

## LAW IN THE SCRIPTURE PART II - THE NEW TESTAMENT

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In this article, George Nedungatt presents the second part of a study previously presented (*Iustitia*, Vol. 7, n. 2). Part I of this article treated the various aspects of law in the Old Testament. Here in Part II, the author considers law and its theology in connection with Jesus and the New Testament, the new covenant established by Him, apostles and the Christian Tradition. To that effect, the author examines Jesus and the New Law, the Apostles and the Church Order, the New Covenant and the New Law, the NT Theology of the New Law and Covenant Law in the Christian Tradition.

Jesus came to fulfil the Law and the prophets (Mt 5:17) and gave the new commandment of love (Jn 13:14). "The one who loves another has fulfilled the Law... Love is the fulfilling of the Law" (Rom 13: 8,10). Establishing the new covenant in his blood (Lk 22:20) Jesus gave "a new commandment" that his disciples should love one another (Jn 13:34). God empowers his Apostles "to be ministers of a new covenant" (2 Cor 3:6). The Law of the new covenant is the work of the Holy Spirit in the hearts of the Christian faithful (Catechism of the Catholic Church, § 1965, 66).

Whereas the Old Testament with its five codes contains abundant legal lore, the New Testament exhibits very little by way of legal prescriptions. The former has been called a "book of laws" and the

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latter a “book of grace,” which is an oversimplification. Whereas the figure of Moses as “lawgiver” is very prominent in the Old Testament, nothing comparable is found in the New Testament with regard to Jesus, “the new Moses.” This does not mean, however, that the teaching of Jesus has no bearing on law. He confirms that those who occupy the chair of Moses and teach are to be obeyed (Mt 23:3). Not occupying that chair he taught “with authority” (Mt 7:29) and determined that “the greatest commandment is love” (Mt 22: 37-40) and the weightier matters of the law are “justice, mercy and faith” (Mt 23:23). And “as lawlessness increases love decreases” (Mt 24:12). Love and law are thus related.

Jesus is a legislator according to the Council of Trent: “If anyone were to say that Jesus Christ was given by God to us as a redeemer to trust in, and not also as a legislator to be obeyed, let such a person be anathema.”<sup>1</sup> The force of the epithet ‘legislator’ in this text is brought out by the words that follow, “to be obeyed” (‘cui obedient’): it is not enough to believe the words of Jesus and place one’s trust in him; it is also necessary to obey him and put into practice what he commands (cf. Mt 7:21ff). However, to speak of Jesus as ‘legislator’ can easily be misunderstood, as may be seen in the following comment by a Protestant critic of the above mentioned Tridentine decree.

This decree overthrows the Christian religion completely. If Christ came into the world to publish new laws to us, we should feel like saying that He might as well have stayed in heaven. Moses had already given us so perfect a law that we could not fulfil it. Now, if Christ had given us additional laws, that would have had to drive us to despair.<sup>2</sup>

By ‘legislator’ this critic means “one who gave additional laws,” which is not the meaning in the Tridentine decree, which rather says that the gospel contains both doctrine and law. However, the figure of Jesus Christ as “legislator” can be misleading if he is considered a legislator who gave “another law alongside the law of Moses,” as in the following citation.

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<sup>1</sup>“Si quis dixerit, Christum Iesum a Deo hominibus datum fuisse ut redemptorem, cui fidant, non etiam ut legislatorem, cui obedient, anathema sit.” (Council of Trent, Session VI, can. 21; Denz.-Sch. 1571).

<sup>2</sup>C. F. W. Walther, *The Proper Distinction Between Law and Gospel*, trans. W. H. T. Dau (St. Louis, Mo.: Concordia Publishing House, 1928; German original, 1897).

"Alongside the law of Moses there is another law, that of Jesus, to whom is assigned the task of bringing to completion the Mosaic Law," writes G. D'Ercole.<sup>3</sup> Further, "An attentive reading of the Gospels, done so to say with a technical spirit, that is, conceived as a historico-juridical investigation, provides us with the data to determine the elements of the legislative work of Jesus and of the juridical order of the Church that follows from that work."<sup>4</sup>

But Jesus did not give "another law alongside the law of Moses." Rather the law of Jesus fulfilled the law of Moses as he proclaimed (Mt 5:17). Picking out certain NT pericopes to include them in the 'Institutes of the People of God' can be a deviant methodology. The role of Jesus as 'legislator' is to be related to his role as "the mediator of the new covenant" (Hb 9:15), who frees from "the yoke of slavery" (Gal 5:1) of the old covenant those who enter into the new covenant and come under the new law. The OT law is covenant law, as we saw already. Corresponding to the OT "covenants and the giving of the Law"<sup>5</sup> (Rom 9:4) a new covenant is established in the blood of Jesus (Mk 14:24; Mt 26:28; Lk 22:20), who gives to his disciples "a new commandment" (Jn 13:34), which is the new law of love. In his messianic role Jesus is the new Moses of the new covenant who gives the new law. This figure of Jesus as the lawgiver or legislator of the new covenant invites reflection on the relationship between law and the covenant in the NT.

## 1. Jesus and the New Law

Jesus preached the good news, the gospel, that the kingdom of God is at hand. He did not annul the Law and the Prophets but reduced them to their essentials, the double commandment of love of God and of neighbour. What he taught was no romantic love free of law. He

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<sup>3</sup>S G. D'Ercole, "Gesù legislatore e la struttura organica della sua Chiesa nei vangeli," in *Populus Dei II, Ecclesia* (Communio 11: Festschrift Alfredo Ottaviani), Rome, 1969, pp. 1165-1293, at p. 1192.

<sup>4</sup>G. D'Ercole, *Gesù Legislatore e l'Ordinamento giuridico della sua Chiesa nei Vangeli*, Communio I (Rome, 1957) 33. For the same author's juridical approach to the whole NT, see his *De Institutis Populi Dei biblica, et patristica monumenta II: Ecclesia in Novo Testamento*, Communio 8 (Rome, 1968).

<sup>5</sup>When "law" means the Mosaic law I write "Law," with an initial capital, in order to avoid ambiguity. However, keeping restraint I write "the law of Moses" or "Mosaic law" since there is no ambiguity in these phrases.

imposed his yoke and burden, which however were easy and light (Mt 11:30).

In the Sermon on the Mount Matthew presents Jesus as the new Moses or lawgiver. The exegesis Jesus gives of the Mosaic law is different from the exegesis given by the biblical theologians ("lawyers") of his time. They taught by interpreting the holy scripture, which had a twofold division, namely "The Law and the Prophets." But there was also a threefold division, namely, "the Law, the Prophets, and the Writings," according to which they were known as the Tanak (Tanach) from the first letters of Torah, Nebi'im and the Ketuvim. These three components were thought of as having unequal authority, the 'Law' or the Pentateuch (the five Books of Moses) being rated first and the Writings last.

At the time of Jesus a distinction used to be made between the written Torah and the oral Torah by the Pharisees, who interpreted the latter more broadly than did the Essenes and more innovatively than did the conservative Sadducees.<sup>6</sup> The Pharisees regarded the oral Torah as Tradition (qabalah), under which came unwritten legal material or halakhah (halaka), which partly interpreted and partly supplemented the written Torah, and was generally believed to have the same authority.

Tradition was understood variously by the 'conservative' Sadducees, by the 'liberal' Pharisees and by the exotic Essenes. The rabbis included under Tradition the non-Pentateuchal books of the Tanach as well. In the first century the two dominant schools of interpretation of the Torah were those of Rabbi Shammai and Rabbi Hillel. They differed among themselves often giving conflicting interpretations, the latter being regarded as more "liberal."<sup>7</sup>

In the rabbinic teaching tradition often "made void the word of God." An example is qurban, the rabbinic exegesis of which emptied out the commandment of God to honour one's parents (Mk 7:13). Another

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<sup>6</sup>The Sadducees were a group of about two hundred rich aristocratic families, which constituted a political party. The High Priests were chosen from among them. They made up the hard core of the Sanhedrim, the Supreme Court of the Jews. The Pharisees eschewed politics and were devoted to the study of the Law of Moses priding themselves to be its faithful observers.

<sup>7</sup>E. P. Sanders, *Jewish Law from Jesus to the Mishnah: Five Studies* (London/Philadelphia: SCM/Trinity Press International, 1990) 19-23.

example is *prosbol*, a juridical institution sanctioned by Rabbi Hillel. According to Dt 15:1-3 creditors had to condone debts in the sabbatical year. However, according to Hillel's interpretation, this obligation did not apply if the creditor had declared before a court of law with a written document signed by two witnesses that the particular loan was not stipulated subject to the terms of Dt 15:1-3. Thus this onerous injunction of the Torah could be evaded to the advantage of crafty money lenders.

Jesus' teaching on the Law in the Sermon on the Mount has been variously interpreted.<sup>8</sup> John P. Meier holds that we can know the teaching of the historical Jesus regarding the Torah only with reference to the *halaka* ("The historical Jesus is the halakic Jesus"). He sums up Jesus' teaching on the Sabbath, divorce and oaths as follows.

The idea of Jesus ... attacking, subverting, or annulling the Sabbath – even apart from the penalty of death... for a serious transgression of Sabbath law – is too ludicrous to be taken seriously ... Jesus presupposes and affirms this sacred institution enshrined in the Torah, all the while arguing against sectarian rigorism and in favour of a humane, moderate approach... Yet when it comes to divorce and oaths, two key social institutions permitted and regulated by the Torah, Jesus totally forbids both divorce and swearing .... By divorcing and remarrying [one] is committing adultery. Likewise, Jesus forbids all swearing, even though the Torah imposes oaths in certain legal circumstances.<sup>9</sup>

Meir sees Jesus as upholding the Mosaic law regarding the Sabbath but annulling it in the matter of divorce and oath. This would make Jesus appear to contradict his own statement that he did not "come to abolish the Law or the Prophets" (Mt 5:17). Jesus asked the leper he had healed to report to the priest "as Moses commanded" (Lk 5: 14). Jewish scholar E. P. Sanders asserts that Jesus did not contradict the Mosaic Torah on divorce and oaths.<sup>10</sup> Another Jewish scholar Geza

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<sup>8</sup>Robert A. Guelich, *The Sermon on the Mount. A Foundation for Understanding* (Waco: Word Books, 1982); W. D. Davies and Dale C. Allison, *The Gospel According to Saint Matthew*, 3 vols., I (Edinburgh: T & T Clark, 1988).

<sup>9</sup>John P. Meier, *A Marginal Jew*, vol. IV: *Law and Love*, I, (New Haven and London: Yale University Press, 2009) 297.

<sup>10</sup>E. P. Sanders, *Jesus and Judaism* (Philadelphia: Fortress, 1983); *Jewish Law from Jesus to the Mishnah: Five Studies* (London/Philadelphia: SCM/Trinity

Vermes states: "Nowhere in the Gospels is Jesus depicted as deliberately setting out to deny or substantially alter any commandment of the torah in itself."<sup>11</sup> The Pontifical Biblical Commission states in its study entitled *The Interpretation of the Bible in the Church* as follows.

Right from the start of his public ministry, Jesus adopted a personal and original stance different from the accepted interpretation of his age, that "of the Scribes and Pharisees" (Mt 5:20). There is ample evidence of this: the antithesis of his Sermon on the Mount (Mt 5:21-48); his sovereign freedom with respect to Sabbath observance (Mk 2:27-28 and parallels); his way of relativising the precepts of ritual purity (Mk 7:1-23 and parallels); on the other hand, the radicality of his demand in other areas (Mt 10:2-12 and parallels; 10:17-27 and parallels) and, above all, his attitude of welcome to "the tax collectors and sinners" (Mk 2:15-17 and parallels). All this was in no sense the result of a personal whim to challenge the established order. On the contrary, it represented a most profound fidelity to the will of God expressed in Scripture (cf. Mt 5:17; 9:13; Mk 7:8-13 and parallels; 10:5-9 and parallels).<sup>12</sup>

Jesus declared: "Do not think that I came to destroy the Law or the Prophets; I did not come to destroy but to fulfil" (Mt 5:17). The Messiah was expected to fulfil the Law and the Prophets, that is, realize them to their fullness. Accordingly, instead of a minimum observance of the Law, Jesus taught maximum fidelity. Matthew gives six cases as illustrations: murder, adultery, divorce, oath, retaliation, hatred of the enemy (Mt 5:21-42). Jesus opposed the prevalent

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Press International, 1990); *The Historical Figure of Jesus* (London: Penguin, 1993).

<sup>11</sup>Geza Vermes, *The Religion of Jesus the Jew* (Minneapolis: Fortress Press, 1993) 21. In contrast Samuel Rayan asserts: "Every week Jesus violated the law of the Sabbath to establish the primacy of Man and his needs and potentialities" (art. in Malayalam, "Truth Will Make You Free," *Jeevadhara*, 1984, pp. 93-141; repr. in Samuel Rayan, *Naleyilekkoru Neelkkazhcha*, pp. 56-75, at p. 62. But Rayan does not tell us what Jesus did in word or deed every week to "violate the law of the Sabbath."

<sup>12</sup>Murphy, pp. 738-739 (n. 1861). For the full text see pp. 685-774, nn, 1703-1985. The original entitled *L'interprétation de la Bible dans l'Église* was first published in *Biblica* 74 (1993) 451-528. See also the Pontifical Biblical Commission, *The Jewish People and Their Sacred Scriptures in the Christian Bible* (2001).

minimalist interpretation with a maximalist (messianic) interpretation of each case. Do not murder; do not even give vent to anger! Do not commit adultery! Avoid even lustful ogling! Do not swear falsely! But why swear at all? Just say Yes, or No! With such teaching Jesus "built a fence around the Torah" in the tradition of the Fathers of Israel (Avot), who taught not only to avoid sin but even what could lead to sin. Those who overlook this Jewish idea of the "fence" miss the right interpretation of Jesus' Sermon on the Mount. An example.

In the series of six slightly variant "You have heard it said ... but I say to you" clauses, Jesus dares explicitly to modify or correct what God said through Moses. He makes the demands of the Law more penetrating.... In other words, the Matthean Jesus, speaking more confidently than any 1st-century rabbi, implies that he is more authoritative than Moses, and seems to legislate with all the assurance of the God of Sinai.<sup>13</sup>

It is difficult to imagine Jesus as daring to "correct what God said" while calling God his Father. Rather he built a fence around the Torah to ensure its more perfect observance. His mission was "not to abolish the Law and the Prophets but to fulfil them" (Mt 5:17). Not the least provision of the Law, not even "an iota will pass from the Law until all is accomplished" (Mt 5:18; Lk 16:17). Jesus taught also respect for the civil law, which enjoined the payment of taxes (Mt 22:21).

Let us consider two cases, divorce and revenge. Jesus first lays bare the malice behind the legal practice of Jewish divorce (Mt 5:31,32). If a man wants to get rid of his wife, he only needs to accuse her of adultery, which is legal ground for divorcing one's wife (Dt 24:1). The Gospel expression "he makes her an adulteress" seems to sound odd and is often misunderstood. For a correct understanding two parallel NT texts may be considered. First, "If we say we have not sinned, we make him (Jesus) a liar" (1 Jn 1:10). Surely no one can make Jesus really and objectively a liar! What is meant is that the conduct of a person who refuses to admit to be a sinner is equivalent to passing Jesus for a liar. Second, "he who does not believe God has made him a liar" (1 Jn 5:10). No one can make God really and objectively a liar, but the conduct of a person who refuses to believe God's testimony is tantamount to calling God a liar. Similarly, a man who wants to get a legal divorce "makes his wife an adulteress," that is, simply denounces

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<sup>13</sup>Raymond E. Brown, *An Introduction to the New Testament* (New York: Doubleday: 1997; TPI, 2000) 179.

her as an adulteress.<sup>14</sup> Given such “hardness of heart” (Mt 19:8), Moses tolerated divorce, says Jesus, but it was contrary to God’s original plan of marriage as a permanent union between man and woman. As a rabbi Jesus gave his own interpretation, exposing the hidden adulterous motivation behind the general practice of divorce under cover of the Law of Moses. Divorce was a permissive law, not a prescriptive commandment, but Dt 24:1-4 was misinterpreted as prescriptive in the *halakah* and in Jewish practice.<sup>15</sup> According to Matthew (5: 32; 19:9) Jesus forbids men to divorce their wife except in cases of porneia, adultery on her part. Matthew introduced this exceptive clause to adapt Jesus’ unconditional prohibition of divorce (Mk 10:9-12) to a new *Sitz im Leben*, namely that of the Christians of the Roman empire (as at Antioch), so that no innocent husband might be punished with death or exile for the adultery of his wife under the Roman law.

In Matthew’s revision (19:3-12), the ‘exception’ for fornication is actually a requirement; Roman law required the husband of a woman accused of adultery to divorce her.<sup>16</sup>

Emperor Augustus wanted to curb the pervasive moral corruption of society in the Roman empire accompanying power and prosperity. He promulgated a law called *lex Iulia de maritandis ordinibus* (18. B.C.), which punished with death or exile a husband as a pimp who did not divorce his adulterous wife (and she was exiled). This law was applicable to Christians as well who were Roman citizens. Matthew adapted Jesus’ teaching on divorce by permitting Christians of the Roman empire to divorce their adulterous wife so that they would not be punished as pimps.<sup>17</sup>

As regards revenge, the *lex talionis* (Ex 21:24; Lev 24: 19-20; Dt 19:21) was, as we saw, a norm for tribunals. It was a public law, not a moral

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<sup>14</sup>A good illustration is the Italian film *Divorzio all’italiana* (Divorce Italian style). In it Marcello Mastroiani is featured as a shrewd husband who organizes an episode of apparent adultery by his innocent wife and gets rid of her (through a divorce of honour!) to marry a young attractive paramour.

<sup>15</sup>A. Tosato, *Il matrimonio israelitico* (AB 100, 1982).

<sup>16</sup>Mary R. D’Angelo, “Gospel and Family,” *Concilium* (2016/2) 19.

<sup>17</sup>Moingt, “Le divorce ‘pour motif d’impudicité.’” Marucci prefers to explain the Matthaean exception (*parektos*) with reference to the OT and considers the application of the *lex Iulia* “scarcely” probable (*Parole di Gesù sul divorzio*, pp. 348, 385-395). But his opinion is not persuasive.

law sanctioning private vengeance. Jesus did not deal with public law or penal law, but ethical law showing the "way" of the spirit.<sup>18</sup> Claude G. Montefiore, a Jewish scholar who sought to reclaim Jesus for Judaism, comments: "Jesus was not thinking of public justice, of the order of civil society, of the organization of the state.... Public justice is foreign to his thought."<sup>19</sup>

By performing miracles on the day of the Sabbath Jesus did not defy the Mosaic Law, although according to the scribes and Pharisees he did a forbidden work. But the Mosaic Law did not specify minutely the modalities of the Sabbath observance (Ex 20:10; Dt 5:14) as did instead the *halakah* (cf. Mk 2:23-3:6). Jesus claimed that he was "lord of the Sabbath" and asserted that the Sabbath was made for Man, not Man for the Sabbath (Mt 12: 8; Mk 2:27, 28). Even the observance of the Sabbath, one of the ten commandments, is subordinate to the good of Man. His attitude to the temple also was positive,<sup>20</sup> although by misconstruing his prophecy about his own resurrection false witnesses would accuse him of wanting to destroy the temple (Mt 26:61; Mk 14:58, 59). Showing respect for the Mosaic Law he told the leper he had healed: "Go and show yourself to the priests" (Lk 17:14) following the prescription of the Law (Lv 14:1-32). As regards "the tradition of the elders" (Mk 7:3) in the matter of distinguishing between clean and unclean food Jesus declared "all foods clean" (Mk 7:19). Thus he stood for freedom in the matter of merely human tradition while inculcating submission to the Mosaic Law. In fact Peter refused to eat unclean food he saw in his vision (Acts 10:9-16), as he felt he was bound by the Law of Moses.

In short, Jesus rejected "human tradition" (Mk 7:8) which craftily undermined the commandment of God. He interpreted the Mosaic Law according to its real scope of promoting communion between God and Man. Thus he "fulfilled" the Law as the messiah by perfecting it. This he did, not by a juridical revision of the Torah, like

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<sup>18</sup>According to J. P. Meir Jesus abrogated the OT law on divorce, swearing or oath, and the law of talion: *Law and History in Mathew's Gospel*, (AB 71).

<sup>19</sup>C. Montefiore, *The Synoptic Gospels*, p. 71 [1<sup>st</sup> ed., London: Macmillan, 1909; 2<sup>nd</sup> ed., 1927]. Note that Jacob Neusner, the leading American Jewish rabbi and scholar, cites with approval Montefiore in his *A Rabbi Talks with Jesus* (McGill-Queen's University Press, 2000).

<sup>20</sup>Joachim Jeremias, *New Testament, Theology* (p. 207) against E. Lohmeyer, (*Kultus und Evangelium*, Göttingen, 1942), who sees in Jesus an opponent of the temple and the temple cult.

the revision of the codes of canon law of the Catholic Church, but by distinguishing and emphasizing what is essential in the Torah, namely, the law of love. George Soares-Prabhu writes: "Law, so important an element in the Pharisaic Judaism of Jesus' time (as it continues to be in so many Christian circles today!) is judged valid only when it is an expression of love."<sup>21</sup> "Loving neighbour, not observing the law, is for Jesus the norm of right human behaviour."<sup>22</sup> Secondly, Jesus built a "fence" around the Torah to ensure its more perfect observance. Jesus blamed the scribes and Pharisees for neglecting the "weightier matters of the Law" while keeping only its minutiae like the tithes, which however are not to be neglected (Mt 23:23). In other words, there is a hierarchy of laws to be maintained.

Jesus told his disciples, "I give you a new commandment that you love one another" (Jn 13:34). This is the 'Torah of Christ,' about which Paul spoke (Gal 6:2). The whole Law is fulfilled (Rom. 13:8-10: Gal 5:14; Mt 22:40) in the one "word" (logos: *dabar*: Gal 5:14), the law of love. Jesus fulfilled the Law and the Prophets ultimately by revealing himself as the Logos-Nomos.<sup>23</sup>

## 2. The Apostles and the Church Order

The Church of the New Testament was no motley crowd but a community of believers consisting of those who believed that Jesus was the Messiah, the Lord and Saviour, and were baptized in his name or in the name of the Trinity. They regarded themselves as the new Israel or the true remnant of Israel. They were the elect, the saints, the Church of God, which was identified with the spouse of Christ and the body of Christ.

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<sup>21</sup>George M. Soares-Prabhu, "The Love Commandment," in *idem, Biblical Spirituality of Liberative Action* (Pune: Jnana-Deepa Vidyapeeth 2003) 65-71, at p. 65.

<sup>22</sup>George M. Soares-Prabhu, "The Spirituality of Jesus," *ibid.*, at pp. 97-98.

<sup>23</sup>"Christ now stands on the mountain, he now takes the place of the Torah" (Jacob Neusner, *A Rabbi Talks to Jesus*, p. 87). "Jesus understands himself as the Torah, as the word of God in person. The tremendous prologue of John's Gospel – 'in the beginning was the Word, and the Word was with God, and the Word was God' (Jn 1:1) – says nothing different from what Jesus of the Sermon on the Mountain and the Jesus of the Synoptic Gospels say" (Joseph Ratzinger – Pope Benedict XVI, *Jesus of Nazareth II* (New York: Doubleday, 2007) 110-111).

There was a church order or discipline based on three sources: 1) Sacred scripture, that is the OT, or the word of God; 2) the teachings, commandments and counsels of Jesus, or the word of the Lord Jesus; 3) the norms determined by the Apostles. Cumulatively, these three sources constitute the first stage of canon law in the NT, although not called so. Indeed, the term canon law does not occur in the NT. But this does not mean that there is no canon law in the NT. A reality can be present without a proper term to express it — as the term Trinity is not found in the NT (it was first coined by Tertullian in the third century), which does not mean the absence of the concept and reality of the Trinity in the NT.

The Church of the Apostles elected Matthias to fill the number Twelve of the "college" of Apostles (Acts 1:21-26). In canonical terminology, this was a collegial act. The Apostles preached the gospel in obedience to Christ's mandate (Mt 28:19); and those who received the word were baptized with water (Acts 2:41). They "devoted themselves to the Apostles' teaching and fellowship (*koinonia*: communion), to the breaking of bread" (2:42). They "broke the bread," that is, celebrated the Eucharist on the first day of the Week in memory of the risen Lord, who at the Last Supper had done so with his disciples and commanded them "Do this in memory of me" (Lk 22:19). This set the pattern for the Sunday liturgy, which the Church celebrated in obedience to the commandment of the Lord and passed into canon law. The Eucharist was the supreme expression of ecclesial *koinonia*.

The *koinonia* in the Jerusalem Church at first included the voluntary sale of private property. The Church administered property in common and individual needs were met by the community (Acts 2:44). But when complaints arose that the Hellenist widows were neglected in the daily ration, the Apostles proposed the election of seven Hellenists by the community and appointed them to meet this emergency (6:1-6). They were not made officials on a permanent basis, although in later tradition they were sometimes regarded as the prototype of deacons. The Hellenist emergency was of short duration, at the end of which the Seven dispersed. Stephen preached in Jerusalem and was lynched by the mob thus becoming a martyr (Acts 7:2-60) whereas Philip moved out on his preaching mission to Azota and to Caesarea (8:40).

During the crisis of famine (49 A.D.) the mother Church of Jerusalem was helped by other local Churches, with officially ordered collections

(1 Cor 16:3; 2 Cor 9:13). The Apostles preached the gospel in Samaria (8:14-17), where Peter and John were sent on their mission by the Church of Jerusalem. Likewise the Church of Antioch sent Barnabas and Saul on their gentile mission after imposing hands on them (13:1-4), thus giving them an official mandate. When a dispute over the law of circumcision arose in Antioch and it could not be resolved locally, it was referred to the Church of Jerusalem as to a higher instance. The matter was settled "synodically" by the Jerusalem Council of the Apostles and the elders (15:1-29), which thus became the prototype of the later ecumenical councils. Here was the first exercise of final (supreme) Church authority resolving a disputed question of theology of law that circumcision was not obligatory for Christians.

Elements of the earliest church order include the following. The ministry of the word in evangelization includes baptism in the name of Jesus Christ or the Trinity (1 Cor 1:14; Mt 28:19). The Eucharist effects and expresses not only *koinonia* with the Lord but among the participants as the body of Christ (1 Cor 11:17-26). They must first examine themselves in order to be able to celebrate it in a manner not unworthy of the body and blood of the Lord (11:27f). For example, incest disqualifies for participation at the Eucharist and must be punished with expulsion from the community (1 Cor 5:1-5), an act of "excommunication" or "corrective quarantine," sanctioned by the Lord himself, who has given to the Church the power "to bind and to loose" (Mt 16:19; 18:17-18) and the power of the Holy Spirit "to remit sins or to retain them" (Jn 20:23).

Christians form one body, the (mystical) body of Christ, and are its members endowed with various charisms (1 Cor 12:1-14:33). These charisms are, however, to be used "properly and in an orderly manner" (14:40), which is a "command of the Lord" (14:37). *Koinonia* extends to the other local Churches and is expressed, for example, by means of aid to the poor of Jerusalem (Rom 15:25f). If controversies occur among the Christians, they are to be settled in the Church itself but not taken before gentile judges (6:1-11): Pauline canon law provides for ecclesiastical judiciary.

Celibacy is laudable but is to be voluntary also for the ministers of the Church (1 Cor 7: 8f; 25f), just as marriage is voluntary. But marriage should be a Christian marriage, "in the Lord" (1 Cor 7:39). Divorce is prohibited by the Lord's command (1 Cor 7: 10-12; Mk 10:11f; Mt 5:32; 19:9; Lk 16:18). The gospel does not require unnecessary changes in the

established social order; hence women are to continue to use the veil to cover their heads in the liturgical assembly (1 Cor 11: 2-16). They are not to address it (14:34-40).

If a woman spoke in an assembly in pre-loudspeaker times, she would not be heard by all since the feminine voice "by nature" is soft and feeble. The prevailing social mores was therefore "word for man, silence for woman." In the Christian assembly or ekklesia, too, the same customary law was to hold, St. Paul ruled. The "misogyny" of St. Paul, denounced especially by feminists today, amounts in reality to his refusal to change a "law of nature" or customary law. That law has naturally lapsed in the age of loudspeakers and needs to be interpreted having regard for the historical dimension of law.

There is to be continuity also in the institutes of the family (Eph 5:21-6:4; Col 3:18-21) and of slavery (Eph 6:5-9; Col 3:22-4:1), in civil and political life (Rom 13:17), in the duty to work (2 Thes 3:6-15, cf. 2 Jn 10). There can be legitimate pluralism in the observance of the dietary laws (Rom 14). In the matter of food offered to idols individuals are to decide according to their conscience (1 Cor 8; 10:23-11:1).

The instructions and norms given in the pastoral letters specify the qualities required of "bishops," that is, overseers/elders (1 Tim 3:1-7; 5:17-22; Tit 5-9), of deacons both men and women (1 Tim 3:8-13), and of widows (5:3-11) in view of their service of the community. Overseers are chosen by "the Holy Spirit to care for the Church" (cf. Acts 20:28) and are installed in office with the laying on of hands by "the council of elders" of the local Church (1 Tim 4:14), a rite that will be called later ordination. They are appointed as pastors to serve "the Chief Shepherd" by shepherding his flock. They are not to domineer over the flock but must set an example, as did their "fellow elder" Peter (1 Pt 5:1-4). The sick are to be cared for by the presbyters/elders in particular with prayer and anointing with oil (Jas 5:14).

The exercise of authority in the Church is a service to the community even up to self-sacrifice, after the model of the Lord Jesus himself (Mk 10:42; Mt 20:25; Lk 22:25). Ministry redeems the personal profession of love through the deed of service (Jn 21:15-17). The ministers of the gospel do not lose their right to marry (1 Cor 9:5) but are not remarry as widowers (1 Tim 5:9). They have the right to be supported by the believers (9:6-14). The deacons, like bishops, are to be husbands of one wife (that is, married only once), are to be appointed only after a

successful test. "They must hold fast the mystery of faith with a pure conscience"(1 Tm 3:2, 9-12).<sup>24</sup>

These and other such NT rules and directives (e.g. 1 Pt 2:13-3:7) are norms of church order. They constitute the canon law of the Church of the Apostles. They are concrete disciplinary norms regulating the life of the Church. Some of them hold fast to the established order of behaviour. This includes the phenomenon of the survival of the Old Testament legislation in the Church, which needs to be discussed separately.

### 3. The New Covenant and the New Law

The new covenant, announced already by the OT prophets, does not annul the old covenant, but renews and deepens it. Consequently, the OT Law is not abolished by the NT law but is brought to fulfilment (Mt 5:17). Jesus fulfils the prophecy, "I will make a new covenant with the house of Israel and the house of Judah.... This is the covenant I will make: .... I will put my law within them, and I will write it upon their hearts; and I will be their God, and they shall be my people" (Jer 31:31-33). The heart on which the law of God is written is a new heart responsive to the Spirit of God. "A new heart I will give you, and a new spirit I will put within you; and I will remove from your body the heart of stone and give you a heart of flesh. I will put my spirit within you, and make you follow my statutes and be careful to observe my ordinances" (Ez 36:26-27). Thus the new covenant is associated with the new law written on the heart, a new heart moved by the Spirit of God. Jesus establishes the new covenant in his blood (the Eucharist) at the Last Supper (Lk 22:20) and gives a new law, "the law of the Spirit of life in Christ Jesus" (Rom. 8:2).<sup>25</sup>

In the biblical theology of the covenant a 'new covenant' (Jer. 31:31) implies a 'new law.' But instead of the term 'new law' what we find in the NT is the Johannine 'new commandment' (Jn 13:14), the Pauline 'law of Christ' (Gal 6:2), and 'the perfect law, the law of liberty' in James (Jam 1:25). The concept of the 'new law' coheres with the related ideas of a 'new creation,' the 'new man' and the new People of God (cf.

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<sup>24</sup>Evidence for "*mysterium fidei*" meaning the Eucharist is later.

<sup>25</sup>I. Da Conceição Souza, *The New Covenant in the Second Letter to the Corinthians*, Rome, 1978; D. Cancian, *Nuovo Comandamento, Nuova Alleanza. Eucaristia* (Gv. c. 13), (Collevalenza, 1978) 19ss; T. J. Deidun, *New Covenant Morality in Paul*, (AB, 89), 1981.

2 Cor 5:47; Gal 6:15; Col 3:14; 1 Pt 2:9). The new law is given by the New Moses, the Prophet foretold by Moses himself: "The Lord your God will raise up for you a prophet like me from among your own people; you shall heed such a prophet..." (Dt 18:15-18). The Jews are still waiting for this prophet to appear, but Christians believe that he has come in the person of Jesus of Nazareth, son of Mary and Son of God, "the mediator of a new covenant" (Hb 8:6; 12:24).

Under the new covenant, the law, written on the heart and not on external tablets in dead letters, should be observed to perfection in imitation of God's covenant virtue of *hesed* (Mt 5:17; 2 Cor 3:6). Christ's Sermon on the Mount is the articulation of this new law by the new Moses to the true Israel. Christ is the 'new Moses' in the sense that he is the mediator of the new covenant, and his teaching is the 'new Torah,' that is, the new law.<sup>26</sup> In its essence the new law is not a code of laws of the moral or juridical order but the very life of Christ, which is to be lived by the believer and striven after as an ideal under the empowering action of the indwelling Spirit of Christ. Jesus does not set aside the old law – he tells the leper he cured to "offer the gift that Moses commanded" (Mt 8:4) – but perfects it. The new law bids us to set first things first with a concern for the new covenant relationship between God and Man. Thus it surpasses by far the righteousness of the scribes and the pharisees who were concerned with the observance of the Law of Moses in a legalistic manner: that is, first, merely external, irrespective of one's interior dispositions, intentions and motives, which determine the moral quality of human actions; second, casuistic, not with human orientation but case-centred, and hence prone to sacrifice human values; third, literal, guided by the written letter, and not by its spirit, and so, intent on looking for loopholes for escape, as often happens in secular jurisprudence (cf. Mt 5:20-48; 23:16-28; Mk 7:1-23).

The Law, which was given by God for the pre-Messianic times, was not fitted for the new times. According to the rabbinic reckoning there were 613 commandments (365 Do's and 248 Don'ts) in the Pentateuch. It was a medley of moral, ritual, and civil laws, which could create the impression that they were of equal importance. As the Messiah

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<sup>26</sup>This is well explained by W. D. Davies in his *The Sermon on the Mount* and, with a more ample treatment, in his *The Setting of the Sermon on the Mount*.

Jesus taught that there is a hierarchy of laws, “weightier matters of the Law, namely justice, mercy and faith,” which ought to be observed without neglecting the others (Mt 22:23). But the first and greatest commandment is to love God with one’s whole heart and the second is to love other human beings as oneself (Dt 6:5, Lev 19:18). This is the Hauptgebot (“chief commandment”) of covenant love (Lk 10:25-37), so much so that “one who loves one’s neighbour has fulfilled the Law,” according to the Pauline synthesis (Rom 13:8). And as the law of Christ perfects the law of Moses, it is “the perfect law” (Jas 1:25). The Second Vatican Council teaches (LG 9):

The messianic people has for its head Christ...., has the dignity and freedom of the children of God, ... has for its law the new commandment to love as Christ himself has loved us (Jo 13:14). And it has for its goal the kingdom of God inaugurated on earth by God himself ... and will be brought completion ... when creation itself will be freed from corruption and obtain the freedom of the children of God” (Rm 8:21).

#### 4. The NT Theology of the New Law

The Apostles taught what they had learnt from Jesus their master and teacher. But their role was not to repeat parrot-like the words of Jesus, who had fulfilled the Law and the prophets. The Apostles had to explain above all the relationship between the Law of Moses and the new law of Jesus. We shall consider two leading NT writers, namely St. Paul and St. John.

##### 4. 1. Pauline Theology of Law.

“No area of Pauline studies has undergone more sweeping revision in the last half century than the Apostle’s view of the Law, [which] has required a reassessment of Christian, and especially Protestant assumptions about the Law,” writes F. Thielman.<sup>27</sup>

In the Pauline writings Law is a prominent theme. Paul uses the Greek word *Nomos* 142 times using it in many of its several meanings. Sent by the risen Christ to bear his “name before gentiles, kings and the children of Israel” (Acts 9:15), Paul declared himself a “minister of the new covenant” (2 Cor 3:6), “an ambassador of Christ” (5:20; Eph 6:20). In the Hellenistic period, ambassadors were “sent by the Greek cities

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<sup>27</sup>F. Thielman, “Law,” in Gerald F. Hawthorne, et alii, eds., *Dictionary of Paul and His Letters*, 529.

to each other and to the kings"<sup>28</sup> Professing to be "a Jew" (Acts 22:3) and believing "everything contained in the Law or is written in the prophets" (Acts 24:14), Paul claimed to be "blameless as to the righteousness under the Law" (Phil 3:6).

Note that "νόμος" has also a specifically Greek meaning, namely an abstract or personified principle, or force, or instinct, or nature, as in the writings of Saint Paul: "I delight in the Law of God in my inmost self, but I see in my members another law at war with the law of my mind, making me captive to the law of sin that dwells in my members" (Rom 7:23). In order to ascertain in which of these various meanings "νόμος" is being used in any given instance, the context must be examined. Thus, contrary to what has sometimes been supposed, ὁ νόμος ("ho νόμος," with the Greek article) does not always mean the Law of Moses, nor does the absence of the article imply that what is meant is law in general or the legal system. We have to look at the context to find the key.<sup>29</sup>

Accused of being an enemy of the Mosaic Law, Paul wrote: "Do we then overthrow the Law by this faith? By no means! On the contrary, we uphold the Law" (Rom 3:31). That echoes Jesus who stated that he did not come to abolish the Law and the Prophets but to fulfil them. Stephen was misunderstood as stating that Jesus would "change the norms given by Moses" (Acts 6:14). Paul asserted that he was "not under the Law" (1 Cor 9:20) but claimed to have observed the Law 'with the strictness of a Pharisee' (Acts 25: 8; 26:5). Here is a paradox, which gains in intensity with his statement "Christ is the end of the Law" (Rom 10:4 cf. Lk 16:16-17).<sup>30</sup>

The Law was an "addition" to the promise made to Abraham (Gal 3:15-18). It had the function to lead believers (children of Abraham, the prototype of believers in God) to Christ. "The Law was our custodian (paedagogus) to lead us to Christ (in Christum, eis Christón)," writes Paul to the Galatians (Gal 3:24).<sup>31</sup> Its function was "tutorial," to lead

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<sup>28</sup>TLNT 3, *presbeía*, pp. 172-176, at p. 172.

<sup>29</sup>Norbert Baumert, "Νόμος mit und ohne Artikel," *Nomos*, pp. 28-35.

<sup>30</sup>Hans-Peter Riermeir, "Höchste Stufe' von Gesetz ist Christus," in: Norbert Baumert, ed., *Nomos*, pp. 385-398.

<sup>31</sup>The following translations are incorrect and misleading: "the law was our disciplinarian until Christ came" (NRSV); "The law was thus put in charge of us until Christ should come" (REB); "the law was our guardian until Christ came (ESV). It is not a question of the *time* of Christ's coming

Israel to the school of Christ. In this sense “Christ is the end of the Law” (Rom 10:4), not that Christ puts an end to Law but that he is its scope: “*finis (telos) enim legis Christus ad (eis) iustitiam omni credenti.*” The slave-tutor who has taken the child to the schoolmaster has done his duty and ceases to be a custodian. Thus the Law ceases to have power over Christians, who become free of its guardianship and enjoy the freedom of a major or of an adult in God’s family (Gal 3:25). This is freedom in Christ (5:1), Christian freedom. The change takes place in the person, not in the legal system. The growth is towards filial freedom, (Phil 2: 3-7; cf. Jn 13:1-17), the freedom to “fulfil the law of Christ” (Gal 6:2). “The law of Christ is the law of love, and it includes the moral norms found in the OT law, although it is not exhausted by those norms. Furthermore the law of Christ can only be fulfilled by the power of the Holy Spirit.”<sup>32</sup> This law of Christ is called “the perfect law, the law of liberty” by James (Jas 1:25).

Christian liberty, therefore, does not consist in freedom from law but freedom under law. Indeed, Christians should submit to civil authorities and laws, as a matter “of conscience” (Rom 13:1-7). Indeed, to claim freedom from all law or to advocate lawlessness is to follow the example of Satan (cf. 2 Thes 2:9).

Paul was misunderstood already in NT times (2 Pt 3:16). Indeed, there is still no little confusion on the nature of both law and liberty in the Church.<sup>33</sup> Paul taught the ideal of mature Christian conduct in response to the action of the Holy Spirit (Gal 5:18; Rom 8:2-5). But he was a realist well aware of the fact that the Christians were still burdened with their “flesh” and did not always meet the ideal of the new law (1 Cor 13), life in the Spirit. “But I, brethren, could not address you as spiritual men, but as men of the flesh (1 Cor 3:1). So he gave them “baby food” (3:2) and “admonished them as ... children” (4:14). This realism of St. Paul gets poor press in discussions on Christian freedom. Paul gave several directives to the Corinthians and laid down most of his canonical norms in the Church of Corinth. “All things are to be done decently and in order” (1 Cor 14:40).

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(“until”). Rather Christ is the *goal* (cf. Greek *eis*) of the Law since he is the “Word of God” in person and the fullness of the Law.

<sup>32</sup>T. R. Schreiner, “Law of Christ,” *Dictionary of Paul and His Letters*, 542-544, at p. 544.

<sup>33</sup>S. Lyonnet, *La legge e la libertà del popolo di Dio* (Bologna: Dehoniane) 1968.

Like the Apostle Paul, the Church has been taught by experience. And canon law is a constant reminder (which is not very pleasant!) that we Christians "are still of the flesh." But the Church may not simply ignore that there are also mature Christians. To quote St. Thomas Aquinas: "There are others who are so disposed as to do on their own what the law commands.... They are therefore 'a law unto themselves' (Rom 2:14), as they have love which takes the place of law and inclines them to act generously."<sup>34</sup>

Again, discussing the question about the need for faith St. Thomas Aquinas states: "Christians are those who are of Christ; it is said of someone that he is of Christ not only because he has faith in Christ, but also because he performs virtuous actions in the spirit of Christ."<sup>35</sup>

Those whose love inclines them to do even more than the minimum demands of the law are free from the coercibility of law. But those who have not attained this perfection are under the law and are "no better than a slave" (Gal 4:1). The ordinary Christian, the common Man – you and I – is a strange mixture of the slave and the son. There is only one perfect son, the Son who is in the bosom of the Father, the Father's Word, the new Law and lawgiver.

In the Protestant Reformation controversy over "Law and Justification" law has suffered theological loss. Some Churches and ecclesial communities issuing from the Reform speak of church order rather than canon law, as for example, the Presbyterian Church, U.S.A. "Covenant life marked by a disciplined concern for order in the church according to the Word of God [is one of the] great themes of the Reformed tradition."<sup>36</sup> The same concern is reflected in the "Faith and Order" commission of the World Council of Churches. Order, however, is no adequate theological substitute for law. Paul wrote to

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<sup>34</sup>"Alii vero sic sunt dispositi ut ex seipsis sponte faciant quod lex jubet... Igitur sibi ipsi sunt lex' (Rom 2:14), habentes charitatem, quae eos loco legis inclinatur et liberaliter operari facit." (*Contra Gentiles* III c. 128; cf. also *In III Sent.*, d. 37 a. 1 q. 1 ad 5; I-II q. 96 art 5).

<sup>35</sup>STh II -II q. 124 art. 5. Answering the question whether dying for the common good could be martyrdom, Thomas stated: "Human good can become divine good if it is referred to God; therefore any human good can be a cause of martyrdom in so far as it is referred to God" (*ibid.*, art 3).

<sup>36</sup>*Constitution of the Presbyterian Church (U.S.A.): Part II, Book of Order*, published by the Office of the General Assembly, Louisville, 1988; chapter 2, "The Church and Its Confessions," G-2.0500.

the Corinthians “Let all things be done decently and in order” (1 Cor 14:40). But he not only put order in the Church of Corinth but wielded his authority as an Apostle of Jesus Christ to correct abuses and to establish genuine Christian life. Thus he overruled the customary order obtaining there in the prayer assembly which had followed the social order contrary to the fundamental equality of all Christians. Thus, for example, in India the Church cannot adopt (in the name of inculturation) the “order” of the four castes of traditional Hindu society, in which those of the fourth caste (śūdra) are outcastes without any human rights.

Paul not only asked that everything be done decently and in order but claimed to have authority to set things in order (1 Cor 11:34), an authority which he received and exercised as the as an Apostle of the Lord Jesus Christ (2 Cor 11:3). At Ephesus he charged the overseers (*episkopoi*) appointed by “the Holy Spirit to shepherd the flock of God” to take care of the local Church (Acts 20:28). In the Pastoral letters, Timothy and Titus are charged to attend to the Churches founded by Paul especially by introducing or reinforcing the service structures of bishops/presbyters and deacons.<sup>37</sup>

#### 4. 2. Law and Truth in John

Judging by the low number of times it occurs in the Johannine writings (18 times) law may not seem to be a very important theme in contrast to the letters of Paul (135 times). John uses more often “commandment” (29 times), which is a synonym for law. “I know that his commandment is life everlasting” (Jn 12:50); “I give you a new commandment that you love one another” (Jn 13:34). The Law of OT is resumed and encapsulated in the new commandment of love, which is the “commandment we have from him, that he who loves God should love his brother also” (1 Jn 4:21). This commandment is the law of Christ, which perfects the law of Moses. Among the writings of John we shall focus on the Gospel, in which the word “law” appears in the prologue, which is an indication of its thematic importance.

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<sup>37</sup>Brown notes that “about 80 to 90 percent of modern scholars agree that the Pastorals were written after Paul’s lifetime” (p. 668), which leaves 20 to 10 percent for me to side with. That the theme of the Pastorals is different from that of Romans and Galatians is no decisive argument. But the personal authorship of the Pastorals by Paul is not important for the present discussion.

"The Law was given through Moses; grace and truth came through Jesus Christ" (Jn 1: 17).

This verse has been much written about and variously interpreted. The Lutheran tradition has generally seen in it a radical opposition between law and grace, especially with reference to certain Pauline passages (Rm 4:16; 6:14f; Gal 5:4). But the relation between law and grace is synthetic and progressive, not antithetic and mutually exclusive, as we shall see.<sup>38</sup> The Law given through Moses was God's gift; but the gift of the Word made flesh (incarnate) in Jesus is a grace that completes and hence takes the place (cf. Greek *anti*) of the earlier gift of the Law.

In the Gospel of John the term "law" (*nómos*, in Greek) occurs 15 times, always in the sense of the Mosaic law and always in a positive light. The term "grace" (*cháris*, in Greek) occurs only four times in the Johannine writings: thrice in the Prologue (Jn 1:14, 16, 17) and once in 2 Jn 3. But the term "truth" is very prominent and occurs 34 times (25 times in the Gospel, 8 times in 1 Jn, 5 times in 2 Jn, and 6 times in 3 Jn). Truth is all pervasive and fundamental in John. In the Prologue of the Gospel "grace and truth" are coupled and occur twice: "And the Word became flesh and dwelt among us, full of grace and truth" (1:14).<sup>39</sup> And again,

The Law was given through Moses; grace and truth (*hesed* and *emet* in Hebrew) came through Jesus Christ (1:17).

This latter verse has caused rivers of exegetical ink to flow contrasting law to grace.

But it is important to pay attention to the coupling of "grace and truth" in the rhetorical device or figure of speech called hendiadys in Greek.

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<sup>38</sup>The term "opposition" is taken from logic and refers to the relation between two different concepts but does not imply rivalry or contest in a sociological sense. See D. A. Carson, *The Gospel According to John* (Inter-Varsity Press: Leicester / Erdmans: Grand Rapids) 1991, 1996, pp. 131-134; Jey J. Kanagaraj, *The Gospel of John: A Commentary* (OM Books: Secunderabad) 2005, pp. 60-61.

<sup>39</sup>Raymond Brown writes: "The 'grace' and 'truth' of 1:14 probably reproduce the famous OT pairing of *hesed* and *emet* *hesed*, i. e., God's *kindness* (mercy) in choosing Israel independently of any merit on Israel's part and God's enduring fidelity to the covenant with Israel that expresses this kindness" (*Introduction*, p. 338).

In hendiadys (hen-dia-dys = “one-in-two”) there are two coordinated substantives of which one functions as an adjective as regards meaning. Here is an example. “The queen bowed her head, adorned with gold and crown.” Instead of saying “golden crown” (a substantive qualified by an adjective) two substantives are combined (“gold” and “crown”). Likewise there are some instances of the use of hendiadys in the NT. One, “It is the spirit that gives life;...the words that I have spoken to you are Spirit and life” (Jn 6: 63), that is, life-giving spirit. Two, Jesus speaks of the need “to be born of water and Spirit” (Jn 3:5). He does not mean two births, one of water and the other of Spirit, but a single birth from water energized by the Spirit (hendiadys). Three, John the Baptist says of Jesus, “He will baptize you with the Holy Spirit and with fire” (Lk 3: 16). Four, “true worshippers worship the Father in Spirit and truth” (Jn 4:23, 24). Five, Paul writes: “My speech and my proclamation were not with plausible words of wisdom, but with a demonstration of the Spirit and of power” (1 Cor 2: 59, that is, the power of the Spirit).

Now, if “grace and truth” in the prologue of John (1:17) is seen as a hendiadys, it follows that these are not two different realities but a single reality, namely, fidelity (“truth”) enduring as grace. It represents the Hebrew *hesed we emet* rendered by the LXX with *eleos kai alétheia* to refer to the covenant mercy of God (cf. Exod. 34:6). This mercy is revealed in its climax in God’s sending his incarnate Son. The key word in this hendiadys is not “grace” but “truth.” The “Law” given through Moses is perfected through its “truth” that has come with Jesus Christ, who as the Word become flesh is “full of grace and truth” (Jn 1:14) and will claim “I am the truth” (14:6).<sup>40</sup> There is no opposition between “Law” and “grace.” Augustine says: “The Law was given that grace may be sought, grace was given that the Law may be fulfilled (*Lex data est ut gratia quaeretur, gratia data est ut lex impleretur*).”<sup>41</sup> A paraphrase of Jn 1:17 can be as follows. The Law was a gift of God given through Moses, but the Truth of that Law has been given through Jesus Christ. Thus “Law” and “truth” are not antithetic but synthetic. John does not pit grace against law or oppose the gospel of Jesus to the law of Moses.

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<sup>40</sup>Ignace de la Potterie, “La verità in san Giovanni,” *Atti della XVII Settimana Biblica* (Brescia, 1964) 123-144.

<sup>41</sup>Cited by Walter Kasper, “Law and the Gospel,” SM 3, 297-299.

### 4. 3. The NT Synthesis

The NT theology of law is contained mostly in the writings of Matthew, Paul and of John. Among the other NT writers James speaks of the "perfect law of liberty" (James 1:25). The first letter of Peter speaks of "honour due to political rulers" (1Pt 2:17), "submission due to elders" (5: 5), who in their turn "should be examples to the flock and not lord it over those entrusted to them" (5:3). "Be subject for the Lord's sake to every human institution, whether it be the emperor as supreme or to governors. Live as free men, yet without using your freedom as a pretext for evil; but live as servants of God." (1 Pt 2:13,16).

The twin law of love of God and love of Man synthesizes the theology of law in the NT. This love, however, is no romantic love, but sacrificial love, the love with which Jesus the Messiah loved by laying down his life for sinners, even his enemies (Jn 13:1; 15:13; Rom 5:6-10). For Jesus love rhymes with obedience to the Father's commandment (Jn 10;17-18). "Although he was a son, he learnt obedience through what he suffered; and being made perfect he became a source of eternal salvation to all who obey him" (Hb 5:8-9). Loving obedience (or obedient love) brought about a 'mutation' in Christ, and an analogous mutation is effected in all who obey him.<sup>42</sup> Our love for him consists in and is conditioned by our obedience to his commandments (Jn 15:10,14). In the last judgement the only issue is love or works inspired by love (Mt 25:31-46). Love is extremely demanding and totalitarian (1 Cor 13:4-6). Perfect love is a gift of grace, the highest charism of the Spirit of God (1 Cor 12:31; 13:13). Thus it comes about that "if you are led by the Spirit, you are not under the Law" (Gal 5:18). The 'fruits' or works of the Spirit not only comprise but surpass the works of the Law and any legal obligation (Gal 5:23). The Spirit frees you from the Law and enables you to fulfil the law of Christ (Rom 8:2; Gal 6:2). Thus you are free and there is no law against you (Gal 5:23). "Ama et fac quod vis" (love, and do what you will) is Augustine's classical synthesis.

This does not mean anomism, lawlessness. Paul asks: "Does this mean that we are using faith to undermine Law? By no means: we are placing Law itself on a firmer footing" (Rom. 3:31 NEB). "The Law is good, provided it is handled according to the Law" (1 Tim 1:6-8 cf. JB).

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<sup>42</sup>Albert Vanhoye, *Situation du Christ: Hebreux 1-2*, (Lectio Divina, 58), (Paris, 1969) 323, 324, 393.

Love is the fulfilment of law. And it is salutary or salvific, too. Karl Rahner writes:

Whenever a genuine love of Man attains its proper nature and its moral absoluteness and depth, it is in addition always so underpinned and heightened by God's saving grace that it is also love of God, whether it be explicitly considered to be such by the subject or not.<sup>43</sup>

Identified with love, the new law is basically metajuridical. It is the vital force of life imparted by the grace of Christ; it is the life-giving and empowering Holy Spirit in person, abiding in and prompting the hearts of the children of God to beat in unison with the Trinitarian love. It is not simply the teaching of Jesus or his verbal command of love. "Jesus himself – in word and deed or fact – is a new Torah," as St. Paul understood the new law.<sup>44</sup> The glorified Lord Jesus, speaking and acting through his Spirit in the Church is the Word of God, the New Law in *sensu pleniori*, in the fuller sense. Such a vision also shows that it is misleading to pit John against Peter, the former personifying love and the latter law. What the law of the Church or canon law articulates is basically the love commandment in its manifold applications. And as such it is salvific law.<sup>45</sup>

## 5. Covenant Law in Christian Tradition

In the early Church the covenant theme was felt to be so central that the entire holy scripture was designated by it, divided into two, the Old Covenant and the New Covenant. But the Greek term *diathéké* and the Latin term *testamentum*, which were used to translate *berit* (covenant), imply the death of the testator and hence seems to have worked negatively on the theme of the covenant in the Greek and Latin traditions. In the early Syriac Church, however, a vivid covenant consciousness was particularly alive, as Arthur Vööbus has noted.

We are first impressed with the covenant-consciousness in the primitive Syrian Christianity. The Christian faith is perceived as a new covenant, and this is the decisive factor determining all others in the understanding of the new religion, even to the shaping of its

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<sup>43</sup>Karl Rahner, "Reflections on the Unity of the Love of Neighbour and the Love of God," p. 237.

<sup>44</sup>W. D. Davies, *Paul and Rabbinic Judaism* (London: 1962 (1948) 148.

<sup>45</sup>Thomas Kuzhinapurath, *Salvific Law: Salvific Character of CCEO*, (Trivandrum: MS Publications, 2008).

implications. The covenant (qeiāmā) assumes the structural position of moulding all its theology, ethics and organization.<sup>46</sup>

The early Syriac Church resembled very closely the biblical religion. It carried on a tradition in continuity with the Church of the New Testament (1 Cor 11:25; 2 Cor 3:6). For example, Aphrahat, the first Father of the Syriac Church, saw law in relation to the covenant.<sup>47</sup> Such a view corresponds to the biblical theology of the covenant as the foundation of law in the Church. A close study of the Demonstrations of Aphrahat shows that in them the covenant is the basis of Christian life and of law.<sup>48</sup> One advantage the Syriac Church had was terminological. Like the Hebrew word berith the corresponding Syriac term qyāmā does not have the connotation of death unlike diathéké in Greek and testamentum in Latin. The Greek and Latin traditions were seemingly handicapped in exploiting more fully the covenant theme owing to the implication of the death of the testator – God is immortal (athānathos) and does not die. However, the covenant theme was not wholly missed by the Greek Fathers. For example, St. Basil the Great writes:

The Lord who gives us life established with us the baptismal covenant, which carries upon it the image of death and life. For "baptism is not a removal of dirt from the body, but a conscientious promise made to God" (1 Pt 3:21). For this reason, the Lord, to prepare us for the risen life, lays before us all the gospel precepts.<sup>49</sup>

Baptism is a covenant in which the candidate promises to live according to the gospel precepts. Here Basil understands correctly the biblical text (1 Pt 3: 21), which is often translated ineptly, as for example: "baptism, which this prefigured, now saves you — not as a removal of dirt from the body, but as an appeal to God for a good conscience" (NRSV). An alternative version given in a note "or a pledge to God" expresses more accurately the idea that baptism is the sacramental inauguration of the new covenant relationship. The covenant theme, which dominates the whole scripture, is basic to

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<sup>46</sup>Arthur Vööbus, *History of Asceticism in the Syrian Orient*, vol. 1, (CSCO, 184) (Louvain: 1958) 12.

<sup>47</sup>George Nedungatt, *Covenant, Law, and Pastoral Ministry in Aphrahat*, Kanonika (Rome: PIO), forthcoming.

<sup>48</sup>George Nedungatt, "The Covenanters of the Early Syriac-Speaking Church," OCP (1973) 191-215; 419-444.

<sup>49</sup>Basil of Caesarea, *On the Holy Spirit*, chapter 15: 35-36.

baptism (Gorden Kuhrt, *Believing in Baptism*). Baptism is a sacrament that initiates the covenant relationship with God, whereas the Eucharist renews it.

In the Latin tradition, too, the word *testamentum*, which was used to render “covenant,” seems to have been a handicap, since it involves the notion of the death of the testator. In fact a theology of the covenant did not develop in the Latin tradition till recently. However, St. Thomas Aquinas was too great and acute a mind not to sense the force of an underlying biblical theology of the covenant. Thomas speaks of people who belonged to the dispensation of the Old Testament who, through “charity and the grace of the Holy Spirit,” were really under the new covenant dispensation. Though love, the greatest gift of the Holy Spirit, is the prime force in the New Testament dispensation, law too has a place in it. Thomas writes:

There were, however, some in the dispensation of the Old Testament, who had charity and the grace of the Holy Spirit, and were chiefly concerned to live awaiting the spiritual and eternal promises. And in this respect they belonged to the new law. Similarly, also in the New Testament (dispensation) there are some persons who are carnal [“carnales”] and who have not yet arrived at the perfection of the new law. Because of these persons, it was fitting also in the New Testament that such persons are induced to acts of virtue through the fear of punishments and through the promise of temporal goods.<sup>50</sup>

The “carnales” of the New Testament dispensation and the “spirituales” of the Old Testament dispensation criss-cross in real life. Thomas writes about the former that “they belonged to the new law,” that is, “they belonged under the new covenant.” But with the use of *testamentum* in Latin, such a phrasing was difficult for Thomas. What is said here of the people of the Old Testament, is applicable analogously, also to the followers of other religions who have “charity and the grace of the Holy Spirit” and thus belong to the new covenant. Thomas writes:

Some are so disposed that spontaneously they do on their own what the law commands. ... Therefore, they are a law unto themselves, having charity, which, taking the place of law, inclines

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<sup>50</sup>Thomas Aquinas, *Summa Theologica*, I-II<sup>ae</sup> q. 107, art. 1, ad 2.

them and moves them to action without having to use compulsion.<sup>51</sup>

Thomas refers to the words of St. Paul that the law is not enacted for the just (1 Tim 1:9), which is an axiom of the ancient Greek philosophy of law.

Law is not enacted for the just, that is to say, the just person is not coerced by external law... And this is the supreme grade of human dignity that a person be not induced by others to the good but only by oneself.<sup>52</sup>

This does not mean that the just person is not obliged to observe any law at all, as the anomians of old claimed. Socrates had replied to the Sophists, the philosophical "anomians" of his day: "a just man obeys even the bad laws of the State, so that others may not be induced to disobey the good law of the State."

Human persons are open to communion in interpersonal relations and tend to live in society. Of this society the prototype is the Holy Trinity of Father, Son and Holy Spirit and its primary natural realizations are the family and the state. The Church is an earthly reflection of the Trinity. In particular, the religious institutes approved by the Church are called to reflect the Trinitarian unity. Following the Second Vatican Council (LG 45, PC 1, AG 18) both the codes speak of "new forms of consecrated life," the approbation of which is reserved to the Apostolic See of Rome; but bishops and patriarchs are asked to discern them to ascertain "whether they are a gift of the Holy Spirit to the Church" and if they are to "promote and help them so that their objectives may be better expressed and protected with suitable statutes" or rules (CIC c. 605, CCEO c. 571). This applies to Catholic ashrams in India and their equivalents.

The history of the Church shows that from the early times wandering monks not seldom created trouble and gave scandal and therefore councils enjoined bishops to keep watch over them and even punish delinquents. "The autonomy of the creature does not grow in inverse but in direct proportion to the degree of the creature's dependence on,

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<sup>51</sup>Thomas Aquinas, *Summa Contra Gentiles*, III, c. 128.

<sup>52</sup>Thomas Aquinas, *Commentarium in Epist. ad Romanos*, 2, lec. 3.

and belonging to God."<sup>53</sup> For Christians this dependence involves submission to the law of the Church.

### Conclusion

The siren call of "lawlessness" (1 Thes. 2:9-10) is a perennial temptation and is endemic to Church. Some see Jesus founding "a free church of brothers and sisters," in which he wanted things "to happen anarchically, without authority."<sup>54</sup> The theology of liberation rightly highlighted the liberation of the people of Israel from slavery in Egypt; but not a few liberation theologians seem to have viewed law itself as bondage, and all power as tyranny. Some who viewed God as the champion of the freedom of Israel failed to notice that it was a freedom to live under the law of the Sinai covenant articulated in the codes of the Pentateuch. This covenant was renewed and perfected in the new covenant of the Messiah, Jesus Christ, who gave a new law of love. Those who believe in Christ and receive the Spirit of Christ are endowed with the gifts of this Spirit or charisms, which are given for the good of the community but without excluding the good of the charismatic.<sup>55</sup> There is no opposition between charisms or grace and law. Canon law attempts to articulate the lifestyle of the Church, which is the Body of Christ, energized by the Holy Spirit and is destined to grow to its full stature through history and across cultures in an organic way and in an orderly manner.

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<sup>53</sup>Karl Rahner, "Thoughts on the Possibility of Belief Today," *Theological Investigations* 5, p. 12.

<sup>54</sup>Regina Bohne, *Das katholische System*, p. 46.

<sup>55</sup>Albert Vanhoye, "Legge, carismi e norme di diritto secondo San Paolo."