

“THE YOKE OF SERVITUDE”
Christian Non-Observance
of the Law’s Cultic Precepts in Patristic Sources

∴ Michael Patrick Barber, Ph.D. ∴

*John Paul the Great Catholic University
San Diego, CA*

Introduction

The early Church Fathers’ emphasis on the unity of the Old and New Testaments¹ has deservedly received a great deal of attention. St. Augustine’s famous dictum is frequently and appropriately cited as representative of early Christian hermeneutics: “The New Testament is concealed in the Old; the Old Testament is revealed in the New.” The belief that the scriptures were to be read as “a single book” provided the basis for the Fathers’ typological and spiritual analysis of the biblical texts.² The rise of heretical movements such as Gnosticism and Marcionism in the second century—groups that disputed the validity of the scriptures of Israel—necessitated an even more pronounced emphasis on the continuity of God’s plan in the Bible. What is often neglected, however, is the way the Fathers also recognized *discontinuity* in salvation history. In a way, this recognition also crystallized out of theological controversy.

Long before Marcion insisted on jettisoning Israel’s scriptures, the Church’s leadership had to deal with radical claims made by heretics who stood at the opposite end of the spectrum. Famous in the apostolic period were the Judaizers,

1 Using the terminology of “Old Testament” and “New Testament” in a paper on patristic interpretation poses difficulties. Clearly ancient Jews would not have used these terms. Indeed, in ancient Judaism there was no universal recognition of a closed set of authoritative sacred books. In the Talmud the book of Sirach is (apparently) quoted as Scripture (see *Baba Batra* 92b; *Hagigah* 13a)—a book that was later excluded by the rabbis. Moreover, in the Dead Sea Scrolls there appears to be no distinction between “biblical” books and other sectarian documents. Moreover, the Christian canon only received its final authoritative shape after the councils at Rome (A.D. 382), Hippo (A.D. 393) and Carthage (A.D. 397). For a thorough discussion of issues relating to the development of the canon see Lee Martin McDonald and James A. Sanders, eds., *The Canon Debate* (Peabody: Hendrickson, 2002). Rather than constantly offering qualifications for the terminology, and for the sake of convenience, the phrase “Old Testament” will be used in this article to describe Israel’s sacred texts that the Church came to recognize as authoritative Scripture.

2 See the discussion of the patristic approach to the Bible in Robert Louis Wilken, *The Spirit of Early Christianity* (New Haven: Yale University Press, 2003), 61–69, especially 62. See also Jean Danielou, *From Shadows to Reality: Studies in the Biblical Typology of the Fathers* (London: Burns & Oates, 1960).

who insisted that faith in Christ required acceptance of *all* the precepts of the Torah, including circumcision. This controversy was addressed at the council of Jerusalem and recorded in Acts 15. A decision was rendered that would forever impact Christian understanding: Christians need not be circumcised or abide by all of the dietary regulations of the Mosaic Law.³ Christ has “fulfilled” the Law, releasing Christians from many of the requirements of the Old Testament. In explaining why Gentiles should not be forced to submit to certain precepts of the Law, Peter put it this way: “Now therefore why do you make trial of God by putting a yoke upon the neck of the disciples which neither our fathers nor we have been able to bear? But we believe that we shall be saved through the grace of the Lord Jesus, just as they will” (Acts 15:10–11, emphasis mine). Christ’s “fulfillment” of the Law paradoxically involved some level of “discontinuity” with portions of the Old Testament.

The decision of the council, however, is somewhat perplexing. On the one hand, the narrative in Acts makes it clear that it was Peter’s appeal that finally moved the council to its resolution. Before Peter’s speech there had been “much debate,” but after the speech we are told that “the assembly fell silent” (see Acts 15:7, 12). On the other hand, the interpretive principles behind Peter’s resolution are not expressly spelled out. What enabled Peter to identify a subset of laws—a “yoke ... which neither our fathers nor we have been able to bear”—from which believers could be dispensed?⁴ The task of unpacking the interpretive and theological principles intuited by the apostolic decree was left to the fathers.

Other early Jewish criticisms of Christianity occasioned the need for precise, exegetical answers to the type of questions found in Acts 15. Christian non-observance of Old Testament ordinances scandalized the Jews. Justin’s interlocutor in his *Dialogue with Trypho* appears to voice the concerns many Jews had about Christianity:⁵

3 While it was decided that Christians should abstain from certain foods (for example, food offered to idols and meat containing blood), there is no indication that this applied only to the “clean” foods of the Old Testament (compare Acts 15:28–29).

4 It is well known that emergent Judaism referred to the Law in terms of a “yoke.” See, for example, James D. G. Dunn, *The Epistle to the Galatians* (London: A. & C. Black), 263; E. P. Sanders, *Paul and Palestinian Judaism* (London: SCM Press, 1977), 93–94. See also a quote from the Mishnah: “He that takes upon himself the yoke of the Law, from him shall be taken away the yoke of the [oppressing foreign] kingdom and the yoke of worldly care; but he that throws off the yoke of the Law, upon him shall be laid the yoke of the kingdom and the yoke of worldly care” (*m. Abot.* 3:5; cited from Herbert Danby, *The Mishnah* [Oxford: Oxford University Press, 1933; reprinted 1985]).

5 Some scholars have questioned whether or not Justin’s *Dialogue* was directed towards a Jewish audience. See, for example, C. H. Cosgrove, “Justin Martyr and the Emerging Christian Canon,” *VC* (1982): 211. For an excellent defense of the traditional view see Allert, *Revelation*, 37–61. For a recent and comprehensive overview of scholarship on Justin Martyr see Michael Slusser, “Justin Scholarship: Trends and Trajectories,” in *Justin Martyr and His Worlds*, eds. S. Parvis and P. Foster (Minneapolis: Fortress Press, 2007), 13–21.

But this is what we are most puzzled about, that you who claim to be pious ... do not keep the feasts or Sabbaths, nor do you practice the rite of circumcision. You place your hope in a crucified man, and still expect to receive favors from God when you disregard his commandments. ... [You] spurn the commandments ... and then you try to convince us that you know God, when you fail to do those things that every God-fearing person would do. If, then, you can give a satisfactory reply to these charges and can show us on what you place your hopes, even though you refuse to observe the Law, we will listen to you most willingly, and then we can go on and examine in the same manner our other differences (*Dialogue* 10.3).⁶

From this Jewish challenge we can see how a second century Christian apologist might feel obligated to explain not only the *unity* of the divine plan (vs. the Gnostics) but also how that unity made *discontinuity* possible (vs. Jewish antagonists).

This article will focus on how Patristic writers took up this challenge by looking at how they addressed the question of Christian non-observance of ordinances in the Old Covenant Law. What emerges is a substantive and coherent set of interpretive principles which the Fathers derive from a close reading of biblical texts. As we will endeavor to show, these principles can be summarized as follows:

1. Within Israel's scriptures one can distinguish between different categories of law, including those with universal and abiding application (usually identified with the Ten Commandments) and a set of precepts specifically necessitated by the historical circumstances of God's people.
2. Certain laws were not part of God's original arrangement with Israel but were only given later as a means of dealing with their sin. In particular, patristic sources argue that the sacrificial and purity laws were imposed as a response to the sin of the golden calf.
3. Christian non-observance of Israel's ritual code was, paradoxically, anticipated in the Patriarchal period. In some ways, Christianity can be seen as a *return* to this period.

6 *St. Justin Martyr: Dialogue with Trypho*, ed. Michael Slusser, trans. T.B. Falls (Washington, D.C.: Catholic University of America Press, 2003), 18–19. The standard critical edition is *Iustini Martyris: Dialogus cum Tryphone*, ed. Miroslav Marcovich (Berlin: Walter de Gruyter, 1997).

In order to explain Christian non-observance of Israel's cultic laws, Patristic writers make the case that certain laws constituted a "secondary legislation"; "secondary" both in terms of chronological appearance and of importance. As we shall see, advocates of this approach include some of the most influential early Christian writers and sources. Indeed, by the third century this approach becomes so firmly and widely established in Christian understanding that it is treated as part of apostolic tradition itself.

New Testament Origins of the "Secondary Legislation" View

The Fathers' strategy for explaining Christian non-observance of the Old Testament's ritual requirements does not appear *ex nihilo*. Basic components of the "secondary legislation" approach can be traced back to the New Testament itself. Aside from the decree of the Jerusalem council mentioned above, other texts can be highlighted.

Of particular significance is the Gospels' presentation of Jesus' prohibition of divorce and remarriage, something expressly permitted by Moses in Deuteronomy. When challenged to explain this controversial teaching, Jesus explains: "For your hardness of heart [*sklērokardian*] Moses allowed you to divorce your wives, but from the beginning it was not so" (Matthew 19:8 // Mark 10:5). Jesus' answer involves three important ideas. First, he makes it clear that he has not introduced discontinuity into God's design for marriage. Israel's scriptures are *themselves* in tension with one another since Deuteronomy's accommodation for divorce is discontinuous with the vision for marriage found in Genesis. Second, Jesus implies that he has come to restore the standards that applied prior to Moses' allowance for divorce and remarriage; he has come to uphold the standards that were "from the beginning." Third, Jesus identifies the reason for Moses' concession: Israel's hardness of heart (*sklērokardian*). Jesus' teaching establishes precedent for a recognition that certain laws—in this case, the procedure for divorce and remarriage in Israel—were given not because such precepts were inherently good and necessary. Rather, they were given as a result of Israel's sinfulness.

While Jesus never explicitly applies these principles to the cultic and ritual regulations of the Old Testament, Christian non-observance of such ordinances does find a basis in the writings of the evangelists. Jesus displays the miraculous power to make "clean" that which the Law stipulated as "unclean" (see Mark 2:40–45). Further, in a sweeping statement that renders distinctions between "clean" and "unclean" as no longer relevant, Jesus states: "There is nothing outside a man which by going into him can defile him; but the things which come out of a man are what defile him" (Mark 7:15). Mark then clearly affirms: "Thus he declared all foods clean" (Mark 7:19). Here Jesus effectively does away with the need for the dietary laws of the Mosaic Code.

In other places Jesus also appears to relativize Sabbath regulations and the importance of the temple. His healings on the Sabbath suggest that he himself transcends its significance (see Mark 3:1–6; Luke 13:10–17; 14:1–6; John 5 and 9). Moreover, he describes himself as “something greater than the temple” (cf. Matt 12:6). Jesus even suggests that he will ultimately replace the physical building standing in Jerusalem with a new temple, his body (John 2:13–22; Mark 14:58).⁷ Stephen also appears to relativize the significance of the temple in Acts 7, highlighting prophetic criticism of the cult.⁸ Likewise, the author of Hebrews comes to the epoch-changing conclusion that Christ’s sacrifice has rendered all the sacrifices required by the Old Testament Law as utterly obsolete (see Hebrews 10:9).

Moreover, the apostle Paul, as clearly seen from his discussion of circumcision in his letter to the Romans, did not believe that Christians were bound by all of the Old Testament laws. Paul appeals to Abraham as precedent for the idea that justification can be found apart from circumcision, pointing out that Abraham was “justified” *prior* to his circumcision (see Romans 4:9–10). For Paul, Christian freedom from the requirement of circumcision is anticipated in the Patriarchal period (prior to Genesis 17).

Further, as with Jesus, Paul advocates that certain aspects of divine legislation were added because of sin. In Galatians 3 he writes:

Why then the Law? *It was added because of transgressions*, till the offspring should come to whom the promise had been made; and it was ordained by angels through an intermediary.²⁰ Now an intermediary implies more than one; but God is one (Gal. 3:19).

The question of what Paul specifically had in mind when he speaks of the “Law” is difficult. One possibility is the Mosaic Law in its entirety. A closer look at Paul’s language, however, suggests that he had in mind certain laws given to Israel after the sin of the golden calf. The Law given to Israel at Sinai was not “added” to a pre-existing set of laws; at Sinai God revealed his Law to Israel *for the first time*. Also, Paul’s description of the Law as being given through intermediaries conflicts with the biblical description of the Sinai experience. In Deuteronomy 5:22 Moses explains that the LORD himself spoke *directly* to Israel at Sinai, not through intermediaries. Given these difficulties, Paul’s language is best understood as describing precepts imposed *after* the golden calf debacle. There is solid warrant for this

7 For a fuller discussion of Jesus as the new temple, see Nicholas Perrin, *Jesus the Temple* (Grand Rapids: Baker Academic, 2010). See also Michael Barber, “The Historical Jesus and Cultic Restoration Eschatology: The New Temple, the New Priesthood and the New Cult” (Ann Arbor: UMI Dissertation Services, 2010).

8 For a fuller treatment of Stephen’s speech see John Kilgallen, *The Stephen Speech* (Rome: Biblical Institute Press, 1976); Martin Scharlemann, *Stephen: A Singular Saint* (Rome: Biblical Institute, 1968).

interpretive approach: Paul himself links the giving of the Law to the aftermath of the golden calf (see 2 Corinthians 3:7–18).⁹

To conclude and summarize: the secondary legislation approach of many patristic writers follows a trajectory of thought that comes straight from the New Testament itself. Turning now to the Patristic sources, we shall see that the interpretive principles employed by the Fathers represent a coherent elaboration of the basic principles found in the teachings of Jesus and in New Testament writers such as St. Paul.

St. Justin Martyr (c. A.D. 100–167)

The first clear articulation of the “secondary legislation” view is found in Justin Martyr’s *Dialogue with Trypho* (A.D. 155–167).¹⁰ Justin argues that Christian non-observance of the rite of circumcision finds its precedent in the freedom the Patriarchs enjoyed from such commands:

For if, as you claim, circumcision had been necessary for salvation, God would not have created Adam uncircumcised; nor would he have looked with favor upon the sacrifice of the uncircumcised Abel, nor would he have been pleased with the uncircumcised Enoch, *who was seen no more, because God took him*. The Lord and his angels let Lot out of Sodom; thus was he saved without circumcision. Noah, the uncircumcised father of our race, was safe with his children in the ark. Melchizedek, the priest of the Most High, was not circumcised, yet Abraham, the first to accept circumcision of the flesh, paid tithes to him and was blessed by him; indeed, God, through David, announced that he would make him a priest forever according to the order of Melchizedek (*Dial.* 19:3–4).¹¹

The critical point for Justin is this: if the ceremonial laws were not necessary for holiness in earlier periods, why should we conclude that they have enduring value? He writes, “For if circumcision was not required before the time of Abraham, and if there was no need of Sabbaths, festivals, and sacrifices before Moses, *they are not*

9 For more on Paul’s treatment of the Law in Galatians 3 see Scott W. Hahn, *Kinship by Covenant: A Canonical Approach to the Fulfillment of God’s Saving Promise*; Anchor Yale Bible Reference Library (New Haven: Yale University Press, 2009), 264–267; Terrance Callan, “Pauline Midrash: The Exegetical Background of Gal 3:19b,” *Journal of Biblical Literature* 99 (1980): 549–67; John Bligh, *Galatians* (London: St. Paul, 1970), 292–312.

10 See Craig D. Allert, *Revelation, Truth, Canon, and Interpretation: Studies in Justin Martyr’s Dialogue with Trypho* (Leiden: Brill, 2002), 33–34; Oskar Skarsaune, *The Proof from Prophecy, A Study in Justin Martyr’s Proof-Text Tradition: Text-Type, Provenance, Theological Profile* (Leiden: Brill, 1987), 9; Eric Francis Osborne, *Justin Martyr* (Tübingen: Mohr-Siebeck, 1973), 8.

11 Cited from Slusser, *St. Justin*, 31–32.

needed now [that Christ has come]” (*Dial.* 23:3).¹²

Moreover, Justin identifies the reason why God imposed certain cultic regulations on Israel: idolatry in general and, more pointedly, as a response to the sin of the golden calf:

We, too, would observe your circumcision of the flesh, your Sabbath days, and, in a word, all your festivals, if we were not aware of the reason why they were imposed upon you, namely, *because of your sins and your hardness of heart [sklērokardia]* (*Dial.* 18:2).¹³

[Israel] showed itself wicked and ungrateful to God *by molding a golden calf* as an idol in the desert. Therefore, God, adapting [*harmosámenos*] his laws to that weak people, *ordered you to offer sacrifices to his name, in order to save you from idolatry ...* (*Dial.* 19:5–6).¹⁴

Thus, your sacrifices are not acceptable to God, nor were you first commanded to offer them because of God’s need of them, but because of your sins. The same can be said of the temple, which you refer to as the Temple in Jerusalem. God called it his house or court, not as if he needed a house or a court, but because, *by uniting yourselves to him in that place, you might abstain from the worship of idols* (*Dial.* 22:11).¹⁵

For Justin, God gave Israel certain regulations “in order that, by observing these many precepts, *you might have him constantly before your eyes and refrain from every unjust and impious act*” (*Dial.* 46:5).¹⁶

Justin’s argument is not based merely on allegorical readings of Old Testament texts (though certainly he does employ spiritual exegesis at various points). Rather, his argument is primarily rooted in a salvation-historical approach that makes recourse to what he sees as the literal sense of biblical passages.

This is especially clear in chapter 22 of the *Dialogue with Trypho*. Here Justin identifies four passages which make it clear that the ceremonial laws were not part of God’s original arrangement with Israel but were added because of sin. Justin observes that the prophet Ezekiel described how the Lord gave Israel laws that “were not good” (Ezekiel 20:25) after the people turned away from him in the wilderness

12 Cited from Slusser, *St. Justin*, 37; my emphasis.

13 Cited from Slusser, *St. Justin*, 30.

14 Cited from Slusser, *St. Justin*, 32.

15 Cited from Slusser, *St. Justin*, 36; my emphasis.

16 Cited from Slusser, *St. Justin*, 36; my emphasis.

(*Dial.* 21:3). Next, Justin turns to Amos 5:18–6:7, a passage in which the Lord condemns the sacrifices offered by Israel, promising to reject their offerings (*Dial.* 22:2–5). Third, Justin turns to Jeremiah 7:22, a text which he believes supports his view that such precepts were not part of God’s original arrangement with Israel: “For I commanded not your fathers, in the day that I brought them by the hand out of the land of Egypt, concerning the matter of burnt offerings and sacrifices” (*Dial.* 22:6).¹⁷ Fourth, he cites texts from Psalm 50 where the psalmist explains that the Lord has no need for sacrifices. Finally, he cites from Isaiah 66:1 where the temple’s significance is relativized: “What is this house that your built for me? says the Lord. Heaven is my throne and the earth is my footstool.”¹⁸

Justin does not treat these passages allegorically in his argument. Instead, he relies on what he thinks is the text’s literal-historical meaning. Justin’s strategy is not surprising; Jewish interlocutors would hardly have found Christian allegorical readings persuasive.

Justin’s repeated use of the terminology of “hardness of heart” (*sklērokardia*) in describing the rationale for the imposition of the sacrificial laws also seems to evoke another biblical text. The same terminology occurs in Jesus’ prohibition of divorce and remarriage in the Gospels of Matthew and Mark. Though Moses allowed for the practice, Jesus explains: “For your hardness of heart (*sklērokardian*) Moses allowed you to divorce your wives, but from the beginning it was not so” (Matthew 19:8 // Mark 10:5). The parallel is striking. As Jesus explained that the allowance for divorce and remarriage was temporary and only given because of Israel’s “hardness of heart,” Justin makes a similar argument regarding the sacrificial precepts of the Law no longer observed by Christians.

St. Irenaeus (c. A.D. 140–200)

By the end of the second century we encounter another significant voice advancing this same interpretive approach, Irenaeus. Irenaeus is often spoken of as “the most important Christian theologian of the second century.”¹⁹ In Book 4 of his famous work, *Against Heresies* (A.H.),²⁰ which can be safely dated to the last quarter of the

17 Cited from Slusser, *St. Justin*, 35.

18 Cited from Slusser, *St. Justin*, 36.

19 See Ronald E. Heine, *Reading the Old Testament with the Ancient Church: Exploring the Formation of Early Christian Thought* (Grand Rapids: Baker Academic, 2007), 62. For more on Irenaeus’ biography, see Dennis Minns, *Irenaeus: An Introduction* (London: T & T Clark, 2010), 1–3; Eric F. Osborne, *Irenaeus of Lyons* (Cambridge: Cambridge University Press, 2001), 2–5.

20 For a fuller discussion of the authenticity, dating and textual traditions of *Against Heresies* see Dominic J. Unger, “Introduction,” in *St. Irenaeus of Lyons: Against Heresies*, J. J. Dillon, trans.; Ancient Christian Writers, vol. 55 (Mahwah: Newman Press, 1992), 1–18; Matthew Craig Steenberg, *Irenaeus on Creation: The Cosmic Christ and the Saga of Redemption* (Leiden: Brill, 2008), 217–19. Unless otherwise noted, the translation used in this article of Book 1 of *Against Heresies* is taken from *St. Irenaeus of Lyons: Against Heresies*, trans. J. Dillon. Translations from the rest of the work will be taken from, *The Ante-Nicene Fathers* [henceforth: ANF], eds. A.

first century,²¹ Irenaeus echoes many of the arguments used by Justin, though with more sophisticated nuance.

Unlike Justin’s argument in his *Dialogue with Trypho*, which primarily addressed Jewish criticisms of Christianity, *Against Heresies* is principally concerned with refuting heretics such as the Gnostics who rejected the validity of the Jewish scriptures.²² Irenaeus is primarily concerned with demonstrating the *unity* of the divine plan throughout salvation history, which he describes in terms of a “whole economy” (*oikonomia*).²³ Irenaeus places great emphasis on his notion of “recapitulation” (*anakephalaiôsis*), that is, the way Christ “sums up” salvation history:

It was necessary, therefore, that the Lord, coming to the lost sheep, and making *recapitulation* of so *comprehensive a dispensation*, and seeking after His own handiwork, should save that very man who had been created after His image and likeness, that is, Adam, filling up the times of His condemnation, which had been incurred through disobedience,—[times] “which the Father had placed in His own power.” [This was necessary,] too, inasmuch as *the whole economy of salvation regarding man* came to pass according to the good pleasure of the Father ... (A.H. 3.33.1).²⁴

Despite insisting on the unity of God’s plan, Irenaeus does not overlook the diversity of God’s dealings with his people. He speaks not only of a “whole economy” but also of various “economies” (*oikonomiai*) within salvation history. While affirming

Roberts and J. Donaldson, (10 vols.; repr., Peabody, Mass.: Hendrickson, 1994). Most of the original of the Greek has been lost, though some Greek fragments remain. The critical edition is found in *Irénée de Lyon: Contre les heresies* (Sources Chrétiennes [Christian Sources] 100, 151, 152, 210, 211, 263, 264, 293 and 294; Paris: Cerf, 1990–2001).

21 For a fuller treatment see Unger, “Introduction,” 3–4.

22 See Unger, “Introduction,” 1. For a fuller examination of the particular heretical notions addressed in *Against Heresies*, see Sebastián Moll, *The Arch-Heretic Marcion*; (Wissenschaftliche Untersuchungen zum Neuen Testament [Scientific Investigations to the New Testament] 250 (Tübingen: Mohr-Siebeck, 2010), 17–20.

23 A helpful overview of the notion of *oikonomia* in Irenaeus’ thought can be found in Tyler J. Vandergaag, “The Role of Justin Martyr’s *Dialogue with Trypho* in the Early Christian Understanding of God’s Plan (*Oikonomia*)” (M.A. Thesis, Trinity Western University, 2010), 46–55. See also Jean Daniélou, *The Gospel Message and Hellenistic Culture; A History of Early Christian Doctrine Before the Council of Nicaea*. Volume 2; ed. and trans. J. A. Baker (Philadelphia: Westminster Press, 1973), 157–161: “The history of salvation is thus regarded by Justin as a great design, spanning the whole of history, expressive of the Father’s purpose, and carried out by the Son. The incarnation represents only the high point of a permanent *oikonomia*. ... To the Word then are ascribed all the acts by which God intervenes in history; and this is an outstanding characteristic of Justin’s theology.” See also Allert, *Revelation*, 108–9; 239–4.

24 Cited from ANF 1:455 (my emphasis).

“God’s *dealings* [singular: *pragmateian*] and *Economy* [singular: *oikonomian*]” (A.H. 1.10.3), Irenaeus affirms that the orthodox faith believes in “one God the Father Almighty ... and in one Christ Jesus, the Son of God, and in the Holy Spirit who through the prophets preached the *Economies* [*tas oikonomias*]” (A.H. 1.10.1).²⁵ Osborne summarizes Irenaeus’ presentation of the *oikonomia* as follows: “The economy [*oikonomia*] is the whole plan of God ... The *universal economy* is made up of *smaller diverse economies* of events which form the different saving dispositions which God has granted.”²⁶

In speaking of a universal *oikonomia*, Irenaeus appears to be drawing on terminology also used by Paul (see Ephesians 1:10, 3:9). Intriguingly, Justin Martyr also used the term *oikonomia*. Irenaeus, however, seems to have worked out more fully the significance of applying the terminology to salvation history as whole. While Justin uses the word to speak of God’s *many* plans (plural: *oikonomiai*),²⁷ each of which find their fulfillment in Christ, Irenaeus uses the term to describe one *unified* plan for all of salvation history.²⁸

Moreover, Irenaeus’ usage of *oikonomia* points to something more than just a simple “plan,” though it certainly has that meaning. Other ancient writers used the word to describe the “management” of a household,²⁹ a meaning also associated with *oikonomia* in the Septuagint³⁰ and the New Testament.³¹ For Irenaeus, God’s *oikonomia* is not simply about realizing a design for history; it also has familial implications—God is raising up sons and daughters. That Irenaeus has this meaning in mind is clear from his explanation in Book 4 of *Against Heresies*, when in reference to Jesus he states:

For the Lord is the good man of the house [*Paterfamilias*], who rules the entire house of His Father; and who delivers a law

25 Cited from Dillon, *St. Irenaeus of Lyons*, 49.

26 Osborne, *Irenaeus*, 77–78 (my emphasis).

27 See, for example, *Dialogue* 134.2.

28 For further studies see A. D’Alès, “Le mot *oikonomia* dans la langue théologique de Saint Irénée [The word *oikonomia* in the theological language of St. Irenaeus],” *Revue des études grecques* [Journal of Hellenistic Studies] 32 (1919): 1–9; M. Widemann, “Der Begriff *oikonomia* im Werk des Irenäus und seine Vorgeschichte [The Term *Oikonomia* in the Work of Irenaeus and His Historical Background]” (Ph.D. diss., Tübingen University, 1956). It seems Irenaeus’ unified approach to the term is often read into Justin’s work. See, for example, Daniélou, *Gospel Message*, 159, who fails to translate the word, which clearly in the Greek is plural, as singular. The author of this paper owes this insight to Vandergaag, “The Role of Justin,” 7.

29 The word is used with this meaning by both Greco-Roman writers (see Xenophon, *Oeconomicus*, 2.12; 3.15; 8:3) and Jewish writers (see Philo, *On the Life of Joseph*, 38.4–7; *Special Laws*, 3.170–1; Josephus, *Against Apion*, 2.57; 2.89). For further references see William F. Arndt, Frederick W. Danker, and Walter Bauer, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (3rd ed.; Chicago: University of Chicago Press, 2000), 697.

30 See the description of the responsibilities of the chief steward in Isaiah 22:19, 21.

31 See Luke 16:1–4.

suited both for slaves and those who are as yet undisciplined [*indisciplinatis*]; and gives fitting [*congruentia*] precepts to those that are free, and have been justified by faith, as well as throws His own inheritance open to those that are sons (A.H. 4.9.1).³²

God’s plan for salvation history is presented in terms of fatherly pedagogy. God is raising up sons in his Son, Christ Jesus. This pedagogy forms the rationale behind the different laws imposed by God in history. God imposes “fitting precepts” designed to properly discipline his children in their specific circumstances. Iain M. MacKenzie explains how Irenaeus describes God’s dealings with his people in the Old Testament as a dispensation “which takes into consideration particular historical estates and conditions, and adapts itself to them, making itself appropriate to the lot of the people therein.”³³

How does Irenaeus find an overarching *oikonomia* in the various episodes of salvation history? The answer seems to be found in his notion of the covenant. As a growing number of scholars are beginning to recognize, at the heart of Irenaeus’ approach is a sophisticated “covenantal theology.”³⁴ Irenaeus observes that if one looks closely at salvation history one finds *many* different covenants. He insists that true understanding involves recognizing “why several covenants were made with the human race; by teaching what the real nature [*charachtër*] of each of the covenants was” (A.H. 1.10.3).³⁵ For Irenaeus, God established various covenants tailored to the specific needs of his people at different times in history. He writes:

They (the Jews) had therefore a law, a course of discipline, and a prophecy of future things [*lex, et disciplina erat illis, et prophetia futurorum*]. For God at the first, indeed, warning them by means of natural precepts, which from the beginning He had implanted in mankind, that is, by means of the Decalogue (which, if any

32 Cited from ANF 1:472.

33 Iain M. MacKenzie, *Irenaeus’s Demonstration of the Apostolic Preaching: A Theological Commentary and Translation* (Aldershot: Ashgate, 2002), 149.

34 Only recently has the significance of covenant been fully appreciated in Irenaeus scholarship. Susan L. Graham (“Irenaeus and the Covenants: ‘Immortal Diamond,’” in *Studia Patristica* [The Study of the Patristics] Vol. XL [Leuven: Peeters, 2006], 393–398) points out that Irenaeus “employs the term ‘covenant’ more often than ‘recapitulation,’” something which seems striking given that most are far more familiar with Irenaeus’ use of the latter term. For more on the study of Irenaeus’ covenantal approach, in addition to Graham’s article, see Everett Ferguson, “The Covenant Idea in the Second Century,” in *Texts and Testaments: Critical Essays on the Bible and the Early Fathers*, ed. W. Eugene March (San Antonio: Trinity University Press 1980), 144–8; J. Ligon Duncan, “The Covenant Idea in Ante-Nicene Theology,” (Ph.D. diss., University of Edinburgh, 1995), 132–156; *idem.*, “The Covenant Idea in Irenaeus of Lyons: An Introduction and Survey,” in *Confessing our Hope: Essays in Honor of Morton Howison Smith on His Eightieth Birthday*, eds. J. A. Pipa, Jr. and C. N. Willborn (Taylors: Southern Presbyterian Press, 2004), 31–55.

35 Cited from Dillon, *St. Irenaeus of Lyons*, 50.

one does not observe, he has no salvation), did then demand nothing more of them. As Moses says in Deuteronomy, “These are all the words which the Lord spoke to the whole assembly of the sons of Israel on the mount, and He added no more; and He wrote them on two tables of stone, and gave them to me.” (A.H. 4.15.1).³⁶

Irenaeus here presents God’s law in terms of familial pedagogy or “discipline.” Moreover, Irenaeus explains that when God led Israel out of Egypt he simply commanded the people to keep the decalogue, identified with the “natural precepts” that are “implanted in mankind.” To make his case for this he highlights Deuteronomy 5:22, which seems to indicate that these were the *only* laws imposed upon Israel when God first brought Israel to Mt. Sinai: “*He added no more.*”³⁷

Irenaeus further explains that a time came when God required more of Israel than simply the decalogue. Irenaeus identifies the specific sin that triggered the imposition of new precepts, namely, the worship of the golden calf:

But *when they turned themselves to make a calf*, and had gone back in their minds to Egypt, desiring to be slaves instead of free-men, *they were placed for the future in a state of servitude suited to their wish*,—[a slavery] which did not indeed cut them off from God, but subjected them to the yoke of bondage; as Ezekiel the prophet, when *stating the reasons for the giving of such a law*, declares: “*And their eyes were after the desire of their heart; and I gave them statutes that were not good, and judgments in which they shall not live*” (A.H. 4.15.1; my emphasis).³⁸

Irenaeus thus explains that God gave Israel the ritual precepts to counter the people’s proclivity to idolatry. As in Justin’s argument in his *Dialogue*, Irenaeus highlights Ezekiel’s statement about God giving Israel “laws that were not good.” In addition, also like Justin, Irenaeus later highlights Jeremiah 7:22 to make the case that the sacrificial laws were not required from Israel from the beginning (A.H. 4.17.3).

36 Cited from ANF 1:479.

37 Here it seems that Irenaeus is attempting to refute the claims made by Jewish writers who insisted that all of the laws given to Israel, including the ceremonial laws and the oral tradition of the rabbis, were revealed to Moses at Sinai. On this, see Marcel Simon, “The Ancient Church and Rabbinical Tradition,” in *Holy Book and Holy Tradition: International Colloquium Held in the Faculty of Theology, University of Manchester*, eds. F. F. Bruce and E. G. Rupp (Grand Rapids: Eerdmans, 1968), 102–103.

38 Cited from ANF 1:479.

In order to demonstrate that the cultic code was only instituted because of Israel’s sin and not because such laws were inherently redeeming, Irenaeus points out that such laws were not imposed during the Patriarchal age:

And that man was not justified by these things, but that they were given as a sign to the people, this fact shows,—that Abraham himself, without circumcision and without observance of Sabbaths, “believed God, and it was imputed unto him for righteousness; and he was called the friend of God” (*A.H.* 4.16.2).³⁹

Irenaeus goes on to highlight the righteousness of Lot, Noah, and Enoch, who were all righteous without circumcision (*A.H.* 4.16.2). The freedom enjoyed by Christians from such laws is thus understood as anticipated in the Patriarchal age.

In arguing that God had to accommodate himself to his people’s sinfulness, Irenaeus appeals not only to the Old Testament but also to the teachings of Jesus (referencing Jesus’ teaching on divorce and remarriage). He writes, “the Lord also showed that certain precepts were enacted for them by Moses, on account of their hardness [of heart], and because of their unwillingness to be obedient” (*A.H.* 4.15.2).⁴⁰

According to Irenaeus, the ceremonial laws are now no longer in force—not because Jesus has revealed a different God but because there is now no need for them. He explains, “These things, therefore, which were given for bondage, and for a sign to them, He cancelled by the new covenant of liberty” (*A.H.* 4.16.5).⁴¹ For Irenaeus, there is one plan—a plan to set humanity free in Christ. This one plan, however, takes shape in different ways as God deals with the specific needs of his children at various times in history.

Tertullian (c. A.D. 160–220)

Despite the fact that he eventually became a schismatic, it is widely recognized that the writings of Tertullian played a major role in the developing theology of the Catholic Church.⁴² Tertullian advances the secondary legislation interpretation in his works *Against the Jews (A.J.)* (c. A.D. 200), and *Against Marcion (A.M.)* (c. A.D. 207–8).⁴³

39 Cited from *ANF* 1:481.

40 Cited from *ANF* 1:480.

41 Cited from *ANF* 1:482.

42 Joel Stevens Allen writes, “Even with his rejection of Catholicism, Tertullian’s influence in the Church is surpassed by few others” (*The Despoliation of Egypt in Pre-rabbinic, Rabbinic and Patristic Traditions* [Leiden: Brill, 2008], 195). For a discussion of Tertullian’s life and work see T. D. Barnes, *Tertullian: A Historical and Literary Study* (Oxford: Oxford University Press, 1971).

43 Many scholars only accept the authenticity of chapters 1–8 of *Against the Jews* and so our study

First, Tertullian speaks of a “natural law” (*lex naturalis*) that was “anterior even to Moses” (A.J. 2). He writes:

In short, before the Law of Moses, written in stone-tables, I contend that there was a law unwritten, which was habitually understood naturally, and by the fathers was habitually kept. For whence was Noah “found righteous” [Gen 6:9; 7:1] if in his case the righteousness of a natural law had not preceded?⁴⁴

This law, first given to Adam and Eve, is principally identified with the commands to love God, to love one’s neighbor, and with the Ten Commandments:

For in this law given to Adam we recognise in embryo all the precepts which afterwards sprouted forth when given through Moses; that is, Thou shalt love the Lord thy God from thy whole heart and out of thy whole soul; Thou shalt love thy neighbour as thyself; Thou shalt not kill; Thou shalt not commit adultery; Thou shalt not steal; False witness thou shalt not utter; Honour thy father and mother; and, That which is another’s, shall thou not covet. For the primordial law [*lex primordialis*] was given to Adam and Eve in paradise, as the womb of all the precepts of God. (A.J. 2).⁴⁵

Here we find something similar to what we saw in Irenaeus.⁴⁶

Second, and also like Irenaeus, Tertullian emphasizes the unity of God’s plan by speaking of how God adapts his laws to the needs of his people at various times in history. He teaches that although a natural law was given at the dawn of time, it was necessary for God to apply it in different ways to the specific circumstances of his people. Thus Tertullian speaks of the power of God, which

here will focus on these chapters. On this, see David Efroymson, “Tertullian’s Anti-Judaism and Its Role in His Theology” (Ph.D. diss., Temple University, 1976), 116 n. 6. The most recent critical Latin text is found in Hermann Tränkle, ed., *Q.S.F. Tertulliani Adversus Iudaeos* [*Tertullian’s Against the Jews*]: *Mit Einleitung und kritischen Kommentar* [*With Introduction and Critical Commentary*] (Wiesbaden: Steiner, 1964). The authoritative Latin text of *Against Marcion* is found in René Braun, ed. and trans., *Adversus Marcionem: Contre Marcion* [*Against Marcion*]; Sources Chrétiennes [Christian Sources] 4 vols. (Paris: Cerf, 1990–2001). English translations used here are taken from ANF 3:151–73; 269–475.

44 Cited from ANF 3:152.

45 Cited from ANF 3:152.

46 Others have recognized the similarities between Tertullian and Irenaeus here. See, for example, Femi Adeyemi, *The New Covenant Torah in Jeremiah and the Law of Christ in Paul*; *Studies in Biblical Literature*, 94 (New York: Peter Lang, 2006), 25: “... Tertullian concurs with Irenaeus that the natural law was the primordial law, the ‘womb’ of all God’s precepts.”

“reforms [*reformantem*] the law’s precepts in a way suitable [in the Divine mind] to the circumstances of the times, with a view to man’s salvation” (*A.J.* 2).⁴⁷

In particular, Tertullian identifies the way God adapted his law to Israel after they had abandoned him by falling into the sin of idolatry. In *Against Marcion*, he writes:

As for the burdensome sacrifices also, and the troublesome scrupulousness of their ceremonies and oblations, no one should blame them, as if God specially required them for Himself: for He plainly asks, “To what purpose is the multitude of your sacrifices unto me?” and, “Who hath required them at your hand?”⁴⁸ But he should see herein a careful provision on God’s part, which showed His wish to bind to His own religion a people who were prone to idolatry and transgression by the kind of services wherein consisted the superstition of that period; that He might call them away therefrom, while requesting it to be performed to Himself ...” (*A.M.* 2.18).⁴⁹

Here we see that, for Tertullian, the giving of the sacrificial laws to Israel represented an expression of God’s wise jurisprudence.

Third, Tertullian argues that since certain precepts came later, it should be obvious that these laws only had *temporary* value. He explains that God “has premonished that it should come to pass that, just as ‘the law was given through Moses’⁵⁰ at a definite time, so it should be believed to have been temporarily observed and kept” (*A.J.* 2).⁵¹ He points out that while God did enjoin Israel to worship on the Sabbath, God nonetheless made exemptions concerning its observance. For example, Joshua commanded the priests to carry the ark in procession around Jericho on the Sabbath (see Joshua 6:1–20). Similarly, he explains that the Maccabees were justified in violating this precept in order to defend the city (*A.J.* 4 citing 1 Maccabees 2:41). From such situations he concludes, “... it is manifest that the force of such precepts was temporary, and respected the necessity of present circumstances; and that it was not with a view to its observance in perpetuity that God formerly gave them such a law” (*A.J.* 4).⁵² Tertullian also references Jeremiah 31, focusing on God’s announcement that the new covenant will not be “according to the covenant that I made with their fathers in the day when I arrested their dispensation in order to bring them out of the land of Egypt” (Jer. 31:32). He explains:

47 Cited from *ANF* 3:153.

48 Isaiah 1:11–12.

49 Cited from *ANF* 3:311–12.

50 See John 1:17.

51 Cited from *ANF* 3:153.

52 Cited from *ANF* 3:156.

“He thus shows that the ancient covenant *is temporary only*, when He indicates its change. ... Forasmuch then as He said, that from the Creator there would come other laws, and other words, and new dispensations of covenants” (A.M. 4.1).⁵³

Finally, like Justin and Irenaeus, Tertullian argues that the New Covenant involves a return to a more pristine era, that of the Patriarchs:

Therefore, since God originated Adam uncircumcised, and in-observant of the Sabbath, consequently his offspring also, Abel, offering Him sacrifices, uncircumcised and inobservant of the Sabbath, was by Him commended; while He accepted what he was offering in simplicity of heart, and reprobated the sacrifice of his brother Cain, who was not rightly dividing what he was offering.⁵⁴ Noah also, uncircumcised—yes, and inobservant of the Sabbath—God freed from the deluge.⁵⁵ For Enoch, too, most righteous man, uncircumcised and in-observant of the Sabbath, He translated from this world;⁵⁶ who did not first taste death, in order that, being a candidate for eternal life, he might by this time show us that we also may, without the burden of the law of Moses, please God (A.J. 2).⁵⁷

The New Covenant thus replaces the Old, though certain aspects of it, such as the decalogue, abide:

But still we make this concession, that there is a separation, by reformation, by amplification, by progress; just as the fruit is separated from the seed, although the fruit comes from the seed. So likewise the gospel is separated from the law, whilst it advances from the law—a different thing from it, but not an alien one; diverse, but not contrary. (A.M. 4.11)⁵⁸

In summary, Tertullian echoes many of the same themes found in Justin and Irenaeus. The God of the Old Testament is the God of the New, but this God wisely *adapts* his Law to the needs of his people at certain points in salvation history. Moreover, while portions of the Law endure, the ritual precepts that were simply added to deal with Israel’s sins are no longer binding in the New Covenant age.

⁵³ Cited from ANF 3:346 (my emphasis).

⁵⁴ Genesis 9:1–7, especially in the LXX. Compare Hebrews 11:4.

⁵⁵ Genesis 6:18; 7:23; 2 Peter 2:5.

⁵⁶ See Genesis 5:22, 24; Hebrews 11:5.

⁵⁷ Cited from ANF 3:153.

⁵⁸ Cited from ANF 3:361.

The Didascalia Apostolorum (c. A.D. 220–240)

By the middle of the third century, the “secondary legislation” interpretive approach advocated by Justin, Irenaeus, and Tertullian had become so well established and widespread that it was embraced as part of the apostolic tradition itself. This is clearly evident from its presence in the *Didascalia Apostolorum* (*The Teaching of the Apostles*), a work that purports to be the proceedings of the apostolic council recorded in Acts 15. The text comes to us through a fourth-century Syriac manuscript,⁵⁹ which in turn is believed to be a translation of a third-century Greek manuscript.⁶⁰ The original work, whenever it was actually written (or compiled) appears to have undergone several recensions and likely includes much earlier material.⁶¹ Much of the original Greek apparently is preserved in the *Apostolic Constitutions*.⁶² The appearance of the *Didascalia Apostolorum* in so many languages (Greek, Latin, Syriac, and Coptic), its widespread geographical distribution, as well as the reappearance of its material in the *Apostolic Constitutions* indicate how widely received and well-established its ideas were in the early Church.

The special emphasis given to the secondary legislation approach in the *Didascalia Apostolorum* is remarkable. Marcel Simon calls the *Didascalia* the “classic example” of this interpretive tradition.⁶³ In its second chapter we are told that not everything in the Law should be considered as perpetually normative:

Let this be before your eyes, that you know what in the law is the law and what the bonds of the secondary legislation which, subsequent to the law, was imposed bringing severe burdens for those who under the law, and under the repeated legislation,

59 The standard critical edition of the Syriac text is Arthur Vööbus, *The Didascalia Apostolorum in Syriac, Corpus Scriptorum Christianorum Orientalium*, vols. 401, 402, 407, 408 (Louvain: Secrétariat du CorpusSCO, 1979). The English translation used here from Alistair Stewart-Sykes, *The Didascalia Apostolorum: An English Translation with Introduction and Annotation* (Turnhout: Brepols, 2009). The author is grateful for the help he received from Andrew Younan in working with the Syriac texts of the *Didascalia* and Aphrahat’s *Demonstrations*. Younan is the rector of Mar Abba the Great Seminary in San Diego and professor of philosophy at John Paul the Great Catholic University.

60 On this see Lawrence J. Johnson, *Worship in the Early Church, Volume 1: An Anthology of Historical Sources* (Collegeville: Liturgical Press, 2009), 224.

61 Stewart-Sykes, *Didascalia Apostolorum*, 11–55.

62 See Vööbus, *The Didascalia Apostolorum in Syriac*, 408:32: “the amount of the original Greek preserved in the *Apostolic Constitutions* must be reckoned as considerable.” For a critical edition of the *Apostolic Constitutions* see Marcel Metzger, *Les Constitutions Apostoliques*, 2 vols; *Sources Chrétiennes*, 320, 329 (Paris: Éditions du Cerf, 1985–1986). See also Alistair Stewart-Sykes, *On the Apostolic Tradition* (Crestwood: St. Vladimir’s Seminary Press, 2001), 1–50; Paul F. Bradshaw, Maxwell E. Johnson, L. Edward Phillips, and Harold W. Attridge, *The Apostolic Tradition* (Hermeneia 85; Fortress Press, 2002).

63 Marcel Simon, *Verus Israel: A Study of the Relations between Christians and Jews in the Roman Empire A.D. 135–425*; trans. H. McKeating (London: The Littman Library of Jewish Civilization, 1996), 88.

sinned so severely in the wilderness. For the law is that which the Lord God spoke before the people made the calf and turned to idolatry, that is, the decalogue and the judgments. However, after their idolatry he commanded, and justly laid bonds upon them, but do not therefore lay such chains upon yourself, for our Saviour came for no other reason than to fulfill the law and weaken the chains of the secondary legislation. Therefore he calls out to those from the people who believed in him, releasing them from these very chains, as he says: ‘Come to me, all who labour and are heavily burdened [and I will give you rest]’⁶⁴. You, therefore, who are unburdened, read the simple law, that which is in accordance with the Gospel ... (D.A. 1.6.7–11)⁶⁵

The *Didascalia* here states that: (1) it is possible to distinguish between two types of laws in the Torah, namely, those given prior to Israel’s act of worshipping the golden calf and those given afterwards as well as (2) Christians are not bound by the “secondary legislation.”

It is, however, in the final chapter of the *Didascalia* that we find the fullest expression of the secondary legislation approach. Here the concern is with keeping those who have converted to Christianity “from *the people*”—that is, from *the Jewish people*—from “continuing to keep your former conduct, keeping pointless obligations, and purifications, and separations, and baptismal lustrations and distinction between foods” (6.15.1).⁶⁶ Here we discover that the “Law” of Jesus is to be specifically identified with the Ten Commandments:

Therefore, as you know Jesus Christ the Lord and his dispensation *for all* which was made *in the beginning*, be aware that he gave a simple law, pure and holy, in which the Saviour set his name. *For the decalogue which he gave indicates Jesus*. For ten represents iota, yet iota is the beginning of the name Jesus. (D.A. 6.15.2)⁶⁷

Christ, we read, has come to show that he “does not undo the law but teaches what is the law and what is the secondary legislation” (D.A. 6.15.3).⁶⁸ When Christ explained that he has “not come to destroy the law, nor the prophets, but to fulfill them” (Matthew 5:17), the *Didascalia* explains that Christ was referring to the decalogue and not to the secondary legislation:

64 Matthew 11:28. The words in the brackets only appear in the Syriac. See Stewart-Sykes, *Didascalia Apostolorum*, 108 n. 30.

65 Cited from Stewart-Sykes, *Didascalia Apostolorum*, 108–109; my emphasis.

66 Cited from Stewart-Sykes, *Didascalia Apostolorum*, 238.

67 Cited from Stewart-Sykes, *Didascalia Apostolorum*, 238; my emphasis.

68 Cited from Stewart-Sykes, *Didascalia Apostolorum*, 238.

Thus the law is indissoluble, whereas *the secondary legislation is transitory. For the law is the decalogue*, and the judgments to which Jesus bore witness when he said: ‘Not one iota letter shall pass away from the law.’⁶⁹ Now it is the iota which does not pass away from the law, *for the iota is known, through the decalogue, to signify the name of Jesus.* (D.A. 6.15.3–4)⁷⁰

The document therefore distinguishes between the “transitory” nature of the secondary legislation and the enduring value of the dispensation of Christ which is made “for all” and which is associated with “the beginning.”

The *Didascalia* grounds the distinction between “law” and “secondary legislation” in a close reading of the biblical text. It points out that prior to the sin of the golden calf God gave Israel a simple list of commandments. In this, the first law code given to Israel at Sinai (Exodus 20–23), none of the specific commands for regular animal sacrifices or purity regulations seen in later books such as Leviticus are found:

Thus the law consists of the decalogue and the judgments which the Lord spoke before the people made the calf and worshipped idols ... For this law is simple and is light, is not burdensome with regard to the separation of foods, or incensations, or sacrifices or burnt offerings. In this law he speaks only of the church and of the foreskin. (D.A. 6.16.1, 2).⁷¹

The document then points out that all of this changed after the sin of the golden calf:

When they denied him and said: “We have no God to go before us” and made themselves a molten calf and worshipped it, and sacrificed to the statue, then was the Lord angry, and in the heat of his anger, yet in his merciful goodness, he bound them to the secondary legislation as to a heavy load and the hardness of a yoke. Thus no longer did he say: “If you should make [an altar]” as previously, but said: “Make an altar, and sacrifice continuously”, as though he had need of such. Thus he imposed on them as a necessity that they should make frequent burnt offerings and he made them abstain from foods by means of the distinction of foods. From then on [after the sin of the golden calf] were clean animals and unclean foods defined, from then

69 Matthew 5:18.

70 Cited from Stewart-Sykes, *Didascalia Apostolorum*, 239; my emphasis.

71 Cited from Stewart-Sykes, *Didascalia Apostolorum*, 240.

on there were separations and purifications and baptisms and sprinklings. From then on were there sacrifices and offerings and tables. From then on were there burnt offerings, and offerings and shewbread, and the offering of sacrifices, and firstlings, and ransoms, and scapegoats, and vows, and much else that is astounding. On account of the great number of their transgressions were customs laid on them which cannot be described. (D.A. 6.16.6–9)⁷²

The secondary legislation is therefore understood as God’s response to Israel’s idolatry.

In addition, the *Didascalia* cites biblical passages to support the claim that the ritual requirements of the laws were added because of sin. Many of the same passages employed by Justin, Tertullian, and Irenaeus reappear in the *Didascalia*. For example, it uses Jeremiah 7:22 to support the claim that the sacrificial precepts were not part of the original covenant legislation (D.A. 6.17.2). Likewise, it appeals to Ezekiel 20:25, explaining, “the secondary legislation is that which he calls judgments which are unprofitable, and they are incapable of saving” (D.A. 6.18.6).⁷³

Moreover, the *Didascalia* evokes the language of Peter’s speech at the Jerusalem council in Acts 15, associating the secondary legislation with “yoke” imagery:

Therefore those who take upon themselves what was imposed on account of the worship of idols shall be inheritors of the woes: “Woe to them who prolong their sins like a long rope, and like the strap on a heifer’s yoke.” Now the yoke of the bonds is a heifer’s yoke, and the bonds of the law were put on the people like a long rope. ... Everyone who seeks to be under the secondary legislation therefore is “guilty of the calf-worship, for the secondary legislation was not imposed except on account of the worship of idols, and so any who observe them are prisoners and idol-worshippers.” (D.A. 6.18.9–10)⁷⁴

Thus, after coordinating the same essential arguments of Justin, Irenaeus, and Tertullian, the *Didascalia* concludes that since the secondary legislation was a yoke of servitude added because of idolatry, to return to it constitutes nothing less than a return to the bondage of idolatry.

72 Cited from Stewart-Sykes, *Didascalia Apostolorum*, 241–2.

73 Cited from Stewart-Sykes, *Didascalia Apostolorum*, 246.

74 Cited from Stewart-Sykes, *Didascalia Apostolorum*, 246.

The Secondary Legislation View in Other Early Christian Sources

Given the appearance of the secondary legislation view in such influential writers as Justin, Tertullian, and Irenaeus, as well as its occurrence in the *Didascalia Apostolorum*, a widely circulated work, it is no surprise to find later writers of considerable stature also taking it up. For example, St. Augustine writes:

Thus the sacraments of the Old Testament, which were celebrated in obedience to the law, were types of Christ who was to come; and when Christ fulfilled them by His advent they were done away, and were done away because they were fulfilled. For Christ came not to destroy, but to fulfill. And now that the righteousness of faith is revealed, and the children of God are called into liberty, and the yoke of bondage which was required for a carnal and stiff-necked people is taken away, other sacraments are instituted, greater in efficacy, more beneficial in their use, easier in performance, and fewer in number.⁷⁵

Here Augustine specifically identifies the “yoke of bondage” in terms of the Old Testament rituals (=“sacraments”) that were added because of Israel’s sin. He contrasts the “yoke” of the Old Testament “sacraments” with the ease of those in the New. Whereas Israel’s sacraments were numerous, lacking in efficacy, and difficult to perform, those of the New are few, powerful, and simple.

Many of the most influential fathers and doctors of the Church also advocated the secondary legislation view. Here three examples will suffice:

Now it appears to me ... that not at first⁷⁶ were the commandment and the law concerning sacrifices given, neither did the mind of God, Who gave the law, regard whole burnt-offerings, but those things which were pointed out and prefigured by them. ... Therefore, the whole law did not treat of sacrifices, though there was in the law a commandment concerning sacrifices, that by means of them it might begin to instruct men and might withdraw them from idols, and bring them near to God, teaching them for that present time. Therefore neither at the beginning, when God brought the people out of Egypt, did He command them concerning sacrifices or whole burnt-offerings, nor even when they came to mount Sinai. For God is not as man,

75 St. Augustine, *Contra Faustus [Against Faustus]*, 19.13. English translation taken from *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church*, 2nd series [NPNF1], 14 vols., ed. Philip Schaff (Peabody, MA: Hendrickson, 1994 [reprint]), 4:244. Text in *PL* 42:355.

76 Evidently (see further on in the quote), the time-frame that Athanasius has in mind here is at the departure of Israel from Egypt at the Exodus.

that He should be careful about these things beforehand; but His commandment was given, that they might know Him Who is truly God, and His Word, and might despise those which are falsely called gods. ... For when He saith, "I have not spoken concerning sacrifices, neither given commandment concerning whole burnt-offerings," [Jer. 7:22] He immediately adds, "But this is the thing which I commanded them, saying, Obey My voice, and I will be to you a God, and ye shall be to Me a people, and ye shall walk in all the ways that I command you" [Jer. 7:23]. Thus then, being before instructed and taught, they learned not to do service to anyone but the Lord.—St. Athanasius (c. A.D. 397)⁷⁷

The Jews will ask: "How is that [God] ... did permit the Jews to sacrifice?" He was giving into their weakness. ... The physician grants his patient the lesser evil because he wishes to prevent the greater and to lead the sick man away from a violent death. This is what God did. He saw the Jews choking with their mad yearning for sacrifices. He saw that they were ready to go over to idols if they were deprived of sacrifices. I should say, he saw that they were not only ready to go over, but that they had already done so. So he let them have their sacrifices. The time when the permission was granted should make it clear that this is the reason. After they kept the festival of the evil demons, God yielded and permitted sacrifices. What he all but said was this: "You are all eager and avid for sacrifices. If sacrifice you must, then sacrifice to me." But even if he permitted sacrifices, this permission was not to last forever; in the wisdom of his ways, he took the sacrifices away from them again.—St. John Chrysostom (c. A.D. 387)⁷⁸

77 St. Athanasius, *Epistula festalis* [Festal Letter] 19.3,4. English translation taken from *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church*, 2nd series [NPNF2], 14 vols., ed. Philip Schaff (Peabody, MA: Hendrickson, 1994 [reprint]), 4:546. Text in *Patrologiae Cursus Completus, Series Graeca* [PG], ed. J.P. Migne, 161 vols. (Paris: Garnier and J.P. Migne, 1857–1891), 26:1425–1426.

78 St. John Chrysostom, *Adversus Iudeaos* [Against the Jews], 4.6.4–5; English translation taken from St. John Chrysostom, *Discourses Against Judaizing Christians*, trans. P. W. Harkins, The Fathers of the Church, vol. 68 (Washington, D.C.: Catholic University of America Press, 1979), 153. Text in PG 48:879–880.

... another reasonable cause may be assigned to the ceremonies of the sacrifices, from the fact that thereby men were withdrawn from offering sacrifices to idols. Hence too it is that the precepts about the sacrifices were not given to the Jewish people until after they had fallen into idolatry, by worshipping the molten calf: as though those sacrifices were instituted, that the people, being ready to offer sacrifices, might offer those sacrifices to God rather than to idols. Thus it is written (Jer. 7:22): “I spake not to your fathers and I commanded them not, in the day that I brought them out of the land of Egypt, concerning the matter of burnt-offerings and sacrifices.”—St. Thomas Aquinas (c. A.D. 1271–1272)⁷⁹

Conclusions

Broadly speaking, the patristic sources examined in this article find striking agreement on the following points:

1. A distinction is made in the Old Testament between a universal / natural law, understood primarily as moral laws (especially identified with the decalogue), and other laws made necessary by the circumstances of God’s people.
2. Israel’s sin of worshipping the golden calf triggers dramatic changes in Israel’s relationship with God, particularly with respect to the imposition of sacrificial and cultic laws no longer observed by Christians.
3. The Patriarchal age is highlighted as a precedent for Christian non-observance of the ceremonial laws.

Moreover, in support of these claims early patristic sources appeal to many of the same texts. For example, they frequently turn to Jeremiah 7:22 to demonstrate that the ceremonial laws were not part of God’s original design for his people. Likewise, Ezekiel’s account of God’s imposition of “laws that were not good” is often cited as part of the secondary legislation argument.

79 St. Thomas Aquinas, *Summa theologiae* IIa IIae, q. 102, art. 3; cited from St. Thomas Aquinas, *Summa Theologica*, trans. Fathers of the English Dominican Province, 5 vols. (New York: Benzinger Bros., 1948), 2:1058.

Yet, despite its ancient pedigree and near universal appearance in early Christian literature, this interpretive tradition is widely overlooked today.⁸⁰ Even works devoted to the recovery of patristic exegesis appear to ignore it. The reasons for this neglect are not entirely clear. This neglect might be partially due to one of the most fascinating features of the secondary legislation interpretive tradition: it is rooted not in a spiritual or allegorical reading, but in a *literal* approach to the canonical form of the text.⁸¹ As we have seen, this tradition seeks to explain the New Testament's continuity with the Old by arguing that, according to the biblical narrative itself, certain precepts were not originally part of God's covenant relationship with his people. Thus, patristic sources that employ this view make the case that non-observance of certain Old Testament precepts results not from a "selective reading" but from a holistic understanding of God's plan for humanity and a recognition that divine jurisprudence wisely accommodates itself to the particular needs of specific periods in salvation history. For the Fathers, it is precisely the *unity* of the divine plan that explains the discontinuity within it.

80 There are however some exceptions. See Simon, "The Ancient Church and Rabbinical Tradition," 94–112.; *idem.*, *Verus Israel*; Richard Patrick Crosland Hanson, *Allegory and Event: A Study of the Sources and Significance of Origen's Interpretation of Scripture* (London: SCM Press, 1959), 289–310.

81 This perhaps makes this approach unappealing to writers interested in recovering patristic exegesis—writers who are oftentimes more interested in the fathers' spiritual exegesis—while at the same time somewhat unpalatable to historical-critics preoccupied with diachronic explanations of the text.