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TOWARDS AN INTERPRETATION OF BIBLICAL ETHICS

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My title, "Towards an Interpretation of Biblical Ethics", may be taken by different people to promise different things. By speaking of an "interpretation", for example, I may appear to have in mind the programme of what I understand is called "a hermeneutic", a series of value-judgments for our age which I myself could endorse and which I believe to be derived, or derivable, from the Bible. On the other hand, "Biblical Ethics" may suggest an examination of the categories which the Biblical writers themselves used as they approached the task of moral reflection and counsel: "covenant", "law", "Spirit", and so on. But I have neither of these projects in hand here. Instead, I wish to pose some more formal questions about the interpretation of the Bible's ethical material which I hope may serve to loosen a stubborn and intractable methodological knot.

These questions are "ethical" in what, following R. M. Hare, I may call "the strict, philosopher's sense". That is to say, they are "questions about the meanings of moral words", distinguished on the one hand from questions of "normative ethics" and on the other from questions of "descriptive ethics".[1] Normative questions have answers of a normative kind: "Therefore we *ought* to turn the other cheek". Descriptive questions have answers of a descriptive kind: "Jesus said (or, We cannot be sure that Jesus said) we should turn the other cheek". Theologians have interested themselves largely in these two classes of question: the first has tended to draw

* Delivered at Tyndale House, Cambridge, July, 1975.
[1] R. M. Hare, *Essays on the Moral Concepts*, Macmillan, London & Basingstoke (1972) 39-43.

the systematic moralists, the second has been the province of the Biblical scholars; and the result has been an unhappy divorce between the study of the Bible and the formation of Christian moral judgment. Suppose we put some "ethical" questions, neither "normative" nor "descriptive", but "ethical" in "the strict, philosopher's sense": suppose we asked, leaving aside for the moment the questions of whether Jesus said it and whether we accept it, what exactly is implied by someone who says we ought to turn the other cheek: could such an approach help us repair the hiatus in our moral thinking? That is what I want to explore in this lecture.

But before I start I must define the scope of what must be considered as "ethical material" within the Bible, even though in so doing I shall have to state without argument my position on some controverted points of moral philosophy. It is normally accepted that moral philosophers are interested in three categories of utterance: value-judgments, statements of obligation, and prescriptions. Value-judgments are those which employ "evaluative" terms, whether adjectives, "good", "beautiful", "obscene", or nouns, "virtue", "sloth", "humility", to perform the functions of praising and blaming. Statements of obligation are characterised by a very limited range of terms which express this notion: verb forms like "ought", nouns like "duty". Prescriptions are utterances in which we instruct somebody to do, or not to do, something; they are often, but not always, expressed in the imperative mood. All three kinds of utterance appear in the Bible. Because of the lack of a common Hebrew or Greek equivalent for "ought", statements of obligation are somewhat less frequent than the other two; but they are not absent, and the other two are very frequent indeed.[2]

Three observations must be made about this definition of our territory. First, by defining "ethics" formally, rather than by its content, we have included within its scope two spheres which are sometimes distinguished from it, the religious and the aesthetic. With the aesthetic we are not much concerned today, except to concede that the distinction between the aesthetic and the moral does have a great

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[2] "Ought" in the NT most commonly expressed by ὀφείλω, also by δεῖ, χρή (once — Jas 3:10). On other methods of expressing commands besides the imperative, see C. F. D. Moule, *An Idiom Book of New Testament Greek,* Cambridge University Press (1953) 135-7.

importance. But the moral philosopher cannot allow himself to be debarred *ab initio* from an interest in both; and he will regard as a most deceitful temptation the suggestion that the "ethical" should be defined negatively over against the "religious", so that the protectionist theologian may demonstrate on the basis of mere definitional *fiat* that moral philosophy has nothing to contribute to the understanding of the purely religious content of the Bible. This all too common manoeuvre suggests a positively xenophobic misunderstanding of the purposes and pretensions of Moral Philosophy.[3]

Secondly, the choice of these three categories of utterance, the value-judgment, the statement of obligation and the prescription, cannot be entirely arbitrary. Moral philosophers have often used the term "norm" to embrace the three categories in the most general way, and have agreed that there must be some logical relationship among the different kinds of norm; but on what that logical relationship is, they have found it very difficult to agree. One influential school of thought regards *judgments* as primary to moral discourse, another school treats *prescriptions* as fundamental. The old Kantian premises that a *sense of obligation* was the central notion of morality is not without its champions even today.[4] But not a great deal hangs on this disagreement, if it is accepted that the different categories do have logical relations and that one can argue from one to the other without committing the so-called "naturalistic fallacy". If this is so, then one would not have to be a full-blooded "prescriptivist" to agree that any value-judgment or statement of obligation would imply acquiescence in a corresponding prescription under certain conditions. Thus if some piano teacher said, "Schnabel is the greatest pianist the world has known", but didn't teach his students to play like Schnabel but taught them to play like Rubinstein instead, there would be at least a *prima facie* inconsistency, since the value-judgment,

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[3] A classic articulation of this misunderstanding is that of Emil Brunner, *The Divine Imperative,* tr. Olive Wyon, American ed. Westminster Press, Philadelphia (1947) 34-43. See the judicious comments of N. H. G. Robinson, *The Groundwork of Christian Ethics*, Collins, London (1971) 44-50.

[4] The contrast between "descriptivism" and "prescriptivism" well illustrated by the debate between P. T. Geach and R. At Hare, reprinted in Philippa Foot (ed), *Theories of Ethics*, Oxford University Press (1967) 64-82. As for modern obligationism, would it not be fair to class Cambridge's Bernard Williams in this category? See his *Problems of the Self,* Cambridge University Press (1973) 166-229.

"Schnabel is the greatest . . ." seemed to imply the prescription, "Play like Schnabel!" Even without "prescriptivism" one may say that to confront "norms" is to confront prescriptions, at least at one or two removes of implication.

Thirdly, if we take such a wide range of utterances as "ethical" material, we will need to find some ground for distinguishing among them what is "moral" in a strong sense and what is not. To illustrate by an example: if I found it stuffy in the room and asked someone to open a window, and then half-an-hour later, finding it chilly, asked the same person to close it again, my behaviour could be thought fussy, but it would raise no logical difficulties; whereas if, at half-an-hour's interval, I said, first, "You must tell the strict truth at all times", and then "Truth-telling is of no value in itself: you must respond to the demands of the situation", I would properly be rebuked for contradicting myself. What is the difference between these two pairs of prescriptions? We can only say, the second pair was *moral*, the first not, thus giving expression to a widely-held conviction that moral judgments (whether prescriptive or otherwise) have to obey canons of consistency which do not bind any and every prescription.[5]

This essentially is what moral philosophers mean when, following a lead of Kant's, they speak of the "universalizability" of moral judgments. Again, theologians have not been the most sympathetic interpreters of the philosophers at this point. "Universal" is perhaps not the clearest term conceivable, and it has allowed certain theologians to suppose that some autonomous atheistic idol is in question against which they must pronounce the severest anathemas of Holy War. Despite this, and despite a residuum of uncertainty in the philosophical community itself, I persist in thinking the principle of universalizability to be simple commonsense. A moral judgment appeals for justification to a universal principle, that is, a principle in which *particulars*, of time, place or person, play no part. If I maintain that it is *right* for me to work my students to the point of a nervous breakdown, then I am

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[5] Bernard Williams, *ib*. 152-165, appears to argue that consistency in prescriptions is equivalent to identity: "*any* revision of what the commander requires, permits etc . . . . counts equally as a change of mind." This paradoxical conclusion overlooks the possibility that a command first expressed in general terms may then be susceptible of refinement and specification. It is the possibility that a variety of specifications may all be possible expressions of one general prescription that gives us our notion of consistency in moral judgments.

justifying my behaviour with reference to the *kind* of re-
lationship which exists between us, all circumstances con-
sidered. I imply that just such a policy would be right,
wherever and whenever just such a relationship in just such
circumstances existed, even if I were the student being over-
worked and someone else the teacher. If, in that contingency,
I said after all that it was *not* right, I would either have to point
to some relevant difference in the situation to justify the dif-
ferent judgment, or else I would simply be contradicting my
earlier view.[6]

But so much for the prolegomena. Now we will attend to
Biblical Ethics.

I

From the earliest days of the church Christians have asked
about the commands of the Old Testament: do they apply to
us? The question, however, is ambiguous. It may be a
question about authority, or it may be a question about
prescriptive claim. A prescription, we said, instructs some-
body to do, or not to do, something. We may ask in each
case who is instructed and who instructs. If, as I walk down
the street, somebody in a blue coat says, "Stop!", I shall
have to ask, first, "Is he speaking to *me*?" — — the question
of claim — — and, then, "Is he a policeman?" — — the
question of authority. And so it is with the commands of
the Old Testament: we must ask, "Do they purport to in-
clude people like us in their scope?" — — the question of
claim — — and, "If so, ought we to heed them?" — — the

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[6] For universalizability, R. M. Hare, *op. cit*. 13-28. Against it, an eloquent
argument by Peter Winch, *Ethics and Action*, Routledge & Kegan Paul, London
(1972) 151-170. The thesis of universalizability is often confused with some
kind of "absolutism", and either rejected or accepted under this misappre-
hension. When it is said that there are "absolute" moral principles, I take it to
be meant that the only truly moral principles are *both* universal *and* very general.
For example, the "absolute" principle, "Thou shalt not kill" is thought to be
infringed not only by positing random exceptions but by careful specification
and qualification. This is a great mistake. General principles, such as those in
the Decalogue, are not formulated in their compact and unqualified form in
order to say the last word about ethics, but to say the first word: to indicate the
sphere within which morally sensitive thought is to proceed. "Absolutism" and
"relativism" share the same error of supposing that there can be no middle way
between ignoring all the special features of cases in order to conform them to
the nearest generalisation and allowing a random particularity, answerable to no
canons of reason or consistency.

question of authority. In the patristic church, after the
rejection of the Gnostic temptation, especially in its Marcio-
nite form, the question of authority was not really open for
discussion; Old Testament commands were evaluated entirely
in terms of their claim. Our own age, conversely, has been
so dominated by the question of authority that the question
of claim has been obscured and forgotten.

A distinction first adumbrated, to my knowledge, by
Justin Martyr, gained wide acceptance in the patristic period.
Within the Mosaic law Justin discerned, on the one hand,
"that which was ordained for piety and the practice of
righteousness" and on the other, that which was "either to
be a mystery of the Messiah or because of the hardness of
heart of your people". The hint of a threefold distinction
was ignored by Justin's successors, who made a simple two-
fold distinction between the moral commands, valid for all
time, and those which prophesied the coming of Christ.[7]
The doctrine finds a fascinating expression in a 5th century
work known as the *Speculum "Quis ignorat"*, which may,
or may not, be by St. Augustine.[8] The author appeals to the
distinction as a matter of common knowledge: "Who does
not know that within Holy Scripture .'. . . there are proposi-
tions to be understood and believed . . . and commands and
prohibitions to be observed and acted upon . . . ? Among the
latter class some have a meaning hidden in sacramental ritual,
so that many commands given to be obeyed by the people of
the Old Testament are not now performed by Christian
people . . . . Others, however, are to be observed even now."
He then proceeds to copy out, for the pastoral convenience
of his flock, all the moral commands, of the Old Testament
and the New, which lay claim on the believer of the Gospel

[7] Justin, *Dial* 44.3. See Jean Danielou, *Gospel Message and Hellenistic Culture,* tr. John Austin Baker, Darton Longman & Todd, London (1973) 200-211, 221-228. It is doubtful whether Justin really intended to distinguish three categories. The fact that the Gnostic Ptolemaeus really did so many suggest why the orthodox never did: the category due to "hardness of heart" was too susceptible to a Gnostic interpretation.

[8] *Speculum 'Quis ignorat', P.L*, xxxiv, *CSEL* xii. On its authorship, G. de Plinval, *Augustinus Magister,* vol. I, Paris (1954) 187-192; B. Capelle, Revue des *Etudes Augustiniennes* 2 (1956) 423-433; G. Plinval, *Recherches Augustin-iennes* 3 (1965) 207-218.1 would be prepared to credit the work to Augustine, but only by refusing to take seriously its professions of moral intent. If Augus-tine wrote it, he wrote it to experiment with the "ceremonial" — "moral" distinction.

age. Which makes the *Speculum "Quis ignorat"* a work very much more interesting to read about, than to read.

For the patristic age in general everything is either prophecy or moral law. In the mediaeval and Reformation period we find a third category introduced, the "civil precepts", or *iudicalia*, which were distinguished both from *moralia* and *ceremonalia*. It is obviously related to Justin's reference to "hardness of heart", but its interpretation of the compromise in terms of Moses' distinctively socio-political work marks a decisive step. Morally, the "civil precepts" are indifferent. "It is", says Melanchthon, "within the power of the Christian judge either to use or not to use the Mosaic law."[9]

The distinction between the civil, ceremonial and moral content of the Old Testament law retains a peculiar interest for us as certainly the most remarkable, perhaps the only attempt ever made to find general and non-arbitrary grounds on which to say that some Old Testament commands do, and others do not, lay claim on Christians. And yet it has had a bad press in recent writing. The objections appear to be two: first, that it is anachronistic, as the ancient people of Israel did not distinguish between their civil, religious and moral duties in this way; second, that as all torah had some *Sitz im Leben* within the social institutions of Israel, the attempt to discover a category of "moral" norms which alone transcends and survives those institutions, must be arbitrary.[10] The second of these objections I will consider in more detail later. To the first we may reply that it betrays a misunderstanding. The threefold distinction was never supposed to be "descriptive ethics", an account of the way Israel itself interpreted its obligations. It was an attempt to analyse from a Christian point of view what the constituent elements of those obligations were. An analogy may be made with the variety of literary genres which modern scholars detect. Israel, I take it,

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[9] Melanchthon, *Loci Communes* 1521, CR i 201 (tr. W. Pauck, *Library of Christian Classics* 19, S.C.M., London (1969) 128). On the Reformers' differing use of the threefold distinction, (which goes back at least to Aquinas, ST II-I.99.4, 100.11, 103, 104) see P. D. L. Avis, *JEH* 26 (1975) 149-172.

[10] Cf. G. R. Dunstan, *The Artifice of Ethics,* S.C.M. London (1974) 20: ". . . although the seventh of the Thirty-Nine Articles of Religion, following Reformation practice, divides the law into three sorts we may make no such division in our study of ethics. Each of these gave institutional expression to an ethical insight and demand, related to the corporate and personal life of the Hebrew people in which civil and religious duties were one whole moral obligation."

never dreamed of the distinction between Wisdom literature and priestly code, royal psalms and psalms of lament; and yet such categorisation is not only convenient for us, but may claim a fair amount of objectivity.

However, I do not pretend to find the threefold theory adequate, and I have discussed it simply to illustrate the kind of question we ought to be answering, and answering better, if we are to develop a rational way with the interpretation of Biblical norms. What I now propose is to survey afresh, in contemporary terms, the problem as Justin and his successors saw it: from the point of view of a New Testament Christian, what objective grounds are there for drawing distinctions between one Old Testament norm and another? And after that, I want to broaden the inquiry, to ask whether the operative principles employed in the earlier exercise can give us any help towards a discriminating appropriation of the norms of the New Testament.

II

1. It may almost go without saying that from the point of view of the New Testament many of the Old Testament commands are no more than incidents in the biographies of those to whom they were addressed. "By faith Abraham obeyed when he was called to go out . . . " The content of the command was of great interest to the writer, inasmuch as it bore on the patriarch's biography and so on the history of salvation. But this interest was entirely non-moral. The command had no claim on the author to the Hebrews, nor on anyone other than Abraham. The patriarch is an example of how we should obey God's command in faith, but not an example of how we should "go out", for going out was Abraham's task, and not ours. To use the terminology already defined, the command was non-universalizable: it was a "particular" command, it was addressed to a particular person at a particular juncture in the world's affairs and demanded a particular task to be performed. There were no implications and no presuppositions about other similar tasks which others might be required to perform at other times and places.

Now it has been a strongly prevailing fashion among theologians to say that all the commands of the Old Testa-

ment, even all the commands of the Bible, are of this kind. We may take Karl Barth as representative, when he writes:[11]

> "We must divest ourselves of the fixed idea that only a universally valid rule can be a command. We must realise that in reality a rule of this kind is not a command. We must be open to the realisation that the biblical witness to God's ruling is this: to attest God as the Father, or Lord, who in the process of the revelation and embodiment of his grace, *hic et nunc*, orders or forbids His child or servant something quite specific . . . "

It is, of course, quite true that God is attested in that way. He is presented as an agent, in the fullest sense, who like any other agent may utter particular prescriptions. The question turns on whether *all* the commands of God can be understood in this way. The acute embarrassment which Barth manifests over the exegesis of the Ten Commands illustrates well enough how resistant the material is to this Procrustean method. When Barth finally declares the Decalogue to be a collection of "summaries", he effectively admits, with more good sense than consistency, that the particularist approach cannot be carried through, for a "summary" is nothing if not the universal generalisation which he sought so hard to exclude.[12]

It would certainly make life simpler if we could decide, either, with the existentialists, that the Bible contains no universalizable commands, or, with the rationalists of a previous age, that it contains nothing else. But since common-sense repudiates these simplicities, we are driven to seek criteria for dividing the one class of command from the other. Such criteria are to be found only in the context which makes the prescription intelligible. The particular command is justified in terms of the particular goal at which it aims or the particular situation which makes it appropriate: "Go from your country and your kindred to the land that I will show you . . . And I will make of you a great nation." The universalizable command is justified by reference to a uni-

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[11] *Church Dogmatics* 11/2, tr. Harold Knight, T. & T. Clark, Edinburgh (1957) 673. Barth (or his translator?) is mistaken to suppose his opponents to have thought that "only a universally valid rule can be a command"; the question is whether anything else can be a *moral* command.

[12] *Ib*. 681-3.

versal principle, whether normative or descriptive: "My son, do not despise the Lord's discipline or be weary of his reproof, for the Lord reproves him whom he loves . . . " Certainly there are cases in which a command appears with no justification attached at all; there are also cases in which the justification is an unexpected one, such as when the sabbath command is justified by reference to the Exodus. But it is no part of our contention that the exegesis of any text must always be straightforward, only that the canons governing it are clear: we can know at least what evidence we are looking for, even if it is not always easy to find.

2. Not all commands in the Old Testament can be regarded as "particular". If they could, it would not only be impossible for the New Testament church to adopt any of them (since that would be a misappropriation), it would also have been unnecessary for it to repudiate any. But some commands the New Testament undoubtedly does repudiate. Let us examine first of all the dismissal of the Deuteronomic divorce law:—[13]

> "For your hardness of heart (Moses) wrote you this commandment. But from the beginning of creation, "God made them male and female". "For this reason a man shall leave his father and his mother and be joined to his wife, and the two shall become one." So they are no longer two but one. What therefore God has joined together, let not man put asunder.' "

I take it to be clear that Jesus' conclusion is a prescription, forbidding divorce in general terms (with what qualifications, we are not now concerned); and that this prescription is *contrasted* with the permissive decree in Deuteronomy. It cannot be maintained, not even from St. Matthew's version, that Jesus was doing nothing but *interpret* Deuteronomy; for the contrast between "for your hardness of heart

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[13] Mk. 10:5-9, cf. Mt. 19:4-8. With Matthew's rearrangement of Mark's material we are not immediately concerned, as the structure of the argument is the same in both evangelists. We therefore reject J. L. Houlden's account of Matthew's version (*Ethics and the New Testament*, Penguin Books, Harmondsworth (1973) 78f.) as an interpretation of Deuteronomy. This leans very hard on the words of verse 3: κατὰ πᾶσαν αἰτίαν ἀπ᾽ ἀρχῆς δὲ but οὐ γέγονεν οὕτως ignores Matthew's strengthening of the contrast in v. 8:

Moses. . . " and "but from the beginning . . . " is too marked.
Nor can it be maintained that Jesus is conceived to have
innovated in this matter (as, for example, he is represented
as improving upon Moses in St. Matthew ch. 5), for the appeal
is made to "the beginning", and the case is argued from the
words of Genesis. Jesus is understood by the evangelists to
maintain that divorce always was wrong, and could have been
known to be wrong. The question then arises: what assessment
is made of the Mosaic provision to give it limited authorisa-
tion?

It is explained by reference to the moral stubbornness of
Israel. Moses' command, we may say, is "context-dependent",
and that is what differentiates it from the norm derived
from the second chapter of Genesis. But how, we then ask,
could context-dependence differentiate it? Every Biblical
norm is, in one sense at least, context-dependent. Every
Biblical norm has a setting in some particular situation. Jesus
said, "You shall love your neighbour as yourself"; but he
said it in debate with a particular opponent who was out to
trap him. Paul said, "Rejoice in the Lord always; again I will
say, Rejoice"; but it belongs with a rebuke to two quarrel-
some women. From time to time we find in the literature
objections to the notion of so-called "timeless" norms, and
these objections have a certain obvious validity. Even where
we cannot begin to guess what was the provenance of some
moral judgment — — "the fear of the Lord is the beginning
of wisdom", for example — — we can be certain that it had
one; and why should we doubt that if we knew what it was,
it would shed light on the saying? Context-dependence in
this sense is not special to a group of utterances. If the
Mosaic saying is irrelevent because of its context-dependence,
it would seem to follow that anything said by anybody in the
past is irrelevant for the same reason.

But we must not be harrassed into dismissing altogether
the possibility of drawing distinctions along these lines — —
still less seek haven in that *ultima Thule* of scepticism which
appeared on the horizon. We need some further clarifications
about what is accomplished for the understanding of a text
when we set it in its historical context; and that involves
freeing ourselves from an unreflective assumption which often
intrudes to vitiate arguments at this point, the assumption
that the complete time-place reference of a statement's

utterance is automatically to be included in an account of the speaker's meaning. To take an example: we cannot assume that when Paul writes about "government" in the thirteenth chapter of Romans, he must mean to write about the administration of Nero in the late fifties. Socrates was an Athenian, and was addressing an Athenian court when he spoke those famous words, "A good man cannot suffer any harm". He did not mean to add: "in Athens."[14]

There are two ways in which a historical context may help us to understand an utterance. It may clarify the meaning of the words, or it may clarify the motives and purposes with which it was uttered. (Perhaps we should say in passing that there may be cases in which a historical context will contribute nothing at all to our understanding. I hesitate to make such an iconoclastic claim, but the possibility must at least be left open!) A simple example of the first case is the sixth as command of the Decalogue. Encountering the words "You shall not kill" in isolation, we cannot tell, what a knowledge of the socio-historical background immediately makes plain to us, that they do not include the prohibition of killing in war. We do not need Messrs Brown, Driver and Briggs to tell us that. The thing is unthinkable once we know that these words are part of a religio-ethical code of fundamental importance to a primitive warfaring society. The command could not have played *that* role in *that* society if it had meant *that* thing. The context has helped us in this case to be more specific about the meaning of the words. I shall speak of this kind of interpretative work as "specification."

But Jesus' treatment of the Deuteronomic divorce-law is not "specification". It purports to explain not what Moses meant, but what made him say what he did. Moses is not interpreted, but excused; excused, that is, for producing a command with an element of apparent insincerity in it. He has compromised the demand of God. At which we may want to protest, "What possible excuse could there be for doing that? The prophets had to confront hardness of heart too, and any suggestion of compromise would have been anathema to them!" Now the words of the divorce-pericope give us no guidance as to how we are to answer this complaint; they simply say, "Moses for the hardness of your

[14] This assumption seems to lie behind the otherwise instructive study of Romans 13 by my friend Bruce N. Kaye, *TSFB* 63 (1972) 10-12.

hearts . . . " But I know of only two interpretations which
can be put upon those words: one supposes that Jesus is
propounding some kind of pastorally-oriented double-
standard ethic, offering a milder demand to meet the needs
of the weak; the other regards the compromise as dictated
by the demands of institutional legislation.

St. Thomas and the reformers, highly sensitive to the
relativities of political life, identified the Mosaic compromise
as a legislative one. There is a necessary insincerity about the
moral stance of the social legislator: he has to modify prin-
ciple to suit practicability, he has to be content to control
what he cannot eradicate. As far as Jesus' appeal to "hard-
ness of heart" goes, I think that this affords the more attrac-
tive interpretation of the two, though I could not argue any-
one who preferred the other out of court. But however that
may be, the legislative theory is certainly justified, simply
as an assessment of some of the prescriptive material in the
Pentateuch. Modern Old Testament scholarship seems to be
agreed that many of the prescriptions of the Pentateuch are
laws, that is, they fulfil a social and political, and not simply
a moral and educative purpose. Of course, there have been
drastic revisions to the Reformers' uncritical picture of the
methods of legal administration in Israel. But I take it that
continued disagreement over such matters among the special-
ists can be regarded simply as quarreling within the family.
One scholar is happy to speak of a "criminal law code" in
Israel, while another sees simply an unordered collection
of judicial precedents. None, to my knowledge, has argued
that the prescriptions had no judicial function at all.[15]

To recognise this judicial function is to acknowledge that
the laws are context-dependent in a special sense: that they
have a *task* to perform within the community institutions
which is other than that of moral education. The legislative
task requires a compromise on morality in a way that the
prophetic task, for example, does not. That is why it is not
enough for us simply to make allowance in the most gener-
al terms for the "institutional context" of Old Testament
norms: within the institutions there are different tasks im-
posing different pressures. It is of the nature of social
legislation not to give clear expression to moral beliefs, and

[15] Anthony Phillips, *Ancient Israel's Criminal Law*, Oxford University Press
(1970); D. J. Wiseman, *Vox Evangelica* 8 (1973) 5-19.

to change in response to a developing historical situation. In these respects law is analogous to the particular, non-moral commands. But it differs from them in that it does, within the hypothetical setting of its context, speak universally: the so-called "casuistic" laws of the Pentateuch are (if the English Bible translates them correctly) among the clearest formal examples of the universal prescription that are to be found in the Bible. This is what I mean by referring, in no pejorative tone, to the "insincerity" of law with respect to morals: moral principle is expressed, but hypothetically, all the time under the control of a particular social task.

It is no very great matter to persuade the modern Christian that there are Old Testament norms which are not a primary witness to Old Testament moral belief. The temptation, once again, is to try to squeeze too much of the material into this category. Thus Martin Noth, making none of the necessary distinctions, declares: "According to the Old Testament the laws apply within a framework of a specified situation established by means of the covenant." After the collapse of cultic institutions in 587, he goes on, "the necessary condition was lost which had previously kept the laws effective; they had now no further claim to validity since their basis had gone. They had therefore to be considered *ultra vires* ."[16] Noth's use of legal terms here betrays his misconception that the *whole* of the covenant law can be accounted for as a socially-regulative mechanism designed for use within a particular institutional setting. But in only a proportion of the laws could we say that the socially-regulative hypothesis is at all prominent. Its total absence from the Decalogue, for example, is striking, and this accounts in part for the peculiar standing which that code has always enjoyed in the Christian church. But even in those laws in which moral principle is plainly qualified by legislative need, *some* moral principle is still to be discerned. It became the exegetical interest of later generations of Jews to identify and comment upon the moral content of the laws, and since this could be done without any presuppositions about their legal validity, there can be no possible reason for regarding it as illegitimate.

[16] *The Laws in the Pentateuch*, tr. D. R. Ap-Thomas, Oliver & Boyd, London & Edinburgh (1966) 41, 64f.

3. Certain commands are viewed by New Testament writers as non-universalizable, others are insincere. Neither account will explain why Paul rejected the circumcision law. The first way was not open to him. He was a Jew, circumcised in obedience to the law. If that law had been merely a particular command addressed to Abraham alone, all Judaism would have been based on a misunderstanding. But Judaism was not, for Paul, a misunderstanding: it was a pedagogue, with a limited, and now terminated, role in the history of salvation. He might in principle, however, have adopted a variety of the second way. He might have argued that circumcision was simply a part of the pre-exilic socio-religious package, its value derived entirely from the wider whole. Its task was to constitute membership of that society, which was, however, now a thing of the past. The conditions no longer obtained for anyone to live the life of a pre-exilic Jew. But such an argument would have been improbable for a man of his time: I know of no suggestion in the literature of the period that the Judaism they knew was not the Judaism of Aaron and Moses.

No: Paul did not suggest that if a Galatian Christian was circumcised, it represented a misunderstanding of the circumcision command. He would understand the command very well: it is the Gospel that he would misunderstand. There is, therefore, in Paul's treatment of circumcision an issue of *authority*, rather than of *claim*. He finds grounds within the Gospel for denying that some of the Old Testament commands, however much they may claim us, have any right to be obeyed.[17] It is a matter of debate as to whether Paul's way with the circumcision command reflects the line taken by the synoptic evangelists towards the sabbath. Do they believe that this command is simply without moral authority in the light of Christological conviction? Or do they see Jesus as engaged in an interpretative and exegetical enterprise with regard to it? We might get one impression from St. Mark and another from St. Matthew (though even for St. Matthew the crux of the matter is Christology, so perhaps their paths converge).[18] The Fathers, more radical than the Reformers in this

[17] Gal. 5:2-5.
[18] A synoptic study of Mk 2:23-28 and Mt. 12:1-8 shows the first evangelist's greater concern for the existing suggestions within the Old Testament that the sabbath command might be overruled by sacred and humane demands. Yet for him, as for Mark, the demand which justifies this suspension is the unique, Christological demand.

respect, inclined to see the sabbath law as superseded ("a kind of prefigurative sacrament", as St. Augustine put it), though they found some difficulty in explaining its position in the Decalogue.[19]

There are, then, theological as well as exegetical grounds for the New Testament refusal of some Old Testament commands. The fathers' classification of such commands as prophetic sacrament is slightly confused. It is 'one thing to say that the ceremonies which the commands established were prophetic (the Epistle to the Hebrews says as much), but quite another, and questionably coherent, to say that a command can itself be a prophecy. It is better to take a blunter way with these prescriptions. The fathers were correct, on the other hand, to observe that the New Testament takes this line only with matters which may be loosely described, without begging too many questions, as "ritual": "food and drink . . . a festival or a new moon or a sabbath", as Paul sums it up. If we are to extend this dismissive attitude across the board to the whole of Old Testament law, it is as well to realise that this must be on the basis of our own decision about authority and cannot claim support from New Testament exegesis. It may be argued that the distinction between moral and ceremonial has no basis in the Old Testament consciousness. Even if this is so, (and a perusal of the prophets might suggest otherwise), it does appear that the writers of the New Testament were driven to make the distinction in order to express their convictions about Christology. Good moral thinking cannot afford to be impatient with distinctions.

III

1. In our own day it is the New Testament rather than the Old which raises most acutely the problems of relevance and authority whenever Christian Ethics is discussed. At the heart of the current uncertainty is the question of time: can a value-judgment which was true, or a prescription which was appropriate, many centuries ago, still be appropriate today?

The crisis of nerves over the "timelessness" of moral judgments has led the theological community to seek refuge in a

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[19] Augustine, *Quaest. in Hept.* II. 172, *Sermo* Wilmart ii.2.

flight away from prescriptions into descriptive statements. Except to the most radical and the most conservative, it has seemed that the fundamental proclamations of the Gospel were more likely to have enduring relevance than were the Gospel norms. And so we have seen, in some theological circles, a consistent policy of minimizing the prescriptive content of the New Testament in general and of Jesus' own message in particular. "One should avoid in New Testament theology the terms Christian ethic, Christian morality, Christian morals," writes Jeremias, "because these secular expressions are inadequate and liable to misunderstanding. Instead of these, one should speak of lived faith. Then it is clearly stated that the gift of God precedes His demands."[20] So seriously does Jeremias take his own recommendation in this respect, that in his *New Testament Theology* he reports commands of Jesus as though they were statements. Instead of saying that Jesus *commanded* his disciples not to take the best seats at table, he writes: "They can be recognised from the fact that they are free from ambition and prejudice . . . they show themselves to be children of the *basileia* by the modesty with which at dinner they take a place at the lower end of the table."[21] Many of Jeremias' readers must have wondered whether the class, "disciples of Jesus", was supposed to have any members!

But it is not only a general insecurity about time that has led thinkers in this direction. Jeremias' words about "the gift" and "demands" of God show us clearly how Lutheran convictions about "Gospel and Law" dictate his anti-prescriptivist stance. And when we read C. H. Dodd's fine chapter in the opposite interest, we find that it is theological argument again that prevails, argument from the relation of "covenant" and "law", and the meaning of the law written on men's hearts.[22] I intend no dispraise of these great theological themes when I suggest that they are unwelcome intruders into the discussion. The proper way to settle the question, "Are Jesus' utterances prescriptive?" is to look at them. If any of them are in the imperative mood, the answer

[20] Joachim Jeremias, *The Sermon on the Mount*, Athlone Press, London (1961) 32.
[21] *New Testament Theology* I, tr. John Bowden, S.C.M., London (1971) 219. The italics are mine.
[22] *Gospel and Law,* Cambridge University Press (1951) 64ff.

is probably, Yes. Questions about Gospel and Law may ultimately be of far greater significance to us all than anything a Moral Philosopher is likely to ask; but that does not mean that criteria appropriate to theological discussion are the proper criteria for settling any discussion at all.

Of course, responsible New Testament scholars do not deny the appearance of individual prescriptions in Jesus' teaching. But they do employ categories which allow them to minimize the significance of such utterances. One such category is that of "example" or "paradigm". We find it said that Jesus' demands are "symptoms, signs, examples of what happens when the reign of God breaks into a world that is still in the power of sin, death and the devil . . . His disciples are to apply them to every other aspect of their life."[23] Thus, it may even be implied, the commands of Jesus do not claim us: they only exemplify the kind of claim which the Gospel will make on us if we take it seriously. It is the task of the church in every generation to work the sum through afresh from the same kerygmatic starting-point, and of every individual Christian to identify and clarify the claim as it confronts him.

I do not think that the current approach to the ethical teaching of Jesus is entirely misconceived, but I do find it confused and incoherent, (quite apart from whatever injustice this rather sketchy presentation may have done it!). The paradigm model has valid features which deserve recognition. It emphasises, quite correctly, the unsystematic character of Jesus' ethical teaching. There are issues on which he says much, there are others (political and social, in particular) for which we depend on one or two gnomic hints. This, I take it, is what is meant when it is said that Jesus did not propound a "code".[24] It is certainly true that if we wish to form an opinion about how a chief of police should go about his duties, we will have to work fairly hard to make the Gospels yield us enlightenment on the matter. That is one thing that could be meant by calling the commands "paradigms". Then, too, it is plainly the case that a good deal of Jesus'

[23] Jeremias, *N.T.T.* 230.
[24] But it is often left unclear what a "code" is supposed to be, who is supposed to have prounded one (St. Paul? The Rabbis?), and what difference it makes whether ethical teaching is organised in code form or not.

ethical teaching is concerned with attitude and disposition, and that many of the puzzling commands ("turn the other cheek", "pluck it out", and so on) are properly understood within the didactic conventions of the Wisdom tradition which would refer to the inward aspects of the moral life with the aid of cartoon-like sketches of representative outward behaviour. This also could be meant by the term "paradigm", though in this case it is being used in a slightly different way, as those exaggerated illustrations are not meant for literal imitation of any kind.

But the paradigm-model will not do what it is often thought to do. It will not deliver us from the need to admit that some prescriptions two thousand years old can claim us. We have not disposed of the problem of prescriptions and time simply by labelling all existing Biblical prescriptions "paradigms". The proposed programme for deriving a Christian ethic, starting afresh from the kerygmatic proclamation and deriving our own norms from it, is logically defective by the old formal canon that "you can't derive an 'ought' from an 'is' ". Either we have attached a series of value-judgments arbitrarily to the Christian kerygma, to which, in fact, they have no logical relation; or the value-judgments we have derived were already there implicit in the kerygma, in which case we have recognised and adopted norms from the past. In fact the very term "paradigm" presupposes some such recognition; for a paradigm is a paradigm of some task, and to acknowledge a command as paradigm is to recognise an implied command to perform that task of which this is a paradigm. In short, the problem of time cannot simply be a problem confronting Gospel norms and not Gospel proclamation; not unless we are prepared to accept a much more radical divorce in principle between fact and value, (in which case the New Testament was itself mistaken in supposing that there could be any ethical implications in the message it proclaimed).

2. So far our comments have been mainly destructive. In trying to construct a rational approach to New Testament norms, we start once again from the principle of universalizability. In our review of the Old Testament question we maintained that universalizable and non-universalizable prescriptions could be distinguished by the nature of the justification that was expressed or presupposed. This same criterion can

be applied to the New Testament without difficulty. It demands no extraordinary subtlety to be able to draw a line between the instructions given to the disciples about preparing the Passover or fetching the foal on which Jesus was to enter Jerusalem and such injunctions as, "Ask . . . seek . . . knock. . . ", with its universal justification, "Everyone who asks receives, and he who seeks finds, and to him who knocks it will be opened."

But the principle of universalizability, once admitted, proves to be the solvent in which the problem of time disintegrates. It states, you remember, that norms are "moral" only if they apply indifferently to all situations which are in relevant respects alike. That is to say, it is a requirement of consistency: if anyone wishes to say that one act is wrong and another very like it is right, he has the duty of demonstrating how the two acts differ. It is a matter of intuition, but sound intuition, that this duty is not discharged if he points out that the two acts took place on different days. Time alone cannot be a morally relevant consideration. By allowing ourselves to be hypnotised by the passage of two thousand years, we enter the realm of irrationality, no less irrational because sceptical. Two thousand years are of no account; it is what had changed *during* the two thousand years that will make the difference. We are perfectly entitled to say, if we wish, that a New Testament norm does not claim us, but we are bound to do more than appeal to the lapse of time to prove our case: we must show how circumstances have changed to make the New Testament norm inapplicable to our own situation. (We should remember that to acknowledge a claim is not to admit authority. We would be perfectly free to conclude that it did claim us, and yet decide that it would be wrong to obey it.)

3. We spoke earlier of "specification", using that term to mean the use of historical context to highlight the ways in which a situation addressed by a command in the Bible might have hidden refinements and peculiarities. This is a different procedure from the blanket dismissal of the past: it is logical, it can be controlled and discussed. Yet it may appear to lead back to the same sceptical conclusions. Let us consider as a case in point a modern argument often heard in connexion with Jesus' prohibition of divorce. Jesus did

prohibit divorce, it is allowed: but the divorce he prohibited was obviously a very different kind of divorce, practiced in very different social circumstances with very different consequences from anything that we in our day will meet. We have divorce courts, laws concerning maintenance, a nearer approximation to equality between the sexes. Therefore to apply his prohibition to our world would be a misunderstanding, for it was intended for a significantly different setting.[25] We may admit, without passing judgment for or against this argument, that its form is valid. It is indeed the case that prescriptions designed to meet one set of circumstances cannot intelligibly be applied without modification to another. And the implication of this might seem to be: since in the course of two thousand years virtually everything has changed, we must adopt, with respect to the New Testament commands, precisely that sceptical detachment which seemed necessary before. It was a hollow victory to get rid of the problem of time, if in its place we have a problem of *change* which is every bit as insurmountable. The conclusion may be that the New Testament prescriptions claim a class of persons and situations which is empty, and likely to remain so.

However, even if all this were so, (and perhaps the amount of change which two thousand years can bring about in the human condition may be exaggerated), the consequences would not be as negative as at first they appear. For within the activity of moral thinking, hypothetical resolution plays a very important part. Anybody who is in the habit of thinking about morals at all, is in the habit of thinking hypothetically. "What would I do if . . . " is an essential check on "What am I to do when . . . " It may even be implied in the principle of universalizability that we cannot engage in moral thought without deploying one unfulfillable hypothesis: "If I were Jones and Jones were me, and Jones were doing to me what I am currently doing to Jones, would I still think it right?" And the fact that we are constantly forming moral judgments on other people's behaviour in situations unlike our own, shows that we have a capacity for hypothetical thought and suggests that we may have a need for it. Without actually being Prime Minister I can form views on how Prime Ministers ought to behave, and what is even more significant, those

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25 See, *e. g.* Houlden, *op. cit*. 117.

views can affect, and be affected by, my views on how I myself ought to behave in situations only remotely analogous.

      This consideration suggests what kind of acknowledgment may be made to moral claims which appear to be addressed to empty classes of situation. It is still possible for such claims to be recognised and adopted into our moral thinking in hypothetical form. And because kinds of situations are not watertightly secluded from one another; because there are valid analogies to be drawn between slavery in the ancient world and modern employment problems; because there are points of comparison between the conscientious problem of idol-meats in the first century church and various scandalous *adiaphora* of our own day; because even the social phenomenon of divorce in the ancient world, however different from what happens today, has one or two points of similarity with it; so it is that the "empty" prescription we encounter in the New Testament is capable of affecting our moral thought quite decisively, if we will that it should, without necessarily having to be misunderstood. I call this hypothetical use of "empty" prescriptions "respecification", and it affords one sense in which we might speak, perfectly intelligibly, of a "paradigmatic" use of New Testament norms. It does not allow us to deny the existence of a prescriptive claim. Rather, it involves identifying the more general claim behind the specific moral judgment and reapplying it to differently specified situations. It may sound like a very arbitrary and uncontrolled exegetical procedure. But of course it is not an exegetical procedure at all: exegesis ends with the clarification of the specificities of the command in the text. Respecification belongs to the realm of moral thinking. It is no more arbitiary, and no less, than most of our moral thinking, and how arbitrary *that* is depends on how much time and effort we are preparing to spend on it!

4. Considerations of time prevent me from making more than a passing gesture towards what is, perhaps, the most difficult question that has to be asked about the ethics of the New Testament: Is there any equivalent in the New Testament to the socially-regulative hypothesis which we believed we could identify in the Old? Melanchthon enjoyed a certainty that there was not, "because", he says, "vengeance is forbidden for Christian people";[26] but we must meet his assertion with

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[26] Melanchthon, *loc. cit.*

some reserve, as he was looking only for examples of civil
legislation, of which, of course, there could be none in the
New Testament. He did not ask whether the writers of the New
Testament were ever confronted with other social tasks which
could exercise the same kind of constraint upon them. After
all, a church needs governing as well as a nation, and church-
administration may call for the same kind of legislative com-
promise.

It is characteristic of one longstanding tradition of
Christian moral thought that all the New Testament commands
are seen as manifestations of ecclesiastical legislation. This, the
Counter-Reformation approach, survives in an attenuated
form even within modern Anglicanism, (as I judge from a
recent text-book of moral theology which found it necessary
to include a toughly-worded Appendix on the authority of
the Convocations of Canterbury and York!).[27] Such a model,
assimilating the moral to the ecclesiastical law, completely
fails to take note of that element of compromise which dis-
tinguishes legislation from morality. If, however, we renounce
the vain attempt to treat all the New Testament prescriptions
in this way, can we identify *some* of them as having legisla-

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[27] Lindsay Dewar, *An Outline of Anglican Moral Theology*, Mowbray, London
(1968) 215. Another popular textbook, Herbert Waddams, *A New Introduction
to Moral Theology*, 3d ed., S.C.M. London (1972) 21-3, quotes, in order to
defend, the following statement by Charles Gore: "No one, with his eye on the
New Testament and the earliest records of the Church, can deny that the Church
was, and was by Christ intended to be, a society with a common moral law,
which was to be constantly and authoritatively reapplied by way of legislation
in general principle, and applied by way of discipline to individuals, in admit-
ting them or refusing to admit them into the Christian Society, retaining or re-
fusing to retain them in membership." In this connexion it may be appropriate
to recommend a visit to the Sistine Chapel in Rome, where, once the
aesthetic delights of the ceiling and altar-piece have been digested, there is a
sober lesson in the history of Moral Theology to be learned from the side-
panels (happily not by Michelangelo). They represent two parallel series of seven
paintings, comparing and contrasting the histories of the Old and the New Laws.
The crossing of the Red Sea is explained by the title, *congregatio populi a
Moise legem scriptam accepturi*, and is matched with a picture of the calling of
Peter and Andrew, "the gathering of the people who will receive the evangeli-
cal law from Christ." Moses on Sinai "promulgates" the written law, while
Christ on the Mount "promulgates" the evangelical law. The fate of Korah
"vindicates the authority" of the written law, while the evangelical law enjoys
similar vindication in the commission of the keys of the kingdom to Peter.
Finally, the New Law is re-promulgated at the Last Supper, just as the Old was
re-promulgated before the entry into the Promised Land. The contrast between
the Old and the New, which was to St. Paul a contrast between the letter which
kills and the Spirit which gives life, has turned into a contrast between two
kinds of institution, both requiring legitimation and legislation.

tive intention? It has been a fashion in modern Biblican crit-
icism to find "church rules" in the Gospels, especially in St.
Matthew, but I confess myself unimpressed by most of the
examples adduced.[28] It is, we must remember, quite possible
to address prescriptions to a community without thereby
committing oneself to legislating. Legislation envisages some
kind of organised disciplinary agency to enforce the rule and
punish breaches; we must ask whether any rule has been
significantly shaped to meet the practical requirements of
such an agency.

To this question I venture no answer. The excommunication-
requirement might be a candidate, as might other provisions
concerning the discipline of offenders. The instructions of
Acts ch. 15 about idol-meats and Kosher food are often taken
this way. Certain provisions about the ministry might also
qualify: the exclusion of young widows from the roll, the
provision that successful clergy should get their pay doubled,
perhaps even the prohibition of women preachers. I do not
feel confident to advance an opinion on these suggestions nor
would I want to say what should follow if we accepted any
of them. (After all, it could at least be argued that church is
the same institution today as that for which the New Testa-
ment legislated, and should not wantonly change the rules even
if they *are* only legislative compromises.) The only point on
which I have any conviction in this area is that such questions
merit very serious thought, and that they ought to have been
receiving it, and have not been, in the course of the debate on
the ordination of women which has recently been exercising
my denomination.

In drawing this discussion to a close, I must apologise for
taking advantage of the hospitality of the Tyndale Biblical
Theology Lecture by devoting myself to questions not pri-
marily theological, which, (to judge from the amount of at-
tention they have received), are likely to interest nobody but
myself. In my defence I would simply express the hope that
others may share my concern about the current state of the

[28] The work of K. Stendahl, *The School of St. Matthew,* 20 ed. Gleerup,
Lund (1968) has been influential in encouraging scholars to look in the first
Gospel for interests like those of the Qumran "Manual of Discipline."

The author wishes to record his debt to members of the Tyndale Fellowship
and others who have discussed these questions with him at successive Tyndale
Conferences, also to Mr. J. H. Bell for his assistance with references to the
Reformers' writings.

study of Christian Ethics. Biblical scholars have given the ethical content of the Bible a bad deal by and large, and some have actually boasted in print of their contempt for the disciplines of Moral Philosophy. The problem-oriented approach to moral questions, on the other hand, finds itself constantly unable to get off the ground through failure to agree about the relevance of this or that piece of Biblical material. Of course it is trite to speak of the "Moral confusion" in the church; but, trite or not, such confusion grows more serious every day. It may be ascribed to the so-called "crisis of authority", but there I am not quite sure that I agree. Behind the crisis of authority there lurks a crisis of Biblical interpretation, which means that even those who proclaim their respect for the Bible still cannot decide how it should be used in moral discussion. How may we induce the waters of Shiloah to flow gently to quench the thirst of Zion? Could it be that if we are ready to pay disciplined attention to the logic and meaning of moral language, its nuances, its varieties of function, its modes of expression, its implications, we might at last succeed in building a channel? I leave the question with you.