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The Meaning of **NOMOε** in the Epistles of St Paul

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THE MEANING OF ~~NOMOS~~ IN THE EPISTLES OF ST. PAUL

A thesis
presented to the faculty of
Concordia Seminary,
St. Louis, Mo.

by
Julius V. Kimpel

in partial fulfillment of the
requirements for the degree
of
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INTRODUCTION

"There is scarcely in the whole New Testament any greater difficulty than the ascertaining of the various meanings of νόμος in the Epistles of St. Paul," wrote a renowned British scholar of a century ago.¹ Was he overstating the matter when he wrote those words, or are there facts to confirm his judgment?

The Authorized Version, by having almost constantly rendered νόμος as "the law", whatever the sense of the original, has greatly over-simplified the problems connected with St. Paul's use of the term. For the English reader is used to understand the term simply of the Law of Moses wherever the A.V. has the reading "the law". But it is by no means certain that this is the apostle's meaning in all such cases. A glance at the original will reveal the fact that this practical uniformity of expression in the translation hides an important difference in the grammatical form of the original term, namely, that νόμος lacks the definite article more often than not.² Is this difference utterly without significance, as might appear from the translation with which we are familiar?

1. Middleton, Bp. Thos. F., The Doctrine of the Greek Article Applied to the Criticism and Illustration of the New Testament, 2nd ed., 1828, p. 418.

2. Paul uses the article 53 times, omits it 80 times.

We believe not. The Revised Version too has recognized that the meaning of νόμος in many cases is to be neither easily nor arbitrarily determined, so where it says "the law" it often has "law" or "a law" as a marginal reading.

Moreover, entirely aside from the above considerations, there are reasons why Pauline usage of this word is no simple problem. We find, for instance, that the apostle often applies the name νόμος or ὁ νόμος to some one aspect or element of the whole, rather than to the whole itself. Thus we may distinguish between νόμος conceived of as a mere code of statutes and νόμος viewed as the embodiment of fundamental ethical principles, and between the moral, ritual, and civil elements of the law.

Paul, then, can speak very differently concerning νόμος in different passages, depending on which of these senses of the word he has uppermost in mind. Again, there are passages in which more than one meaning of the word will accord with the tenor of the argument. The various meanings of νόμος are such, then, as to produce perplexity, and this fact is reflected in the distinct and sustained opposition of viewpoint among commentators regarding St. Paul's use of νόμος.

All this necessitates investigation of the facts of the case. The direction which this inquiry will take has already been indicated, in part. To ascertain St. Paul's use of the term νόμος we must come to a decision, in the first place, as to the significance of his frequent

omission of the article. This ranks as the outstanding grammatical question involved in the present discussion, and a whole chapter is devoted thereto. However, the meaning of νόμος is not to be determined solely on the basis of grammatical considerations, as we have indicated. A complete formulation of the varied senses of the word depends also, to a large extent, upon a study of the context, which is often the deciding factor in determining Paul's meaning. To this matter is devoted a whole chapter. But as a background for the more detailed consideration of these two larger questions, it will be advisable to investigate the meaning of νόμος outside the epistles of St. Paul, that we may be able to say what distinctively Pauline usage is. So the first chapter is devoted to a comparison of extra-Pauline usage with Pauline usage in its broader aspects.

Chapter I.

"THE BROAD ASPECTS OF PAULINE USAGE, ESPECIALLY AS
DISTINGUISHED FROM EXTRA-PAULINE"A. Etymology and Primary Reference of the Word *Νόμος*

Νόμος is from the verb *νέμω*—to divide, distribute, deal out, apportion—, and it properly means, then, anything allotted or apportioned, that which one has in use or possession; hence, a usage, custom.¹ In profane literature the term refers to anything established, anything received by usage; a custom, usage, or law to which men ought to conform.² The Septuagint uses *νόμος* chiefly for the Hebrew *תורה*, which means, primarily, direction given to another, then instruction, a rule of action, a body of instructions, a code, or rules;³ also for *חוק*, which means, properly, that which is assigned, hence usage, custom, then law.⁴ In the New Testament (only in Matthew, John, James, Hebrews, and the Lukan and Pauline books) the word signifies a law, ordinance, as prescribed by custom or authority, a principle or statute or body of instruction which calls for obedience. Moreover, is thought of primarily as Divine law, law proceeding from God, the revealed will of God. This conception of *νόμος* is

1. Robinson, Lexicon of the New Testament, 1850.

2. Thayer, Jos. Hy., Greek-English Lexicon of the New Testament, p. 427.

3. Burton, Ernest D., Lexicographical Studies of New Testament Words, First Series, p.1.

4. Abbott-Smith, G., A Manual Greek Lexicon of the New Testament, 1927, p. 304.

the real starting-point both of New Testament and Old Testament, and especially of Pauline, usage⁵.

So much for the etymology and primary reference of the word νόμος. Further delineation of the meaning and use of the word now follows, first with a summary analysis of extra-Pauline usage, and then with an outline of the characteristic and distinguishing features of Pauline usage. This will furnish a background for the formulation of a complete exhibit of Pauline usage.

B. A Summary Analysis of Extra-Pauline Usage

1. In the Septuagint.

Νόμος, as earlier pointed out, is the LXX equivalent for several Hebrew terms, usually נְתִיבָה, but also סֵפֶר and חֻק. A very wide range of meaning is here represented: doctrine, instruction both paternal and Divine; hence the whole revelation of God's will, then specially the Law of Moses, and still more specially the particular statutes and precepts; also metaphorically, system and method.⁶ Among the Jews the common reference of the term was, of course, to the legislative system ascribed to Moses; the Mosaic law was law par excellence to them.

5. Burton, Ernest D., Commentary on Galatians (in the International Critical Commentary), Appendix, p. 455.

6. Gifford, E.H., Commentary on Romans (in Cook's Commentary), Introduction, p.43.

The use of the article in the LXX follows Hebrew usage very closely. Close correspondence is evident from the fact that the Greek version differs from the original only six times as to the presence or absence of the article.⁷ In both languages the general use of the article is very nearly the same. „Die Determinierung eines Substantivs durch den Artikel erfolgt im allgemeinen überall da, wo auch das Griechische...den Artikel fordert; so, bei der Wiedererwähnung von bereits genannten und dadurch für den Hörer oder Leser näher bestimmten Personen oder Dingen; bei Appellativis zur Bezeichnung von nur einmal vorhandenen Personen und Naturdingen, usw.....Dagegen unterbleibt die Setzung des Artikels überall da, wo eine Person oder Sache als unbestimmt oder noch unbekannt hingestellt werden soll.“⁸

The article is present with νόμος in 140 of the 187 instances where the word is used in the LXX. Usually νόμος is with other defining words which render the article unnecessary, e.g., τὸν νόμον τῆς μητέρος σου, Prov. 1, 8; et al. But only eight times is ὁ νόμος "the Law" of Moses—i.e., the Pentateuch as a whole—without further definition; so this is a limited sense of the law. Usually the Law of Moses is designated by the addition of Μωυσέως (cf. Neh. 7,1).

7. Improper insertions by the LXX in Prov. 28, 4 (two times); 21, 8; Isa. 24,5; article overlooked in Mal. 2, 8.9.

8. Gesenius, Wilh., Hebräische Grammatik (26ste Auflage, Kautzsch, 1896); 126, 2a.1.

Anarthrous νόμος occurs only 47 times. In twenty of those cases it is followed by a defining genitive—*κυρίου, Θεοῦ, τοῦ Θεοῦ, μου, Μωϋσέως*—which indicates the giver of the law. In several other cases the defining genitive gives the noun a general sense. Cf. Neh. 9, 13: "laws of truth"; Mal. 2, 6: "a law of truth"; Prov. 13, 14: "a wise man's instruction". Four times νόμος εἶς occurs, with an obvious reference. Once νόμον should be τοῦ νόμον (2 Chr. 34, 15), the article being omitted by mistake.⁹ In the remaining passages, nineteen in number, the meaning is indefinite—"law" or "instruction"—, though the A.V. renders νόμος in a careless fashion, offering "a law" in Deut. 33, 4 and Isa. 51, 4; "laws" in Neh. 9, 14; and "without law" in 2 Chr. 15, 3; but "the law" elsewhere.

The general conclusion concerning LXX usage? This: νόμος usually has a definite reference, often meaning "the law" of Moses, but not unless accompanied by the definite article or a defining genitive, and it also has an occasional indefinite sense when anarthrous.

2. In the New Testament.

In the Gospels and Acts νόμος appears 51 times, arthrous all except four times. In Acts 13, 39 anarthrous νόμος is accompanied by a defining genitive, *Μωϋσέως*, which serves the purpose of the definite article. Similarly, Luke 2, 23.24,

9. The LXX is misled by the omission, in the original, of the article in the noun preceding, which is in the construct state, but definite nevertheless (as constructs generally are). Cf. Gesenius, op. cit., 127.

ἐν νόμῳ Κυρίου (where the article could be omitted anyway on account of the anarthrous Κυρίου). In John 19, ἡμεῖς νόμον ἔχομεν, νόμον ("a law" in the A.V.) refers "indefinitely either to the whole law or to the particular law (Lev. 24, 16)—indefinitely because the speakers do not assume that it was previously known to Pilate, or else to draw attention to the authoritative character of the code, as law which ought to be carried out."¹⁰ The important facts, however, which are to be noted concerning the use of νόμος in the Gospels and Acts are these: 1, when νόμος has a definite reference, the article or a defining genitive—usually the article—is used; and 2, ὁ νόμος, without further definition, means "the law" of Moses, and in a wider sense, the law of the O.T. as a whole—or, by metonymy, the books of Moses simply as a part of Scripture, or Scripture in general.¹¹

In the Epistle of St. James νόμος is found ten times. In two instances (chap. 2, 9.10) the presence of the article gives the word a definite reference—ὑπὸ τοῦ νόμου in v.9 referring to the law of Moses, but ὅλον τὸν νόμον in v.10 having a wider application, "all the law of God, all that He has required, all that He has given to regulate us in our lives."¹² In two other instances (chap. 1, 25; 2, 12) anarthrous νόμος is defined by the genitive ἐλευθερίας and means

10. Gifford, op.cit., p. 45.

11. Cf. Matt. 12, 5; Luke 24, 44; John 1, 45; 10, 34; 12, 34; 15, 25; Acts 13, 15; 24, 14; 28, 23.

12. Barnes, Albert, Notes, 10th ed., 1871, p.

"a law of liberty" (chap. 2, 12) and "a law the perfect one of liberty" (chap. 1, 25). This is a comparatively infrequent sense of the word, here referring to "laws, precepts established by the Gospel,"¹³ or "die durch Christus vollkommen kundgemachte göttliche Ordnung,"¹⁴ and means, in general, an order of things, a principle. Cp. Rom. 3, 27; Gal. 6, 2. In chap. 2, 8 (*νόμον βασιλικόν*, "a royal law") a particular law is meant, a single statute or principle, namely, the one requiring us to love our neighbor as ourselves. In the other five instances (2, 11; 4, 11) *νόμος* is indefinite, "law", and denotes the "law of God as such"¹⁵—perfectly similar to Paul's use of anarthrous *νόμος*, e.g., in Rom. 2, 25. But in at least seven of these passages, viz., chaps. 2, 9-11; 4, 11, a special sense of *νόμος* appears. There, whenever "law" or "the law" are spoken of, only the ethical portions (the Moral law) are in mind—"bloss die Sittengeboten desselben verstanden sind."¹⁶ This is evident from the moral or ethical nature of the precepts which are enjoined in these passages.

The Epistle to the Hebrews contains fourteen passages with *νόμος*. In seven passages¹⁷ the word is used with the article, and its primary reference is clear—the law of Moses. Once *νόμον Μωϋσέως* is used (chap. 10, 28). In *νόμων μου* (chap. 8, 10; 10, 16) *νόμος* has an obvious reference to single precepts

13. Robinson, op. cit., 3a.

14. Schirlitz, S.C., Griechisch-Deutsches Wörterbuch zum Neuen Testamente, 5te Auflage (Eger), 1893.

15. Barnes, op. cit.

16. Schirlitz, op. cit.

17. Chaps. 7, 5; 19.28ab; 9, 19. 22; 10, 1.

or principles, here of ethical or religious nature. *Καὶ νόμον μετάθεσις* (chap. 7, 12), "also a change of law," and *κατὰ νόμον* (chap. 8,4; 10, 8) "according to law," undoubtedly refer to the law of Moses—the connection requires us to understand *νόμος* thus here—, but simply as law, with no further definition. So also in *κατὰ νόμον ἐντολῆς σαρκίνης* (chap. 7, 16), "according to law of fleshly commandment," except that *νόμος* is here so defined by the genitive as to exclude reference to any more than the ritual or ceremonial elements of the law. This use of the term *νόμος* to denote only the ceremonial or ritual portion of the Mosaic legislation is prominent in this epistle and is often the sense required by the connection.¹⁸

What general conclusions, then, can be drawn with regard to N.T. extra-Pauline usage of the word *νόμος*? Mainly these: 1, *νόμος*, with the article or appropriate defining genitive, refers definitely to the law of the O.T. or to the law of Moses, and by metonymy, to the Pentateuch and Scriptures as such; 2, anarthrous *νόμος* is sometimes perfectly indefinite and sometimes refers to law simply as such; and 3, sometimes only a portion of the law—moral or ritual—is meant by the word *νόμος*. Now, how far do these conclusions hold true for Pauline usage? And how does Paul's use of the term differ from extra-Pauline usage?

18. Cf. chap. 7, 5, where the ultimate reference is to the law of tithing, Deut. 14, 22.27-29; or chap. 7, 12, "change of law," which can refer only to the ritual law, and not to the moral law, which is universally and perpetually valid; or chap. 7, 19.28; 8, 4.19.22; 10, 8.

C. Characteristic and Distinguishing Features
of Pauline Usage

1. Partial Correspondence with extra-Pauline
Usage, and Chief Divergences

That we should expect to find St. Paul's use of the word corresponding with extra-Pauline usage in some ways, and diverging in others, is, of course, quite evident. Our present purpose, however, is to determine the extent of correspondence and the points of divergence, rather than to merely state an evident fact. The present section, then, is to give a general view of Pauline usage as compared with the extra-Pauline.

The first comparison will be with reference to the different uses of νόμος with the article. We have seen that the word, when thus used in non-Pauline writings, usually has a very special meaning, viz., "the Law" of Moses, but—depending on the connection—may also denote the O.T. law as a whole. St. Paul too uses arthrous νόμος in this manner, and the lexicons and dictionaries¹⁹ list a large number of Pauline references with the non-Pauline under these two meanings. But the correspondence is only partial. For while it can not be demonstrated that ὁ νόμος outside the Pauline epistles means anything else than "the law" of Moses and the law of the O.T. as a whole (or, by metonymy, the

19. Cf. Thayer, Schirlitz; also Burton, Commentary on Galatians, Appendix, pp. 456-'9.

Pentateuch and the O.T. Scriptures),²⁰ St. Paul uses *ὁ νόμος* in other senses. In Rom. 7, 2b.3 *ὁ νόμος* evidently refers to a single statute or ordinance of the Mosaic law, namely, the marriage law or so-called "law of the man" (*ἀπὸ τοῦ νόμου τοῦ ἀνδρός*). So also, probably, Rom. 7, 1b. Cp. Jas. 2, 8; Heb. 8, 10; 10, 16 for similar use without the article. The apostle also uses *ὁ νόμος*, in a number of passages, for "any force or tendency which, tending to produce action of a certain sort, has the effect of law;"²¹ thus *ὁ νόμος τοῦ νοός* (Rom. 7, 23b), *ὁ νόμος τῆς ἁμαρτίας* (Rom. 7, 23c), and *ὁ νόμος τοῦ πνεύματος* (Rom. 8, 2). Cp. Rom. 7, 21.25.

The apostle's use of anarthrous *νόμος* also shows certain similarities to extra-Pauline usage, but there is characteristically Pauline usage too. We have seen that *νόμος* without the article can be used in a perfectly indefinite sense, e.g., *νόμους μου* (Heb. 8, 10; 10, 16), "my laws." Also cp. Neh. 9, 13.14; Jas. 1, 25; 2, 8.12; and perhaps Heb. 7, 16. Is *νόμος* used in this very indefinite sense in Paul's letters? Cf. Rom. 3, 27 (*διὰ ποίου νόμου*; "by what law?"); 7, 23c (*ἕτερος νόμος ἐν τοῖς μέλεσί μου*, "another law in my members"), *νόμος* here certainly being "indeterminate";²² 4, 15 (*οὐ δὲ οὐκ*

20. According to Robinson (*op. cit.*), *ὁ νόμος* in John 7, 51; 8, 5; 19, 7; Acts 23, 3; 24, 6; Luke 2, 22; John 7, 23; Acts 15, 5; Heb. 9, 22 refers to specific statutes. But this hardly is acceptable. Even if the writer's statement can be referred back to some specific O.T. statute, as in John 7, 51 (*μηδὲ νόμος ἡμῶν κρίνει τὸν ἄνθρωπον*...);), where a reference to Deut. 1, 16; 19, 15 is evident, the whole law is nevertheless referred to. Cp. our English, "Our law forbids---."

21. Burton, *Lexicographical Studies*, p. 4.

22. Robertson, A.T., *A Grammar of the Greek New Testament in the Light of Historical Research*, 2nd ed., 1915, p. 796.

ἔστιν νόμος, "where no law is"); Gal. 3, 21 (εἰ γὰρ ἐδόθη νόμος, "if there had been a law given"); et al.—in each case the absence of the article corresponding to a "logical indefiniteness".²³ Cp. Rom. 9, 31; 1 Tim. 1, 9.—There is one other sense too in which St. Paul uses anarthrous νόμος in common with some non-Pauline writings. In Jas. 2, 11; 4, 11; Heb. 7, 12 especially the O.T. law—particularly the Mosaic law—is undoubtedly in mind, yet the νόμος appears not to be emphasized in its specific character as the O.T. or Mosaic law, but in its generic character as law. Anarthrous νόμος is very frequent in Paul's letters—relatively more frequent, by far, than in extra-Pauline writings²³, and in most cases this so-called "generic"²⁴ sense of the word fits well into the meaning of the passage. However, that anarthrous νόμος does have such a meaning is a matter of much dispute. An investigation into the facts of the matter is the purpose of Chapter II.

Another profitable comparison of Pauline and extra-Pauline usage has to do with a difference in emphasis upon various aspects and portions of the law. The Epistle of St. James emphasizes the Moral law, and the Ceremonial law is the prominent idea in the Epistle to the Hebrews. That the

23. Alford, Hy., The Greek Testament, notes on, 5th ed., 1865; on Rom. 2, 12-15.

24. Paul uses arthrous νόμος 53 times, anarthrous 80 times. Elsewhere, the article is used 196 times, and it is omitted 66 times.

25. Burton, Lexicographical Studies, p. 1.

Gospels speak of the law in a similar manner when the ethical or moral aspect thereof is prominently in mind can be seen from such passages as Matt. 5, 17; 18; 7, 12; 22, 40; Luke 16, 17. St. Paul carries this emphasis upon a certain aspect or element of the law much farther, however—and with both *νόμος* and *ὁ νόμος*—, and this characteristic feature of his usage of the term provides the subject-matter for the third chapter of this paper.

Distinctively Pauline, then, are the frequent use of anarthrous *νόμος*—whatever meaning the term thus may have—and the also frequent emphasis upon a particular aspect or element of the law. But what is the genesis of such usage by Paul? What occasioned the use of the word in these distinctive Pauline senses?

2. Reasons for St. Paul's Special Uses of *Νόμος*

To find a satisfactory explanation of the apostle's distinctive use of the term, we must look first to his purpose in writing his epistles. In Romans and in Galatians particularly—and it is in those two epistles that *νόμος* is most often used by the apostle—it is his object to show that by the Gospel alone men can be justified and that the Mosaic system of law is in this respect of no more avail than is the natural law of conscience. In proving this proposition he has occasion to refer to the different

26. Cf. Rom, 2, 12 ff.; Gal. 3, 18-22.

revelations which both Gentiles and Jews had respectively been granted—in the case of the Jews, to be sure, a far richer and more glorious manifestation of the Almighty's will, made known in the Scriptures through the patriarchs and prophets. The apostle uses *νόμος*, then, of every rule of life, of every revelation of the will of God, with a primary reference, of course, to the revelation of that will in the Old Testament.

The controversies in which St. Paul took part also had their particular effect upon his use of the word. No small part of the Epistle to the Romans, for instance, is an argument expressly with the Jews, particularly about the obligation of the law, the advantage of the Jew, and the way of salvation. And much of his Epistle to the Galatians, especially chap 3 ff., is directed against the Judaizing tendencies of the Galatian Christians, who had been persuaded by persons of Jewish origin that the Mosaic law and its rites were binding upon all for their justification. In both epistles the apostle opposes to this legalistic conception of the law its true nature as the revelation of the holy will of God, as consisting in certain fundamental ethical principles.²⁷ Yet, compelled by the exigencies of controversy, he often takes his opponents on their own ground and, for the purposes of argument, speaks of *νόμος* in the way they understand it—in the legalistic sense.²⁸ This is distinctively Pauline usage, elsewhere infrequent.

27. Cf. Rom. 13, 8.10; Gal. 5, 14.

28. Cf. Rom. 4, 15a; Gal. 3, 10. 12. 13.

Chapter II.

"THE REFERENCE OF ΝΟΜΟΣ AS DETERMINED BY
ST. PAUL'S USE OF THE ARTICLE"

A. The "Rule of the Article"

One of the earliest remarks on the subject was that of Origen on Rom. 3, 21; "Moris est apud Graecos nominibus ἀρθρα praeponi, quae apud nos possunt articuli nominari. Si quando igitur Mosis legem nominat, solitum nomini praemittit articulum; si quando vero naturalem vult intelligi, sine articulo nominat legem." Origen saw the distinction between the forms νόμος and ὁ νόμος, and the rule which he stated was basic to his interpretation of Rom. 3, 21 and like passages.

The general truth of this rule, so far as it applies to the law of Moses, is not challenged. That is, where the law of Moses is meant, νόμος usually has the article prefixed. But is this rule true in other respects? Does νόμος without the prefixed article have its own particular meanings, or does St. Paul use νόμος and ὁ νόμος indifferently to signify the law of Moses, so that the general rule does not hold true?

1. Rufinus' translation, ed. Lommatsch VI, 201; quoted by Gifford, op. cit., Introduction, p. 41.

Philippi writes, "In every passage, without exception, without qualification, νόμος denotes the positive law revealed through Moses. Deviations from this meaning, like νόμος πίστεως (Rom. 3, 27), νόμος ἁμαρτίας (Rom. 7, 23), νόμος δικαιοσύνης (Rom. 9, 31), etc., are justified by the appended adjectival definition itself."² Dean Alford and Ellicott take much the same view. Alford: "Νόμος throughout signifies the law of Moses, even though anarthrous, in every place except where the absence of the article corresponds to a logical indefiniteness, e.g., *ἑαυτοῦς εἶσιν νόμος*, Rom. 2, 14."³ Ellicott: "The meaning of νόμος must be decided on exegetical grounds, for it appears most certain that νόμος may be anarthrous and still clearly mean the law of Moses: see Winer, Gr. Par. 8. . . . Νόμος in each case has the same meaning; that meaning is the Mosaic law."⁴ These commentators, in other words, reject Origen's "rule".

Others, however, make a careful distinction between νόμος and ὁ νόμος —not simply an arbitrary distinction, but one which is explainable on known principles, so as not to destroy the rules. Thus Lightfoot, who says, "The written law—the Old Testament—is always ὁ νόμος. At least, it seems never to be quoted otherwise. Νόμος without the article is "law" considered as a principle, exemplified, no doubt, chiefly and signally in the Mosaic law, but very much wider

2. Commentary on Romans (transl. by Banks, 1879); 2, 12.

3. op. cit., on Rom. 2, 12.

4. Ellicott, C.I., St. Paul's Epistle to the Galatians, 3rd ed., 1863; on chap. 2, 19.

than this in its application.⁵ Middleton maintains the general truth of Origen's rule, admitting "no other exceptions than those by which . . . words the most definite are frequently affected."⁶ In other words, νόμος isn't simply used indifferently with ὁ νόμος to signify the Mosaic law, but has its own particular meanings and uses, which are explainable on known principles. Westcott, Vaughan, Gifford, Burton, Hodge, Green, Lenski, and others classify the meanings of νόμος and ὁ νόμος on such a basis.

There is a distinct and maintained opposition of viewpoint on the use of anarthrous νόμος by St. Paul, we see. This necessitates a detailed investigation, in the first place, of the nature of the article and the effect of its presence and absence.

B. The Nature of the Article, and the Effect of its Presence or Absence

The Greek article is a pointer.⁷ The word in the Greek is ὀριστική, from ὀρίζω (to bound, limit; and so also, to determine, decide), and the function of the article is, then, to define, limit, or point out. It may point out an individual from other individuals, which is the most common use (Matt. 5, 1, τὸ ὄρος), a class from classes (αἱ γυναῖκες, etc. in Col. 3, 18-4, 1), or a quality from qualities (τὴν δόξαν,

5. quoted by Gifford, op. cit., p. 43.

6. op. cit., p. 420.

7. Robertson, A.T., A New Short Grammar of the Greek Testament, 1935, pp. 275-283.

κτλ. in Rev. 4, 11; ἡ ἀγαπή, 1 Cor. 13, 8; etc.). As a pointer it can point at or point out "anything not already definite enough without it."⁸ However, our English versions often fail to handle the Greek article properly, as in Luke 18, 13, where τῷ ἁμαρτολῷ should be "the sinner", not "a sinner" as the A.V., for instance, has it. The Greek article is not used when it has no meaning. Moreover, when it is not used,⁹ that is because the word is indefinite, unless it is otherwise defined—in the case of proper names or things one of a kind, or when defining genitives or adjectives are used. So μετὰ γυναικὸς ἐλάλει (John 4, 27), "He was talking with a woman," and οἱ ἐκ νόμου (Rom. 4, 14), "those dependent on law."

Bishop Middleton described the use of the article in this way: "The article is commonly prefixed to nouns which are employed κατ' ἐξοχήν"—that is, when the word "refers to some object of which there are many but no one of which is so familiar to the mind of the hearer as that which is made the predicate of the article."¹⁰ And Green: "The article is prefixed to a word when it conveys an idea already in some degree familiarized to the mind, and in so doing expresses something definite. Definiteness attaches to the general idea when this idea is identified with one which has been

8. Robertson, Short Grammar, p. 276.

9. To speak of the "omission" of the article is inaccurate, according to Robertson (Short Grammar, p. 282), the assuming that the article should normally be there, whereas the article really is not to be used unless it is needed to make something more definite than it is without the article.

10. op. cit., pp. 128 and 49.

already impressed upon the mind. The article is a sign of this identification. . . . The natural effect of its presence is to divert the thoughts from dwelling upon the peculiar import of the word and is adverse to its adherent notion standing out as a prominent point in the sense of the passage."¹¹ To illustrate the principle: when νόμος conveys the familiar idea "the Law" (and that was the common reference of the term among the Jews), and thus is definite in sense, it has the article prefixed. In this case, not the character of νόμος as "law", but the adherent notion—the fact of its expression in the historic O.T. or Mosaic form—is prominent in the sense of the passage. When this definiteness is lacking, however, and the peculiar import of the word is dwelt upon, the article is lacking.

And now, what is the bearing of these grammatical considerations upon the meaning of νόμος in specific Pauline passages? Does Origen's "rule" still hold true?

C. Paul's Meaning in Typical Test Passages

1. Passages in which the Primary Reference of the Term Νόμος is Evident

It was stated above that the general truth of Origen's "rule" is acknowledged so far as νόμος with the article is concerned. Arthrous νόμος has a primary reference to the law of the Old Testament, and particularly the Mosaic code, the

11. Green, T.S., Grammar of the New Testament Dialect, 1842, pp. 132.165; quoted by Gifford, op. cit., pp. 41-42.

article designating νόμος as the well-known law. Those passages where the word is used in this sense offer no particular problem. But ὁ νόμος is used in other senses too. Once, by metonymy, it designates the books of Moses simply as a part of Scripture, without reference to their character as law (Rom. 3, 21b: ὁ νόμος καὶ οἱ προφῆται); and in one other instance, it refers to the O.T. Scripture in general in this manner (1 Cor. 14, 21: ἐν τῷ νόμῳ γέγραπται), the quotation from Isa. 28, 11 proving that the Pentateuch is not meant. In another instance (Gal. 6, 2) ὁ νόμος is followed by τοῦ Χριστοῦ and cannot be referred to the O.T. law, but rather only to the law of God as enunciated by Christ (τοῦ Χριστοῦ :gen. author). And we have already noted (p.9) the use of ὁ νόμος in a tropical sense in such passages as Rom. 7, 21.23 and 8, 2; and in the sense of a single statute or law in Rom. 7, 2b.3.

Anarthrous νόμος presents a more difficult problem, in general. However, in a number of passages the sense is quite evident. In Rom. 3, 27b (διὰ νόμον πίστεως) the word is used in a tropical sense to denote a ruling principle. Stöckhardt writes on this verse: „Der Ausdruck νόμος findet sich hier in seiner allgemeineren Bedeutung, Regel, Ordnung. . . . Νόμος πίστεως ist die Heilsordnung, welche im Evangelium vorliegt, und die da Glauben in sich schliesst.“¹³ The absence of the

12. Rom. 2, 14b.15.18.20.23b.26.27a; 3, 19ab; 4, 15a.16; 7, 4.5.6.7ac.12.14.16; 8, 3.4; 1 Cor. 9, 8.9; 14, 34; 15, 56; Gal. 3, 10c.12.13.17.19.21a.24; 4, 21b; 5, 3.14.21b; Eph. 2, 15; 1 Tim. 1, 8.

13. Stöckhardt, G., Commentar über den Brief Pauli an die Römer, 1907, S. 162-'3.

article permits the peculiar import of the idea "law" to appear prominently—in this case, "law" in the sense of principle or rule which has the effect of law. Cp. Rom. 7, 23a (ἕτερον νόμον, "a different law") and Rom. 9, 31 (νόμον δικαιοσύνης, "a law of righteousness"). In Rom. 7, 25 both νόμος Θεοῦ and νόμος ἁμαρτίας are without the article, after having been mentioned in vv. 22. 23, each with its article; and the absence of the article shows more clearly what ὁ νόμος Θεοῦ and ὁ νόμος ἁμαρτίας are in their nature and quality,— "a law of God" and "a law of sin".

The extreme of generalization of the concept νόμος is found in such passages as Rom. 3, 27a (διὰ ποίου νόμου). An example of this unlimited sense is found in Rom. 4, 15 (οὐ γὰρ οὐκ ἔστιν νόμος, "where no law is"), νόμος certainly not being merely "the law" of Moses. Thus also Gal. 3, 21 (εἰ γὰρ ἐδόθη νόμος, "if there were a law given"), the contrary-to-fact supposition showing that the Mosaic law can not be meant. In Gal. 5, 23 (κατὰ τῶν τοιούτων οὐκ ἔστιν νόμος, "against these there is no law") νόμος has this same very general sense. Similarly, probably, 1 Tim. 1, 9 (ὅτι δικαίῳ νόμος οὐ κείται, "that law is not ordained for the just"). This very general use is very evident also in Rom. 2, 14, where Paul says of those who have no definitely organized system of Divine law, as in the O.T., that they are "law unto themselves" (ἑαυτοῖς εἰσιν νόμος), having in their hearts a "norm of right and wrong which is really and truly law, νόμος, the published will of the Lawgiver."¹⁴

14. Graebner, A.L., Theol. Qu., Jl., 1898; p.291.

2. Passages in which Anarthrous Νόμος Seems to Require a Definite Reference

In this class are found the passages which have been thought to prove most certainly that νόμος is used indifferently with ὁ νόμος as a proper name for "the law" of Moses. A few of these passages may seem difficult of correct translation by the indefinite .

Thus Phil. 3,5: κατὰ νόμον Φαρισαῖος . Most commentators take νόμος as here equivalent to ὁ νόμος and understand of it, the Mosaic law, pointing out the allusions here to ^{to refer to} circumcision and circumcision, and the fact that in all the words connected with νόμος there is an immediate reference to the Jewish race and ideas. It is certain that the Mosaic law is to be thought of here. Yet that by no means says that νόμος is simply used in the same sense as ὁ νόμος and is to be translated "the law". Remember, Paul is reciting the "flesh" prerogatives in which he had excelled any Judaizer—and here, the prerogative which had made him a true Pharisee. But what especially characterized a Pharisee was his insistence upon the Oral Law, as well as the written Mosaic law, as the basis of justification before God. To restrict νόμος to the Law of Moses here misses the real sense of the passage, which is that Paul was, "as touching law (or, measured by law), a Pharisee."¹⁵

15. Lenski, R.C.H., The Interpretation of St. Paul's Epistles to the Galatians, to the Ephesians, and to the Philippians, 1937, p. 843.

Rom. 2, 12-15 is an important passage in this connection. *Νόμος* occurs seven times here without the article, in one case (*ἐναντοῖς εἶσιν νόμος*) having a very general reference, as we have seen (p. 19). According to many commentators, *νόμος* in the other instances can mean only the Mosaic law, for the *ὅσοι ἐν νόμῳ ἤμαρτον* and *ἐννομοὶ* are Jews, and the *ἄνομοι* and *τὰ μὴ νόμον ἔχοντα* are Gentiles;¹⁶ furthermore, *οἱ ἀκροαταὶ νόμον* refers to those who heard the Mosaic law read in the synagogues every Sabbath.¹⁷ However, it is not necessary to understand *νόμος* strictly of the law of Moses to satisfy Paul's argument. He doubtless designed to rebuke the Jews for their presumption in boasting of the Law. He states these plain and obvious principles, then, that it is not the possession of a written revelation that saves, nor the lack of one that condemns, and that actual obedience to revealed law, rather than mere hearing of it, justifies in the sight of God. The application of these principles leads, of course, to the thought of the Mosaic law, as the written revelation in which the Jews boasted. But in vv. 14.15 the apostle shows that these principles are applicable also to the Gentiles—that though they had no written revelation, yet they had opportunity, as well as the Jew, to illustrate the principles given in vv. 12. 13, since they had a law among themselves.¹⁸

16. Zahn, Th., Der Brief des Paulus an die Römer, 1910; Seite 120, über Röm. 2, 12.

17. Meyer, H.A.W., Critical and Exegetical Commentary on the New Testament, tr. by Wm.F. Dickson, 1874. On Rom. 2, 13.

18. Barnes, Notes on Romans, chap. 2, 12-15.

Paul expresses himself with a generality which would meet the case of any historical or concrete revelation of Divine law, so νόμος here is best taken as "law", i.e., as law in a more general sense than is expressed in "the law".

Rom. 2, 17. 23. 25. 27 and Gal. 6, 13 seem to require that we take νόμος in the very definite sense, the law of Moses. The above passages in Romans are addressed to Jews, and Gal. 6, 13 is said with reference to the Galatian Judaizers. This, with the frequent allusions of the context to the rite of circumcision, seem to refer νόμος to the law which the Jews possessed. And that St. Paul has the Mosaic law in mind is not to be doubted. However, in ἐπαναπαύη νόμῳ and ἐν νόμῳ καυχᾶσαι (Rom. 2, 17. 23a), for instance, the point of the passage is overlooked if we simply take νόμος as the Mosaic law. Dean Alford points out that the article is missing here "because νόμος is not here distributed—it is not the law itself in its entirety which is meant, but the fact of having or of knowing the law, strictly, perhaps, 'a law'.¹⁹" And Gifford remarks that "the confidence of the Jew reposed on the mere fact of God's having given him a law, not on the particular character of the law so given."²⁰ The more exact translation is, then, "law". And so in Rom. 2, 25. 27 b and Gal. 6, 13: νόμος is the Mosaic law, but it is viewed simply in its quality as law, and not as being definitely this law; hence the absence of the article. The peculiar

19. op. cit., on Rom. 2, 17.

20. Commentary on Romans, on 2, 17.

import of the expressions ἐὰν νόμον πράσσης of v. 25 (cp. the νόμον φυλάσσουν in Gal. 6, 13) and ἐὰν παραβατῆς νόμου ᾖς in vv. 25b. 27 is "if thou be a law-doer" and "if thou be a law-breaker"—this "indicating," as Vaughan says, "the character of the person, rather than calling attention to the particular form or designation of the law."²¹ Moreover, perfect fulfillment of the whole law would be meant in Rom. 2, 25 if νόμον πράσσειν were equivalent to τὸν νόμον πράσσειν, but this is obviously not the sense. And finally, in Gal. 6, 13, if the law were meant, would not τὸν νόμον φυλάσσουν be used, as it is in Acts 21, 24?

As a crucial test we may take the passages Rom, 5, 13, ἄχρι γὰρ νόμου . . . μὴ ὄντος νόμος, and 5, 20, νόμος δὲ παρεισ-ἤλθεν. Most commentators here understand νόμος to be the Law of Moses. The ἀπὸ Αδάμ μέχρι Μωϋσέως in v. 14 shows, indeed, that the Mosaic law is referred to in v. 13 a, at least. This, however, is not to be thought of as an instance where νόμος is simply equivalent to ὁ νόμος, for it is by no means required of us to understand it so. By the absence of the article the generic character of the Mosaic system as law is prominently displayed; and ἄχρι νόμου, "before law", refers to the pre-Mosaic era not simply as pre-Mosaic, but as pre-law, as preceding any objective revelation of Divine law. Only when the pre-Mosaic time is thus ^{be}lied at—as pre-law, as law-less—can the general statement, ἀμαρτία δὲ οὐκ

21. Quoted in International Critical Commentary, on Romans 2, 25, by Sanday and Headlam.

ἔλλογεται μὴ ὄντος νόμος, be applied thereto.²² St. Paul says that before men had "law" (relatively only: „da sie kein positives Gesetz hatten!")²³ they were sinners, yet because of the general principle that sin is not imputed when there is not law, they were not accounted transgressors of law. To say that before there was a Mosaic law ἁμαρτία was not imputed ignorēs the fact that natural law condemns man. Cf. Rom. 1, 32. And now—as to 5, 20: νόμος δὲ παρεισῆλθεν, "Law came in beside." It is usually overlooked that παρεισῆλθεν can not be said of the Law of Moses, since it signifies entered in beside, entered privily (as in Gal. 2. 4), while the Mosaic law, on the other hand, was ushered in with all pomp and notoriety. And would it be true that παράπτωμα or ἁμαρτία did not "abound", and χάρις "exceedingly abound", till the Law of Moses was promulgated? It is best to understand νόμος of the law of nature, of which it is true that it entered silently.²⁴

3. Passages in which Anarthrous Νόμος is "Governed" by Another Noun

The passages where such expressions as ἐξ ἔργων νόμου and χωρὶς ἔργων νόμου occur present a problem of their own. We are told that the absence of the article proves nothing as to the meaning of νόμος in these cases. According to the "principle of correlation", when the governing noun—ἔργων here—is both anarthrous and indefinite in sense, the governed noun

22. Zahn, op. cit., p. 270.

23. Stockhardt, op. cit., on chap. 5, 13.

24. Middleton, op. cit., pp. 425-'6.

may lose the article, and not unfrequently does lose it, even should the noun itself be definite in sense.²⁵ However, it should be noted that the governed noun merely may drop the article, but does not necessarily do so. Cf. Matt. 4, 3. 6; John 10, 36; 2 Pet. 1, 1.²⁶ So, from the form of the words we cannot tell whether νόμος in ἐξ ἔργων νόμου and χωρὶς ἔργων νόμου is really definite but has lost the article in accordance with the above rule or is indefinite in sense. But to refer νόμος to the law of the O.T. or to the Mosaic law certainly falls short of the apostle's argument, for instance, in Rom. 3, 20. It is his purpose to show that no man whatever can be justified by works either of the Jewish law or of any other. Πᾶσα σὰρξ, like ὁ κόσμος in the preceding verse, cannot but be understood universally; and what follows, διὰ γὰρ νόμον ἐπίγνωσις ἁμαρτίας, is also plainly a universal proposition. This provides the strongest presupposition in favor of taking νόμος in the indefinite sense "law" in this case.

In Gal, 2, 16 and 3, 2. 5. 10a the context might seem to require a reference to the Mosaic law. But Zahn remarks to the point: "Was vom mos. Gesetz unter den Juden erfahrungsgemäss gilt, gilt von jedem andern gleichartigen Gesetz in jedem andern Volk und würde, wenn man die Probe machte, sich bewähren."²⁷ And he translates ἔργα νόμου "Gesetzeswerke"—

25. Middleton, *op. cit.*, 424.

26. Robertson, *Short Grammar*, p. 278.

27. Zahn, *Der Brief des Paulus an die Galater* (Böhme edition, 1905), S. 122, über Gal. 2, 16.

ἔργα νομικά, τὰ νομικά. Lenski translates "law-works", or "Gesetzeswerke", and says, "Neither noun has the article, making the quality of each stand out. Paul is speaking of Jews, hence he has in mind the law of Moses and the corresponding works. Yet 'law-works' is general; any law and any works are included."²⁸ Indeed, "St. Paul's work would have been but half done if he had only proved that man could not be justified by the works of the Law of Moses. What he proved, and what gives his epistle its eternal significance, is the fact that by no works of law, by no legal obedience, can man in any age or nation earn for himself righteousness before God."²⁹ It is a serious defect of the A.V., R.V., et al. that they ignore the qualitative and general sense of νόμος in such passages and translate "by works of the law".

4. Passages in which Anarthrous Νόμος is Governed by Prepositions

In thirty-two passages anarthrous νόμος is governed by a preposition (διά, ὑπό, ἐν, ἐκ, κατά, χωρίς, εἰς, ἄχρι). The common notion is that of Dean Alford, who remarks on the ἐν νόμῳ of Rom. 2, 12b that "as to the omission of the article, no inference can be drawn, as the word follows a preposition." In many passages—Rom. 5, 13; 7, 7; 1 Cor. 9, 20; Gal. 4, 4; etc.—νόμος is taken as equivalent to ὁ νόμος and the article is said to be omitted on account of the preposition. What countenance is there for this view?

28. op. cit., on Gal. 2, 16

29. op. cit., Introduction, p. 46.

Gifford

In the first place, it must be noted that this so-called "omission" of the article when νόμος follows a preposition is distinctively Pauline usage—if it be established that Paul actually does use the article so. In the LXX, Gospels, and Acts there is not a single passage where νόμος meaning the law of Moses loses its article on account of being governed by a preposition, except where the LXX overlooked the article in the original, and in Acts 13, 39, ἐν νόμῳ Μωϋσέως, where the article is rendered unnecessary by the genitive. Paul alone "omits" the article when νόμος follows a preposition. But not always. Cf. Rom. 2, 18. 20 (κατηχούμενος ἐκ τοῦ νόμου and ἔχοντα τὴν μορφωσιν τῆς γνώσεως, κτλ. ἐν τῷ νόμῳ), of which Dean Alford says that the article is used with νόμος, "though before a preposition, because the law is distributed—it is the book of the law, the law itself, the whole law,"³⁰ which is denoted. It seems, then, that where the definite sense of the word is required, the article is used in Paul's letters as well as elsewhere. We believe, with Gifford, that "in every passage where the article is omitted the context not only admits the exact rendering 'law', but gains by it a more forcible and comprehensive meaning."³¹

Take, for instance, the phrases διὰ νόμου, ἐν νόμῳ, ἐκ νόμου³², which are substantially equivalent to each other and to ἐξ ἔργων νόμου in a number of cases. In Rom. 4, 13

30. op. cit., on Rom. 2, 18.

31. op. cit., p. 46.

32. Rom. 4, 14; 10, 5; Gal. 2, 21; 3, 11. 18. 21b; 5, 4

(οὐ γὰρ διὰ νόμου ἢ ἐπαγγελία....., ἀλλὰ διὰ δικαιοσύνης πίστεως) "law" and "righteousness of faith" (both without the article) are represented as principles opposed to and excluding each other—a contrast which is basic to St. Paul's whole argument on justification. While the Mosaic law is, no doubt, in the apostle's mind as the foremost embodiment of Divine law, the application of οὐ γὰρ διὰ νόμου here is much wider—any system of law, all law viewed as a basis for justification, is meant. „Mit jedem Gesetz ist das Wesen der Verheissung und des Glaubens....ein unverträgliches Prinzip.“³³ It is, I believe, to express this opposition between πίστις and νόμος as principles of justification, rather than because νόμος follows a preposition, that the article is not used with διὰ νόμου here. Moreover, in such instances, the quality and nature of justification διὰ νόμου (and ἐν νόμῳ or ἐκ νόμου)³⁴ as legalistic, as through or by "law", rather than as through or by "the Law", the Mosaic law, are brought prominently forward.

33. Zahn, *op. cit.*, p. 228.

34. There is no significant difference between ἐν νόμῳ and διὰ νόμου and ἐκ νόμου. Διὰ νόμου means by means of or through the medium of law. Ἐν νόμῳ means in the sphere of, more specifically, on the basis of—law, ἐν probably having its causal and basal sense in this connection. The ἐκ in ἐκ νόμου denotes source—specifically, that on which something depends, or that from which it proceeds.

It is interesting to note that all three expressions are generally used with some form of δικαιοσύνη or δικαιώω. Cf. Rom. 10, 5; Gal. 2, 21; 3, 11. 21b; 5, 4; and Phil. 3, 6.9. Cp. Rom. 4, 13; where διὰ νόμου is similarly used with ἢ ἐπαγγελία; and Rom. 4, 14; Gal. 3, 18; where ἐκ νόμου is also similarly used, but with οἱ κληρονομοί.

The ὑπὸ νόμον passages (Rom. 6, 14. 15; 1 Cor. 9, 20; Gal. 3, 23; 4, 4.5.21a; 5, 18) are significant in this connection. Does it in every case satisfy the requirements of the passage to assume that νόμος is simply used as the equivalent of ὁ νόμος and that the article was dropped after ὑπό? Cf. Rom. 6, 14.15 (οὐ γὰρ ἐστε ὑπὸ νόμον ἀλλὰ ὑπὸ χάριν) and Zahn's remark thereon: "Obwohl unter νόμος hier wie 5, 20 kein anderes Gesetz als das mosaische und unter χάρις keine andere Gnade als die Gnade Gottes und Christi (5, 15.21) zu verstehen ist, sind doch beide Begriffe artikellos gebraucht, um den qualitativen Unterschied dieser beiden Offenbarungen Gottes um so schärfer hervortreten zu lassen."³⁵ The same can be said of νόμος in some of the other passages where ὑπὸ νόμον occurs, namely, in Gal. 4, 4.21a and 1 Cor. 9, 20. In these instances the reference of νόμος is probably to the Law of Moses, but the law is referred to as law, i. e., qualitatively. In the other instances, however, νόμος probably requires a wider reference than to the Mosaic law, even qualitatively understood. In Gal. 4, 5 the context³⁶ implies that τοὺς ὑπὸ νόμον includes Gentiles as well as Jews. That Paul conceived the Gentiles to possess a law, and that of Divine origin, is clear from Rom. 2, 14.15 (cp. Rom. 1, 19.20). In Gal. 3, 23

35. op. cit., p. 313.

36. Burton in his commentary on the passage points out the inclusiveness of the ἡμεῖς in v. 3, the use of the second person in the verb ἀπολάβωμεν in v. 5, and the obvious reference to Gentile Galatians in the ἐστε of v. 6— these considerations favoring a general reference for νόμος in v. 5.

(ὑπὸ νόμον ἐφρουρούμεθα) the position of all believers before the coming of Christ is described: the Jews were under the control of the Law, subject to its bondage, and the Gentiles were under the law of conscience, in subjection to it. That the Gentiles are meant too is evident from the inclusiveness of v. 22 and of the "we" in ἐφρουρούμεθα. And the εἰ δὲ πνεύματι ἀγεσθε, οὐκ ἔστε ὑπὸ νόμον of chap. 5, 18 is addressed both to Jews and Gentiles, so here again νόμος refers to "law" in general.

D. Summary.

The distinction between νόμος and ὁ νόμος is very commonly disregarded, yet it is full of significance, we have seen. Νόμος and ὁ νόμος are not simply used indifferently for each other. Usually the article is added—sometimes a defining genitive or adjective instead, however—when the apostle intends for νόμος to be more definite than it would otherwise be. Then the term refers to the well-known O.T. law, particularly the Law of Moses, or some particular law. When the article is not added, however, the peculiar import of the word is allowed to come prominently forward, and if the historic Law is referred to—as the context may show to be the case—, it is referred to in its quality as law. Or νόμος may simply mean law in general—"law" or "a law".

Chapter III,

"ELEMENTS OF THE CONCEPT ΝΟΜΟΣ AS DETERMINED BY
CONTEXTUAL RELATIONS"

The above is only a partial exhibit of Pauline usage of the term νόμος. Grammatical considerations have thus far and in large part determined, or at least suggested, the main distinctions in meaning. However, there are senses of the word which are not indicated, or even hinted at, by such facts of grammar as the presence or absence of the article. The fact has already been mentioned (cf. pp. 11-12) that the apostle, in common with other New Testament writers, not unfrequently so refers to the law—or to law—as to show that he has his eye on some one element of it alone, isolated from every other element but treated as constituting the whole. What he says of νόμος or ὁ νόμος when one certain aspect thereof is in mind may be very different from what he says of it when some other aspect is prominent in his thinking. The sense of the term depends to a great degree, therefore, on what the apostle says concerning it in the context. And the passages themselves furnish evidence of at least two special aspects of the concept νόμος in St. Paul's writings, viz., the legalistic and the ethical.

A. The Legalistic Element: *Nómos* Viewed as a
Statutory System

1. Genesis of such Usage with Paul¹

The common reference of the term *νόμος* among the Jews was, as has already been mentioned, to the legislative system ascribed to Moses. This was *νόμος par eminence*. Pharisaism, however, had isolated those elements of the Law which set forth the general principle that obedience is rewarded and disobedience punished, and supplementing these with an Oral Law which was made as binding as the written Law itself, had built up what was ostensibly a pure legalism, which regarded the Law as a statutory system on the basis of which men are justified or condemned as a matter of debt without grace. The pre-eminently ethical nature of the Law was largely lost sight of, and an exclusive emphasis on statutes became the fundamental principle of the Pharisaic system. Yet theirs was a self-contradictory legalism: though ostensibly believing in a treatment of men strictly according to their merits, the Pharisees were wont to excuse their many wrongdoings on the ground of their relation to Abraham and of their circumcision. These they regarded as having a value over-balancing many transgressions, and they still thought of themselves as standing before God on their own merits and as not being in need of God's forgiving grace.

1. Burton, Commentary on Galatians, Appendix, pp.447-449. 451, is the source for most of the material on this section.

Paul meets the legalists on their own ground. He attacks their conception of law, in the first place, through an attack on their idea of the covenant. Of this he says, Gal. 3, 6-9, that it was not legalistic, not essentially a covenant of circumcision and with the circumcised children of Abraham, but rather a covenant of faith and with those who entered into relation with God through faith. In Gal. 3, 17 he maintains that this covenant had always been in force, that it had preceded and paralleled the Law, so that law conceived of as a body of statutes had never been the sole basis of God's dealings with men—had, indeed, never been intended to be. And the apostle attacks the Pharisaic conception of law more directly too. He takes certain passages of the O.T. which, isolated and taken by themselves, would teach a pure legalism, and uses them to show the logical consequences of this legalistic interpretation of law, viz., the condemnation of all and the justification of none. Cf. Gal. 3, 10.12.13; Rom. 4, 15 a; 7, 5. Paul could himself speak of the law in this legalistic sense—not, however, because he believed it, thus taken, fairly to represent the O.T. conception of law, but for purposes of controversy.

If we are to rightly understand Paul, however, we must not suppose that law in the legalistic sense had only an hypothetical existence. It did have an actual existence. Yet it was never by itself the basis of God's dealings with men, and there never was a period of pure legalism except in the

erroneous thoughts of men.² In Gal. 3, 11 Paul quotes the O.T. as teaching the precise contrary of such legalism, making faith the basis of acceptance with God (Heb. 2, 4). His whole position, in short, is this: he isolates in mind the legalistic elements of law and affirms of law that which is actually true of it as a legal system pure and simple, though denying that it alone constituted God's law. And this isolated element he calls "the law", or "law", and by νόμος means a purely legalistic system.

2. Passages in which the "Legalistic" Element is Evident.

That Paul sometimes uses the term νόμος to denote this one aspect of law, rather than its totality as the revealed will of God, is evident from such passages as Rom. 3, 20, 28 and Gal. 2, 2.5.10; Rom. 10, 5; Gal. 3, 10-12; 5, 4; Phil. 3, 6.9; etc., which speak of justification or righteousness sought ἐξ ἔργων νόμου, διὰ νόμου, ἐν νόμῳ, ἐκ τοῦ νόμου, etc. These expressions, as the context in each case shows, are used with δικαιοσύνη or δικαιώω to describe the legalistic basis of justification, i.e., the attempted justification by law or by works of law. Paul is writing with Pharisees or legalists in his eye, and with the remembrances of his own experience as a Pharisee in his heart, and in each of these passages he clearly affirms that the way of "law", the way of legalism, leads

2. Graebner, A.L., "The Moral Law," Theological Quarterly, July, 1899 (Vol. III, No. 3), p. 266.

nowhere. In fact, he shows that νόμος as defined by the legalist is nothing more than a sentence of universal condemnation, condemning all and justifying none. But he could speak very differently of the law too. In Rom. 7, 7.12.14.16 he declares that the law is holy, spiritual, good, that it has its legitimate and divinely appointed function. The only explanation is this: in the historic O.T. statutory system Paul saw a real—and holy, spiritual, and good—revelation of the Divine will, which, however, when taken by itself and assumed to be complete, gave an inadequate and false, a legalistic, conception of Divine law. This was but one aspect of the law to Paul. To the legalist, however, it was the law. Νόμος or ὁ νόμος meant to them "a covenant of works, its promise of life depending on the merit of strict and scrupulous observance."³ Paul himself, for purposes of argument, speaks of law in this sense. In this case, he makes no distinction between ritual and moral elements, but by νόμος means the Mosaic law in general—sometimes, Divine law in a wider sense—viewed as the "source of being set right with God."⁴ And of this he says that it cannot justify in the sight of God.

This legalistic sense of the term best fits the requirements of the context of not a few other passages. Gal. 2, 19, where St. Paul says, διὰ νόμου νόμῳ ἀπέθανον, is an important example. Cp. Rom. 7, 4, καὶ ὑμεῖς ἐθανατώθητε τῷ νόμῳ. In what

3. Gifford, op. cit., on Rom. 10, 5.

4. Robertson, Word Studies, on Rom. 3, 20.

sense could the apostle speak of death "through law" and "to law" or "to the law"? He would certainly not say that it was a death to law in the ethical sense—i.e., conceived of as consisting in the principle of love. Nor would he speak of dying to law in the broad, inclusive sense of the term—i.e., to law in every respect. Evidently he is using νόμος in the same sense in which it has been used in the preceding discussion. There, where Paul had expressed himself with regard to Judaistic demands that the Gentile Christians should be circumcised and the Jewish Christians continue to obey the law of foods, he most obviously speaks of Divine law as a legalistic system, a body of statutes legalistically interpreted. He had lived under such a system during his Pharisaic days, had died to it (been delivered from the legal relation), to which step the law itself, legalistically interpreted, had driven him. This is the most probable explanation of Paul's language.

In Rom. 7, 4 the reference is similar—the Mosaic law (ὁ νόμος) in its legalistic interpretation, conceived of as a body of statutes demanding obedience. Thus also Rom. 10, 4, Τέλος γὰρ νόμου Χριστοῦ. In v. 3 Paul has been contrasting two methods of obtaining δικαιοσύνη —one, a method ἐκ πίστεως; the other, that followed by legalistic Jews, a method διὰ νόμου. But "with Christ in the field...legal religion is a thing of the past: the way to righteousness is not the

5, Burton, Commentary on Galatians, Chap. 2, 19.

observance of statutes, though they have been promulgated by God Himself;⁶ law thus legalistically conceived, Mosaic or any other law,⁷ is at an end. Cp. Gal. 3, 13; Eph. 2, 15.

To recognize this sense of the word also lends much to the understanding of those passages in which the apostle uses the expression *ὑπὸ νόμου*, viz., Rom. 6, 14.15; 1 Cor. 9, 20; Gal. 3, 23; 4, 4.5.21; 5, 18. In what sense could the apostle say, for instance, *οὐ γὰρ ἐστε ὑπὸ νόμου ἀλλὰ ὑπὸ χάριτι*, Rom. 6, 14, if he did not use *νόμος* as referring to law legalistically conceived? The only other possible way in which he could speak of the believer as not being *ὑπὸ νόμου* would be to limit *νόμος* to the Ceremonial as distinct from the Moral law. But can we adopt this distinction? Gifford answers, "It is clearly impossible. For what is the example chosen by the apostle to prove that we are delivered from the Law? It is no outward ordinance, no ceremonial observance, but a moral precept, the deep, heart-searching principle of moral obedience, 'Thou shalt not covet.' (Rom. 7, 6.7). This is the law of which St. Paul says that it wrought in him all manner of concupiscence and that sin took occasion by it and slew him. How could these deadly effects result from the moral law, which is holy, just, and good, ordained to life, except from its being perversely regarded as a means of earning justification...?"⁸ In Rom. 6, 15; 1 Cor. 9, 20c; Gal. 4, 21; 5, 18 the

6. Expositor's Greek Testament, Denney on Rom. 10, 4.

7. Wider reference required by *παντὶ τῷ πιστεύοντι*, proving the passage cannot be confined to the Jews, and consequently, not to the Mosaic law. Cf. I.C.C. & Exp.N.T.; 10, 4.

8. op. cit., Introduction, pp. 47-48.

sense is obviously the same—law legalistically interpreted, a "legalistic system" (Robertson)⁹. The οἱ ὑπὸ νόμον of Gal. 4, 5; 1 Cor. 9, 20 abd, then, would be those under a covenant of works, a legal dispensation. This is said of our Lord Jesus Christ in Gal. 4,4; He was γενόμενον ὑπὸ νόμον that is, born under the same religious obligations as those whom He came to save, subordinated to the requirements of Divine law.

B. The Ethical Element; Νόμος Viewed as the Embodiment of Ethical Principles

1. Genesis of this Usage with Paul¹⁰

Over against the rigid Pharisaic legalism reached by an exclusive emphasis on statutes Jesus proclaimed certain fundamental ethical principles and declared that in them the law properly consisted. Cf. Matt. 7, 12; 22, 40. And Paul, when he was not compelled by the exigencies of controversy to use the term in the sense in which his Jewish and Judaizing opponents used it, could speak of νόμος or ὁ νόμος with particular emphasis upon the ethical aspect or element thereof. It was this ethical or moral element, rather than that of formulated statute that represented for Paul the true will of God, the real νόμος. He isolated in his mind the one element which he saw to be permanent and truly essential in Divine law, namely, an ethical principle—that of love—and conceived the whole as centralized therein and reduced thereto.

9. Word Studies, on Gal. 4, 21.

10. Burton, Commentary on Galatians, p. 453.

2. Passages in which the Ethical or Moral Sense is Used

Paul clearly uses the term *νόμος* with exclusive emphasis upon the ethical principles of the law in Gal. 5, 14 and Rom. 13, 8.10. That *νόμος* in the former passage is used in a sense which not simply emphasizes the ethical or moral principle which is at the heart of the law, but does so to the exclusion of the statutory requirements of the law, is clear, as Burton points out, "from the fact that, while the apostle fervently exhorts the Galatians not to yield obedience to the command to be circumcised, he clearly implies that the law, as he is here speaking of it, is to be fulfilled by them. In this passage, therefore, the element of ethical principle is isolated and treated as constituting the law."¹¹ Robertson similarly: "Paul uses here a striking paradox by urging obedience to the law against which he has been arguing, but this is the moral law, as proof of the new love and life."¹² Rom. 13, 8 is an exact parallel. Rom. 13, 10 differs only in having *νόμος* without the article, so, while Paul in the other two passages clearly has in mind the law of God as revealed in the O.T., here he is probably pointing to a larger sense in which his statement that love is the fulfilling of the law is true.

11. op. cit., Appendix, p. 453.

12. Word Studies, remark on Gal. 5, 14.

This sense of the word best suits the context of a number of other passages. Gal. 6, 2, τὸν νόμον τοῦ Χριστοῦ, is an example. The apostle refers back to chap. 5, 14, where the duty of love to our neighbor was designated as "the whole law"; now he designates it as the "law of Christ". By this Paul undoubtedly means the law of God as enunciated by the Christ—as the Law of Moses is the law of God as put forth by Moses—and it is clear that he conceived of this law put forth by Christ as consisting, not in a body of statutes, but in the central and all-inclusive principle of love. The ethical sense of the term νόμος in this instance is evident. In a number of other passages νόμος is used with Θεοῦ or τοῦ Θεοῦ (Rom. 7, 22; 8, 7: τῷ νόμῳ τοῦ Θεοῦ, "the law of God"; and Rom. 7, 25: νόμῳ Θεοῦ, "a law of God"). Νόμος in these passages is νόμος Θεοῦ (gen. auctor.) to emphasize its nature in contrast to the ἕτερος νόμος, ὁ νόμος τῆς ἀμαρτίας, and ὁ νόμος ἐν τοῖς μέλεσι of vv. 23.25. But the nature of the contrast is such that this νόμος Θεοῦ is to be here regarded as Divine law in its ethical aspect, in its true character and essential nature as a revelation of the holy will of God.

In Rom. 2, 14b.15.25.26.27 the context again requires us to understand νόμος in the ethical or moral sense. When the apostle in v.14b writes that the Gentiles "do by nature the things of the law" (τὰ τοῦ νόμου) and "show the work of the law (τὸ ἔργον τοῦ νόμου) written in their hearts," the ceremonial and political elements of the Mosaic law obviously

can not be included. Only in so far as the Mosaic law is universally applicable, or only when this law is broadly and justly viewed in accordance with its essential moral nature, can the heathen be said to do the things required by that law and to have that law written in their hearts. Only in its ethico-moral aspect were the Gentiles acquainted with God's law.¹³— And as regards Rom. 2, 25.27: Paul has in mind Gentiles who have become Christians, who do actually fulfill the Law and observe His commandments, though they are uncircumcised (vv.26a.27a). But if the uncircumcised "keep the righteousnesses of the law" and do "fulfill the law", *τοῦ νόμου* obviously can not refer to the ritual element of the law, nor—since Paul is speaking of Christians—to the law legalistically considered. The only way to understand *νόμος* here, then, is in its ethical sense.

C. Moral, Ritual, and Civil Elements of the Law.

This is the distinction commonly made between the various elements of the law.¹⁴ We have already mentioned the moral and ceremonial elements of the law in other connections—the moral elements in the above section and the ceremonial element in connection with the Epistle to the Hebrews. In addition to these two, there is the civil element, apparent in such passages as John 8, 5; 8, 17; 18, 31; 19, 7ab; Acts 18, 15; 23, 29. How far, now do these distinctions apply to Pauline usage?

13. Graebner, A.L., "The Moral Law," Th.Qu. III, 257-'70.

14. Thayer, op. cit., p.428.

The Moral Law requires little comment other than what has already been said. The apostle's use of *νόμος* or *ὁ νόμος* in such a way as to show that he has his eye on the ethical or moral part of it alone is clear from Rom. 13. 8.10; 2, 14b. 15. 25 ff.; 7, 22.25; Gal. 5, 14; 6, 2; as above shown. In the above discussion, however, the distinction was not between the Moral law and the ceremonial and civil portions of the Law, as here, but between law, objectively promulgated or not, in its legalistic and ethical interpretations. The two are not identical distinctions, clearly. The one distinction is between the several portions of the Law (the Moral law alone having a wider signification), and the other distinction is between two different conceptions of law (the Law as well as law in a wider sense). In most passages, however, it is impossible to tell with certainty which distinction is in the apostle's mind, either sense according with the tenor of the argument, Gal. 5, 14 probably being the only passage where *ὁ νόμος* clearly refers to the whole law ethically conceived.

The ceremonial law was clearly isolated in thought in the Epistle to the Hebrews, as before stated. It is doubtful, however, whether the same can be demonstrated of the epistles of St. Paul. Some commentators, true, understand the *τοὺς ὑπὸ νόμον* of 1 Cor. 9, 20 and similar passages to refer to "those who regard themselves as still under obligations to comply with the demands of the ceremonial law." But it has been

15. Jacobs, H.E., Lutheran Commentary, 1 Cor. 9, 20.

demonstrated (pp. 37-'8) that also the moral law—all law, in fact—can be included in νόμος here, the expression τοὺς ὑπὸ νόμον denoting all who are scrupulous about legal prescriptions viewed as the basis for justification. Rom. 10, 4 also has been quoted as an instance of νόμος referring to the ceremonial law in particular. But cf. pp. 36b-37t. Nor can the ἐξ ἔργων νόμου passages (Rom. 3, 20 etc.) be interpreted solely of the ceremonial law. The apostle's meaning was certainly more inclusive than that we are not justified by works of the ceremonial law. In all these passages it is true that the ceremonial law is not excluded, to be sure. In fact, in the Epistle to the Galatians it is evident from the whole letter that the ceremonial law was especially in the mind of the apostle—the epistle is written to those who had been persuaded to observe the ceremonial law, particularly with regard to the rite of circumcision and the law of foods, and is intended to lead them away from their error—, but the apostle always expresses himself with a generality which includes more than the ceremonial law. It was necessary too, that this wider reference be used in the ἐξ ἔργων νόμου, διὰ νόμου, and similar passages, as pointed out above.

A few times only is νόμος referred to in such a way as to require us to understand it of the civil law, or of rules and laws pertaining to civil duties. Cf. Rom. 7, 1.2.3, where the marriage law in particular is referred to. In these cases there is no implication that the law is to be thought of as Divine law; it may be Roman, Jewish, or law without discrimination.

CONCLUSION

Let us remind ourselves that the purpose of this discussion has been to determine what are distinctively Pauline usages and meanings in connection with the word *νόμος*. First of all, a comparison between Pauline and extra-Pauline usage was made in a general way, sufficient to show the main problems to be dealt with. Two such large problems—Paul's use of anarthrous *νόμος* and his emphasis on particular aspects and elements of the law—provided a basis for the larger part of our discussion.

What are our main inferences concerning Pauline usage, by way of summary?—There are, of course, general points of correspondence with extra-Pauline usage. In fact, there are few ways in which the apostle uses the word that are not to be found elsewhere. Distinctively Pauline, however, is the extensive use of anarthrous *νόμος* and the frequent emphasis upon either the legalistic or the ethical aspect of the law.

Of particular importance and interest is the question of Paul's meaning when the article is absent. We concluded that *νόμος* and *ὁ νόμος* are not simply used indiscriminately as a proper name for the Law of Moses, as many commentators believe to be the case. The distinction of form in this case is full of significance, we believe, and is indispensable to the full understanding of such passages as Rom. 2, 12 ff.; 3, 19 ff.; 4, 13 ff.; 7, 1 ff.; Gal. 3, 10 ff.; and, indeed, to a

adequate conception of the leading idea of St. Paul's doctrine of law and grace. Moreover, in nearly every passage where the article is lacking, a more forcible and comprehensive meaning attaches to the apostle's words if anarthrous *νόμος* be understood as having shades of meaning in distinction from those of arthrous *νόμος*.

The determination of the meaning of the word is by no means an easy task, however. In not a few passages more than one sense of the word will well accord with the tenor of the argument. The familiar versions—the A.V. and the R.V. are not definite as to the use of the term. There is a wide divergence of view among commentators as to the meaning or significance of the absence of the article. These and other considerations emphasize the truth of the statement quoted from Middleton at the beginning of this paper, that "there is scarcely in the whole New Testament any greater difficulty than the ascertaining of the various meanings of *νόμος* in the epistles of Paul."

Finally, this subject, though difficult, is one which should recommend itself to every conscientious preacher of Christ's Gospel for at least a measure of study. Paul's doctrine of the law,—as well as his doctrines of faith and grace, presented in very close connection with his discussions concerning law,—often by way of contrast—will be better understood as the result of such study. So, then, a most profitable and instructive study for him who will take the time!

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