

St. Paul's Conception of Law

II

NATURAL LAW AND THE LAW OF THE STATE

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IN the first part of this study published in the September issue, the attempt was made to answer the question "In what sense is there a law of God revealed through Moses and through Christ, which is binding upon Christians to-day?" But the law of Moses and the law of Christ are not the only possible kinds of law. We need to ask whether there is not also a genuine knowledge of God's law and a valid operation of law, which are not specifically or consciously Christian. Within this field of enquiry, three important questions obtrude themselves. First, is there any true knowledge of God's law outside the specific Judæo-Christian revelation? Secondly, what should be the Christian attitude to the established laws of the state? Thirdly to what degree and by what means ought Christians to seek to reform the legislation of the society in which they live in order to make it conform more closely to their specifically Christian apprehension of God's law? With the first two questions, St. Paul was in some measure concerned; the third lies so far outside the range of what was even remotely conceivable in his day, that we cannot hope to look to St. Paul's conception of law for any detailed guidance on the matter. It is included here rather as a salutary reminder of the limited nature of the guidance, which we ought to expect to find in St. Paul for such matters as the right functioning of law in modern society.

Our first question, then, is whether, in St. Paul's conception of the law, there was thought to be any true knowledge of God's law outside the specific revelation to the Jewish people and in the person of Christ. The question is perhaps more commonly framed in the form "Is there for St. Paul such a thing as Natural Law?" This seems to me a most unfortunate formulation of the question. It may easily mislead us into thinking that Natural Law is a clear cut entity, and that if we consider the matter carefully enough we should be able to decide pretty definitely between the two alternatives of its existence or non-existence in the thought of St. Paul. But this assumption is very far from the truth. It is not at all clear that those who discuss the existence or non-existence of Natural Law are in any way agreed as to what phenomena are reasonable evidence for asserting one or other of those alternatives. A better formulation of the question would therefore be to ask what phenomena concerning God's wider revelation St. Paul either asserts or implies, which are relevant to determining what things are to be asserted and what things to be denied in that wide field of thought, which is commonly brought together under the umbrella title of Natural Law.

It seems to me that there are four issues with which St. Paul was concerned which throw light on this matter. The four are as follows:

the responsibility of the Gentile world for its state of corruption, the existence of Gentiles whose lives were better than some of those who had had the privileges of Judaism, the possibility of Christian witness in a Gentile environment, and the determination of Christian practice on some issues by reference to Gentile teaching and customs. Each of these issues deserves our attention.

When Amos declared the word of the Lord "You only have I known of all the families of the earth, therefore I will visit upon you all your iniquities" (Amos iii. 2), he was asserting that God's special revelation to the people of Israel enhanced their responsibility for their shortcomings. If the assertion "You only have I known . . ." were to be taken as a simple, objective statement, it would imply an exclusive revelation to Israel and thereby imply that the Gentile world was not responsible for its corruption. This, however, was not the teaching of Amos, nor was it the conclusion drawn by later Jewish teaching. Rather, emphasis came to be placed on the existence of a Noachian or even an Adamic covenant, which were universal in their implications. Most illuminating for our immediate purpose is the Rabbinic explanation that the Mosaic law was given in the wilderness and not in the promised land, because it was open to every nation if only they were willing to take it upon themselves. St. Paul does not make any use of this tradition (although it was used in Christian thought as early as Irenæus). He does assert the responsibility of the Gentile world for its condition in the first chapter of Romans, but he establishes his point not in terms of any conception of law, but in the wider terms of the concept of God's self-manifestation. There is a self-manifestation of God in the natural creation, and the practice of idolatry is clear evidence of a moral failure to respond to that measure of light given in the creation. Thus the responsibility of the Gentile world is strongly maintained.

But in Chapter ii of Romans, St. Paul is concerned to bring home to the Jew the grave nature of his failure to respond adequately to the special revelation that has been given him. It is in this context that we have St. Paul's most explicit comments on our present issue. "When Gentiles who have not the law do by nature what the law requires, they are a law unto themselves, even though they do not have the law. They shew that what the law requires is written on their hearts, while their conscience also bears witness and their conflicting thoughts accuse or perhaps excuse them"—or probably the R.V. margin is the best translation of the final phrase "their reasonings with one another accuse or perhaps excuse them" (Rom. ii. 14, 15). The Gentiles are *ex hypothesi* those who have not the law; yet their conduct sometimes shows a more effective acceptance of the standards required by the Jewish Law than that exhibited by the conduct of some Jews. That this is no mere accident is testified by the additional witness of the operation of conscience and (if the translation of μεταξύ ἀλλήλων λογισμοί as "reasonings with one another" be accepted) also by the existence of moral reasoning and discussion. This phenomenon is described as the Gentiles being "a law unto themselves" and as "shewing that what the law requires is written on their hearts"

—that is to say we have here the clear assertion that there are those outside the special Judæo-Christian revelation who have an effective knowledge of God's will, and this fact is asserted in terms of the concept of νόμος. How much might be given in this "law written on their hearts" we are not told, but the examples given in the ensuing context show that the sort of things understood to be included were the prohibitions of stealing, of adultery, and of the robbing of temples.

St. Paul then clearly believed that there was some overlap between the standards of the Gentile world and the standards of the world of God's special self-revelation. It is true that he is more often concerned to emphasize the difference between the two standards; the wisdom of this world is foolishness with God, and contrariwise the wisdom of God is foolishness to men; the Christian is to put on humility, while the Gentiles value lordship over others. But if there were no positive correlation between the standards of the Church and the standards of the world, then effective witness by the church to the world would be inconceivable. This fact, which is most clearly demonstrated in 1 Peter, is implicit in the Pauline injunctions to provide that which is καλός in the sight of all men (Rom. xii. 17) and to let your ἐπιεικής be known to all (Phil. iv. 5). If this is a reasonable injunction, καλός and ἐπιεικής cannot be entirely relative terms. For all its failings, there must be in the Gentile world sufficient apprehension of what is καλός, of what is truly good, noble and beautiful for it to receive general recognition when it flowers in a Christian life or a Christian society.

Finally, the interchange between Christian and Gentile standards is not a one-way traffic; it is not only the case that the Gentile is capable of recognizing what is good and true and beautiful when he sees it in the Christian, it is also the case that Christians can in some small measure learn from the accepted standards around them, or (as we have seen) from "nature herself". Thus the ethical codes, which St. Paul incorporates in many of his epistles, seem to have drawn some of their content from similar Hellenistic codes, and when in 1 Cor. xi. 14 St. Paul asks whether "nature herself" does not teach that it is a shame for a man to have long hair, but glory for a woman, it is difficult to see what meaning can be given to "nature" other than "generally accepted custom".

It is clear, then that St. Paul did not believe that God's self-revelation was entirely limited to the Judæo-Christian dispensation. Gentiles had received sufficient light to make them responsible for their failures; they had received sufficient light to guide them in the performance of duties in accordance with God's will; they were not incapable of recognizing the truly good when they saw it, and there were things in their teaching and practice from which Christians might learn. If these propositions be true, we have a foundation for most of the assertions and actions, which are commonly derived from (or, it would be better to say, are commonly interpreted in terms of) the concept of Natural Law. They may not seem to amount to very much; but they are a sufficient starting-point to remind the Christian that he ought to be concerned about the operation of God's law beyond the

confines of the specifically Christian community, and that such concern is not sheer waste of time.

Our second question was what should be the Christian attitude to the established laws of the State. We have just seen that St. Paul did not believe the Gentile world to be utterly and absolutely out of touch with the will of God. This is one factor which helps to make his positive evaluation of the state and of its laws the more easily understandable. His precise teaching on this subject has been a matter of endless debate both as to its correct interpretation and as to its importance. I shall confine my attention to the *locus classicus* of Romans xiii. The reference to the restraining power in 2 Thessalonians is frequently taken to refer to the Roman emperor and the power of the Roman empire, but it is by no means certain that it does so. If it does so, it makes especially clear the concept of the power of the State as falling within the restraining purpose of God in preventing human sin from wreaking the full havoc, which its inherent lawlessness inclines towards; but in this it does not really add anything to the more explicit teaching of Romans xiii, and so it seems safer to confine our attention to that passage. About it four main issues seem to be in question. Who or what are the ἐξουσίαι and the ἄρχοντες of whom the passage speaks? What is the root source of St. Paul's attitude to this question and what is the ground on which the injunction of obedience is being given to his readers? Is the subordination that is enjoined upon the Christian an unquestioning and unqualified one? What is the relation of this attitude of subordination to the laws of the state, to the universal and controlling Christian duty of ἀγάπη?

The first question need not detain us very long. Cullmann, Barth and others have recently given strong advocacy to the view that the ἐξουσίαι and the ἄρχοντες in question are angelic powers, which lie behind the actual power exercised by the state in the world.¹ It is true that the plural usage of ἐξουσίαι does seem to have this meaning on all the other occasions, where it occurs in the main Pauline epistles. But that usage is only to be found in Colossians and Ephesians. The use of the plural simply to mean "authorities" is known to the New Testament, as can be seen from Luke xii. 11 and Titus iii. 1. Although I would not myself regard the latter as Pauline (and for that reason I have nowhere made use of the Pastorals for the purposes of this study), the contexts of those passages are far closer to our passage than are the Colossians and Ephesians passages and this seems to me to be very strong evidence against the interpretation of the phrase here in terms of angelic beings. The determination of this point does not radically alter the content of St. Paul's teaching, but it does (as we shall see in a moment) make a considerable difference to our understanding of the reasoning that lies behind it.

This second question of the basic reasoning which underlies St. Paul's view is a matter of greater difficulty and of greater significance. Here the variety of possible views is considerable and five main

¹ Cullmann : *Christ and Time*, Pt. III, ch. 3. Barth : *Church and State*, ch. 2.

approaches deserve to be considered. In the first place, St. Paul's attitude may be regarded as a *post hoc* rationalization of an unavoidable state of affairs: no other attitude towards the Roman authorities being a practical proposition for the Christian Church, St. Paul's attitude, it may be said, is fundamentally a pragmatic judgment dressed up with theological reasoning. Secondly it may be claimed that he has simply taken over the generally accepted view of the Hellenistic world, that he is (in Carlyle's words) "only here throwing into the terms of Christian theology the common doctrine of the civilized world".² In the third place we can find (as so constantly in New Testament studies) an alternative source for his attitude in Judaism with its teaching that even secular governments are of divine institution; it may, that is to say, be claimed (in von Campenhausen's words) that "the demand to submit to the powers that be is essentially an old piece of Jewish tradition".³ In the fourth place, his attitude may be thought to derive from his concept of Natural Law, with which we have already been concerned. Finally it may be claimed that St. Paul's attitude derives from his belief in the Lordship of Christ, that for him the state has a Christological foundation. It is not always clear what is meant by this phrase. If, as appears sometimes to be the case, it means simply that the state is a part of the divine ordering of the world in creation, which creative work was done through Christ, the eternal Son, then this view does not seem to be significantly different from the other views already described. If, as on other lips it appears to do, it means that the present authority of the state derives from a lordship of Christ over the angelic beings, which lie behind the state, achieved in the redemptive work of Christ on Calvary, then it seems to be based on a very doubtful exegesis of ἐξουσία helped out by a generous measure of unsubstantiated speculation.

Amidst such a variety of views, what conclusion can we reach? We should recognize at once that these views are not all mutually incompatible. The issue was not a primary one in St. Paul's thought, both for practical reasons and also in view of his eschatological outlook. Pragmatic considerations must therefore almost certainly have played their part in determining St. Paul's attitude, but no attitude of such a mind as his could be purely pragmatic and entirely unrelated to theological conviction. The underlying theological conviction seems most likely to be of Jewish origin. Civil authority is conceived in itself as being a part of the divine ordinance. The authority may be well or badly exercised, but the existence of authority itself comes within the divine ordinance, and, in view of the Hebrew lack of the concept of secondary causation, the exercise of authority may be spoken of more or less directly as the operation of God. That we are to be subject for wrath's sake implies that the misfortunes likely to arise from disobedience to the civil powers are a part of the divinely intended control upon the possibly disastrous results of man's misuse of his passions and powers; that we are to be subject also for conscience sake means that the Christian recognizing the ultimately divine

² Quoted by A. R. Vidler, *The Orb and the Cross*, p. 9, n. 2.

³ *Church and State in the Light of the New Testament in Biblical Authority To-day* (ed. A. Richardson and W. Schweitzer, pp. 299, 300).

origin of such misfortunes cannot regard them as mere misfortunes, but will regard them also as morally deserved. St. Paul then is not just giving advice for which he has no reasoned ground, but nor is he setting out to propound certain general laws of political philosophy. Rather he is giving practical advice for the moment, but practical advice behind which lie certain fundamental convictions about the concept of authority.

This leads naturally on to our third question as to how far the subordination enjoined is to be regarded as absolute and unqualified. If St. Paul's advice be for the practical situation of the moment, we must take over and learn from not the finished product of the actual advice but the principles determining it. If the dominical saying to "render unto Cæsar the things that be Cæsar's, and unto God the things that be God's" be taken as an infallible maxim of universal validity rather than as the appropriate answer to a particular catch question, it would lead to the disastrous doctrine of two clearly separable realms of obligation—a doctrine which is shown to be palpably untrue by the existence of occasions on which we have to say that we must obey God rather than men. So this teaching of St. Paul, if regarded as a direct universal maxim, would be equally disastrous in its application. But whether St. Paul knew and had in mind the dominical saying or not (an issue on which it is clearly impossible to pronounce with any confidence), the principle behind them both is the same. Civil obedience is a clear duty, not only where that authority is specifically Christian or obviously to the advantage of the Christian cause; it is a duty on every possible occasion: but that both Jesus and St. Paul would have recognized that there were limits to that possibility seems abundantly evident from the totality of their teaching.

Finally, and perhaps for our purposes, most important of all, what is the relation of this subordination to the civil authority to the total Christian obligation of ἀγάπη? Our civil obligation, according to St. Paul, is to render to all their dues. Our Christian obligation according to the same authority is to forgive one another, as God for Christ's sake has forgiven us: it is, that is to say, to treat others as God has treated us, and that is the very antithesis of rendering to us our dues. Is there not here an insoluble incompatibility, an inescapable dualism at the heart of Christian ethics?

The correct application of the principle of ἀγάπη in the varied situations of life is not self-evident. If it were, there would be no need for the Haustafeln of the New Testament or in fact for any detailed moral instruction whatever. Everyone stands in the same fundamental relationship to God and to Christ, one of loving obedience to the one Master in heaven, with whom is no respect of persons (Eph. vi. 9). But the relationships between different men and women are not identical, nor are they intended to be. The divisions of Jew and Gentile, male and female, bond and free are transcended in Christ, but they are not obliterated. Our relationships to one another are by divine intention κατὰ τάξιν⁴; they have a variety of particular

⁴ The phrase is not used in this context in the New Testament, but it provides a usefully concise summary of this element of New Testament teaching.

forms, character or status, such as the differing relations of husband and wife, parent and child, master and slave, subject and ruler. These relationships involve certain obligations, which are always mutual and never one-sided. The obligation on one side of these relationships is normally described by the use of the word ὑποτάσσεσθαι. The word might almost be paraphrased to mean "to fulfil the second rôle in the relationship", the exact content of that second rôle varying according to the relationship. In the case of the subject-ruler relationship, this will clearly mean obedience to law, but it need not necessarily have such a completely subordinationist implication for every relationship of which it is used. The fulfilment of our appropriate rôle in these relationships is not independent of our duty of ἀγάπη nor is it the complete fulfilment of it. The fact that it has its place within the total framework of Christian thought and practice would seem to be sufficient explanation of the occurrence of the exhortation of Romans xiii within the context of specifically Christian instruction (a fact which Barth adduces as evidence of the Christological rather than Natural Law foundation of the teaching*). That it is not the complete fulfilment of it is evidenced by the first words which follow this particular passage of exhortation, "Owe no man anything save to love one another" (Rom. xiii 8). This might be paraphrased, "See that you fulfil all these obligations, even though when you have done so the duty of ἀγάπη will still not be completely fulfilled".

St. Paul's conception of law and of its functioning is complex and incapable of brief summary. This complexity is due to the variety of the relationships in which man stands. The Christian himself is *simul justus et peccator*. He lives in a relationship to God in which the love of God and the response of love is all in all; at the same time he is conscious of that within himself which is utterly inconsistent with such a relationship. He has not yet become what he is. And not only is he himself still *peccator*, still a person of unclean lips; in addition he lives very much among a people of unclean lips, among people many of whose lives are not even in any way consciously orientated towards the directing love of God. Although in the deepest of these relationships (his basic relationship with God), law no longer operates (and this it was St. Paul's particular calling to emphasize), yet in the other aspects of human experience and of human relationship, the restrictive and preparatory (or παιδαγωγός) functions of law are still needed. We still live between the ages, a period that has proved to be of far greater extension than St. Paul can have anticipated. In working out the details of the right operation of law and justice in our own day, we have a long way to travel in the realms both of thought and action beyond the preliminary hints which emerge from a study of St. Paul; but those hints may be not without value in helping to check that in our long and difficult journey, it is the right road along which we are travelling.

* Op. cit., p. 59.