THE PRINCETON SEMINARY BULLETIN

SUPPLEMENTARY ISSUE  NUMBER 1 1990

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humanity than to presume to understand what God would do in the future. Both the rabbis and Paul, no matter the depths of their other disagreements, saw that a decision to choose life meant to choose life in community. Paul’s Christian career began with his ecstatic experience of the Lord. It was this vision that convinced him of the transformation of all believers. He sought to realize that vision in his career as an apostle, understanding the meaning of being in Christ as the events of his life unfolded. Though he used all his intellectual gifts and his education both as an orator and a Pharisee, he did not have the confidence in reason which systematic theologians have attributed to him. He began his career because of an experience, a conversion. His mystical vision of metamorphosis left much unexplained. He began as a Pharisee and became a convert from Pharisaism. He spent the rest of life trying to express what he converted to. He never gave it a single name. Whatever it was, he never felt he left Judaism. Like the early rabbis, Paul understood that God’s ways are mysterious, hence human understanding must always leave room for ambiguities. Paul and the rabbis understood as well as anyone before or after that the truths inherent in the biblical text are manifold, complex, and sometimes opposing. Scripture is a gem that gives off a different glint each time it is turned in the light of analysis. It is time for us to realize the same. Perhaps no single point of view can do scripture justice. 

Paul and the Law: How Complete was the Departure?*  
by Bernadette J. Brooten

Paul makes a succinct statement concerning the law in Rom. 10:4, “For Christ is the end of the law, that every one who has faith may be justified (τέλος γόνων Χριστός εἰς δικαιοσύνην πάντι τῷ πιστεύοντι).” Rom. 9-11 demonstrates eloquently, however, that Paul’s struggle concerning the law was not an abstract one. Rather, Paul’s questions about the law are about its relationship to the people of Israel, namely, how have they kept it, and do all believers in Christ need to follow them in keeping the law? Further, if salvation is through Christ, what of the promises God made to the Israelite people? Paul’s conflicts concerning the people of Israel play themselves out particularly acutely in the practical questions of Torah observance, such as dietary laws and circumcision. Interpreters writing within a wide variety of theological frameworks have long recognized the tensions in Paul’s thought concerning the Jewish law. On the surface, it is difficult to reconcile such views as Christ as the end of the law (Rom. 10:4); sin as dead without the law (Rom. 7:8); law as having come to increase the trespass (Rom. 5:20); the law as unnecessary in dietary matters (1 Cor. 8, 10; Gal. 2:11-14; Rom. 14); and circumcision as unnecessary (Gal. 5:12-14; Rom. 2:25-29; 1 Cor. 7:19, etc.), with Paul’s affirmation that he upholds the law (Rom. 3:31) or that “the law is holy, and the commandment is holy and just and good” (Rom. 7:12). Some scholars maintain that there are genuine inconsistencies in Paul’s thought. Heikki Räisänen, for example, sees a development in Paul’s thinking; at first the law was an adiaphoron (an indifferent matter) for Paul, but later, pressure from his Jewish-Christian opponents drove him to argue for the total abrogation of the law. E. P. Sanders argues that Paul held that people are not *Thanks are due to those who have assisted me in various ways with this paper: Denise Buell, Ruth Clements, Sara Hazard, and Laurel Schneider. I also especially wish to thank Joel Marcus for his thoughtful response paper at the 1998 Neumann Symposium.

1 The English translations throughout the paper are those of the Revised Standard Version. Citations of the Greek text are from Nestle-Aland, Novum Testamentum Graece, 26th ed. (Stuttgart: Deutsche Bibelstiftung, 1979).

admitted into the body of Christ by the law, but that Christ's mandate must be scripturally based.3

Others argue that a deeper look at Paul's letters reveals a center to his thinking through which one can interpret the seemingly inconsistent passages. Ernst Käsemann or Peter Stuhlmacher, for example, see justification by faith or the justification of the godless as the center of Pauline thought, while W. D. Davies and Joseph Fitzmyer see Christ as its center. Kristian Stendahl argues that Western theologians have read Paul too individualistically and so have missed that Paul's primary concern was with the salvation of the Gentiles as a group of people, rather than with any individual agonizing over the Jewish law. According to Stendahl, Paul held that Jews may keep the law, but that Gentiles need not keep it. Johan-Christian Bekker has more recently suggested that a model of coherence and consistency can help us to see the structure of Paul's thought. Bekker argues that Paul used an apocalyptic framework as a means by which to interpret the Christ-event, that is, Christ is "the proleptic fulfillment of the triumph of God." Paul applied this to the situations of particular communities.4

The purpose of this paper is to examine hints that, despite his occasional claims to the contrary, Paul's departure from the law in questions of observance was by no means complete or uniform. I am suggesting that Paul chose certain areas of behavior in which he was willing to break sharply with the law, and others in which he surprisingly continued to advocate what the law advocated. I will examine two types of evidence: direct appeals to the law, and patterns of the law underlying certain Pauline passages. My thesis is that while Paul broke sharply with Jewish dietary laws and with the Jewish commandment of circumcision in order to open the Christian


congregation to Gentiles, in several other areas, especially that of gender roles and gender relations, Paul continued to be indebted to the Torah as a practical guide. In the passages which I will discuss, the Jewish law, rather than Roman or Greek law, makes the most sense as the reference point. Paul, as a former Pharisee, was trained in the Jewish law. He quotes from the Bible frequently, but never makes direct and unmistakable reference to Roman or Greek law. Further, I will demonstrate that a clear distinction between the moral and the ritual content of the law cannot be drawn or used to explain Paul's continuity and discontinuity with the law. Finally, concepts and precepts of the book of Leviticus—perhaps surprisingly—are in the background of Paul's teaching at several points.

At the outset let me clarify: I am not arguing that Paul "fell back onto" his Jewish upbringing in matters concerning gender, nor that he was unable to escape restrictive gender roles taught to him as a child. Judaism in the Roman period actually showed considerable diversity in matters of gender. Paul, as a Jew traveling throughout the Roman empire, had the opportunity to see many Jews and non-Jews living their lives in more and less egalitarian ways and the opportunity to choose where he would place himself on the spectrum.

I. Direct Appeals to the Torah

The undisputed Pauline letters (Rom., 1-2 Cor., Gal., Phil., 1 Thess., Philem.) contain several direct appeals to the Jewish law. Paul assumes the abiding validity of the decalogue at several points (Rom. 2:21f; 13:8-10; Gal. 5:14; see also Rom. 7:22). Scholars have usually not perceived a contradiction between Paul's doctrine of justification by faith and his acknowledgement that the decalogue is valid. The decalogue is seen to be in the realm of moral, rather than ritual, law, and interpreters often assume that Paul understood the decalogue to be a fundamental guide for Christian living, rather than a path to salvation.2 Note that Lev. 19:18 ("you shall love your neighbor as yourself") is quoted in both Gal. 5:14 and Rom. 13:9 (ἐργασίας τοῦ πληθυνόντος ὑμῶν). 3

1 Cor. 14:14 (οἱ γυναικεῖς ἐν ταῖς ἑκκλησίαις συνάγων τὸ γῆρα ἐπιφέρεται αὐταῖς λαλεῖν, ἀλλὰ ὑποκοινωνήσωσιν, καθὼς καὶ τὸ νόσον

2 Heikki Räisänen, for different reasons, also argues that distinguishing between ritual and moral does not explain Paul's apparent inconsistencies with respect to the law (Paul and the Law, 23-28).

3 E.g., Ernst Käsemann, Commentary on Romans, ed. and tr. Geoffrey W. Bromiley (Grand Rapids: Eerdmans, 1980), pp. 360-62.
The context in 1 Cor. 14 is paenesthesia concerning church order. In its present form, v. 26 constitutes an introduction. In vv. 27f, those speaking in tongues are instructed as to order and interpretation. Vv. 29-32 concern prophets. V. 33a (of all v. 33) constitutes an intermediate summary statement. Vv. 33b-36 (or vv. 34f or vv. 34-36) concern women speaking in the assembly. They are told not to speak, and, if they have any questions, to ask their husbands at home. V. 37f establish the authority of the teaching by appeal to a command from the Lord and by not recognizing those who disagree. V. 39f summarize the passage. Three groups are enjoined to be silent: those speaking in tongues without an interpreter (v. 28); prophets, when a revelation is made to another person sitting by (v. 30); and women (v. 34).

The exegetical problems include: Why does Paul appeal to the law? Why does he command women to be silent, whereas only a few chapters previous, he assumes their right to pray and prophesy (1 Cor. 11:5)? What is the ecclesiastical significance of the command that women be silent, i.e., what effect might it have had on women and on the whole church, not only in later generations, but also in its own day? Are unmarried women allowed to speak? Does the Jewish law command women to be subordinate? Does it prohibit women from speaking in an assembly? Paul’s appeal to the law is puzzling and is one of the reasons why scholars have adopted the interpretation that the Torah does not contain a command that women be subordinate, but that a number of the commandments enforces subordination in several areas of women’s lives. I will also observe that the Torah does not contain a general command to women to be silent. Finally, I will suggest that the arguments presented on behalf of the interpolation hypothesis are inconclusive. Since discussion of whether 1 Cor. 14:33-36 is a non-Pauline interpolation usually preempts actual interpretation of the passage, I will begin by discussing several exegetical problems before turning to the question of authorship.

The Pentateuch contains neither a general nor an explicit injunction that women be subordinate. Paul may have been thinking of Gen. 3:16, in which God says to the woman after the fall that she will bear children in pain, that her desire will be for her husband, and that her husband will rule over her (LXX: αὐτὸς σου κυριεύωσι; but the statement that the fall will result in the husband’s ruling over the wife is, in fact, not a command to her to be subordinate. Flavius Josephus states that, according to the law, the woman is inferior to the man in every respect, and that she is to be subject, not so that she be mistreated, but in order that she be ruled, for God has given sovereignty to the man. (Contra Apionem 2.24 §201: γυνὴ χέριον, φρονή, ἀνήδος ἐς ἄντεκα, τουτούρα ἔπουσα, µὴ πρὸς βραχ, ἀλλ’ τ’ ἄρχοντα, θεὸς γὰρ ἀνήδρο τ’ ἐρμῆς.) By using the term βραχια, which can designate a violent act or outrage against a person, Josephus implicitly recognizes that violence often accompanies subordination. Like the statement in 1 Cor. 14:34, the general statement of Josephus cannot be traced back to a particular commandment within the Pentateuch.

Does the law say that women are to be subordinate and that woman is inferior to man in every respect? Several features of the Torah can be construed in this way. The commandments, within whichever legal code or redactional stratum, are primarily stated in the masculine form, leaving the reader, both ancient and modern, at a loss as to which apply to women and men, and which only to men. The later rabbinic solution to the problem of exclusive language is to apply all the negative and the positive non-time-bound precepts to both women and men, and the positive time-bound precepts to men only. The author of 1 Cor. 14:34 and Josephus may have had marriage law in mind, which is characterized in the Pentateuch by a radical gender asymmetry. Upon marriage, a woman is bound by law to restrict her sexual intercourse to her husband, whereas her husband is only as restricted in his choice of other female sexual partners as he was before marriage. For example, according to Deut. 22:22, a married woman found having intercourse with any other man is to suffer the death penalty; no account is taken whether the incident was rape or whether she chose it. The man lying with her is to die as well. However, the death penalty applies only for the man who has intercourse with the wife of another Israelite man. If a married
man has intercourse with a foreigner, a slave, a divorced woman, a prostitute or a virgin, he has not committed adultery against his own wife. In sum, if an Israelite male has intercourse with the wife of another Israelite male, he is to suffer the death penalty, while if the wife of an Israelite male has intercourse with any other male, she is to die. In other words, a man could theoretically rape a slave girl and suffer no penalty, while his wife could be raped and suffer the death penalty.9

Paul shows full awareness of this asymmetry in marriage law when he uses the illustration of a married woman in Rom. 7:2:  

Thus a married woman (ὑπανήγορα γυνή) is bound by law to her husband as long as he lives; but if her husband dies she is discharged from the law concerning the husband. Accordingly, she will be called an adulteress if she lives with another man [ἡν γενήσας ἄνδρι τρέφῃ—this could also simply mean 'has intercourse with another man'] while her husband is alive. But if her husband dies she is free from that law, and if she marries another man she is not an adulteress.

The asymmetry is expressed at the outset with the term ὑπανήγορα, "under a man," the meaning of which is somewhat obscured by the translation "married." Further, the illustration is not reversible, that is, a wife is bound to a husband, but a husband is not bound by law not to have intercourse with another woman. Paul does not—and cannot—use the hypothetical term "under a woman," ὑπογενήσας, to refer to a married man. The wife will be called an adulteress if she has intercourse with another man, any other man. He will not be called an adulterer if he has intercourse with any other woman, but rather only if she is the wife of another man and therefore ὑπανήγορα herself. He cannot by law take a woman who is under another man. Paul's choice of the unequal relationship of marriage to illustrate the human relationship to the law demonstrates that he knew that the law is highly gendered, i.e., that gender is a very important organizing category and distinguishing factor in the law.

Such a general assessment of the gendered nature of the Torah does not, however, solve individual problems. For example, the interpreter of Paul searching the Torah for a prohibition to women against speaking in the

assembly will search in vain. The Christian prohibition in 1 Cor. 14:34 is not derived from any extant biblical or post-biblical Jewish source and must be seen either as a Christian reading of the Torah or as a Christian innovation.10 We do not have evidence that the silencing of women was general synagogue practice in this period.

The ecclesiastical significance of the silencing of women is the most important, and most overlooked, exegetical-historical problem. Since this paper focuses on the question of the law, I can only suggest avenues of research: examination of the few sources in antiquity written or composed by women (including private letters, legal petitions and other documentary papyri) to ascertain areas of discourse not represented or underrepresented in male writings; examination of the anthropological-structural significance of silencing half of a community; analysis of the relationship between speaking and authority; and study of early patriarchic interpretation of 1 Cor. 14:33b–36.11

The arguments for the interpretation hypothesis are:  
1. It is un-Pauline to appeal to the law;  
2. Prohibiting women to speak contradicts 1 Cor. 11:5, which restricts women's dress, but assumes women's public prayer and prophecy;  
3. Some ancient witnesses, mostly Western, place vv. 34f after 14:40 (D, F, G, 88*, 3067, 1656, 614, 4, vg*), Ambrose, Sedulius, Scotus;  
4. The verses constitute a break in the discussion, which otherwise reads smoothly without it;  
5. The vocabulary and content are similar to 1 Tim. 2:11-15; the author of the Pastoral Epistles could have added these verses when editing the Pauline Corpus.

Although many critical scholars take vv. 34f as an interpolation, the mater

9 For evidence for Jewish women who served as leaders in synagogues in the Roman and early Byzantine periods, see Israel Sofer, Professor Women in the Ancient Synagogue: Inscriptural Evidence and Background Issues, Brown Judaic Studies 36 (Chico, CA: Scholars, 1982). This book also includes discussion of post-biblical Jewish interpretation of the ancient Israelite leaders Deborah and Miriam, as well as of Jewish sources of the Roman period which limit women's speaking.

10 Cf. the treatise On the Trinity (4.11.1; PG 39.988C-989A) attributed to Didymus the Blind, in which 1 Tim. 2:12-14 (on women not being permitted to teach) and 1 Cor. 11:5 (on a woman disheveling her head when she prays or prophesies) are interpreted to mean that a woman is not allowed to write books on her own authority. Such views as these have probably placed early Christian women's writings under male names and resulted in fewer early Christian women expressing their faith through the written word. For a translation and discussion of this passage, see Elizabeth Schüller Florentine, "Word, Spirit and Power: Women in Early Christian Communities," in Rosemary Radford Ruether and Eleanor McLaughlin, eds., Women of Spirit: Female Leadership in the Jewish and Christian Traditions (New York: Simon and Schuster, 1979), p. 122.

8 See Deut. 21:13-19 (betrothed and unbetrothed virgin), Lev. 19:20; 20:11. See also Lev. 19:20, which prescribes a mild punishment for a man who has intercourse with a slave woman who is betrothed to another man. Presumably there is a punishment at all because she is betrothed to another man. See Jacob Milgrom, "The Betrothed Slave-girl," Lev. 19:20-22, ZAW 91(1979), pp. 43-50. By Paul's time, these laws had undergone considerable interpretation; see the excellent study by Judith Romney Wegner, Chastel tt Person? The Status of Women in the Mishnah (New York: Oxford, 1980).
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1 Cor. 14:26-33, 36-40 do read well as a unit, and the summary comments in vv. 37, 39 do not mention women (although perhaps the composition is not so tight as to require a summary of each point). Some scholars do not restrict the interpolation to vv. 34f, but add either v. 33b or v. 36 or both. Such hypotheses demonstrate that the transposition of the verses in some witnesses is only a buttressing argument for the interpolation hypothesis. However, 1 Cor. 14:26-40 also has a discernible structure, as noted above; several groups are addressed with respect to their orderliness in the assembly.

1 Cor. 14:33b-36 does overlap somewhat with 1 Tim. 2:11-15, but the actual verbal similarities are relatively modest ("woman," "man," "subordination/be subordinate," "allow," "learn"). 1 Cor. 14:33b-36 speaks of "speaking" (λαλέω) and of "being silent" (οὐκ λαλῶ), while 1 Tim. 2:11-15 has "to teach" (διδάσκω) and "to have authority over" (κυριεύω). Whereas 1 Corinthians appeals to the law as an authority, 1 Timothy appeals to the story of the fall of Adam and Eve (also part of the law, of course). In sum, the verbal similarity is nothing like that between Colossians and Ephesians or between Jude and 2 Peter, works for which we must posit a literary dependence.

Scholars tend to stop the interpretation process at the point of deciding that these verses are an interpolation, e.g.:

Ephesians, Colossians, and the Pastoral is thus immediately discarded, and, for our purposes, hopefully forgotten. Also to be discarded as a post-Pauline gloss is 1 Cor. 14:33b-36. . . .

The theological interest in a Paul free of subordinationism is so strong as to require a Tendenzkritik of the scholarship which so quickly discards 1 Cor. 14:33f (or an extended form thereof) as an interpolation. Striking in


Robin Scruggs writes, "Scholars are to blame because they have not rescued Paul from the "Pastoral" establishment [i.e., the church establishment; which uses certain Pauline materials]."

It is time, indeed past time, to say loudly and clearly that Paul is, as far from being a chauvinist, the only certain and consistent spokesman for the liberation and equality of women in the New Testament . . . ("Paul and the Eschatological Woman," p. 283). One is struck again and again at how often scholars cite this article and its companion piece, "Paul and the Eschatological Woman: Revised," JFR 42 (1974), pp. 532-57, while ignoring the scholarship of women on this and other Pauline texts. Elaine H. Pagels's excellent response to Scruggs, "Paul and Women," says that Scruggs's overly narrow reading of Paul's thinking is "a special case of the problem of reading the New Testament as an ethnocentric or culturally bound voice . . . ."
this regard is that Benedikt Niese, editor of Josephus, suspects that the sentences concerning women and the law in Contra Apionem 2.24 §201 are an interpolation, citing a closeness to Eph. 5:22; Col. 3:19; and 1 Pet. 3:2. Scholars need to be cautious of positing interpolations when an ancient author’s views differ from their own.\footnote{See also Lev. 19:18; and the image of walking to describe human conduct, peri-
pousan (1 Thess. 4:1, 12; cf. Lev. 18:3, LXX: τὸν νομίμον αὐτῶν οὐ ποιεῖσθαι). Both of these are, of course, relatively widespread within Judaism.}

II. The Law Evident in Paul

The Holiness Code of Leviticus (Lev. 17–26) is, at first blush, the least likely source of inspiration for Paul. Its concern with priestly rituals, holy things and uncleanness, purification rites, and separation of the people of Israel from the surrounding peoples all seem antithetical to Paul’s Gospel, which is based on table fellowship among Jews and gentiles (he even states in a highly un-Levitical fashion, ποιεῖται καὶ τάφος [Rom. 14:20]) and diametrically opposed to purification rites and to any strict, detailed observance of ritual law. Yet there is in Paul a pattern of speaking about sanctification and impurity that has strong overtones of Leviticus. Consider 1 Thess. 4:3–5, 7–8:

For this is the will of God, your sanctification (δόξασθε τῷ θεῷ): that you abstain from unchastity (πορνείαν); that each one of you know how to take a wife [literally: “vessel,” σεμνός] for himself in holiness and honor (ἐν καθαρτίᾳ καὶ τιμῇ), not in the passion of lust like heathen who do not know God (ὅτι ἐν μοι ἐναὶ θείας ἐρρύγησά καὶ τὰ θηρία τῆς μοίῃ ἐλέους τοῦ θεοῦ), . . . For God has not called us for un-

who tried to silence them; a) not to stop the interpretive process at the questions of authen-
ticity and integrity; and 3) to take feminist biblical scholarship into account.

\footnote{See also 1 Cor. 9:8-11, in which Paul appeals to the law allegorically.}

formations of which can be found in 1 Thess. 4:11-12 and in 1 Pet.}

\footnote{See O. Larry Yarbrough, Not Like the Gentiles: Marriage Roles in the Letter of Paul, SBLDS 80 (Atlanta: Scholars, 1986), pp. 56-89. Yarbrough’s discussion of the meaning of σεμνός is especially convincing and complete (pp. 68-72). He does not devote similar atten-
tion to the background of the holiness/impuity complex. On 1 Thess. 4:3-7 and Rom. 12:3-

\footnote{See also Lev. 19:18; and the image of walking to describe human conduct, peri-
pousan (1 Thess. 4:1, 12; cf. Lev. 18:3, LXX: τὸν νομίμον αὐτῶν οὐ ποιεῖσθαι). Both of these are, of course, relatively widespread within Judaism.}

Therefore God gave them up in the lusts of their hearts to impurity, to the dishonoring of their bodies among themselves (Διὸ παραδόθην έστι Θεός ἐν τῇ ἐναὶς τῶν καθαρίων αὐτῶν ἐς καθαρτίας τῶν ἐρρύγησά καὶ τὰ σώματα αὐτῶν ἐν αὐτῷ), because they exchanged the truth about God for a lie and worshiped and

\footnote{See also Lev. 19:18; and the image of walking to describe human conduct, peri-
pousan (1 Thess. 4:1, 12; cf. Lev. 18:3, LXX: τὸν νομίμον αὐτῶν οὐ ποιεῖσθαι). Both of these are, of course, relatively widespread within Judaism.}
served the creature rather than the Creator, who is beloved for ever!
Amen.

For this reason God gave them up to dishonorable passions (πάθη
dιτυμώσεως). Their women exchanged natural relations for unnatural
(αἱ τὰ πρὸς θηλείαν αὐτῶν μεταλάβασαν τὴν φυσικὴν χρήσιν εἰς
tὴν παρὰ φύσιν), and the men likewise gave up natural relations with
women and were consumed with passion for one another, men com-
mitting shameless acts with men and receiving in their own persons
the due penalty for their error (ὅμως τε καὶ οἱ ἄνδρες οὐφέτες
tὴν φυσικὴν χρήσιν τὴς θηλείας εξελέγαν οὕτως ἐν τῇ οὐδὲ
cωλῶν εἰς ἀλλήλους, ἄφενος ἐν δρόσῳ τὴν ἀτυχομένην κα-
tεργασίαν καὶ τὴν ἀντιμεθέτον ἐν ἑαυτῷ τὴν πλείονας ἀπολαμβάνοντος).

Lev. 18:22 condemns sexual relations between men as an “abomination”
(LXX: βδέλυγμα; MT: נָשִׁים), and Lev. 20:13 places such relations un-
der the death penalty. Note that Paul says in Rom. 1:29 with reference to
same-sex love (vv. 26-31) and to the vice-catalogue of vv. 29-31, that “those
who do such things deserve to die” (δεῖ τοὺς θεοτόκους). The Hebrew Bible
does not mention sexual relations between women, but post-biblical Jewish
writings do. The Sentences of Pseudo-Phocylides, a Greek hortatory poem pos-
sibly written by an Alexandrian Jew between 30 B.C.E. and 40 C.E., con-
tains a prohibition of male homosexual behavior and a similar prohibition to
women, “And let women not imitate the sexual role [literally, “marriage bed,”
λέγος ἄνδρον] of men” (line 192). Sifra, a rabbinical commentary on
Leviticus composed of sayings from the tannaitic period (before ca. 220
C.E.), derives a prohibition against women marrying each other from Lev.

* I understand Rom. 1:26 to constitute a special lifting up of a vice that would otherwise have been included in the vice-catalogue. The vice-catalogue in Gal. 5:19-21 includes τροπία,
σαµαρίτακας, and τοσσόντες, none of which are in Rom. 1:29-31; the vice-catalogue in 1
Cor. 6:9-10 includes πόρνοι, γυναικεία, and ἄσσοντες, which are again absent in
Rom. 1:29-31. The absence of sexual vices in Rom. 1:29-31 is probably due to same-
sex love being underscored as the epitome of impurity in Rom. 1:23-27. Since Paul concedes
same-sex love as ἀσωτρία in Rom. 1:24-27, it is probably included in the ἀσωτρίας of Gal.
5:19. The vice-catalogue of Gal. 5:19-21 and of 1 Cor. 6:9 both include the warning that
those practicing these vices will not inherit the kingdom of God. This is a clue to the
meaning of “deserve to die” in Rom. 2:12. Rather than speaking of an earthly death penalty
for the preceding vices, Paul may mean death in the eschaton. The temporal meaning, how-
ever, is not thereby excluded.

† Pateren W. van der Horst, tr., in James H. Charlesworth, ed., The Old Testament Pseu-
dodographa, 2 vols. (Garden City: Doubleday, 1983-85), 2 (1985), p. 576; on date and prove-
nance, see pp. 576ff; for the Greek text and commentary, see Pateren W. van der Horst, The
Sentences of Pseudo-Phocylides, Studies in Veteris Testamenti Pseudepigrapha 4 (Leiden: Brill,
1998), pp. 41ff.

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18:3. Israelites are not to walk in the statutes of the Egyptians and the Ca-
nanites, who apparently allow women to marry each other. A conflict
between the schools of Hillel and Shammai (1st C. C.E.) is recorded in
the Jerusalem Talmud (compiled and edited ca. 5th C. E.) as to whether
women who have intercourse with each other become unfit to marry into
the priesthood and to eat the priestly offerings (see Lev. 21:7, 13). The
Babylonian Talmud and later Jewish sources also take up the question of
sexual relations between women. Paul’s condemnation of sexual relations
between men and between women thus coincides with Lev. 18:22; 20:13 and
with post-biblical Jewish condemnation of such relations between
women. He may be said to be in line with developing Jewish legal thinking.

Perhaps one might protest that there is nothing particularly Levitical
about Paul’s condemnation of same-sex love in Rom. 1:24-27, that Paul sim-
ply has a general concern for morality, one which coincides not only with
Jewish ethical teaching, but also with the more responsible strands of
Graeco-Roman ethics. To be sure, Paul does not directly quote Leviticus
here, and while he uses the term “impurity,” ἀσωτρία, Lev. 18:22; 20:13
have “abomination,” βδέλυγμα (נָשִׁים). Moreover, Septuagintal back-
grounds other than Leviticus, especially Wisdom of Solomon 14, in which
the author describes idol worship as the source of immorality, of marriages
and lives not kept pure, and of sexual disorder generally (see especially
14:14-23, 24-30), certainly inspired Paul when he wrote Rom. 1:18-23. Further,
his condemnation of same-sex love is shared by many of his contemporaries,
both Jewish and pagan. For example, Greek and Latin astrological sources
ranging from the Hellenistic through the early Byzantine periods frequently
mention women attracted to women and men attracted to men. To be
born such a person is, in the eyes of these astrologers, a misfortune resulting
from the constellation under which one was born. Astrological texts occa-
sionally use ἀσωτρία in connection with a same-sex orientation, which
they see to be a life-long condition. The women, called φοράδες, are


2 Y. Git, 46c. 60b-61.

3 B. Sabbath, 59b-60a, 59a (see Rashı on both passages); Maimonides, Melakah Torah,
Nesset Biakah 21:18; Joseph Karo, Sefer ha-Arush, Eshet ha-Pill 20a.

4 The book which I am currently working on early Christian responses to female homo-
erotism and their historical context includes a section on ancient astrology. The sources
include: The Book of Hermes Trismegestus, Doctrines of Sidonius, Claudius Ptolemy, Vettius
Valens, Firmicus Maternus, Hyphephen of Thebes, and Manetho.

5 See, e.g., Vettius Valens, Anthropologia 1:1(31); 2:17 §66 (2d C. E.); Prolerny, Tenishtitautika
3:13 §660; see also 4.5 §182f (on the ideal heterosexual behavior, which for men is to be
νηκούντες οἱ νεῖκοι, and for women is to be σύμφωνοι οἱ σύμφωνοι (on 2d C. E.).
The ancient author closest in terminology and conceptualization to Paul in his condemnation of same-sex love is Philo of Alexandria. Both Paul and Philo reject sexual relations between men; both use the term “unnatural” or “contrary to nature,” ἔφαξα κατὰ τὴν φύσιν; both imagine physical recompense for male homosexual behavior; both emphasize that the participants are worthy of death; and both reject men wearing hair styles also worn by women (see 1 Cor. 11:2-16). Philo, who explicitly defines the behavior as pederasty, emphasizes in the strongest of terms that both the passive and the active partner, i.e., the child and the adult, are deserving of death. Philo presupposes that sexual intercourse implies an active and a passive partner, normally a man and a woman. Like some others in the Roman world who condemn love between men, Philo sees passive male homosexuals as having become like women, i.e., as having lowered themselves to the social level of a woman. For Philo the gendered order of society is at stake. In homosexual relations the boundaries between male and female become blurred. Males leave their subordinate position to become subordinate, thus confounding the order of things.

A similar concern may be motivating Paul. The most common motif in the condemnation of female homoeroticism in the Roman world is that the woman has become masculine, which in cultural terms means that she has tried to go beyond the passive role accorded to her by nature and rise to the social level of a man. I have argued elsewhere that φυλαγόντως in Rom. 1:24 probably means such a blurring of gender boundaries, a confounding of the

order of the world as laid down by God in creation. The ancient sources condemning same-sex love are very concerned with maintaining gender boundaries and the subordination of women and superordination of men.

In 1 Cor. 5:1-5, Paul directs the congregation to deliver to Satan a man who is in a sexual relationship with the wife of his father (γυνὴν πατρός); the man to be removed from the midst of the congregation (ἀποθέον εὐκρίνου ἐνθυμοῦν). Lev. 18:8 reads, “You shall not uncover the nakedness of your father’s wife (ἐρευνέων τοῦ πατρὸς); it is your father’s nakedness.” Lev. 20:11 describes the penalty, “The man who lies with his father’s wife has uncovered his father’s nakedness; both of them shall be put to death, their blood is upon them.” Lev. 18:8; 20:11 are the most logical biblical background to 1 Cor. 5:1-5. Interpreters have never been particularly surprised to find Paul in conjunction with Leviticus in the cases of forbidden sexual relations between two men and between a man and his father’s wife, probably because such relations are generally perceived as pertaining to moral, rather than ritual, law. The category, “moral,” implies that a law has enduring validity for all societies, rather than being based upon the peculiar cultural practices of one society. In contrast, I hold that the prohibitions of certain sexual relations in Lev. 18, 20 cannot be classified as moral, rather than ritual. Rather, we need to search for an alternative model in order to explain certain features of these laws.

The underlying assumption of this legislation seems to be that the prohibited behavior has a defiling effect on all participants, regardless of age, and regardless of whether one partner forced the other into the act; for this reason, in most instances, all partners are to suffer the death penalty in order that the Israelite people may remain holy to its God. Lev. 18:8; 20:11 occur in the larger context of incest prohibitions (Lev. 18:6-18; 20:11-21). Note that this is also the context of the prohibition of sexual relations between


In Gal. 3:28 Paul recognizes a fundamental oneness of women and men in Christ. The omission of the “male and female” portion of the pre-Pauline baptismal formula in 1 Cor. 12:13 raises the question whether for Paul that meant political and social equality. Paul omits the “male and female” in his letter to the Corinthian community, in which gender is a hotly debated issue, whereas he includes it when writing to the Galatians, for whom questions concerning gender and social order do not seem to be acute. Could he be avoiding drawing the egalitarian consequences which some of the Corinthian women seem to be drawing? Similarly, Paul’s recognition of a oneness between slave and free does not translate into a call for societal equality; thus, he sends Onesimus back to his master, Philemon.

Roman law prohibits a marriage between a man and his step-mother, which Paul may also have known.
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initiated intercourse with her step-son while he was still a minor, or her a perpetrator and him a victim. The present relationship could further, continue the man's earlier victimization. In sum, great care and further research are required to ascertain the ancient organizing principles of prohibited sexual behaviors. The Levitical legislation on incest and homosexual relations, as well as Rom. 1:24-27 or 1 Cor. 5:1-5, both of which have clear precedents in Leviticus, are not elucidated by the distinction between ritual and moral.

1 Cor. 11:2-16, on the veiling or hairstyle of women and of men, is only indirectly relevant to the present discussion. The Pentateuch does not contain a direct commandment on headdress and hairstyle. Deut. 22:12, the statement that it is an abomination for a woman to wear what pertains to a man or for a man to put on a woman's garment, may be in the background of 1 Cor. 11:2-16. In post-biblical Judaism, veiling and hairstyle become matters of legal relevance. For example, m. Ket. 7:6 defines it as contrary to Jewish custom (but not as contrary to the Law of Moses) for a wife to go out with her hair unbound; she who does so does not receive her ketubah upon divorce.

57 Source-critical and tradition-historical studies of Lev. 18, 20 have often proceeded from anachronistic assumptions which have hindered progress in uncovering the ancient organizing principles. For example, Karl Elliger assumes that father-daughter incest must have originally been prohibited in a statement just preceding 18:10 and was accidentally deleted through a transmission error ("Your sister, the daughter of your father..."") occurs in v. 19, a sentence which has been deleted an adjacent verse concerning the daughter through homoeotes. If the father further argues that a series of eleven elements, as in Lev. 18:17-19, does not conform to the standard form for a series of apodictic laws, which often occur in sets of twelve. "Denn es ist schwerlich zu bestreiten, daß vor v. 19 das entsprechende Verbot über die Tochter ausgefallen ist, natürlich infolge Homoeotes..." Daß sich unangenehm die bei solchen Reihen apodiktischer Rechtssätze beliebte Standardzählin 12 ergibt, darf als weiteres Zeichen für die Einheit und einmalsige Selbständigkeit der vv. 17-19 gehalten werden" ("Das Gesetz Leviticus 18."") ZAW 27 (1947), pp. 2; also Leviticus, Handbuch zum Alten Testament 1/4. Tübingen: Mohr (Siebeck), 1963, pp. 225, 258. The thesis of accidental omission is not convincing. If father-daughter incest were central to the legislation, then why would a later redactor (of a text assumed by Elliger and other scholars to have passed through multiple stages of redaction) not have noticed the omission and reintroduced it? Elliger's second argument, concerning the standard sets of twelve apodictic laws, would be easier to evaluate if he had presented a thorough argument, complete with an overview of the parallels. His assumption that father-daughter incest must have been present in the text prevents an analysis of why, in fact, it is not. See also Henry T. C. Sun, "An Investigation into the Compositional Integrity of the So-called Holiness Code (Leviticus 17-20)" (Ph.D. diss. The Claremont Graduate School, 1990), who argues that the absence of father-daughter incest is intentional, rather than accidental, and is based on the rights of a father over his daughter (pp. 154-163). Sun hypothesizes: "It would be the loss of potential income that would keep father-daughter incest from occurring. This is why one does not have legislation concerned with one's personal use of one's personal property" (pp. 151). Sun also questions the existence of a Holiness Code stage as a redaction unit.

2 Cor. 6:14-7:1 requires at least brief mention. Of any passage in the Pauline corpus, it is the most replete with the language of separation, holiness, impurity, and defilement. I agree with those scholars who categorize it as an interpolation, but I want to raise the question of how it became attached to 2 Corinthians. Some early Christians were able to convince congregations and later scribes that Paul could have preached a theology of holiness versus defilement, of separation from uncleanness, and of the lack of fellowship between light and darkness. Could the patterns of the law I outline here have helped the interpolation (2 Cor. 6:14-7:1) be accepted as genuine? I propose as a methodological principle that scholars discussing possible interpolations and pseudopigraphic writings need to raise such larger historical questions, and not stop with the questions of authenticity.49

III. Conclusions

I have observed that Paul’s departure from the Jewish law was not complete in practical matters. The ongoing validity of the decalogue and the love commandment of Lev. 19:18 remains unquestioned. The direct appeal to the law in 1 Cor. 14:34 may have been written by Paul himself. An exegetical problem in 1 Cor. 14:34 is that the Pentateuch does not explicitly command a woman to be subordinate, although Gen. 31:6 does state that the husband will rule over the wife, and a situation of subordination is created by a number of the Pentateuchal laws. A command to women to be silent in the assembly is not, however, one of these. Further, indirect patterns of the law are to be found in Paul. He uses terminology and concepts which also occur in the Holiness Code, and prohibits behaviors prohibited in the Holiness Code, namely sexual relations between men and between a man and his father’s wife. Paul also condemns sexual relations between women as “impurity,” a condemnation which is in line with several postbiblical Jewish writings. I have argued that defining as moral, rather than as ritual, those patterns of the law taken over by Paul, does not allow us to identify the ancient organizing principles inherent in Leviticus which form the backdrop of the Pauline passages in question.

In the matter of idolatry, Paul is firm in his opposition to the veneration of images and statues, but quite pragmatic concerning meat offered to other deities. He is quite willing to break with Jewish law on dietary laws and circumcision. These conscious choices demonstrate that Paul is willing to break with the law over questions of religious identity. In such questions as same-sex love and possibly the silencing of women, he chooses not to break with what he perceives to be the law. Circumcision is a dual issue, of course, one of religious and of sexual identity, but Paul discusses circumcision solely as a question of religious identity. I suggest that in the cases of marriage (1 Thess. 4:3-7) and same-sex love (Rom. 1:24-27), “impurity” may primarily designate social disorder with respect to gender roles. Further, Paul’s assertion that certain deeds will preclude one from inheriting the kingdom of God and his injunction to hand a Christian over to Satan because of his behavior seem to contradict his teaching of justification by faith and not works.

I have not suggested that Paul does not genuinely perceive Christ to be the end of the law. For Paul, Christ has taken the place of the Torah. However, making Christ the starting point does not solve the complex questions of societal order, community order, and ethics. Paul draws upon the Jewish law selectively for guidance in such questions. He differs from Jews for whom the Torah is central in this pronounced selectivity and in that he is not speaking as a member of a community of legal discourse. This study demonstrates that scholars need to investigate more precisely Paul’s understanding of the Jewish law in comparison with the various schools of Jewish legal thinking.

49 1 Cor. 7:10f (prohibition of divorce) could be seen as going against the law, which allows divorce. Deut. 24:1-4 does not, however, command divorce, but simply presupposes its existence. The example of Qumran shows that at least some Jewish legal specialists could see prohibiting divorce as consonant with the law (Temple Scroll 57:17-19; Damascus Document 4:20f).