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## Latin Patristics

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possible by the historical destruction of Jerusalem (*Hom. Jes. Nav. 2; Comm Rom. 6.7*). This historical calamity was divinely superintended, Origen wrote, and inaugurated the spiritual observation of the law. Origen admits that a transitional period occurred in the generation after Jesus, when Peter and Paul observe the old law in some cases: food laws, circumcision, sacrifices of purification (Acts 21:26; 1 Cor 9:19–23; Gal 2:12). For them, some excessively zealous Jews would not be converted otherwise. But after the temple's destruction it was no longer possible either to offer physical sacrifice or to celebrate the Passover (*Cels. 2.1–2; Hom. Jer. 14.13*). It was therefore pointless to argue any longer with Jews about the law.

Following Philo and Clement, Origen identifies the essence of the law of Moses with the natural law. He thinks that Paul repudiates not the law's moral content but only the ceremonial law in which Jews boast (cf. Rom 3:27–31). Origen's interpretation of Romans stresses the abiding relevance of the natural law in Paul's argument, an interpretation that actualizes the principle that God is the God not of the Jews only, but also of the Gentiles. For all the texts that speak of natural law apply equally to Gentiles. This means that all humanity is included in God's saving plan, not merely the people of the circumcision. All will be judged by the law under which one has been placed. Origen's Pauline interpretations exerted a great influence on Jerome (*Comm. Gal.*, prol. bk. 1).

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Thomas Scheck

## B. Latin Patristics

Western Christian thinkers shared the salvation-historical perspective on the law that was familiar to their counterparts in the East, enhanced by coupling with Roman legal traditions. But during the Pelagian controversy of the early 5th century a fresh dimension appeared as Augustine elaborated upon the psycho-spiritual dynamic of the law within the soul portrayed by Paul in Rom 7.

In terms of salvation history, Westerners referred to the natural law "written on the heart" of the Gentiles who, although they do not have the law of Moses, do the law "by nature" and so become "a law to themselves" (Rom 2:14). The *Commentary on Romans* by Ambrosiaster, a lawyer by training, declares that civilized Romans more closely observed the ethical precepts of the natural law than did the Jews (Bass: 167). In the context of reasoning about common laws, Augustine famously wrote, "A law that is unjust, it seems to me, is no law at all" (*Lib. 1.5.11*; quoted by Martin Luther King, "Letter from Birmingham Jail").

Others identified scriptural revelation as "the law," literally or by metonymy. The *Liber regularum* (ca. 380, Book of rules) of the Donatist Tyconius, the first Western handbook of biblical interpretation, and later adapted by Augustine in *De doctrina christiana*, aimed to uncover the "mystical rules" that revealed "the secrets of the law" (*Lib. reg.*, preface). Donatists accused Catholics of having once surrendered "the law," i.e., copies of the Scriptures, to Roman persecutors. The Catholic bishop Optatus defended the actions by construing "law" narrowly in terms of its regulative function in favor of the faith that makes one truly just (Rom 1:17). Combining 1 Tim 1:9 and Rom 2:14, he wrote, "The law was not given to the just, because every single just person is a law to himself" (Bass: 168). Optatus may have sought to turn an argument of the Donatists back on them, since they thought of faith as putting them beyond law in this sense. Before Augustine turned to examine Gen 1 in bks. 11–13 of *Confessions*, he threaded a prayer for enlightenment with scriptural language about meditating upon "the wonders of your law" (alluding to Pss 1:2; 118[119]:18; and 118[119]:85 [LXX]; *Conf. 11.2.2–4*).

Most often "the law" referred to the law of Moses, subdivided between the moral law in the Decalogue and the ceremonial law treating matters like the Sabbath, circumcision, and ritual sacrifice. Some (e.g., Ambrosiaster, Jerome, Pelagius) thought of this transcending and having canceled ritual law as degenerative, the object of Paul's critiques of the law in Romans and Galatians. Augustine thought Paul's critique referred to the moral law (citing Rom 7:7–11 on the law against coveting; *Spir. et litt.* 13.21, see below), and emphasized the ritual law as prophetic; the literal obedience that its prescriptions enjoined signified hidden anticipations of Christ within a scheme of prophecy and fulfillment. But now that Christ has come, Augustine contends, they continue to be authoritative, not to prescribe behavior, but to bear witness to Christ's fulfillment. Christian exegetes now work to unfold the ancient Jewish ritual commands as confirmations of Christian truth (*Faust.* 19.13).

Both moral and ritual aspects were bridges in the salvation-historical unity of OT and NT, an aspect of the larger question about Christianity's relationship to Judaism. Ambrose of Milan admitted that Jews remained heirs: "The old law is called a 'testament,' and where there is a testament there is an inheritance" (*Ep.* 75.3). But like child heirs, Ambrose wrote, Jews cannot cash in their inheritance; the law remained for them a pedagogue, as Paul said (Gal 3:24). Joining theological judgment to a knowledge of Roman legal system, Ambrose assigned to Jews the junior status of *pupillus*, which protected children's inheritance but also prevented them from enjoying it (Doerfler: 72). During his intense study of Scripture after ordination (ca. 393–

95), Augustine adopted Paul's perspective on the law's salvation-historical value as a pedagogue to Christ. He read the common heading of the Psalms "unto the end," through the reference to Christ in Rom 10:4 as "the end of the law" (e.g., *Enarrat. Ps.* 14.1). Augustine mapped the history of humanity in four phases keyed to the relationship between law and grace that he discerned in Galatians and Romans: before the law, under the law, under grace, in peace (*ante legem, sub lege, sub gratia, in pacem*; *Div. quest.*; 67). The dynamics of humanity's transition from *sub lege* to *sub gratia* would become a preoccupation.

"The law" usually referred to the moral dimension of the covenant embodied above all in the Decalogue (Exod 20:1–17; Deut 5:6–21). This cornerstone of Israel's relationship to God was permanently valid for Christians, who remained obligated to it *in toto* (*Faust.* 15.5–8). Augustine's perspective on the law and its relationship to grace shifted in different polemical contexts. Against the Manicheans, who maligned the law of Moses as a pernicious "law of sin and death," and acknowledged only Mani's "law of the spirit of life" (Rom 8:2; *Faust.* 19.2), Augustine stressed the law's continuity with grace. But against the Pelagians, who magnified the natural goodness of human nature, and saw the law as a sort of file that God used to smooth the rough edges of natural human goodness (Pelagius, *Ep. Dem.* 8.3), Augustine stressed the law's powerlessness before sin, its antagonism to the gospel, and its need for grace. Humanity "under law" was characterized by "rampant evil desire" (concupiscence) coupled with fear of punishment from the law which, though good in itself, only commands and does not help (*iubat non iuvat*; *Faust.* 15.8).

This theme becomes the subject of a sustained discussion of law and grace in *The Spirit and the Letter*, an early (ca. 412), irenic response to Pelagius that is the focus of the following. The text unfolds from 2 Cor 3:6 ("the letter kills, the Spirit gives life"; *Spir. et litt.* 4.6–5.8), which Augustine originally discovered from Ambrose as an Origenian hermeneutical axiom stressing continuity between the two Testaments; it catalyzed his conversion to Nicene Christianity (*Conf.* 5.14.24; 6.4.6). However, beginning with the *Answer to Simplicianus* (ca. 396), Augustine expanded this reading to contrast the dynamics within the human heart under law and under grace (*Simpl.* 1.17). *The Spirit and the Letter* read 2 Cor 3:6 in terms of Paul's account of law, sin, and grace in Rom 7, the text that most fully grounded Augustine's view on the role of biblical law in salvation. His analysis of the existential dynamics of the soul's transition from law to grace (e.g., *Spir. et litt.* 2.4–3.5) were central to the Pelagian controversy.

For Augustine, the law reveals a person's evil desire (*concupiscentia*) as essentially the disordered

love for oneself or things. It uncovers sin's devastating force and deep hold on the human heart paradoxically by making *concupiscentia* stronger (*Spir. et litt.* 4.6). For Augustine, this precipitates a psycho-spiritual division that externalizes divine law as a "letter" that kills (2 Cor 3:6; Rom 7:6). This inner division occurs because one "knows that the law is good" (Rom 7:16). Because such knowledge can only come from "the free part of the will," it both witnesses to the survival of human free choice even under sin and seals culpability under the law. But a death of spirit is incurred by merely literal knowledge of the law, despite its divine provenance, for when the law is acknowledged but not obeyed, it follows through on its threat. Though intended to teach wisdom, sin reduces the law to its condemning function. Knowledge of the law thus increases responsibility, produces guilt, and provokes punishment. Of itself, therefore, the law is insufficient for salvation; to accomplish the good, God must not only instruct the intellect but also assist the will (*Spir. et litt.* 5.7). Knowledge that puffs up must be infused with love that builds up, which comes not from law but from grace (1 Cor 8:1; *Faust.* 15.8).

Augustine does not devalue the law but redefines its function and focus. The law is "full of holy and just precepts" (*Spir. et litt.* 12.20; cf. Rom 7:12). Moral inadequacy derives not from law itself but from "the cleverness of the flesh" (*prudencia carnis*; *Spir. et litt.* 17.29). From humanity's continuous failure to act on the good that the law requires, the law discloses the weakness of the human will (*ibid.*, 9.15) as afflicted with "the disease of evil desire." The law cannot cure this illness; rather, its "stimulus by prohibition" makes the illness more severe (*ibid.*, 6.16), so that "I cannot do the good that I want" (Rom 7:15; *Simpl.* 1.11). Humanity's grave illness derives from Adam's "original sin," not from nature (*Simpl.* 1.10).

Repeated moral failure makes judgment inevitable, thus turning the law of God into an object of loathing and fear, as seen often in the OT. However, "fear is deficient as a principle for moral action, because it does not entirely involve the will in the act" (Marafioti: 940; *Spir. et litt.* 32.56). On the other hand, the law retains its teaching function (Gal 3:24 again, but now transposed from Paul's focus on Jewish salvation history to internal dynamics of the sinful soul) by goading one's desire to seek mercy from the divine physician. Thus the law "coaches" souls swollen with pride to embrace humility by seeking the "medicine" of Christ in the grace of his death and resurrection (*Spir. et litt.* 6.10). This "gratuitous grace" (*ibid.*, 13.22) is not external but given to the heart (*ibid.*, 17.29). Grace that conjoins Christ's humility stirs the love that enables one to overcome evil desire and to act in accordance with God's love (*Conf.* 7.18.24; 20.26). Law thus serves grace, so that love may fulfill the

law. “The law is given so that grace may be sought,” wrote Augustine, “and grace is given so that the law may be fulfilled” (*Spir. et litt.* 19.34). Thus “grace and faith operate in a circular manner” (Marafioti: 941), for grace requested of God and obtained through faith fulfills the law (*Spir. et litt.* 30.52; *Simpl.* 1.6). “These affirmations summarize the doctrinal highpoint of [*De spiritu et littera*], and synthesize Augustine’s thought on law in relation to grace” (Marafioti: 941).

The grace of the NT thus does not abolish the moral law of the OT, but offers a way to observe it: by this “law of faith” (Rom 3:27), believers realize their need for grace to accomplish the good (*Spir. et litt.* 10.17). Prayer in faith establishes the right relationship between law and grace. This is the context for the famous saying of Augustine that so irked Pelagius (*Persev.* 20.53), “Grant what you command, and command what you will” (*Conf.* 10.28.40; cf. *Spir. et litt.* 13.22). Prayerful faith takes up the law in order to complete it in love, in accord with Paul’s dictum about “faith working through love” (Gal 5:6; *Spir. et litt.* 14.26). Moral commitment to observe the law with the help of grace enables the expression of love that sets free from “the body of death” (Rom 7:24).

This “law of faith” introduces the interiority of law from Jer 31:31–34 (*Spir. et litt.* 19.32–33). The Decalogue’s stone tablets, according to Augustine, represent the external law as ignored and unobserved, in contrast to the internal law written on the heart that is loved and fulfilled (*ibid.*, 17.29–30). Elsewhere Augustine pairs Rom 13:10, on love fulfilling the law, with 1 Tim 1:5, on love as the “end” of the commandment, to speak of love as Scripture’s supreme goal, the peak (*summa*) of its spiritual teaching on the law (*Doctr. chr.* 1.35.39). Jesus taught that “the whole law and prophets” hang on the commands to love God and neighbor (Matt 22:37–40; Deut 6:5; Lev 19:18). Coming to rescue his neighbor in love (dressed as the true “good Samaritan”; Luke 10:29–37), Christ both humanly fulfilled the law (*Catech.* 4.8) and for those incorporated into him made it an instrument of grace (*Faust.* 15.8, 17.6, with reference to John 1:17; Dulaey). The Holy Spirit pours out love imbued with grace (Rom 5:5); this kind of love fulfills the law because it is not extorted through threat or fear, but freely given. “The law of liberty is the law of love” (*Ep.* 167.19; cf. Jas 2:8–12). Through the Spirit, law, grace, faith, and freedom converge to reveal that “the law of God is love” (*Spir. et litt.* 17.29).

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### C. Medieval Times and Reformation Era

Church legislation during the patristic era tended to be reactive and require little discussion: e.g., at Chalcedon (451) simony and the marriage of deaconesses were outlawed (Helmholz 2008: 72). In the Quinsext Council (692) the Bible seems to have been replaced by the Apostolic Canons (contained in ch. 47 of the *Apostolic Constitutions*) as a clear expression of Christian law. Unlike in the West, where Augustine had pointed to Matt 19:9 for the indissolubility of marriage – only separation was allowed, Byzantium followed Justinian’s *Novella* on divorce, which was like Roman law strict only procedurally (Gallagher: 29–34). Leviticus inspired Western priests to remain celibate, at least the night before celebrating the Eucharist: for the East this applied only to monks. Irish canon law in the 6th/7th centuries drew deeply on the Pentateuch and provided a fuller treatment of matters of purity and holiness, for monks, but since there was not much distance between religious and lay at this point, it had considerable impact on society.

The *Collectio Hibernensis*’s 500 biblical passages were each introduced as “law.” While OT law was read literally by the Canterbury school of Theodore, contemporaries on mainland Europe operated a less rigorous hermeneutic. Gregory the Great wrote concerning incestuous unions that experience had taught did not produce offspring, following Leviticus “rather than empirical research into patterns of childbirth (Lev 20:21)” (Helmholz 2004: 8). Canon law evolved into a matter of regulating dispensations, where exceptions could be tolerated, often with regard to the NT’s gloss on the OT law. Yet sometimes the NT (such as the Sermon on the Mount) expected a higher not a lower level of commitment, with the abolition of permissions, so that spiritualizing an OT command did not always lessen its force. The Dionysio-Hadriana collection (774) attempted to suppress the penitentials and their inconsistencies (Gallagher: 48).

In Byzantine canon law only exceptionally (the two Iconoclast Emperors) was biblical law foregrounded (Hartmann/Pennington: 132), while in the West scripture was usually introduced via the recourse to the authorities of the church fathers. Around 1170 Balsamon wrote a commentary on church law that re-emphasized imperial rulings (Gallagher: 154), with only some of the old remaining valid. Scripture is often a starting point that is soon left behind (e.g., at PG 137:35). Yet in Bologna Gratian, that great mid-12th-century jurist whose job it was to collect and arrange the church’s law after the pattern of civil law, could enlist scrip-