

The Curse of the Law

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The 'curse of the law', an expression occurring in Gal. 3-13, refers in its context to the curse pronounced by the Old Testament Law on the law-breaker. Taken out of its context, however, it might be thought to sum up Paul's estimate of the Law itself in the argument of Galatians. The Law could indeed be regarded as a curse if Hans Hübner rightly interprets Gal. 3.19 to mean that it was introduced by angelic powers hostile to human beings in order to lure them into sin, just as the Satan was permitted, in the course of his divinely appointed service, to expose job to the strongest temptation to renounce God.¹

Briefly, Paul's argument in the paragraph Gal. 3.10-14 is that the Law brings no blessing with it, but a curse. Far from justifying men and women in the sight of God, it condemns them. It tells them what to do, but imparts no power to do it, while it pronounces a curse on those who fail to keep it in its entirety. The gospel, on the other hand, tells how men and women may be justified by faith; it puts them in the way of receiving the blessing which God promised to Abraham and, through him and his offspring, to all the nations. It is by faith in Christ that they are justified; it is through Christ, Abraham's offspring par excellence, that Gentiles receive the promised blessing. If the Law imparts no power to keep it, the gospel tells how men and women of faith receive the Spirit of God, who bestows on them, and maintains within them, new life in Christ. As for the curse which the Law pronounces on the law-breaker, this has been neutralized for believers by Christ's enduring it himself, through the very manner of his death.

The First Curse Text

Paul warns his Galatian friends not to rely on Law for justification before God because all those who rely on Law expose themselves to the curse which the Law itself pronounces: 'all who are of works of law (ὅσοι... ἐξ ἔργων νόμου εἰσίν) are under a curse' (Gal. 3.10). The

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phrase ἐξ ἔργων νόμου has occurred earlier in Gal. 2.16: 'No human being is ἐξ ἔργων νόμου, but only through faith in Jesus Christ.' From its force there we may infer that Gal. 3.10 means that 'all who rely for justification before God on works of law (legal works) are liable to a curse' instead of the blessing which they hope to receive. It is straining Paul's language to understand it as though ἔργα νόμου meant the legalistic misinterpretation of the Law: every one who transgresses the Law by trying to keep it legalistically is under a curse.² Paul does not mean that to try to keep the Law legalistically is to transgress it; he means simply that it is a hopeless business to seek justification by the Law - by doing the things it prescribes. This he supports by quoting Dent. 27.26, the concluding curse of the 'Shechemite dodecalogue'.

¹ H. Hübner, *Das Gesetz bei Paulus* (Göttingen 1978), pp. 28ff.

² cf. the argument of R. Bring, *Commentary on Galatians*, ET (Philadelphia 1961) pp. 120-5.

The 'Shechemite dodecalogue' comprises twelve curses, which were probably repeated in Israel as part of a covenant-renewal ceremony. The first eleven curses were directed against specific religious or social misdemeanours.³ When a curse was pronounced on each of these, one after another, the members of the congregation responded with an 'Amen' by which they dissociated themselves from such behaviour; the curse involves exclusion from the covenant-community. The twelfth and final curse is more comprehensive, especially in the LXX wording which amplifies it with a twofold $\pi\acute{\alpha}\varsigma$. 'Cursed is he who does not confirm the words of this law by doing them', says the Masoretic text; the LXX reading is more emphatic: 'Cursed is *everyone* who does not persevere in all the words of this law by doing them.' The quotation in Gal. 3. to replace the LXX expression 'all the words of this law' by another, equally deuteronomic, phrase: 'all things that are written in the book of the law'.⁴

To Paul, the 'Law' of Deut. 27.26 was not only the Shechemite dodecalogue, not only, even, the code of Deuteronomy, but the entire corpus of pentateuchal law, with its 248 positive commands and 365 prohibitions (if that was the calculation accepted in the school which he attended). To fail to keep one of these was to incur 'the curse of the law'. Paul's argument may thus be supposed to do inadequate justice to the original context of Dent. 27.26. In the opinion of no less an Old Testament exegete than Martin Noth, however, Paul's argument does not misrepresent the original intention of the passage: while the dodecalogue speaks of blessing for the law-keeper as well as cursing for the law-breaker, the blessing is not to be earned by good and meritorious works, but is something 'freely promised. On the basis of this law there is only one possibility for man of having his own

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independent activity: that is transgression, defection, followed by curse and judgement. And so, indeed, "all those who rely on the works of the law are under a curse".⁵

More particularly it may be asked: does liability to the curse, according to Paul, arise for all who rely on legal works for justification (a) simply because no one keeps everything prescribed in the Law or (b) because the mere seeking of justification by the Law is misguided, even if one attains full marks in law-keeping? Probably the latter of these two alternatives represents Paul's thinking. Looking back on the time before his conversion from the perspective of mature Christian experience, Paul could say that, 'as regards righteousness under the law', he was 'blameless' (Phil. 3.6). Yet it was not on this ground that he knew himself justified before God, but because of the righteousness which is granted 'through faith in Christ, the righteousness from God on the ground of faith' (Phil. 3.9).

It might well seem to follow from the language of Deut. 27.26 that everyone who does persevere in all that the Law prescribes is exempt from the curse pronounced on everyone who does not so persevere. This indeed is implied in Lev. 18.5 ('the one who does them will find life thereby'), which Paul quotes in Gal. 3.12. But he quotes Lev. 18.5 only to set it aside

³ cf. A. Alt, 'The Origins of Israelite Law', ET in *Essays on Old Testament History and Religion* (Oxford 1966), pp. 114f.

⁴ cf. Deut. 30.10; Josh. 1.8.

⁵ M. Noth, "'For all who rely on works of the law are under a curse'", ET in *The Laws in the Pentateuch and Other Studies* (Edinburgh 1966), p. 131.

in favour of the principle of faith (as contrasted with works) which he finds laid down in Hab. 2.4b, 'It is the one who is righteous by faith (not the one who perseveres in doing the whole law) that will find life.'⁶

Paul's confrontation with the risen Christ on the Damascus road after his grounding in Judaism, together with the new appreciation of salvation-history which sprang from that confrontation, compelled him to see the legal path to salvation closed by a barrier (which he would not have refused to identify with the cross) carrying the notice: 'No road this way'.

But, according to the Law itself, the condition of those who failed to keep it in its entirety was not hopeless. The Law held out to them a way of rehabilitation, provided they remained within the covenant-community - the way provided by the regular sin-offerings and especially by the great national sin-offering presented annually on the day of atonement.⁷

If, while Paul was developing the argument of Gal. 3.10-14, someone had interposed - ἄλλ' ἐπεὶ τις - with a reminder of the Law's own provision for the law-breaker, what would Paul have said? Presumably the Jewish sacrificial cultus played no part in the

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arguments of the men who were disturbing the Galatian churches, and therefore Paul does not take up this subject as the writer to the Hebrews does, but Paul's reply might have been not dissimilar to his, if one may judge by what is said in Rom. 3.21-6. Until the coming of Christ some token 'passing over' (πάρεσις) of sins might have been conceded in the forbearance of God, but now (νυνὶ δέ), with the coming of Christ, the true and perfect ἰλαστήριον had been set forth. The argument of Rom. 3.21-6 is not identical with that of Gal. 3.10-14, although there is some affinity between the ἐξαγοράζειν 'in Christ Jesus' of Rom. 3.24 and the ἰ;:ayop&3srν of Gal 3.13. But it is difficult to imagine how Paul would have dealt with an objection to his application of Deut. 27.26 based on the provision of the day of atonement otherwise than along the lines which he was later to lay down in Rom. 3.21-6. If the Law as such was inadequate as a way to salvation, that part of the Law which prescribed sin-offerings was *ipso facto* inadequate.

The Second Curse Text

The liability to the curse which is incurred by all who look to the Law for justification is removed from those who are united by faith to Christ. For Christ took on himself the curse which the Law pronounces on the law-breaker: he 'has redeemed us from the curse of the law by becoming a curse on our behalf' (Gal. 3.13). For this last statement Paul invokes the authority of Deut. 21.23, which he quotes in the form: 'Cursed is everyone who is hanged on a tree' (ἐπὶ ξύλου, which may denote a tree or any wooden erection such as a gibbet). He relates this text to Deut. 27.26 by the exegetical device of *gezerah shawah* ('equal category'), which depends on the presence of a common term in the two texts brought together. In the

⁶ cf. Rom. 10.5-10, where he sets Lev. 18.5 aside in favour of the principle of faith which he finds expressed in Deut. 30.12-14, significantly omitting from the latter passage its closing words αὐτὸ ποιεῖν.

⁷ cf. the description of Jewish religion as 'covenantal nomism' in E. P. Sanders, *Paul and Palestinian Judaism* (London 1977), pp. 75, 157ff, *et passim*.

present instance the device is applicable only to the Greek version of these two texts - in the Masoretic text of Deut. 21.23 the hanged man is not said to be אָדוּד (the word rendered 'cursed' in Deut. 27.26) but קָלַלְתָּ אֱלֹהִים (קָלַלְתָּ אֱלֹהִים, 'a curse of God' or 'an affront to God'). (Yet Paul probably reveals his awareness that the Hebrew text of Deut. 21.23 shows a substantive meaning 'curse' rather than a participle meaning 'cursed' when he speaks of Christ as γενόμενος ... κατάρα) In LXX קָלַלְתָּ אֱלֹהִים is rendered κεκαταραμένος (κεκατηραμένος) ὑπὸ θεοῦ, whereas Paul uses ἐπικατάρατος, the same verbal adjective as LXX employs to translate אָדוּד in Deut. 27.26 - the connection between the two texts is thus made closer.⁸

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To be born under Law, as Christ was (Gal. 4.4), involved no curse in itself. By his lifelong obedience⁹ (cf. Rom. 5.19; 2 Cor. 5.21), Christ remained personally immune from the curse of the Law; yet the manner of his death brought him unavoidably under its curse. The context of Deut. 21.23 shows that the original reference was to the exposure of the corpse of a criminal executed by some other means than hanging (e.g. stoning): it was to be removed and buried out of sight before sundown, because otherwise it was offensive to God and a source of defilement for the land. An early instance of this practice in Old Testament history is Joshua's treatment of the body of the king of Ai (Josh. 8.29; cf. also 10.26f). Its extension to those who had been executed by crucifixion is illustrated in the Johannine passion narrative, where the bodies of Jesus and of the two men who were crucified with him are said to have been taken down before sunset at the instance of the Jewish authorities, who were specially concerned that the sanctity of the ensuing sabbath should not be violated.

An earlier instance of this extension is found in the Qumran commentary on Nahum, where the hanging of men alive 'on a tree' (עַל הָעֵץ) is described as something '[never done] before in Israel'¹⁰ - a reference, probably, to Alexander Jannaeus' crucifixion of defeated rebels. The statement that this practice was unprecedented in Israel implies that hanging (impalement, crucifixion) as such was not a mode of capital punishment sanctioned by legal tradition. But towards the end of the Second Commonwealth it became sufficiently common to be mentioned as a matter of course in the Qumran Temple Scroll. In this document provision is made for 'hanging a man on a tree, that he may die', as well as for hanging a dead body on a tree, and both forms of hanging are related to Deut. 21.23, קָלַלְתָּ אֱלֹהִים being amplified to מְקוּלָּלִי אֱלֹהִים וְאֲנָשִׁים 'cursed by God and men'.¹¹

⁸ cf. M. Wilcox, "Upon the Tree" - Deut. 21.22-3 in the New Testament', *JBL* 96 (1977), pp. 85-99, especially p. 87

⁹ K. Barth, *Church Dogmatics* II/2, ET (Edinburgh 1957), p. 245, followed by G. E. B. Cranfield, *The Epistle to the Romans*, ICC, ii (Edinburgh 1979), pp. 521f, holds that 'the man who has done them' in Gal. 3.12 and Rom. 10.5 (quoting Lev. 18.5) is Christ. Cranfield argues that this interpretation is exegetically necessary in Gal. 3.12f for Christ's 'becoming accursed ... would have no redemptive power, were He not Himself the altogether righteous One' (op. cit., p. 522, n2).

¹⁰ 4Qp Nah 1.7f.

¹¹ 11Q Temple 64.6-13. The Temple Scroll adds עַל הָעֵץ after תְּלוּי in quoting Deut. 21.23, as Paul adds ἐπὶ ξύλου after κρεμόμενος. cf. further Y. Yadin, 'Teshet Nahum (4QpNahum) Reconsidered', *IEJ* 21 (1971), pp. 1-12; J. A. Fitzmyer, 'Crucifixion in Ancient Palestine, Qumran Literature, and the New Testament', *CBQ* 40 (1978), pp. 498-513, especially pp. 498-507, 510-12.

The penalty of being hanged on a tree until one dies is prescribed in the Temple Scroll for an Israelite who has wronged his people by informing against them and delivering them up to a foreign power, or who has cursed (קלל) his fellow-Israelites - in other words, he has been guilty of breaking the covenant-bond.

To be exposed 'in the sun' was judged in Old Testament times a fitting punishment for Israelites who were guilty of covenant violation, like the 'chiefs of the people' who led the apostasy of Baal-peor (Num. 25-4) or the seven descendants of King Saul who had to expiate his breach of the covenant with Gibeon (2 Sam. 21.6, 80).¹² Since the comprehensive curse of Dent. 27.26 sums up the penalties for a variety

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of covenant violations, it could be argued that there is more than a merely verbal link between it and being 'hanged on a tree' (Deut. 21.22f). Paul gives no indication, however, that he had this sort of connection in mind.

Paul omits ὑπὸ Θεοῦ after ἐπικατάρατος in his quotation of Deut. 21.23, perhaps to avoid the suggestion that Christ on the cross was actually cursed by God. It would be difficult to square any such suggestion with Paul's conviction that Christ's endurance of the cross was his supreme act of obedience to God (Rom. 5.19) and that 'in Christ God was reconciling the world to himself (2 Cor. 5.19). (The statement in 2 Con 5.21 that Christ was 'made sin' for us by God will be looked at briefly below; Paul's choice of words in varying contexts depends on varying turns of argument.)

It may well be that the argument of Gal. 3.10-14 was worked out in Paul's mind quite early in his Christian career. As soon as he came to acknowledge the crucified Jesus as the Son of God, the problem why the Son of God should have died under a curse clamoured for a solution. Previously, the very manner of Jesus' death had been sufficient to prove to Paul that he could not be what his followers claimed him to be; now that he manifestly was all that they claimed him to be, and more, his being 'hanged on a tree' could not be left unexplained. The collocation of Dent. 21.23 and Deut. 27.26 pointed the way to an explanation.

This explanation, however, is not repeated in Paul's later letters. There is, perhaps, a certain accidental quality about it, as though the redemption effected by Christ in his death depended on the external form of his death - death by crucifixion. True, there was something about the preaching of Christ crucified, with its inevitable σκάνδαλον, which was peculiarly appropriate to the genius of the gospel - the power and wisdom of God were set in greater relief because the work of redemption was accomplished through a death which, by all secular standards, spoke emphatically of weakness and foolishness. True, the disgrace of the cross stood in impressive contrast to the glory of Christ's exaltation by God. But the saving essence of the death of Christ lay in the spirit in which he accepted it. Once he accepted it with his 'Not my will, but thine, be done', the precise form which it took was of secondary importance. Hence, in his later exposition of the redemptive work of Christ in relation to

¹² The Palestinian Targum inserts על צלי יבא in NUM. 25.4, thus relating the incident to Deut. 21.22f. See A. T. Hanson, *Studies in Paul's Technique and Theology* (London 1974), p. 6.

human need Paul passes over matters of secondary importance and affirms that God 'set him forth as ἱλαστήριον, an agent (or means) of atonement' (Rom. 3.25), that God

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sent him 'περὶ ἁμαρτίας, as a sin-offering' (Rom. 8.3), that God, in fact, made him 'sin' on our behalf (2 Cor 5.21).

Possibly, when Paul says that Christ 'became a curse for us', he has more in mind than the formal argument based on *gezerah shawah* - he may be thinking of the inner experience of Christ crucified, his sense of alienation from God as his people's sin-bearer. But this is expressed more adequately in the statement that Christ was 'made sin' for us - 'that is', as Professor Barrett puts it, 'he came to stand in that relation with God which normally is the result of sin, estranged from God and the object of his wrath.'¹³

Blessing instead of Curse

The blessing which the gospel holds out in place of the curse of the Law is the blessing assured to Gentiles in God's promise to Abraham. 'Christ has redeemed us from the curse of the law ... that the blessing of Abraham might come upon the Gentiles.' The pronoun 'us' in this statement denotes not only Jewish believers, who were directly under Law, but Gentile believers also, whose conscience, accusing or excusing them, bore witness to their inward knowledge of what the Law required (Rom. 2.15).

Whatever may be said of the niph'al or hithpa'el conjugations of the verb *brk* in the Hebrew formulations of the promise to Abraham,¹⁴ the Greek version, which Paul is expounding, has the unambiguous passive: ἐνευλογηθήσονται... πάντα τὰ ἔθνη (Gen. 18.18; 22.18). It is uncertain if the occurrence of one of these promises as the immediate sequel to the 'binding of Isaac' (Gen. 22.18) should suggest that Paul had the sacrifice of Isaac in mind as an anticipation of the sacrifice of Christ.¹⁵ What is certain is his conviction that Gentiles as well as Jews share in all the benefits secured by Christ's redemptive work to men and women of faith, and among those benefits he includes the greatest boon possible for the people of God on earth - the gift of the Spirit.

The two ἵνα clauses of Gal. 3.14 - ἵνα εἰς τὰ ἔθνη ἡ εὐλογία τοῦ Ἀβραάμ γένηται and - ἵνα τὴν ἐπαγγελίαν τοῦ πνεύματος λάβωμεν διὰ τῆς πίστεως - are probably co-ordinate: that is to say, the 'blessing of Abraham' which Gentiles receive 'in Christ Jesus' is

¹³ C. K. Barrett, *The Second Epistle to the Corinthians*, BNTC (London 1973), p. 180. M. D. Hooker adduces both 2 Cor. 5.21 and Gal. 3.13f as examples of the motif of interchange in Christ ('Interchange and Atonement', *BJRL* 60 [1977-8], pp. 462f, 470f).

¹⁴ Niph'al (נִפְּחַל) in Gen. 18.18; hithpa'el (הִתְפַּחֵל) in Gen. 22.18. J. Schreiner, 'Segen für die Völker in der Verheissung an die Vater', *BZ* 6 (1962), p. 7, tries to bring out the force of the Hebrew conjugation by translating '(für) sich Segen erwerben, sich Segen verschaffen' ('acquire blessing for themselves').

¹⁵ cf. N. A. Dahl, 'The Atonement - An Adequate Reward for the Akedah?', *Neotestamentica et Semitica, Studies in Honour of M. Black*, ed. E. E. Ellis and M. Wilcox (Edinburgh 1969), p. 23; M. Wilcox, "'Upon the Tree" ...', *JBL* 96 (1977), p. 97; C. H. Cosgrove, 'The Mosaic Law Preaches Faith: A Study in Galatians 3', *WTJ* 41 (1978-9), pp. 146-71.

incomparably greater than the sum of all the blessings which in Deut. 28.1-14 are set over against the curses of the preceding chapter; it is their reception of the Spirit through faith.

The redemptive work of Christ receives explicit mention again in

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Gal. 4.4f: 'When the time had fully come, God sent forth his Son ... to redeem those who were under law' - and once again the main clause is followed by two ἵνα clauses (ἵνα τοῦς ὑπὸ νόμον ἐξαγοράσῃ and ἵνα τὴν υἰοθεσίαν ἀπολάβωμεν). This time the second ἵνα clause is probably dependent on the first ἵνα clause: that is to say, if in Gal. 3.13f the purpose of the redemptive work was that we (Jewish and Gentile believers alike) should receive the Spirit, in Gal. 4.5 it is that we should receive our instatement as sons of God, and this instatement carries the gift of the Spirit with it: 'Because you are sons, God has sent the Spirit of his Son into our hearts, crying "Abba! Father!"' (Gal. 4.6).

For the Son of God to be born under Law involved his delighting to fulfil that Law, but (in Paul's eyes) it also involved his voluntarily taking on himself the curse which others, by their failure to keep it, had incurred and so redeeming them from their bondage under Law. This redemption does not imply the payment of a price to someone entitled to exact it. The verb ἐξαγοράζειν is probably used in Gal. 3.13 and 4.5 because of its appropriateness to emancipation from slavery. Moreover, in Gal. 4.5 it is not simply from the curse of the Law but from existence under Law as such that believers have been redeemed. There is no comparison between the religious life conceived as a species of 'working to rule' and the new life of liberty in the Spirit which is sustained through faith in Christ. By contrast with the blessing of this new life, existence under Law might well be regarded as existence under a curse in a more general sense than that pronounced in Dent. 27.26 and reasserted by Paul in Gal. 3.10.

Justification by faith plays a central part in the argument of Galatians, but justification by faith is inevitably accompanied by the gift of the Spirit: it is the gateway to the new life of liberty enjoyed by sons and daughters of God. The argument that justification by faith cannot be so central to Pauline thought as has often been held, because Paul never uses it as a basis for ethical teaching,¹⁶ loses much of its force when the vital association between justification and the gift of the indwelling Spirit is borne in mind. The letter to the Galatians is pre-eminently a manifesto on behalf of spiritual liberty. Paul, with his own exhilarating experience of liberation from existence under Law, found it difficult to understand how any one, having tasted the liberty of the Spirit, could willingly submit all over again to the yoke of bondage. It is nevertheless a fact of life that some people actually feel more comfortable under a yoke of bondage than in the way of liberty.

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As scholar and churchman Professor Barrett has consistently pursued and recommended the way of liberty. This paper is offered as a sincere, though inadequate, token of admiration and

¹⁶ cf. A. Schweitzer, *The Mysticism of Paul the Apostle*, ET (London 1931), pp. 220-6, 294-7.

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gratitude to a colleague who, both in academic study and in its practical application, has shown himself to be unsurpassed as a disciple and interpreter of Paul.

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