There is no God, but one” to justify participation in pagan feasts and by extension participation in the powers of an age that Paul knew to be rapidly fading.

The work of Horsley reminds us that the temptation of sacrificial meal was not idolatry only in a narrow sense, but also in the broader sense that the life of the temple implicated one in allegiance to the idol of Roman imperial power. Just as Jews who ate meat sacrificed in the temple at Jerusalem were participants in the altar of God, the table of God at the Lord’s Supper implies partnership with Christ. The church lives as the one body of Christ and participation with idols speaks of participation with powers opposed and hostile to Christ. In the words of Horsley, “Paul argues in 10:1-13, 14-22 that the new international redemption inaugurated at the end of the ages in the Christ event stands in continuity with Israel, that judgment looms ahead, and that the people in the process of redemption must maintain solidarity over against the dominant society.”⁸⁵ Paul, who was certain that the present form of this world was passing away, intended to make sure that the Corinthians were aware that the Gospel of Christ is diametrically opposed to the gospel of empire. As Paul intimates in the first chapter of I Corinthians, the Gospel of Jesus is of a lord who does not wield the fearsome threat of execution, but rather suffers crucifixion, trampling the powers of this present age.

Paul’s apparent about face regarding the power of idols is held together by chapter nine in which Paul offers himself as an example of a Gospel centered relationship to the Law. By the time we reach chapter ten, Paul has long been setting up a strong argument against participation in pagan temple meals. Where the conclusion to chapter eight warns the Corinthians not to use freedom with regard to eating and drinking in a careless manner harmful to the Gospel, chapter nine opens with a series of rhetorical questions linking the Corinthian situation to his own with respect to payment for missionary activity: “Am I not free?...Do we not have the right to our food and drink?” In other words, Paul’s teaching with respect to the muzzled ox and his own right to food and drink is directly related to his teaching regarding meat offered to idols. Three points, then, protest strongly against a suggestion that Paul’s failure to take what is lawfully his is an argument against the validity of Torah.

First, while Paul forgoes his right for the sake of the Gospel, it is not because he feels it unnecessary to comply with an antiquated law. Such a claim is unsustainable because refusing to claim a law-given right for oneself is a very different matter than arguing that a law cannot be applied to someone else or claiming that the law has no validity at all to confer a right. A second point that tells strongly against taking Paul’s renunciation as a renunciation of the Torah itself is to be found in the way the church has taken this passage. An irony too strong to go without notice is the fact that Paul’s reasoning in I Corinthians 9 has forever determined the matter of payment for preachers. Paul’s halakahic reasoning, even if Paul did refuse to make personal use of it, settled the question for the church. Christians pay pastors. Even someone as radical as the pre-Reformation figure Jan Hus, appalled as he was by the abuses to which payment of clergy and Christian scholars had led, conceded that ministers of the Gospel should have their basic needs met out of the church’s coffers. Hus’ reason? Paul’s argument in I Corinthians 9.⁸⁶ Finally,

⁸⁴ Ibid.

⁸⁵ Ibid., 100-01.

⁸⁶ Jan Hus *On Simony* in *The Library of Christian Classics* vol. XIV *Advocates of Reform from Wyclif to Erasmus* ed. Matthew Spinka (Westminster: John Knox, 1953), 202.

Paul's failure to enforce his legal claims is not an indictment of the Law because it is used in service of an appeal *for the Corinthians to follow the Law*. He concludes the whole passage by enjoining the Corinthians to lay aside their stated right to be free of the Law. At the end of chapter ten, Paul conditionally agrees with the Corinthians that "all things are lawful" to them, but insists that what is apparently lawful is not always allowed with respect to the Gospel. He then proceeds to place severe strictures on when temple meat should be eaten. In conclusion, he returns to his own example in asking strong Corinthians to follow Torah as interpreted through Christ.

At this point we must attend to a portion of the passage that sits at the hermeneutical center of the entire section. When Paul concludes the text with the phrase 'just as I try to please everyone in everything I do,' he is bringing to fruition a harvest he had labored over in the latter half of chapter nine which includes the well known Pauline formulation: "To those under the law I became as one under the law (though I myself am not under the law) so that I might win those under the law. To those outside the law I became as one outside the law (though I am not free from God's law but am under Christ's law) so that I might win those outside the law." The entirety of the discussion of meat offered to idols turns on this passage. All the crucial elements of 8:1-11:1 are readily identifiable here. Paul offers himself as an example of becoming weak for the weak as he has asked the stronger Corinthians to do at the end of chapter eight. As such, he is pleading with them to invert his example by putting themselves under Torah teachings on idolatry.

Where in chapter six Paul instructs the Corinthians to choose judges from their midst to settle disputes, 1 Corinthians 8:1-11:1 should be seen as Christianity's earliest extant legal opinion, a legal opinion that is every bit as intricate and capable of sustaining an independent legal tradition as the watershed case in American legal history, *Marbury v. Madison*.⁸⁷ Paul unveils a revolutionary new legal theory, and it is not for what his freedom loving audience has hoped. Paul is up to nothing less than a thoroughgoing, casuistic demonstration of how apocalyptic Christian communities can and should appropriate Torah as law through the lens of the Gospel. Paul becomes as one 'outside the law' by renouncing what is lawfully his with respect to salary, and he instructs the recipients of his legal opinion to become as ones 'under the law' by following his *halakah* concerning meat offered to idols. Those who proclaim freedom from the Law to the detriment of unity between the people of God, Jews and Jewish and Gentile Christians, have subtly taken on the position of Paul's opponents at Corinth. What, then, is the future of the church's relationship to Torah?

Natural Law and the Noachide

We conclude with an argument in that regard, occasioned by a return to a theme of our initial section on Thomas Aquinas, that is natural law. At the end of that section, we suggested that natural law may be a source of Christian disquietude with secularism rather than a reasonable answer to the same. Another direction exists, however, in which our thinking here could be taken. Where Aquinas and others rejected a more robust notion of the Torah by way of an appeal to natural law, David Novak has written about natural law and Torah in a way that remarkably brings them together. Novak, following nineteenth century rabbi Elijah Benamozegh, provides an account of what some refer to as Noachide law—natural law that fully addresses hesitations in certain quarters about the propriety of natural law.

⁸⁷ For a standard account of the intricacies of *Marbury v. Madison*, see William W. Van Alstyne, "A Critical. Guide to *Marbury v. Madison*," *Duke Law Journal* 1969:1-47.

As noted earlier, the nature of most attempts to understand Christian supersessionism as rooted in Christology fails to address the critical question of Torah observance and creates massive problems. If Christology is the problem, how can one retain a Christology and overcome supersessionism? Must Christology as developed throughout the centuries be radically overhauled or discontinued altogether? Encouraging Christians to abandon Christology is, for most Christians, an invitation to abandon Christianity altogether. Such a move structurally mirrors the attempt by Christians of ages past that have tried to overcome Christian-Jewish difference by encouraging Jews to give up Torah observance. Our argument for questions of Torah observance as more critical from the days of Justin and Tarphon to Levering and Wyschogrod holds forth the possibility of avoiding the tangle of trouble that comes from locating Jewish-Christian schism primarily in orthodox Christology. Of course, the possibility of such an advantage could be overwhelmed by all the problems it might immediately create!

Would Christian ethics suffer the same sort of confusion it initially experienced in the wake of the Jerusalem Council? Perhaps the possibility would be rejected by the majority of Jews, fearing, as they might justifiably so, that it could solve one continual attempt at assimilation by putting forth the very real possibility of a more powerful potential for undoing Jewish uniqueness.⁸⁸ And how would Christians even begin to observe Torah? As Mennonites, we hope to shed some light on these questions, though not to fully resolve them, by way of bringing together Novak's thinking on natural law with questions posed forcefully throughout his life by Mennonite theologian John Howard Yoder.

David Novak's essay "Before Revelation: The Rabbis, Paul, and Karl Barth" opens with the charge that the indefatigable revelatory Christocentricism of the followers of Barth, in opposition to any natural law or natural theology, takes the wind out of the sails in Jewish Christian dialogue. And this despite the fact that Novak's most important Christian interlocutors are Barthians of one stripe or another—Stanley Hauerwas, George Lindbeck, and Robert Jensen to name a few—and despite the fact that Novak undoubtedly finds Barth himself a fecund conversation partner. Novak suggests returning to *Der Romerbrief* to find a more stable "point of contact" for Jewish Christian dialogue.⁸⁹ There, Novak claims, Barth argues for a negative knowledge of God—a knowledge of what "God is not" derived from reflection on the disordered state of human society and human nature. In "Before Revelation" Novak gives a certain prominence to the Noachide command to avoid idolatry as the beginning of a negative knowledge of God. This negative knowledge, while far from the fear of the Lord that births wisdom, can be the "necessary pre-condition for receiving God's self presentation in revelation."⁹⁰ The Noachide law functions as a hermeneutical key to the prohibition of Gentile idolatry—if you want to know what a prohibition of idolatry means for a gentile then examine the Noachide.

Novak continues in a follow-up essay by pressing the question of whether Barth "adequately dealt with the communal character of the commandments of God?"⁹¹ This leads Novak to ask an intriguing question: "How could we know what a commandment is if one never had any experience of a commandment before the event of revelation?"⁹² He goes on to answer that question in an admittedly un-Barthian fashion by asserting that "[n]atural Law governs who we need to be with. It prepares us for God's covenantal entrance into our community that transforms it without

⁸⁸ Peter Ochs notes this concern, "Epilogue," *Modern Theology* 11:2 (1995): 226.

⁸⁹ David Novak, "Before Revelation: The Rabbis, Paul, and Karl Barth" in *Talking with Christians: Musings of a Jewish Theologian* (Grand Rapids: Eerdmans, 2005), 108-09.

⁹⁰ Novak, "Before Revelation," 122.

⁹¹ David Novak, "Karl Barth on Divine Command: A Jewish Response" in *Talking with Christians*, 136.

⁹² *Ibid.*, 137.

destroying it.”⁹³ Novak’s natural law thinking further draws on rabbinic thought in insisting that a primary point of contact which exists for Christians and Jews is the Noachide covenant which is narrated in such a way in the Torah as to exist for and place demands upon all people.

With those thoughts in mind, it would be useful to turn to the thinking of a Mennonite theologian and student of Barth who has minimally engaged Novak’s understanding of the Noachide. John Howard Yoder and his primary champion Stanley Hauerwas have continually had to deal with the question of sectarianism, the charge often made that the way they inherit Barth leads to an isolation or disengagement from the wider world—in other words, a rejection not just of natural theology, but of the world generally. Interestingly for our questions, however, is the turn that was taken when Yoder responded to Hauerwas’s essays in *Against the Nations* with his own collection entitled *For the Nations: Essays Public and Evangelical*.⁹⁴ In the introduction to *For the Nations* the question of language comes to the fore. The opening lines of *For the Nations* run as follows:

The theme of this book is the tone of voice, or the style and stance, of the people of God in the dispersion. When the Jews who had taken Jeremiah seriously began to settle into Babylon as a place where they would maintain their community...they needed to decide whether to talk the local language. That was part of the larger question of whether to make themselves at home or to constitute an alien enclave...whether their acceptance of the Chaldean culture around them would be grudging and clumsy or wholehearted and creative. Would they continue to maintain the language of “back home” as their primary identity? If they did that, could they be effective as participants in the Mesopotamian culture?⁹⁵

Yoder suggests that Jews in dispersion came to a solution, since replicated many times over, of using three languages—the Hebrew of the Bible, the language of the host culture, and “a language of their own between the other two”—most well-known to us is Yiddish, but Yoder also points to the Ladino/Judesmo of Sephardic migrants and asserts that “the same thing had been done in Persia, in China, and in Ethiopia.”⁹⁶ This “Jewish polyglossia,” Yoder insists, is extraordinarily important for teaching people of God who are pacifist nevertheless “to live *for the nations*.”⁹⁷

Even though Yoder often times fears that natural law language has been used to coerce belief, it is not clear that natural law language would be forbidden by Yoder to the same extent as for Hauerwas or Barth.⁹⁸ Could it not be for Yoder just another type of what he elsewhere calls “tactical alliance”?⁹⁹ In this sense several issues would need to be considered. Is natural law actually the public language of our time? Could there be some sort of analogy between “natural law” and what Yoder means when he makes an analogy with speaking Yiddish?

⁹³ Ibid., 139.

⁹⁴ Stanley Hauerwas, *War and Survival in a Liberal Society* (Minneapolis: Winston Press, 1985) and John Howard Yoder, *For The Nations: Essays Public and Evangelical* (Grand Rapids: Eerdmans, 1997).

⁹⁵ Ibid., 1.

⁹⁶ Ibid., 2.

⁹⁷ Ibid, 2-3, emphasis in original.

⁹⁸ In *With the Grain of the Universe* (Grand Rapids: Brazos Press, 2001) Hauerwas leaves more room for such thinking than he had previously.

⁹⁹ John Howard Yoder, “But We Do See Jesus” in *The Christian Witness to the State* (Newton: Faith and Life Press, 1964), 61.

In an essay in *For the Nations* entitled, “The Biblical Mandate for Evangelical Social Action,” Yoder recognizes the covenant with Noah as one of multiple mandates for Christian social engagement. For Yoder, this covenant includes divine protection of life and the promise of seasons as the basis of culture.¹⁰⁰ This summary is sparser than the seven commandments of Rabbinic Judaism’s understanding of the Noachide law. However, the Noachide law is a possible way of speaking of the base line moral agreement and minimal just relations that Yoder speaks of in his work, while taking seriously the significant objections that Yoder launched against natural law theology.

Still, there are a variety of problems with this suggestion. For starters, Yoder only mentions Noachide law rarely and briefly. The most extended focus on the Noachide in Yoder’s work is in a footnote to an essay in the posthumously published *The Jewish-Christian Schism Revisited*, in which Jewish philosophical theologian Peter Ochs responds to each essay by Yoder. There, Yoder charges that a prominent role for the Noachide was to justify a non-missionary Judaism after the partition of Jews and Christians.¹⁰¹ Unfortunately, Yoder gives insufficient attention to the way Jesus’ life under the Torah and rabbinic communities’ commitment to Torah were critical in resisting the way of violence. Yet, this is the best way of understanding the extent to which Jewish communities have been the people of God that have best lived out a Yoderian vision of a common life lived in rejection of all idols’ claims to ultimacy. Simultaneously, however, the long quote above indicates that Jews are the best examples for Yoder of the type of non-violent witness that, while nevertheless separate in crucial ways, exists *for the nations*.

Such a return to the question of the Law in Yoderian thought would create a basis for a new way for Christians to understand Old Testament law as presently pedagogical without having to resort to a Calvinist understanding of the uses of the law or to a tripartite division of the law found most importantly in Aquinas’ treatment of law, natural and otherwise. Insofar as Rabbinic Judaism represents a very potent form of law that was functional without the apparatuses of state power, such an approach might give more teeth to Yoder’s ecclesiological vision.

Rather than being synonymous with each other, perhaps the concept of law for the children of Noah might be a better way of characterizing a Yoderian, Christian polyglossia than the concept of natural law. There are a number of reasons for this: (a) Natural law at many times has been used in the Christian tradition to get around the parochial nature of Jesus of Nazareth’s particularity (b) With natural law comes the temptation to ground moral reason on some rational basis purportedly more solid and determinative than God’s revelation in Christ or Torah (c) Natural law thinking has often been critiqued for the ways its postulates are undeniably Western and thus hardly universal. Conversely law “for the children of Noah” is founded on a validation of commonality in diversity—in the celebration that even “heathens and pagans” have a law.¹⁰² Such a conception of moral thinking from those “outside” our own communities makes strategic polyglossia more attractive than the creation of a moral meta-language. It affirms that in cultures where Western claims of “universal morality” are roundly rejected, we are free to use other forms of moral language. Moreover, the people of such communities would not be “barbarians,” outside the realm of possible moral discourse. We can have faith in a certain preservationist order that allows for the existence of something redemptive in *any* cultural form. In this way, Yoderian

¹⁰⁰ Yoder, *For The Nations*, 183. A different list, more attuned to biblical language is found in the long footnote on natural law, discussed below. That includes be fruitful and multiply, freedom to eat both animals and plants, a prohibition against eating animal flesh with the blood, and that those who shed human blood are to have their blood shed by humans. Yoder, *Jewish-Christian Schism*, 98-99.

¹⁰¹ Yoder, *Jewish-Christian Schism*, 98-100.

¹⁰² John Howard Yoder, *The Politics of Jesus: Vicit Agnus Noster* rev. ed. (Grand Rapids: Eerdmans, 1994), 145.

theology invites us to discussions between communities that take the form of comparative law and comparative theology. Most importantly, the Noachide, especially as understood by Benamozegh and Novak, functions as a reason for the commandments that, nevertheless, does not risk the temptation of finding another ground more determinative than God's instruments of salvation.

Another important aspect of Yoder's later thinking can now come into full view. Yoder collected the essays in *The Jewish-Christian Schism Revisited* together for a desktop packet. The last piece in the arrangement, as collected by Yoder, was a consideration of the Noachide, and specifically Novak's engagement with the topic. The editors of the collection, however, moved this consideration to a long footnote in the middle of the work. As presently placed, the footnote is to Yoder's claim in "Paul the Judaizer" that Noachide law became a way for Jews to escape the *universal* implications of their faith. This is an odd companion to his claim that natural law has functioned in the church often as a rejection of the *particularity* of our communal life and witness.

The note was placed where it is, no doubt, because Yoder concludes his assessment of Novak's work on the Noachide with the claim that as Rabbinic Judaism made peace with what he calls the "messianic schism," it began to back away from "the radicality of their earlier commitment to a synagogue polity open to the *goyim*."¹⁰³ Conversely, as Christianity took on the language of Constantine and the rulers of Europe, it became increasingly embarrassed by the grounding of their faith in contingent facts of history. Both of Yoder's claims are more than a little disputable and, taken together, somewhat counter-intuitive. This is especially so since a good deal of contemporary reflection on the Noachide has focused on the way it was used to strengthen the Jewish claim that "The Lord is the God of all people." Moreover, given the thrust of Aquinas' *Treatise On Law* it would seem that one of the uses of natural law thinking is to endorse the continued validity of at least *some* of the moral precepts of the Hebrew Bible. So while Yoder suggests that natural law and theology has been a way for Jews to avoid a universal mission and for Christians to embrace a universal language instead of the particularity of the Biblical witness, there is a very real sense in which the opposite is true for each community as well.

The vision that coalesces around Yoder's rejection of natural law thinking and his disapproval of the loss of Jewish proselytizing is a strong insistence that it is only a community with a thick identity that has something useful to bring to the world. Also, there is an implicit rejection of a logic of secularity that gives the outside world a final destiny more basic than the destiny of the people of God. Against such thinking, Yoder insists that the polity of communities like Judaism and Christianity can be a witness 'for the nations.' Critical here is Yoder's conviction that there is a profound similarity between the social ethics of Jews and Christians. It is not so much that we are comrades in arms against the dissolution of family values and of various ethical errors and injustices. More importantly, both communities live out an alternative politics that rejects the claims of cultures' idols.

¹⁰³ Yoder, *Jewish-Christian Schism*, 100. As Peter Ochs repeatedly suggests in his responses to Yoder in *Jewish-Christian Schism*, there is something both profoundly supersessionist and profoundly anti-supersessionist in Yoder's Christian chiding of Jews for leaving behind the mission of evangelizing the world. The way it is supersessionist is obvious. It determines the Jewish mission through a Christian framework. However, there is nonetheless a profound change afoot when a Christian claims that the Jews still have good news to offer. Indeed, Jews are not valuable only as a critical part of some sort of pristine, mystical past, but as people of God on the move – as people that still have a profound part to play in telling of a God whose love is not parochial but universal. This is indeed a religion not of dead letter but of the Spirit.

According to a very legitimate way of reading Yoder, then, a certain sort of natural law language might be acceptable and even welcome. It is true, as Yoder puts it, that “tyrants and cowards” can be called to a “higher morality” through what “traditional theology has often spoken of” as natural law.¹⁰⁴ We could go even further and suggest that Christians and Jews might be living out their calling to dispersion and witness when they insist on proclaiming “Jesus is Lord” or “God is One” in a hollowed out and Yiddish-like rhetoric of natural law. And we might stop here were it not for Novak’s additional concern that natural law language might be an extraordinarily fruitful aid for Jews and Christians charged with the almost unbearably difficult task of reconciling after centuries of mutual mistrust and Christian persecution of Judaism. Where Yoder calls upon Christians to begin to “constructively appropriate...[Jewish] identity,”¹⁰⁵ we must deal squarely with Novak’s way of reading natural law. For Barthian Christians suspicious of natural law rhetoric, this could easily mean enlisting the support of Marvin Fox and others in insisting that Judaism does not have a theory of natural law.¹⁰⁶ Serious theological attention from Christians to the details of such intramural Jewish debates would be worthwhile indeed, but there appears to be an even more urgent necessity.

Yoder’s position in *The Jewish-Christian Schism Revisited* must be most rigorously criticized from a more faithful Yoderian perspective. Yoder but once and in passing notices that Jewish communities’ commitment to Torah helped sustain them in a pragmatically non-violent way of life.¹⁰⁷ It would have been far better if Yoder would have pushed this line of thinking in an essay provocatively titled “Judaism as a Non-non Christian Religion.” As it turned out, this essay is the least satisfying in the entire book.¹⁰⁸ Instead of renarrating Jewish commitment to Torah as allowing its communities to be structurally indistinguishable from a peace church, the best example of a non-violent, messianic people witnessing to the way of the word amidst a myriad of violent cultures and nations, Yoder argues that Rabbinic Judaism should be seen as almost entirely a reactionary movement against schismatic, Constantinian, metaphysical Christianity. Apart from the truth that Yoder’s account of the schism does not take questions surrounding Torah seriously enough,¹⁰⁹ there is the more discouraging fact that Yoder, like others, limits his attention to historical matters rather than also pursuing the wider and more important question of how we

¹⁰⁴ Yoder, *For the Nations*, 113.

¹⁰⁵ Yoder, *Jewish-Christian Schism*, 74.

¹⁰⁶ Lamm and Kirschenbaum’s compact assessment of the issues related to Fox’s challenge in the tradition is quite instructive. They conclude “[t]he key Talmudic passage does lend itself to a natural law interpretation. Saadia, along with other *Geonim*, and followed by Bachya, Albo, and others espoused natural law. Yehuda Halevi opposed it, and certain *kabbalistically* inclined *halakhists* attempted to isolate the *Halakhah* from a natural-law type structure. Maimonides presents a special problem. In some passages he seems to deny natural law, in others to be receptive to it; but even then, natural law does not at all assume for him the significance that it does in other traditions.” Aaron Kirschenbaum and Norman Lamm, “Freedom and Constraint in the Jewish Judicial Process,” *Cardozo Law Review*, 1:1 (1979): 120.

¹⁰⁷ Yoder, *Jewish-Christian Schism*, 81-82.

¹⁰⁸ Ochs most harshly criticized Yoder in responding to this essay. On this contention generally, Ochs and Daniel Boyarin take up opposing positions that are critical of Yoder from their respective angles. Boyarin doesn’t mind the contention that Rabbinic Judaism reacts against the church and gives up on a wider missionary stance, but disagrees with Yoder in taking this to be a positive development. Ochs thinks that Jews ought to be challenged to reconsider a more self-consciously missionary position, but takes the idea that Rabbinic Judaism is primarily a reaction against Christendom to be a stillborn remainder of supersessionism. Ochs, *The Jewish-Christian Schism Revisited*, 158–59 and Boyarin “Judaism as a Free Church: Footnotes to John Howard Yoder’s *The Jewish-Christian Schism Revisited*,” *Cross Currents* 56:4 (2006–7).

¹⁰⁹ At one point, Yoder briefly criticizes Christians for leaving behind even the minimal dietary restrictions initially accepted at the Jerusalem Council, yet Yoder blames much of the split on Justin Martyr’s apologetic “wedge” (see *Jewish-Christian Schism*, 54, 61, 69).

ought to address the schism here and now.¹¹⁰ Yoder's extraordinarily long footnote on Novak and Elijah Benamozegh sadly never addresses an intriguing concern of both Jewish thinkers—namely, the possibility that the Noachide or natural law may provide a way for Jews and others, especially Christians, to be at peace on the critical question of law.

Where the *Summa Fratris Alexandri* and Aquinas ultimately used the concept of natural law as a means of avoiding the possibility of a more thoroughgoing application of Torah as law, Novak rightly champions Benamozegh, a nineteenth century Italian rabbi.¹¹¹ Benamozegh provides an account of the Noachide as natural law that fully addresses Christian theological concerns with natural law. Benamozegh's détente between natural reason and the Mosaic Law recalls one of Yoder's phrases that became the basis for Hauerwas's Gifford lectures. It could readily be said that Torah observers are working *with the grain of the universe* since, according to Benamozegh, natural law and the Torah are identical:

Thus science and religion, the law of the universe and the law of man, Wisdom and Torah, are declared identical. We may be permitted to point out a consequence of this idea, while leaving to the reader the task of determining its importance. It is that all knowledge becomes religious knowledge, all understanding is sanctified, and the intellectual act is preeminently a moral act.¹¹²

Natural reason and commandment keeping are one and the same. As to what this meant for gentiles, Christians and otherwise, Benamozegh detailed the consequences of his understanding of Torah and the Rabbis' teachings on the Noachide. Noachide law, as taught by Torah, allows for, even demands, a diversity of laws for the human family. The more limited Torah instructions for the whole of humanity—the Noachide—are a sufficient basis for genuine Jewish-Gentile harmony. For Benamozegh, while the fuller demands of "Mosaic religion [are] optional for gentiles, it is nevertheless true that "Noachism forms the first step up the ladder" towards "attaining the Mosaic Law."¹¹³ While Benamozegh insists that Gentiles need not convert to Judaism, he is clearly quite hopeful that some may in fact do so.¹¹⁴ Rather than full fledged conversion immediately, he suggests beginning with the Noachide and taking on more and more of Torah, especially beginning with Sabbath keeping, as knowledge and desire for Torah increase.¹¹⁵

As Christian admirers of such a position, we might only add a suggestion of rigorous attention to Paul's Christological, but nevertheless definitively casuistic use of other portions of the Torah, especially as displayed in I Corinthians' use of the muzzled ox. For, not only are Jews and Jewish Christians from Tarphon in the second century to Wyschogrod, Kinzer, and Rudolph in this century and the last right to insist on Jewish Christian law keeping as laudable, but the question raised and temporarily resolved by Medieval Christianity now presses upon us again. Why shouldn't the Torah, a God inspired legal code, be normative for Gentile Christians?

¹¹⁰ This is also a shortcoming, in our view, of otherwise terrific treatments such as R. Kendall Soulen, *The God of Israel and Christian Theology* (Minneapolis: Fortress Press, 1996) and Scott Bader-Saye, *Church and Israel After Christendom: The Politics of Election* (Boulder: Westview Press, 1999).

¹¹¹ See Novak, *The Image of the Non-Jew in Judaism: An Historical and Constructive Study of the Noachide Laws*, Toronto Studies in Theology no. 14 (Lewiston, NY: Edwin Mellen, 1983) and Benamozegh, *Israel and Humanity*, trans., ed., and introduced Maxwell Luria (Mahwah, NJ: Paulist, 1995).

¹¹² Benamozegh, *Israel and Humanity*, 227.

¹¹³ *Ibid.*, 245.

¹¹⁴ On conversion see *Ibid.*, 241-245 "The Jewish Attitude with Respect to Conversion."

¹¹⁵ *Ibid.* 251ff. A fuller Christian scholarly engagement with Benamozegh's *Israel and Humanity* is most definitely in order.