

The Law in Romans 2

by
N.T. Wright

Introduction

Romans 2 is the joker in the pack. Standard treatments of Paul and the Law have often failed to give it the prominence that one might expect it to have, judging by its position within his most-discussed letter. But generations of eager exegetes, anxious to get to the juicy discussions that surround 3.19-20, 3.21-31, and so on, have hurried by Romans 2, much as tourists on their way to Edinburgh hurry through Northern England, unaware of its treasures.

There are at least two reasons for this, which are worth considering as we set the scene for brief discussion and some proposals.

The first reason for the neglect of Romans 2 has to do with a powerful consensus about the flow of the argument in Romans, or at least Romans 1-8, as a whole. One commentary after another has set out the scheme, according to which these chapters deal with human sin (1-3), the divine remedy in Christ, and justification by faith (3-4), and, one way or another, the new life the Christian enjoys (5-8). The epistle thus far, in other words, is imagined to follow and expound some sort of *ordo salutis*. Within this, Romans 2 has no business speaking either of how one is justified or of the results of justification. It is part of a section (1.18-3.20) about which there has been an unusually strong consensus: the passage is supposed to say, neither more or less, that all human beings are sinful. The various twists and turns in the actual of ch. 2 must somehow fit into this scheme. Part of the reason why there has been such a strong consensus is, of course, because it has a strong grain of truth in it. But I shall suggest that at certain points it needs quite severe modification. ‘Big picture’ exegesis that loses sight of the details in* always in danger.

The second reason for the neglect of Romans 2 is that, even where the consensus has been challenged, the challenge has not so far penetrated as far as a fresh contextual exegesis of the chapter. Notoriously, Sanders in *Paul, the Law and the Jewish People* declared that the passage was not a legitimate part of Paul’s argument; it was an old synagogue sermon, with minimal Christian updating. I suspect that Sanders here said out loud what a lot of exegetes have thought privately, but it still comes as something of a shock to be told that the [132] second chapter in a major theological letter must be put in brackets. My hunch is that Sanders’ reforms in Pauline studies have not yet, in fact, gone far enough; that, when they are taken further, there will be more room for a chastened Protestant exegesis than is currently imagined, either by Sanders or his Lutheran objectors; and that Romans 2, for so long the Achilles heel of schemes on Paul and the Law, may

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* Typographical error in original: ‘in’ should read ‘is’.

make a vital contribution to some eventual solutions, both to the theological questions which surround all of Paul's writings and, of course, to the exegesis of Romans itself.

There are three particular issues which must concern us in this paper, corresponding to the three paragraphs in the chapter in which Paul speaks of the law. I propose to take them in reverse order, for the very good methodological reason that one should start from the clearer parts and build towards the less clear. The first question has to do with the meaning, as especially the referent, of 2.25-9, and of the role of the law within this dense little package. The second concerns the nature of the critique launched in 2.17-24; what is Paul saying about 'the Jew', and how does the law fit into this critique? The third question, in my view the hardest, concerns 2.12-16, and divides into two subquestions: first, what is the role of the law in the justification spoken of in 2.12-13? and second, who are these Gentiles in 2.14-15 who 'do the things of the law', and in what sense are they 'a law to themselves', with the law 'written on their hearts'? (There is a fourth question, but it does not so directly connect with the question of the law: who is being addressed in 2.1-16?)

These questions are no more new than they are easy. I have spent years, on and off, reading and writing about them.¹ In what follows, I shall try not to repeat what I have said elsewhere, though some overlap will be inevitable. Further, at the risk of failing to address some turns and twists in the discussion, I shall not attempt to enter into debate with colleagues who have written, often at great length, about this chapter. I have learnt a great deal from commentaries and monographs, but there is no room to cite and engage them here.

1. Beginning at the End: 2.25-9

One of the peculiarities of Romans is the number of times when it is by no means clear, to contemporary readers, who Paul is talking about at given points in the letter. This problem is, of course, notorious in Romans 7. But it is, I think, no less acute in the end of Romans 2. In both cases the passage has to do [133] with the law; and indeed it may be because of our theological confusions about the law that we find it hard to identify the people referred to, who stand in each passage in a particular relation to the law. If, in this case, we can discover who is being spoken of, we ought to arrive at some quite clear conclusions about the law. The two questions are not separable.

The passage sets up a running contrast between two categories of people. The first should not be in doubt: it consists of Jews who do not keep the law.

If you transgress the law, your circumcision becomes uncircumcision ... (2.25) ... they will condemn you, the one who through letter and circumcision transgress the law ... (2.27)

... the [Jew] in manifest visibility is not the Jew; [circumcision] in manifest visibility and in the flesh is not circumcision ... (2.28)

The singular ('the Jew') is a rhetorical device, through which Paul addresses all Jews to whom this applies, presumably including his own pre-conversion self. And the offence

¹ For a recent treatment of Romans as a whole, cf. N.T. Wright, 'Romans and the Theology of Paul', in E.H. Lovering (ed.), *SBL 1992 Seminar Papers*, 184-214. Atlanta: Scholars Press. For more general reflections on Pauline theology, esp. the law, cf. N.T. Wright, *The Climax of the Covenant: Christ and the Law in Pauline Theology*. Edinburgh and Minneapolis: T & T Clark and Fortress Press.

with which he charges ‘the Jew’ is, in this passage, clearly not ‘boasting’ in the law, or the attempt to keep the law and so earn status, or ‘righteousness’, or indeed anything else, through the law. The offense with which he charges ‘the Jew’ is *breaking* the law. This, of course, must ultimately be set within the wider context of Pauline passages in which the charge is amplified – indeed, not least alongside 2.17-24, on which see below – but at least in this passage the matter is clear. As in 7.7-25 (despite some continuing opinion to the contrary), the problem with ‘the Jew’ is that the person is παραβάτης νόμου.

This understanding of the reason for the condemnation of ‘the Jew’ is exegetically confirmed by, and may indeed have been the logical reason for, Paul’s statements about the person with whom ‘the Jew’ is contrasted:

If then the uncircumcision keeps [φυλάσσει] the commandments of the law, will not his uncircumcision be reckoned as circumcision? And the uncircumcision by nature [ἐκ φύσεως] which fulfills [τελοῦσα] the law will condemn you ... (2.26f.)

But the [Jew] who is in secret is the Jew, and [circumcision] is circumcision of the heart, in the spirit not the letter; the praise of the one is not from humans but from god. (2.29)

Clearly in 2.26f. the person – again the singular is obviously to be read as collective – is a Gentile. (In 2.29 Paul has widened the category, and his ‘real Jew’ could of course be Jewish or Gentile; but the purpose of 2.28f. is to assert the larger point, which entails the statement in 2.26f.; hence the γάρ in 2.28.) The question is: is he (it is pointless to say ‘or she’, since the question concerns circumcision) a Christian or not? Upon this hinge what precisely is meant by ‘keeping the commandments of the law’, and by ‘fulfilling the law’.

The reading suggested by the old consensus about Romans 1-3 is that this person is a non-Christian. Since these chapters describe humankind under the [134] grip of sin, why would Paul suddenly throw in a description of a Christian? Clearly, on this view, all that he indicates is that, *if* such people as law-fulfilling Gentiles were to be found, they could condemn law-breaking Jews. But the only point of the argument, on this theory, is to assure the Jews that they are indeed condemned, not to assert that such people as law-fulfilling Gentiles exist; so there is no need to hypothesize them to make sense of what he says. Alternatively, Paul may be thought here to envisage momentarily that there might after all be some Gentiles who by the light of nature (i.e. without Christian faith) do in some sense ‘keep the law’, but that then he reverts to his normal bleak view of humankind and declares everyone condemned anyhow in 3.9-20. The class of law-keeping Gentiles is a possible one, but, according to this view, it turns out in fact to have no members.

One of the comparatively few points agreed on by those two great modern commentators on Romans, Charles Cranfield and Ernst Käsemann, is that this line of thought is wrong. Paul here speaks of Christian Gentiles. In fact, I think this is the easiest point to prove of all the contentious things I wish to argue about Romans 2, and this is why I have started with this paragraph. Out of the numerous arguments that have run back and forth, I select the following as particularly important.

1. The language of 2.29 is closely reminiscent of three other passages in which Paul is clearly talking about Christians:

a. Romans 7.6: νυνὶ δὲ κατηργήθημεν ἀπὸ τοῦ νόμου ἀποθανόντες ἐν ᾧ κατειχόμεθα, ὥστε δουλεύειν ἡμᾶς ἐν καινότητι πνεύματος καὶ οὐ παλαιότητι γράμματος. The spirit/letter contrast belongs closely, in Paul’s mind, with the contrast between the life in Christ on the one hand and the life in the flesh, and/or life in Judaism,

on the other. The context is somewhat different, not least because in Romans 7 Paul speaks of those who are ‘freed from the law’; this was unnecessary for Gentiles, since they had never been ‘under the law’ in the first place. The idea of fulfilling the law, likewise, is not present in 7.6, though it is, arguably, in 8.4-9 and elsewhere (see below). But the critical thing is the letter/spirit contrast. Unless Paul is using his own terminology extremely loosely (which cannot be ruled out from the start, of course, but the methodological assumption must be that he means more or less the same thing by the same words within the same letter), 7.6 should be enough to indicate that the Gentile in 2.29 is a Christian.

b. 2 Corinthians 3.6: ὅς καὶ ἰκάνωσεν ἡμᾶς διακόνους καινῆς διαθήκης, οὐ γράμματος ἀλλὰ πνεύματος. τὸ γὰρ γράμμα ἀποκτείνει, τὸ δὲ πνεῦμα ζωοποιεῖ. Within the context of the whole passage,² there can be now doubt of Paul’s intention. The letter/spirit contrast is directly linked to the contrast be- [135] tween the ministry of Moses and of the Jewish law on the one hand and the gospel ministry of Paul on the other.

c. Philippians 3.3: ἡμεῖς γὰρ ἡ περιτομή, οἱ πνεύματι θεοῦ [v.1. θεῶ] λατρεύοντες ... καὶ οὐκ ἐν σάρκι πεποιθότες ... Circumcision; spirit; not trusting in the flesh: we are observing a cluster of terms which clearly belong closely with one another in Paul’s mind. Here, as before, Paul contrasts Christians, himself and his Gentile converts included, with his own former self, in ‘the flesh’, as an unconverted Jew. We may note that, as in Romans 2.29, he does not say ‘true’ circumcision, though this is the implication. Grammatically, of course, ἡ περιτομή is the subject of the first clause, and ἡμεῖς the complement: ‘Circumcision – that’s us!’.

These parallels (to which we might add that between Rom. 8.3f. and 2.26) are quite sufficient in themselves, I believe, to compel the conclusion that the Gentiles in question in Romans 2.25-9 are Christians, to whom Paul is ascribing what is essential *covenant* language (explicit in the 2 Corinthians text, strongly implicit in the others). But there are other arguments to back this up.

2. This language and concepts Paul uses in 2.25-9 evoke biblical and extra-biblical Jewish texts in which the explicit subject is the renewal of the covenant. Thus:

I will take you from the nations, and gather you from all the countries, and bring you into your own land. I will sprinkle clean water upon you, and you shall be clean from all your uncleannesses, and from your all your idols I will cleanse you. A new heart I will give you, and a new spirit I will put within you; and I will remove from your body the heart of stone and give you a heart of flesh. I will put my spirit within you, and make you follow my statutes and be careful to observe my ordinances. Then you shall live in the land that I gave to your ancestors; and you shall be my people, and I will be your God. (Ezekiel 36.24-8; cp. 11.19f.³)

Ezekiel, of course, envisages these people coming ‘from the nations’ as Jews, returning from exile. Paul may perhaps have taken this in an extended sense, seeing Gentiles themselves as the ones coming ‘from the nations’, who are, in the process, cleansed from their idolatry. But, whether that echo should be heard or not, there should be no doubt that this passage is in mind; not least because, the verse before our present section (2.24), Paul refers to the passage immediately preceding, namely Ezekiel 36.20, ‘the name of God is

² On which see Wright 1991, ch. 9.

³ Other refs., and discussion, in N.T. Wright, *The New Testament and the People of God*. Volume 1 of *Christian Origins and the Question of God*. London and Minneapolis: SPCK and Fortress Press 1992, p. 301 (and the whole chapter).

blasphemed among the Gentiles because of you'.⁴ The rest of the themes fall into place, despite the superficial mismatch between the 'heart of flesh' in Ezekiel and Paul's rejection of 'the flesh.' The new heart, the new spirit, the following of [136] the statutes and ordinances (nb. 36.27: καὶ ποιήσω ἵνα ἐν τοῖς δικαιομασίᾳ μου πορεύησθε καὶ τὰ κρίματά μου φυλάξῃσθε καὶ ποιήσητε; Paul is not quoting this directly in 2.26, but it is difficult to doubt the deliberate allusion) – all these add to the impression that Paul is describing *the 'returned exiles', the people of the new covenant*. This is not a hypothetical category, soon to be proved empty. It is alive and well. It consists, not least, of Gentile Christians.

3. Third, a small point, sometimes overlooked. In 2.26 Paul speaks of uncircumcision being 'reckoned' as circumcision. The other passages where Paul uses this language are of course those dealing with justification, e.g. 4.3ff. The language denotes a change of status; the passive indicates, presumably, divine action. It is of course possible that Paul has used this language to describe two quite different transactions, but it is simpler to see them both as part of the same event. The people here described are those whom God also declares to be 'righteous'.

4. The fourth argument undermines the assumption upon which the 'non-Christian' reading was based, namely that throughout this passage Paul's sole concern is to declare that all are sinners. That, of course, is one major point he is indeed making; but it is not the only one. I think it is increasingly recognized within the discipline of Pauline studies that Paul is quite capable of interjecting into a letter hints of things yet to come, suggestions of themes to be developed later on. An excellent example is to hand in the next chapter, where in vv. 1-9 Paul anticipates, so briefly as to be decidedly cryptic, a good deal of the argument of ch. 9. It is quite wrong to suppose that Paul's specific *argument* follows the line of the *theological* scheme which we may or may not be able to reconstruct from his letters. Like a symphonic composer, he is well able to state part of a theme a good way in advance of its full introduction. This, I suggest, is what has happened here.

I conclude therefore that in 2.25-9 Paul is principally describing the contrast between the Jew who breaks the law and the Gentile Christian who apparently 'keeps' or 'fulfills' the law. Such a person has somehow been included in the 'new covenant' category, designated simply as 'Jew' and 'circumcision'. We, to make this point clear, might explicate these words with the adjective 'true', while recognising that Paul, with more consequent polemic, simply transfers the titles themselves. This category ('Jew'/'circumcision') is of course, for Paul, made up of both Jews and Gentiles who are in Christ, indwelt by the Spirit. But the point of the critical turn in the argument, 2.25-7, is that there now exists a highly paradoxical category of persons: Gentiles who, despite remaining uncircumcised, seem to have (to put it in general terms for the moment) a highly positive relation to the Jewish law. It is this puzzle that must now occupy us for a few minutes, as we home in on the theme of 'Paul and the law' in this passage.

[137] We have already seen that the problem faced by the Jew in this passage is not the wrong use of the law, not the attempt to keep it and thereby to earn a status before God, but simply the breaking of the law. What can Paul mean by the 'keeping' of the statutes of the law (2.26) and the 'fulfilling' of the law (2.27)?

⁴ Paul's exact words quote Isa. 52.5, but there the context is so similar that the allusion to the Ezek. Passage is perfectly natural as well.

He clearly cannot mean that these Gentiles have now become law-observant Jews. Not only is that the position against which the whole of Galatians launches its fierce polemic. Not only is the argument of Romans, from its very different point of view, hostile to such an idea. It is clear from the context of this very passage that they cannot be observant Jews, since *ex hypothesi* they are not circumcised. As in the notorious 1 Corinthians 7.19, Paul is expressing a sharp paradox, and must have known it. It would be quite wrong to press this passage for a full exposition of how he conceived, and indeed justified, such an oxymoron as an ‘uncircumcised law-keeper’. But the allusion to Ezekiel 36, and hints throughout the rest of Romans, may give us a suggestion as to how his mind worked on this issue, which remains near the heart of the question of Paul’s view of the law. To see this clearly we must take a step back from the argument for a moment.

Is* has been argued, by Sanders and Räisänen in particular, that Paul’s mind moved ‘from solution to plight’ instead of vice versa. According to them, the old view of Paul starting with a problem and receiving the answer on the road to Damascus will not hold water. Rather, Paul’s new experience caused him to lash out with what looks like a reasoned ‘critique’, but which in fact is a series of scattered and inconsistent remarks, charging the Jews with anything that comes to hand. I regard this as very misleading, as I have argued elsewhere. But I do think that something somewhat analogous may have happened when it came to what Paul said about the way in which Christians, including Gentile Christians, ‘keep’ or ‘fulfill’ the law.

Several times Paul says, more or less, that Christians do keep the law. The most obvious passage is Romans 13.8 (not to mention 1 Cor. 7.19, already referred to). But we should note, as in fact more important, three other passages.

First, there is Romans 8.4-9, in which it is the mind of the flesh that ‘does not and cannot submit to God’s law’. The clear implication is that the mind of the Spirit can and does.

Second, there is Romans 10.4-11. Without providing a fuller exegesis than is here possible, we may suggest that Paul is using Deuteronomy 30, another ‘new covenant’ passage, as his basis for saying that when someone believes the Christian gospel, that person is thereby ‘keeping the law’, whether or not they have heard it, and despite the fact that in several points such as circumcision they are not doing what the law apparently required.

Third, there is the equally vexed νόμος πίστεως in Romans 3.27. This is of course likewise controversial, but I am increasingly persuaded that the best [138] course is to treat νόμος as referring to the Jewish law throughout, and to see this passage as another hint of what is to come. Putting 2.26-9, 3.27, 8.4-9 and 10.4-11 in a sequence, I believe we have something of a crescendo of passages in which Paul says, sometimes very cryptically (whatever we do with 3.27, it will never cease to be cryptic!) and sometimes with more elaboration, that Christians do in fact fulfill the law, even though, if they are Gentiles, they have not done what to a Jew was one of its most basic commands. What did he mean by this? Why did he say it?

I think he said it because he knew it *a priori*. This is the point where he is making an assertion, reaching out into unknown (because not previously charted) realms of new theological possibilities. He knows (a) that those who are members of the new covenant fulfill the law; Ezekiel said so, backed up by Jeremiah 31 and Deuteronomy 30. He also

* Typographical error in original: ‘is’ should read ‘it’.

knows (b) that the new covenant now has bona-fide members who have not been, and do not need to be, circumcised; that is the whole argument of Galatians, and the evidence is that these people have the Spirit and believe in the gospel. Therefore, without needing either to have a previously existing Jewish category of ‘keeping the law’ in some attenuated or limited sense to draw upon, or to have worked out the implications of what he is saying in more than rudimentary detail, he is able to assert as a matter of theological logic (compare λογισθήσεται in 2.26) that (c) uncircumcised Gentile Christians do in fact ‘keep the statutes of the law’, as Ezekiel said. The prophecies of covenant renewal and blessing upon the Gentiles have come true. The beneficiaries *must be* ‘fulfilling the law’ by their very existence. The question of an ethical ‘fulfilment’ such as that of 13.8 (corresponding very broadly to Luther’s *tertius usus legis*) is not yet in view. The fulfilment of which Paul speaks is, I think, first and foremost a matter of status.

It is also involved, and indeed stressed by repetition, in this passage because Paul is using this theological deduction as a polemic tool. Does ‘the Jew’ break the law? Very well, he shall be contrasted* with the Gentile Christian, who ‘keeps the law’. This contrast, again, comes straight out of Ezekiel 36 and similar passages. There, the Jews in exile, guilty of idolatry and of all manner of evil through which God’s name is dishonoured, are contrasted with the exiles who will return, with whom God will re-establish his covenant. My suggestion is that Paul has not worked out in detail, and I think in fact nowhere works out in great detail, exactly what this ‘keeping the law’ involves. Like ‘circumcision’, which becomes for him a polemical title, snatched from the physically circumcised, for Christians whether circumcised or not (Phil. 3.3), he refers to Christians as ‘lawkeepers’, not because they have observed every one of the Torah’s commandments but because, as he says in 8.3, that which the law intended but could not do has been brought to fulfilment in them. This will only appear illogical to those who have not grasped the covenantal context and dimensions of Paul’s thought.

[139] I am proposing, therefore, that in 2.25-29 (1) we should understand Paul’s critique of the Jews in terms of their lawbreaking; (2) we should see the Gentiles in question as Gentile Christians; (3) we should hear the overtones of the whole passage in tune with Ezekiel 36 and similar passages; and that (4) the ‘keeping of the law’ which Paul ascribes to these Gentile Christians should be seen as a new sort of theological category, derived from the ‘new covenant’ theme, ranged polemically against the failed Jewish ‘lawkeeping’, but yet to be worked out fully. It is a matter, not of achievement, nor yet of ethics, but of status.

2. Boasting in the Torah: 2.17-24

Is not the first of these conclusions at once undermined by the immediately preceding paragraph? μὴ γένοιτο. As we work backwards into the centre of the chapter, Paul seems to be charging the Jews not, or not primarily, with breaking the law, but with boasting in the law. Is this not the legalism, the ‘nomism’, with which we are familiar from so much

* Typographical error in original: ‘constrasted’ should read ‘contrasted’.

exegesis, not least within the Protestant tradition?⁵ Does it not mean that the charge of breaking the law is therefore misplaced?

No; or not exactly. I have argued in various places that Paul's basic critique of Israel was double-edged. As we have seen, and indeed as 2.17-24 bears ample witness, he accuses his fellow Jews of breaking the law (2.21-3, with several examples). But the wider category, within which this lawbreaking is to be seen, is what I have termed 'National Righteousness'. This is not the attempt to use the law as a ladder of good works up which to climb to a moral self-righteousness. It is the attempt to use the law as the covenant badge which would keep membership within that covenant limited to Jews and Jews only. It is this, I believe, which drives Paul's argument in this controversial little passage.

Verses 17-20 set out the Jewish claim – which, we may suppose, Paul would have known quite well, having made it on his own behalf somewhat stridently in the past. But this claim would be quite misunderstood if we were to imagine that it referred to the *individual* Jew, boasting in his (or, less likely, her) moral achievements. Indeed, Paul will argue that the lack of moral achievement vitiates the boast (2.23). The boast, rather, here and elsewhere, consists in the belief that ethnic Israel is inalienably the people of the one true god, and that her possession of the law, quite irrespective of her keeping of it, demonstrates this fact. Paul's list of the Jewish status-markers and privileges in 17-20 reads [140] as though it were an allusion, say, to the implicit boast made throughout the Wisdom of Solomon or Ben-Sira: that Wisdom/Torah has been given to Israel, setting her for all time in a superior position to the Gentiles round about her.

The start of the paragraph (εἰ δὲ σὺ Ἰουδαῖος ἐπονομάζῃ) makes a κύκλος with 2.29, and this, as well as reinforcing the conclusion reached in the previous section, suggests that 2.17-24 is intended as one half of a fuller statement of which 2.25-29 is the second half. Instead of the Jews being the teachers of the Gentiles, Gentiles (i.e. Gentile Christians) will be judges of the Jews! This again points us to the correct way of reading the passage. *Paul's charge against his fellow-Jews is not that they are all immoral, nor yet that they are all self-righteous legalists, but that they seek to claim for themselves the status of being the true, final people of God, while they are in fact still in exile.*

The quotation from Isaiah 52.5, with its overtones of Ezekiel 36.20, highlights the theme, which I am convinced is crucial, of Israel's exile. Contrary to popular assumption, most Jews of the second-temple period did not believe the exile was really over. I and others have argued this point at some length in various places, based on such passages as Nehemiah 9.36f., Ezra 9.8-9, CD 1.3-11, Tobit 14.5-7, Baruch 3.6-8, and 2 Maccabees 1.27-9.6.⁶ Since that argument has not, apparently, been properly understood, it may be worth indicating its main line once more.

The Jews had, of course, returned to the land of Israel after the exile. But nowhere in all second-temple Jewish literature do we have the slightest suggestion that the great promises and prophecies of Isaiah, Jeremiah, Ezekiel and the rest – including those of Deuteronomy 30, which were important for Paul – had been fulfilled. Israel had not been restored to her proper position; she was not ruler in her own land; the Temple was not

⁵ Lest I seem dismissive of the Protestant tradition, let me add that, as an Anglican, it is one I too claim to share. Equally, Anglicans, like first-century Jews, encourage at least in theory the principle of critique from within. We are, or aspire to be, *ecclesia catholica semper reformanda*.

⁶ Cf. Wright 1992, 269ff., with refs., esp. to Knibb, Scott and Steck; and several works by Dr. Paul Garnet of Concordia University, Montreal. The whole theme cries out for further serious attention.

properly rebuilt; YHWH had not returned to dwell in the midst of his people; justice and peace were not yet established in Israel, let alone in the rest of the world. The ‘post-exilic’ prophets such as Haggai, Zechariah and Malachi indicate pretty forcibly that things are still in poor shape; Israel is not yet all she should be, and a further great act of YHWH will be necessary. Qumran proves the point exactly: the self-understanding evident in (e.g.) CD is precisely that of people who see themselves as *the advance guard of the real return from exile*, which means that everybody else is still in exile, and that they are the first, secret ‘returnees’, who will be vindicated as such when YHWH finally acts.

Few will doubt, in fact, that the great majority of Jews in Jesus’ day were looking for a major action of their god within history to liberate his people. Even those who want to minimize this have to allow for a huge groundswell of this belief bursting out in the mid-60s of the first century. The point here is [141] that, in thinking about and longing for this event, they did not merely draw upon patterns and types, such as the Exodus, culled at random, allegorically or typologically, from a past conceived as a scattered bunch of unconnected events. Rather, they saw themselves *in sequence with*, and continuing, Israel’s whole past story, waiting for that story to reach its promised goal. They were not living in an ahistorical mode, in which the only question of weight were timeless salvation or ethics, with such issues being ‘illustrated’ by ideas taken in a fairly random fashion from her distant past. Rather, they read that past not least as a story; as a story which was continuing, and in which they themselves were characters; as a story with an ending, which can variously be characterized as ‘return from exile’; ‘return of YHWH to Zion’; ‘salvation’; ‘forgiveness of sins’; ‘new covenant’; ‘new exodus’; and perhaps even, for some at least, ‘new creation’ and ‘resurrection’. And one of the greatest concentrations of all these themes in biblical literature is of course Isaiah 40-55, from which Paul quotes in Romans 2.24. Anyone who supposes that first-century Jews thought that any or all of those great events had already taken place has simply not, I think, understood the texts (with, again, Qumran being the exception that proves the rule). Anyone who supposes that ‘return from exile’ is thus, so to speak, one metaphor among many others for an essentially ahistorical ‘salvation’ has not, I think, grasped the whole worldview which Saul of Tarsus shared, and which his letters still reflect.

To suggest, therefore, as some have done quite stridently, that Saul of Tarsus did not have a ‘problem’, which needed a ‘solution’ is to abandon history and engage in fantasy. To suggest, however, that this ‘problem’ had to do only, or chiefly, with the state of his soul, the question of salvation after death, or the attempt to gain justification in an individual or private sense, is again strictly non-historical. The problem, rather, faced by every serious Jew of Paul’s day, and not least by those who, as he seems to have been, were on the more extreme wing of the Pharisaic party,⁷ was the tension between the glorious future promised by YHWH to Israel and the gloomy fate she currently experienced. Israel needed a Messiah; Israel needed redemption; Israel needed the forgiveness of sins – not simply as a nation composed of sinful individuals, but because ‘forgiveness of sins’ was a shorthand for ‘return from exile’. Paul did not need to reason backwards, after the Damascus Road experience, that there must have been a problem somewhere within Judaism, if only he could work out what it was. Of course there was a problem. The only Jews who blinded themselves to it were the Chief Priests, and perhaps the Herodians.

⁷ On the Pharisees in this period, particularly their ‘zeal’, cf. Wright 1992, 189-95, with refs. I incline strongly to the view that the pre-conversion Paul was a Shammaite, despite his Hillelite teacher Gamaliel.

Part of this problem, as all the biblical prophets and most of the surviving postexilic literature perceived, was the further tension between the vocation of [142] Israel to be the true people of the creator god and the actual condition of Israel as a people deeply compromised with lawbreaking. One of the great looked-for blessings of the end of exile was that Israel would no longer be a sinful nation. Ezekiel promised the moral renewal of the nation; so, in various ways, did Isaiah and Jeremiah. It had not yet happened, as Ezra and Nehemiah had complained. Or rather, from Paul's point of view, it had not yet happened *to ethnic Israel*. Paul's claim, advanced briefly in 2.25-9 and developed more fully elsewhere (not least in Romans 6-8) was that it had indeed happened – in Jesus Christ, and through his Spirit. But where did that leave ethnic Israel?

According to Romans 2.17-24, it left ethnic Israel making an *ethnic* boast, and using the Torah to support that boast, while the Torah itself in fact rendered that boast null and void. The charge against Israel in this passage is not that all Jews steal, commit adultery, and rob temples. That absurd suggestion, and its equally absurd triumphant refutation by some scholars, are quite beside the point. The point is that if Israel was truly redeemed, *none of these things would be happening at all*. The charges of 2.22f. are not individualistic, because the passage is not simply about the sinfulness of every human being. It is about the impossibility, granted universal sinfulness in the Gentile world at least, of Israel's claiming a 'favoured nation clause' on the grounds of the Torah-based covenant. The claim is impossible for this reason: that the existence within Israel of any thieves, adulterers or temple-robbers shows that Israel cannot be affirmed as she stands. The exile has not ended, at least not in the way that had been expected. Israel as an ethnic nation has not been redeemed.

The quotation from Isaiah 52.5 in Romans 2.24 sums this up. The chapter as a whole is precisely about exile: Israel has been exiled for her sins, as a result of which the Gentiles have had cause to blaspheme YHWH. Now, however, YHWH is doing a new thing; his kingdom is being announced; the people are to be redeemed. Paul believes, clearly, that all this has come true in Jesus Christ; but the significance of this is not always fully grasped. For Paul, *in Jesus Christ the exile has come to an end*. That is for him, perhaps, the primary significance of the resurrection. But if this is so, it means that the problem of which Paul was already aware – the continuing exile of Israel – is not avoided by intensifying Torah-observance, or by acting with 'zeal' to bring in YHWH'S kingdom. All such efforts fail to take account of the fact that ethnic Israel cannot be affirmed as she stands. The only way forward is in the spirit, not the letter; in the secret of the heart, not in the badge of circumcision; in the praise of the true god, not the praise of humans. Nor is this (as has recently been argued) to shift away from history into Platonism, to move simply from the material to the 'spiritual'.⁸

[143] What role, then, does the Torah play within the sequence of thought of 2.17-24? First, it is the apparently secure base upon which Israel builds her 'boast in god', that is, the boast that the creator god is the god of Israel. This Torah-base, upon which she 'rests' (ἐπιναπαύη, v. 17), is not the legalist's ladder of merit. It is Israel's national charter. Second, it is the repository of wisdom, possession of which means that Israel, through it, possesses 'the form of knowledge and truth' (v. 20). There is no need to suppose that Paul was insincere or sarcastic in making this comment. The law is, after all,

⁸ Cf. D. Boyarin, *A Radical Jew: Paul and the Politics of Identity* (University of California Press, 1994), with my review article (in *Reviews in Religion and Theology* 1995/3 [August], 15-23).

‘holy, just and good’ (7.12). Thirdly, the ‘boast in god’ of 2.17 becomes the ‘boast in the law’ of 2.23. We might illustrate this from (e.g.) Ben-Sira 24: Wisdom, identified as Torah, looks for somewhere to live among human beings, and chooses Israel. But, fourthly, the law cannot effect among Israel the wisdom, the holiness, the utterly human life, which it holds out. The problem of Israel, in Paul in general and Romans in particular, is not that there is, as is sometimes said, a ‘hidden Jew in all of us’. Rather, it is the hidden Adam in the Jew. The Jew, called to be the people of the true god, dishonours her god by breaking his holy law. Israel is the people of the Messiah, but only ‘according to the flesh’ (9.5).

I suggest, therefore, a reasonably radical re-reading of 2.17-24. The passage has to do with the nation as a whole, not with a collection, even a complete collection, of individuals. Paul does not want to unsay any of the fine words in 2.17-20. Indeed, he reaffirms them in 3.1f. The problem is that they do not accurately describe the still-exiled nation. They describe only the one who will be faithful to the nation’s vocation, the one through whom YHWH will do what the law could not.

3. Written on the Heart: 2.12-16

It goes against the grain to cut off a Pauline sentence beginning with γάρ from that which precedes it, but for the sake of brevity and clarity we may turn now to the paragraph which precedes 2.17 in the Nestle-Aland text, i.e. 2.12-16. This is, as far as I am concerned, the hardest part of the chapter, and the place where most uncertainty may still lurk about the place and meaning of the Torah in Paul’s argument.

It is the addition of the law to the argument already in progress, in fact, which marks out these verses from 2.1-11. Up until now, the chapter has set up a picture of general judgment, in which some will be justified and others condemned. At this point Paul introduces the law into the picture. Some have the law, others do not: all will be judged, but only according to where they have been on this scale.

It is vital to note, first, that the justification and the judgment spoken of in this paragraph are inalienably *future*. This is not *present* justification; Paul will [144] come to that in chapter 3. Nor can the two be played off against one another. They belong together: present justification, as Romans makes clear, is the true anticipation of future justification. And in Romans, as elsewhere in Paul, it is present justification, not future, that is closely correlated with faith. Future justification, acquittal at the last great Assize, always takes place on the basis of the totality of the life lived (e.g. Romans 14.11f.; 2 Corinthians 5.10). It is because the relation between the two has by no means always been understood (that is not the only thing that is not understood about Paul’s doctrine of justification, but that is the subject of another paper) that exegetes have glossed uneasily over this passage, and have flattened it out into a general treatment of the sinfulness of all human beings.

Verse 12 provides a typically Pauline general statement, in two parts. Sinning without the law means destruction without the law; sinning under the law means judgment by the law. Verse 13, to explain this, offers a more specific assertion: it is not the hearers, but the doers, of the law who will be justified (at the future great judgment; i.e. the future tense is temporal, not merely logical). But who are these ‘doers of the law’? Verse 13 is at once further explained (γάρ) by verse 14: ‘when Gentiles, who do not possess the law, do

the things of the law, they are a law to themselves, even though they do not possess the law.’ I have deliberately omitted to translate the word φύσει, which occurs in the middle of the verse, since it is precisely the point at issue, the little rudder around which the whole ship of Paul’s argument here will turn. Who, we repeat, are these Gentiles who ‘do the law’?

The reader may guess that I would prefer to give the same answer as I gave to the similar question in 2.25-9, and this guess would be correct. But it is important, before we reach the conclusion of the argument, to examine the more usual answer. Most exegetes still support some form of the following conclusion: that Paul here hypothesizes an imaginary category (Gentiles who, in their pagan state, somehow ‘do the law by nature’), which he will later show to be void. Alternatively, some have suggested that Paul here allows the mask of severity to slip for a minute from his exposition of universal human sinfulness, revealing a more liberal approach in which, despite the conclusion of 3.19f., some Gentiles are recognised as being quite reasonable people, living up to their consciences and being, in the best sense (rather than in the bad sense in which the phrase is now regularly used) ‘a law to themselves’.

These two alternatives both belong with the usual belief that chapters 1-3 are simply designed to demonstrate the universality of sin. Either Paul is saying ‘supposing there were Gentiles who did what was right; they would be judged favourably; but of course there aren’t any’. Or he is saying ‘despite what I said above, and what I shall say below, I know perfectly well that some of my pagan neighbours live perfectly decent moral lives, and that God is quite [145] pleased with them’. Both of these readings are inadequate. The critical word, again, is φύσει.

The majority of exegetes have taken φύσει with what follows, τὰ τοῦ νόμου ποιῶσιν. These Gentiles ‘do by nature the things of the law’. But the next use of the word in the letter, a mere thirteen verses later, suggests strongly that this is the wrong way to take it. In 2.27 the Gentiles are described as ἡ ἐκ φύσεως ἀκροβυστία, ‘that which is by nature uncircumcision’. Here ‘nature’ refers clearly to that which the Gentiles are/have, as we say, ‘by birth’. Their φύσις, their ‘natural state’, is that they are uncircumcised.⁹ I suggest that this strongly supports taking φύσει with what precedes, τὰ μὴ νόμον ἔχοντα, ‘who do not have the law’. The point about the Gentiles is that they are ‘lesser breeds outside the law’. They are, in that strict technical sense, ‘sinners’, ἁμαρτωλοί (cf. Gal. 2.15). By ‘nature’, that is, by birth, they are outside the covenant, not within Torah. And yet they ‘do the things of Torah’ (v. 14).

The most forceful objection to this way of reading the verse has to do with word-order. If Paul had meant ‘Gentiles who do not by nature have the law’, why did he put φύσει after τὰ μὴ νόμον ἔχοντα, instead of writing τὰ φύσει μὴ νόμον ἔχοντα? We may grant that the latter feels more natural. But Paul is quite capable of using a substantive participle followed, rather than preceded, by its modifying dative, as in Romans 14.1: τὸν

⁹ We may compare the other uses of the word in Paul: 1.26; 11.21; 11.24 (three times); 1 Cor. 11.14; Gal 2.15; 4.8; Eph. 2.3. Of these, only 1 Cor 11.14 (cited by e.g. J.A. Fitzmyer, *Romans* [New York: Doubleday 1993], 310 in favor of ‘do by nature’) points in the direction of an abstract ‘nature’; in all the others, it refers to the status people have by birth or race. In addition, every time Paul uses φύσει it is adjectival rather than adverbial (so P. Achemeier, *Romans* [Atlanta: John Knox, 1985, 45]). On the whole question see C.E.B. Cranfield, *A Critical and Exegetical Commentary on the Epistle to the Romans*, T & T Clark, Edinburgh, vol. 1 (1975), 156 n. 7.

δὲ ἀσθενοῦντα τῇ πίστει προσλαμβάνεσθε, where τῇ πίστει is naturally taken with τὸν δὲ ἀσθενοῦντα, not with πρᾶσλαμβάνεσθε.¹⁰

If this argument is still resisted, the main alternative is that now articulated in Fitzmyer's commentary:¹¹ "Following the guidance of *physis* [in the sense of 'the regular, natural order of things'], Gentiles frame rules of conduct for themselves and know at least some of the prescriptions of the Mosaic Torah." This is, of course, possible, but seems to me far weaker as a contribution to the argument of 2.12-16, and of the chapter as a whole, forming more of an aside than an integrated stage in the discussion. Paul is, of course, capable of asides, but if in doubt we are, I suggest, justified in going for the meaning which ties the argument more tightly together.

[146] I suggest, therefore, that 2.13-14 should be taken quite closely with 2.25-29, as described above. There are, however, two further points on the passage which need to be added.

First, we may consider the peculiar situation of those described here. 2.13 and 2.14, taken together, indicate quite clearly that those described in the latter as 'doing the law' will, according to the former, be justified (remembering, again, that we are here dealing with *future*, not present, justification). This is clear from putting together 2.13: οἱ ποιηταὶ νόμου δικαιωθήσονται with 2.14: ἔθνη ... τὰ τοῦ νόμου ποιῶσιν. The 'doing of the law' spoken of here and in 2.26f., then, has to do with nothing less than justification, albeit in the future. But why then will there be uncertainty, as suggested in the very strange passage in v. 15b ('with their conscience also bearing witness with them, and their conflicting thoughts accusing or perhaps excusing them ...')? One possible answer might run as follows, and this answer, I think, considerably strengthens my case.

Paul has just stated that those who do not have the law will be judged without the law, while those who have the law will be judged by means of the law. But at once he faces an exception; and the fact that this is an exception demonstrates more clearly than before that we must indeed be dealing with Christian Gentiles at this point. If those who are a 'law to themselves', because 'the law' (presumably the Jewish law) is written on their hearts, are non-Christians, then Paul has been talking nonsense in v. 12 when he suggested that Gentiles, not having the law, would be judged without the law. But if they are Christians, then they are in a sense neither fish nor fowl. They are not simply lawless Gentiles; but the Jewish law, which is now in some sense or other written on their hearts, and which in some sense they 'do', nevertheless has a sufficiently ambiguous relation to them for them still to be concerned that the eventual issue might be in doubt. Hence, as judgment day approaches, they may well find inner conflict as they reflect on their situation. They would not have this inner conflict were they not Christians. The situation would then be the simply one of v. 12.

We might supplement the argument further by pointing out that the warning of 2.13 ('it is not the hearers of the law who are righteous before God, but the doers of the law who shall be justified') anticipates almost exactly the charge of 2.23 ('you who boast in the law, do you dishonour God by breaking the law?') But there is another argument which

¹⁰ Cranfield *op. cit.*, 1.157 n. 2 lists several occurrences of substantival participals with dependent words following, but in most of them the dependent word is the direct object of the participle, which is hardly a direct parallel to 2.14.

¹¹ *op. cit.*, 309-11, here at 309.

strongly supports the conclusion that the people here described, as towards the end of the chapter, are indeed Christian Gentiles – and actual ones, not merely hypothetical figures. This is v. 15a: they show that the work of the law is written on their hearts. It has been pointed out often enough that this is a direct allusion to Jeremiah 31.33:

This is the covenant that I will make with the house of Israel after those days, says the Lord: I will put my law within them, and I will write it on their hearts; and I will be their God, and they shall be my people.

[147] This, however, has not always been thought of particular relevance, since, for all sorts of reasons too complex to unravel in an exegetical paper, Paul has been thought to have little or nothing to do with covenantal theology, within which of course the Jeremiah passage so clearly belongs. But again the rest of the chapter comes to our help.

We have seen that the context of 2.17-29 is inescapably covenantal and exilic. Israel is in exile, longing for the renewal of the covenant, and seeking to grasp at a covenant membership that would be for Jews and Jews only. Paul asserts, on the basis of his whole theology, that in fact the covenant has already been renewed in Christ, and that Gentiles have found themselves among its beneficiaries; so that they, in some surprising and paradoxical sense yet to be explained, ‘keep the statutes of the law’. In the present passage, they show that the law is ‘written on their hearts’. I find it next to impossible that Paul could have written this phrase, with its overtones of Jeremiah’s new covenant promise, simply to refer to pagans who happen by accident to share some of Israel’s moral teaching. More likely by a million miles that he is hinting quietly, and proleptically, at what he will say far more fully later on: that Gentile Christians belong within the new covenant. In short, if 2.25-9 is an anticipation of fuller statements, within the letter, of Paul’s belief that Christian Gentiles do indeed fulfill the law even though they do not possess it, 2.13-14 looks as though it is a still earlier statement of very nearly the same point.

Very nearly; but not quite. Paul does not just repeat points ten verses later for the sake of emphasis. The sequence of thought that runs between the two halves of chapter 2 now comes into play, and we must stand back a little and observe how it functions.

The presuppositions of all Paul’s thought, as of more or less all serious Jewish thought, is that in some way or other Israel is the solution of the creator god, YHWH, to the problem of the world. The problem of the world is highlighted, if not even constituted, by gentile idolatry and sin. But Israel is herself sinful; so said all the prophets, and, in case there had been any doubt on the matter, Babylon settled it once for all. The nation that should have been the solution became part of the problem. The trouble with Israel was that she too was in Adam. The physician succumbed to the disease. What Israel now needed (as Isaiah 40-55 already saw) was a physician’s physician, one who could do for Israel, and hence for the world, what neither could do for themselves or for each other.

The sequence of thought of Romans 2 catches this theological outline more or less exactly. The general opening in 2.1 ff. is to be taken as exactly that, a general opening, not as a covert way of attacking Israel before the open assault in 2.17. It addresses all humans, Jew and Gentile alike, who might consider themselves exempt from the strictures of Romans 1.18-32. The turn in the argument at 2.17 thus functions like the well-known turn at Amos 2.6: the peo- [148] ple who thought to escape the charge levelled against everyone else find the spotlight turned, revealingly and uncomfortably, upon themselves. The chapter

then works like this: (a) (2.1-11) the general statement of coming judgment upon all humans, Jew and Gentile alike; (b) (2.12-16) Torah will not affect the fairness of this judgment, since those who have it will be judged by it, and those who do not, will not. However, there is a strange category of people who ‘do the things of the law’, in a sense yet to be explained, even though by birth they do not possess it; they will find themselves surprisingly vindicated at the judgment. (c) (2.17-24) Surely Israel is the solution to this problem of universal sin? Is she not the creator’s means of bringing light into his dark world? Yes; but, alas, Israel has so far brought only darkness. The nation that was to lighten the pagan world has herself succumbed to pagan darkness, and the Torah, so far from alleviating the problem, instead intensified it. (d) (2.25-29) Nevertheless, YHWH is renewing the covenant, and the Torah is finding a strange new fulfilment. There is now in existence an Israel created by the Spirit, finding its validation from the creator god himself.

Conclusion

What then shall we say about Paul and the Law in Romans 2? Is Paul inconsistent? By no means. The charge of inconsistency falls to the ground once the actual sequence of thought, and the underlying theology, are allowed to come into view. Part of the trouble, I think, in recent Pauline scholarship is that a false polarization has occurred, between the attackers of an assumed (but not always well understood) older orthodoxy and the would-be defenders of orthodoxy against assumed (but not always well understood) detractors. I would like to urge my colleagues on either side of this great divide, and in the sundry other positions that are currently being taken up, to consider Romans 2 not just as a difficult passage to be fitted in somewhere and somehow in a scheme of Pauline theology – or even in an exegesis of Romans, though frankly it has not always received its proper due in that context either – but as a potential jumping-off point for fresh work on Paul.

In particular, Romans 2 introduces us to Paul’s covenant theology. We should not be surprised by this, as though the apostle of justification by faith would be compromised for a single moment by continuing to think Jewishly. Nor should we imagine that his theology is the mere unthinking reflex of a religious or psychological experience. What we observe here, as elsewhere in his writings, is the apostle wrestling with the implications of his basic conviction: that in Jesus Christ, and by the Spirit, the creator god had acted to redeem his people and so to redeem the whole world. His charge against Israel was not that of ‘legalism’, or ‘self-righteousness’ in the older sense. But nor was it a [149] mere random firing of shots into the air in the hope of hitting some target somewhere. It was a measured, careful critique, built upon the prophetic critiques, and in any case not expecting rebuttal: almost no Jew, certainly not Paul himself before his conversion, would have denied that Israel as she stood remained in need of redemption.

And what about the law in all of this? Pulling the ‘law’ threads of the discussion together into a quasi-systematic form, we might deduce the following:

1. The law, νόμος in Paul, is the Jewish law. Gentiles do not possess it by birth.
2. The law defines Israel over against the nations, and moreover indicates that Israel is designed by the creator god as a light to the nations.
3. The law sets the standard by which Israel will be judged; Gentiles will be judged without reference to it. However, there is one class of Gentiles who in a sense will be judged with reference to Torah. This class consists of Gentile Christians; though by birth

they do not possess the Torah, they are now in the strange position of ‘doing the law’, since the Spirit has written the ‘work of the Torah’ on their hearts.

4. Israel boast in her possession of the law; it sets her apart from the nations.

5. The boast is not made good, because that could be so only if Israel kept the law perfectly; and this is not the case. Israel is still in exile, still ‘in her sins’. She is still guilty of lawbreaking.

6. The category of Gentiles mentioned above in connection with the final judgment is invoked again, this time to demonstrate how far ethnic Israel is from being affirmed as she stands. The covenant *has* already been renewed; its beneficiaries now ‘fulfill the law’, even though, in the case of Gentile Christians, they do not possess it. This ‘fulfillment’ seems to be of a different order from the fulfillments thought of within Judaism. Nor is it simply the (Lutheran) *tertius uses legis*. It is without precedent, for the simple reason that it has not happened before, and the manner of covenant renewal was not anticipated. As Paul says in Romans 8, ‘what the law could not do ... God has done’.

7. The way is now clear for ch. 3, with its exposition of the cross, and of justification by faith in the *present* as a direct result. Paul will go on, later in the letter (ch. 8), to declare that there is no κατάκριμα for those who are ἐν Χριστῷ. But this is no more than a recapitulation, and a filling out, of what has already been said in principle in ch. 2. It is greatly to the detriment of the doctrine of justification by faith that exegetes have frequently not taken the trouble to notice what Romans 2 is actually about, as opposed to what it is usually supposed to be about.

Romans 2 thus takes its place both within the developing actual argument of the letter – as opposed to the imagined argument in which Paul simply sets out a systematic *ordo salutis* – and within a potential systematic account of Paul’s [150] whole theology, not least his theological reflections on the law. Thus equipped, exegesis should not be able to proceed beyond the sterile ‘either/or’ of some recent debates, and move cheerfully toward the creative ‘both/and’ which reflects, in terms of method, the intricate but perfectly balanced theology which Paul bequeathed to his readers. Whatever we want to do with Paul’s theology when we finally discover it, let us at least do justice to a mind, and a letter, that continue to instruct even as they fascinate, and to educate even as they inspire.