Discussions on the topic of Paul and the Mosaic law continue to occupy some of the best minds in contemporary theology. The complexity of the issues involved and the importance of the subject for a biblical theology of the Old and New Testaments and for Christian dogmatics account for current preoccupation with this topic. In the interests of contributing further to ongoing dialogue, interaction with Colin G Kruse’s recent study, *Paul, the Law, and Justification*, is, I believe, timely and constructive. Kruse begins by surveying briefly recent trends in NT scholarship. The limited space afforded to this overview, however, may account for the author’s at times less than accurate summary of the various positions. As regards Kruse’s position, special mention should be made of the views of Frank Thielman and Thomas Schreiner: somewhat surprising, however, is the omission of Douglas Moo’s work in this opening survey.

From the standpoint of historical theology, Kruse’s interpretation is characteristically Lutheran, rather than Reformed. The following essay will indicate reasons for this classification, as well as address the central exegetico-theological issue in the current debate. The pressing question is whether or not the Protestant reformers of the sixteenth and seventeenth centuries understood correctly the foundational doctrine of justification by grace through faith. Respecting the broader theological issues at stake, the modern-day controversy brings to the fore the age long problem concerning the relationship between the old and new covenants, including the question of the relationship between ancient, theocratic Israel’s compliance with the stipulations of the law of Moses and God’s bestowal of temporal rewards and punishments. Is the classic Protestant antithesis between law and gospel valid? According to James DG Dunn, one of the most influential critics of the traditional view, the Pauline expression “works of the law” has exclusive reference to the ethnic “boundary markers” of theocratic Israel, namely, the ceremonial laws. While Kruse is correct in opposing this line of interpretation, he does not succeed in producing a consistent and thoroughgoing critique.

A focal issue in Kruse’s interpretation of the Mosaic law is Paul’s teaching on OT religion seen in the light of Christ’s coming. Like Thielman’s *Paul and the Law*, this study offers a contextual analysis of Paul’s letters, starting with the letter to the Galatians, the benchmark for Paul’s theology of the law. Basic to his interpretation of Paul, Kruse rightly contends that Paul’s negative assessments of the Mosaic law are not merely aimed at Judaistic misunderstanding of the law. “The works of the law,” writes Kruse, “are the carrying out of all those things which the law requires.” Unfortunately, however, Kruse misreads Judaism itself. “To say that Paul regarded the works of the law as good works done to amass merit,” notes Kruse, “is to have him misrepresent Judaism, for in principle Judaism was not a religion in which the law was observed for
This reason, but simply because it was required under the terms of the Mosaic covenant." This reading of Judaism conflicts with the portrait given in the NT; across its pages we find Judaism's soteriology to be fundamentally at odds with the teachings of Christ.

Kruse concedes that his own view is not without problems. "To escape the horns of this dilemma," he writes, "it is probably best to say that Paul's argument was not with Judaism in principle, and certainly not with the religion of the Old Testament, but with those who, by the demands they were placing upon his Galatian converts, were insisting that salvation did depend upon the observance of certain demands of the law." As regards the doctrine of salvation, the NT lays out the clear-cut, irreconcilable differences between the teaching of Judaism and the OT. To be sure, first-century Judaism contains a diverse body of beliefs. Nevertheless, a common thread runs through Judaism as a whole. The major cleavage between Judaism and OT religion lies in their respective doctrines of sin and the law of God. Though the central theme in the opening chapters of Romans, Paul's teaching on the universal plight of humankind is prominent throughout his writings. All humankind is guilty of transgression of God's law. The law at Sinai, stipulating obedience as the meritorious grounds of temporal blessing (see Lev 18:5 and its NT citations), reinstates the original law of creation in a manner appropriate to the Mosaic dispensation of the economy of redemption. In the Israelite theocracy the reward for obedience is life and prosperity in the land of Canaan. Under the Sinaic covenant the principle of works-inheritance, operative in the restricted sphere of temporal life in the promised land, was uniquely adapted to the historico-covenantal context of theocratic Israel. The works-inheritance principle, functioning within the broader economy of redemption, served God's sovereign, electing purpose in salvation. Temporal blessing (s), appropriate to the typological setting of Israel's life in Canaan, was contingent upon Israel's satisfaction of the legal demand of the Mosaic law, which obligation appeared as a reinstatement of the original demand placed upon the first Adam at creation. Herein lies the significance of the law's pedagogical, tutelary function (cf. Gal 3 and 4). Accordingly, the reintroduction of the "covenant of works" was modified in post-lapsarian, redemptive history. The covenant of law under Moses was, after all, a renewal of the single "Covenant of Grace" spanning the entire age from the Fall to the Consummation. Salvation is only by grace through faith, and rests exclusively upon the merits of Christ's substitutionary obedience, not human works. With respect to faith and works (grace and law), there is no mixing or mingling of the two.

Contrary to the teaching of Judaism, both Jew and Gentile stand guilty before God. The law works wrath and those under the law, whether the law of Moses or the law of creation, are under the curse of God for transgression (cf. Hos 6:7 and Isa 24:5). The fatal error of the Judaizers lay in their misunderstanding and misuse of the Mosaic law; the Jews thought that salvation could be obtained on the basis of works-righteousness. (Obedience to the law was thus mistakenly viewed as the meritorious grounds of salvation, i.e., life everlasting.) Unlike OT religion, Judaism not only minimised the power of sin, it also assumed a natural ability on the part of sinners to covenant with God (to enter into and/or maintain the covenant relationship). It effectively obscured the need for vicarious atonement, that which was to be accomplished by the coming messianic Servant of the Lord, indeed by the One who had come, fulfilling the promise
of God to Abraham. A true Jew, Paul taught, was one who believed and practised the teachings of OT religion.11 On the road to Damascus, Paul experienced the regenerating and renewing work of the Spirit necessary for divine reconciliation. Having been converted and received into membership within the Israel of God, the apostle renounced Judaism for Christianity, the full flowering of OT religion (Gal 6:16; cf. Phil 3:3-11 and Rom 2:25-29).

Speaking of the believers whom Paul confronted in Galatia, Kruse remarks: "They must recognise that just as they began their new life as believers with the Spirit (and independently of the works of the law), so they must seek its completion in the same way. The question implies, of course, that the nomistic thrust of the Judaizers' teaching was erroneous."12 Kruse adds that "both the legalistic and nomistic implications of the Judaizers' teaching were wrong. The works of the law make possible neither the initial experience of the Spirit nor his ongoing activity among believers; believing what was heard is all that is needed"13 The problem with this interpretation is twofold: first, in this monograph Kruse's definition of legalism and nomism is ambiguous and ill-defined; second, his understanding of the place of obedience under the new covenant is misformulated. What, according to our author, constitutes nomism and what constitutes legalism? In raising this issue we are addressing the question regarding the chief (and peculiar) function of the Mosaic law in the history of redemption. What does the law require? Why does Paul set faith over against works precisely in regards to the two contrasting covenants, the Mosaic and the new? Why does he place the principle of works (Lev 18:5) in opposition to the principle of faith (Hab 2:4)? And why does Paul state that the (Mosaic) law is "not of faith" (Gal 3:12)? What did he mean when he said that the law was added to the promise? The only satisfactory explanation, we contend, is found in the apostle Paul's typological interpretation of Israelite history. (The ancient, theocratic kingdom of Israel was finally abolished at the time of the destruction of Jerusalem in 70 AD). The apostle recognised a legal principle at work on the symbolico-typical level of physical life in Canaan: temporal blessing and prosperity were contingent upon Israel's own obedience, not upon the substitutionary obedience of the Lord's Anointed. Herein lies the grounds for the contrasting principles of inheritance, faith and works (grace and law).14

Kruse confusingly describes the Mosaic covenant as nomistic, not legalistic. Under the former dispensation, the dispensation of law, we are told, Israelite believers were obliged to keep the commandments in order to enjoy God's blessing (s). While not the meritorious ground of reward, obedience to the Mosaic law was nevertheless required. What was requisite of Israel as a nation and as individual members is no longer requisite of Gentiles in this present dispensation, the new age inaugurated by Christ. Kruse explains:

In the case of the Gentile believers in particular, Paul insists that they must be free from the law as a regulatory norm, ie they were not to become covenantal nomists, people justified by grace through faith but then required to live under the law. Jewish believers might live like nomists if they wished, because they were used to living under the law and for them it meant no change in lifestyle; it entailed no extra conditions for justification apart from faith in Jesus Christ. But in the case of the Gentiles it would mean a change in lifestyle; it would involve extra conditions for justification. So then, what was
covenantal nomism for the Jewish believers became legalism when applied to the Gentiles.\textsuperscript{15}

Despite disagreement with Dunn’s position, Kruse ends up holding a similar reading on Paul. He cannot consistently uphold the classic Protestant law/gospel antithesis. The difference between old and new covenants is reduced to that between what is merely external ("letter") and what is internal ("Spirit"): the old is characterised by outward, ceremonial observance of the Mosaic law, what Kruse views simply as a matter of "lifestyle." Kruse counters Reformed teaching on the “third use” of the law, namely, the regulative or normative use of the law in the life of the Christian. But contrary to Kruse and Lutheran interpreters, obedience to the commandments of God is required of believers in both dispensations of the “Covenant of Grace,” old and new. \textit{Obedience to God’s law, however, functions in different ways with respect to the particular covenantal arrangement established by God, whether legal or gracious. While Israel’s obedience to the whole law of God (civil, moral, ceremonial) was never the meritorious grounds of salvation, it was the basis of temporal prosperity in Canaan. On the spiritual level, God’s sanctifying work of grace made obedience the necessary outworking of true, saving faith. (There is no difference in this respect between OT and NT saints.\textsuperscript{16})}

Kruse’s view of covenantal nomism cannot make sense of the radical Pauline contrast between two principles of inheritance (law versus gospel). “Seeing that neither the traditional Reformation view nor Dunn’s view is without problems,” Kruse concludes, “a third option was seen to be preferable. The works of the law are best understood as the fulfillment of all that the law requires, not in any sense of amassing merit before God, but simply because that was what was required under the terms of the Mosaic covenant.”\textsuperscript{17}

He then offers the following as an explanation:

What [Paul] warns [the Galatian believers] against is probably not a “bad” legalism which requires the doing of good works \textit{to amass merit} (it is questionable whether first-century Jews themselves operated in this way). Rather, he warns them against what might be called a “good” legalism which involves doing the works of the law, simply because this is what the law itself demands, and believing that this will bring justification. Even this so-called “good” legalism must be avoided because “all who rely on the works of the law are under a curse.”\textsuperscript{18}

The line drawn by Kruse between nomism and legalism becomes exceedingly thin. Paul the apostle, on the other hand, speaks of the old covenant unequivocally as a ministration of death and condemnation, a legal dispensation which gave the appearance of jeopardising God’s promise to Abraham.\textsuperscript{19} Since the arrival of Jesus the Messiah, whom NT Wright identifies as “the climax of the covenant,” no longer is it a question of Gentiles being assimilated into the old, national covenant.\textsuperscript{20} In short, the Israelite theocracy had come to an end. God’s saving act in Christ does not bring about a mere change in lifestyle, but marks a decisive transition in the history of redemption. Under the new and better covenant the operation of the works-principle had been \textit{abrogated} and the shadowy form of the old covenant, including the symbolico-typical aspect of Israel’s life in earthly Canaan, had given way to the realities of the new, eschatological age of the Spirit (cf. Jn 4:24).\textsuperscript{21} Kruse’s nomistic reading of the law obscures the fact that the curse of the Mosaic law had been laid upon the entire house of Israel, comprising both the elect and the non-elect. Kruse mistakenly reasons that
"When [Paul] says that those who are of the law are under a curse, he is not necessarily overlooking the fact that the law makes provision for repentance and forgiveness for those who trust in the covenant grace of God. What it is saying is that those who trust, not in that covenant grace, but in their fulfilment of the law's demands, will come under the curse of that law."22

Contrary to Kruse's interpretation, all Israel was made subject to God's wrath and indignation for covenant unfaithfulness: according to the terms of God's covenant with Israel, exile in a foreign land was just payment for the sin of disobedience. Those who were once "my people" became "not my people" (Hos 1-2). The Mosaic administration thus served its tutelary function in convicting Israel of transgression; her bondage to sin and death was typified in the Babylonian exile. Although not consistently applied, Kruse does acknowledge that "the law operates on the principle of performance, calling for obedience to its requirements, and promising life to those who do obey. This is not the principle of faith which calls people to trust in God's promise of justification, even when they find themselves under the curse of the law for having failed to do what it demands."23 At this point in his argument Kruse incorporates the traditional Protestant law/gospel contrast. The law's function is "to keep [Israel] from moral danger until Christ should appear." He explains:

Thus, in Galatians, Paul portrays a custodial and disciplinarian role for the law. It kept people from danger until the coming of faith. It could not itself provide people who were under the power of sin with a means of justification. But its role was positive in the sense that it was intended to keep people from danger until the coming of Christ and faith in him.24

The function of the Mosaic law was chiefly negative, though ultimately serving the purpose of God's sovereign, electing grace. (The Mosaic covenant was, assuredly, an administration of the Covenant of Grace.) At an earlier point in his work Kruse stated that with the coming of Christ, "believing Gentiles have become, and continue to be, true children of Abraham without the necessity of law observance. Both the legalistic and the nomistic implications of the Judaizers' demands are to be rejected."25 Viewed as a whole, Kruse's interpretation does not make for a clear, coherent analysis of Paul on the law.

Kruse concludes his discussion of Galatians by reflecting upon the role of obedience in the Christian life. In Lutheran fashion, Kruse defines new covenant obedience in terms of Christian love, maintaining that "Paul is defining love in terms of the law, not reinstating the Mosaic law as a regulatory norm, every part of which believers must obey."26 He draws a distinction between "fulfilling the law" and "doing the law," insisting that Paul is "describing, not prescribing, Christian behaviour." Reformed theology, on the other hand, upholds the regulative use of the law, seeing that the NT does prescribe a code of ethics which is normative for Christian living. The difference here between Lutheran and Reformed interpretation is more than semantics. Decisive in answering this question concerning law-keeping is the proper understanding of the covenantal context in which that code of ethics functions, whether under law or under grace.27 Kruse is wrong when he asserts that "the law was not reintroduced as a set of demands to be observed as a regulatory norm," serving under the new covenant dispensation only as "a paradigm for Christian behaviour." Kruse
concedes: "while the demands of the Mosaic law were not binding upon believers, the commands of Christ were." Is not this at odds with his contention that the law of God is not binding upon the people of God as a regulatory norm? We maintain that if the commands of Christ are binding, then they are normative for Christian conduct. Kruse properly distinguishes sanctification from justification, while acknowledging the vital relationship between the two. Nevertheless, Kruse fails to incorporate the biblical idea of divine imputation. In his exposition of Rom 5, where one expects to find mention of this essential act of God constituting sinners righteous on grounds of the meritorious obedience of Christ, there is silence. Kruse does recognise that Christ's obedience sustains a unique relationship to God's justifying act acquitting transgressors of sin's guilt, but he is of the opinion that Scripture does not provide an explanation how this is so. Accordingly, Reformed theology - in Kruse's judgment - says more than is warranted.

As in many recent studies on Paul and the law, Kruse makes no reference to the covenant made between God and Adam in creation, what Reformed dogmaticians from the late sixteenth century up to the present have identified as the "Covenant of Works." Are we to construe this silence as repudiation of that doctrine of Scripture which has exercised so pivotal a role in Reformed systematics? However that question is answered, Kruse's neglect accounts for his misreading of the apostle Paul, notably, Paul's sustained argument in Rom 5 through 7. The "likeness to Adam's transgression" (5:14), we contend, has reference to probationary testing under a covenant-of-works arrangement, that which was applicable to Adam, Christ, and Israel of old. As representative (federal) heads of the covenants in creation and in redemption respectively, the first and second Adams while under probation were subject to the legal requirement of perfect obedience. As argued above, Israel's probation under the terms of the Mosaic covenant bears both similarity and dissimilarity to the probationary testing of the two Adams.

Within twentieth-century evangelical scholarship, the verdict is not yet in concerning the question of the relationship between the biblical covenants, including interpretation of the administration of law in the creational order (the Covenant of Creation) and the Mosaic epoch of redemption (the Covenant of Redemption). But the battle lines in this modern-day controversy have now been clearly drawn. Students eager to make their way through very difficult terrain in contemporary theology and exegesis will not find a steady guide in Kruse. In the judgment of this reviewer, Kruse's critique of the current literature and his analysis of Paul on the Mosaic law suggest that ongoing discussion and debate remain the order of the day. Openness to another interpretative approach, one firmly rooted in the biblical and Reformed theology of the Protestant reformation, stands as the only hope for a satisfactory resolution of present differences among evangelicals on issues of fundamental import, issues concerning the faithful articulation of the one, true gospel of Jesus Christ.

Notes

* Colin G Kruse, Paul, the Law, and Justification (Peabody: Hendrickson, 1996).

The remainder of the book canvases the other Pauline letters, highlighting and reinforcing the argument laid out in the chapter on Galatians. Focus shifts from interpretation to application, viz., consideration of the manner in which the apostle Paul is understood to apply the Mosaic law as a paradigm, not regulatory norm, for Christian living.

Paul p. 69.
Ibid.
Ibid.

Cf. the remarks by Schreiner in Romans pp. 164, 184.

Kruse explains: “In the original context Leviticus 18:5 constitutes a promise of continued enjoyment of physical life within the promised land to an obedient Israel. Paul picks up the quotation, not to deny that the law could deliver what it promised, but to show that it operates on the principle of performance, unlike the promise which operates on the principle of faith. Paul does not deny that the law could deliver what it promised, but rather that the law, operating on the principle of performance, could not bring life and justification to those who broke it” (Paul p. 289).

Kruse rightly maintains that telos in Rom 10:4 “is best construed as “termination”. Thus in Romans Paul alludes to the time when the law was introduced, and to the time when its role as both an (ineffective) means for righteousness and a regulatory norm for believers came to an end” (Paul p. 243). Schreiner’s exegesis of this text (Romans pp. 544-48) is not persuasive.

Moisés Silva, Explorations in Exegetical Method: Galatians as a Test Case (Grand Rapids: Baker, 1996), adopts the view of Don B Garlington and Richard Gaffin Jr on justifying grace as including faith and good works. Departing from traditional Protestant interpretation, these authors understand faith and (non-meritorious) works to be the means of appropriating divine justification.

Were righteousness based on the law attainable (after Adam’s fall into sin) the work of Christ would have been in vain.

FF Bruce (in “Christ Our Righteousness,” Jesus: Past Present and Future: The Work of Christ [Downers Grove, InterVarsity, 1979] pp. 51-52) describes the unconverted Paul as “a more dyed-in-the-wool Jew than any of the original apostles of Jesus.” He adds: “His religion was based on the works of the law, not on the work of Christ.”

Paul p. 75.
Ibid. p. 76.

Bruce comments: “Anyone who – in theory, at least – gained life through keeping the law gained it as the reward which his achievement had earned. It was a matter of work and merit. But anyone who had failed to keep the law – and that meant everyone – could make no claim to such a reward. The law which pronounced blessing and life on those who obeyed it pronounced cursing and death on those who disobeyed it. If those who disobeyed it were nevertheless admitted to blessing and life, it could not be on the score of merit, but on the ground of God’s grace” (“Christ our Righteousness” pp. 54-55).

Paul 111,12.


Ibid. p. 79.
Ibid. p. 80.

Kruse correctly asserts: “The ministry of the old covenant was one of the law, the ministry of the new covenant was one of the gospel” (Paul p. 153). See note 22 below.

NT Wright, Climax of the Covenant: Christ and the Law in Pauline Theology (Minneapolis: Fortress, 1991). Wright’s writings, prolific and stimulating though they be, fail to offer the solution to the modern-day question regarding Paul’s view of the law.
Law-keeping was the means of retaining the temporal inheritance. It is this feature of OT religion, namely, Israel’s governance under the Mosaic law, which justifies the description “covenantal nomism.” Apart from this understanding of the terminology, all other interpretations of Paul and the law end up mired in confusion and contradiction. (Kruse here expresses indebtedness to Richard Longenecker for his distinction between legalism and nomism [Paul p. 69, n.38].)

Paul 83. Comparison here with the views of Schreiner are instructive. A major plank in his argument is that “the law itself provides [the individual] no ability to keep it” (Romans p. 109). Accordingly, the Mosaic covenant only works condemnation, not salvation. No sinner is able to meet the requirement of perfection obedience. Yet, as Schreiner reminds us, elect Israelites (ie, the righteous remnant) were saved under the old covenant, viz., the righteous remnant. The letter/Spirit contrast, he reasons, is to be explained in terms of the history of redemption – the aid economy being characterised by the “externality of the law” and “the inadequacy of the law alone.” – the law functioning apart from the Spirit of regeneration (ibid., p. 142). The new covenant, argues Schreiner, is superior to the old because of the gift of the Holy Spirit which accompanies the former. The question then arises: what does this say about the righteous remnant saved by grace through faith (of whom Schreiner spoke earlier)? Were they not also saved by the personal, regenerating work of the Spirit of God?

Paul p. 84. Comparing the typology of the Old and New Testaments, Bruce observes: “The Israelites’ experiences had been on the earthly level, whereas those of the early Christians were on the spiritual level; but the former served as a kind of allegory in advance for the latter” (“Before the Incarnation,” Jesus: Past, Present and Future p. 99). Regarding the antithetical principles of law and grace, Bruce explains: “By contrast with the new covenant and its life-giving message, the law is described in terms of ‘the old covenant’. The law did indeed hold out life to those who kept it – ‘Do this and you shall live’ – but it pronounced a curse on those who broke it; and since the lawbreakers were always more numerous than the law-keepers, the general tendency of the old covenant was death. The gospel, however, presents the way of life; through it the law-breaker who repents of his law-breaking finds forgiveness and justification by grace. Paul rejoices to be the administrator of a covenant which is life-giving and not death-dealing, a covenant which, far from imposing a yoke of bondage, conveys that freedom which rules wherever the Spirit of the Lord is, and he sees the gospel invested with a greater glory than attended the administration of the law” (The New Testament Development of Old Testament Themes [Grand Rapids: Eerdmans, 1968] p. 55).

On the one side of the current debate, we find Silva parting company with his former teacher, John Murray, regarding what the law can and cannot do. Silva is now eager to cast aside traditional Reformed, Protestant teaching regarding the law/gospel antithesis as seen in his most recent study, Explorations. On the other side of the debate, Kruse commends the view of Morna D Hooker, who argues “that the law was temporary in so far as its offer of life to those who fulfil its demands has been superseded with the coming of Christ. The law is abiding, however, in so far as it is a witness to Christ” (Paul p. 154, n.8).

Kruse contends that “it is easier to say what ennomos Christou does not mean than to determine what it does mean.” In this study his argument has been that “to live ennomos Christou involved at least the obligation to keep the commands of Christ and to live by the law of love (in the power of the Spirit), and that it probably also involved living for the Christ who died for us” (Paul 147). Later Kruse writes: “While Paul insists that believers are free
from the law, and that they must maintain that freedom if they want to live holy lives that bear fruit for God, he argues, paradoxically, that the law nevertheless finds fulfilment in the lives of believers” (ibid. p. 285).

30 Here Schreiner’s exegesis fares better (Romans pp. 267-93).


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Mark Karlberg is a theologian and writer based near Philadelphia, USA

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