

## Dr. Berg on the Justices of the Torah

One of my early assignments from Michael was a close, coherent and unbiased translation of Paul's letter to the Romans from the original Greek. When I came to chapter 2, verse 26, at first I anticipated no problems. The King James version seemed close enough to the original ("Therefore if the uncircumcision keep the righteousness of the law, shall not his uncircumcision be counted for circumcision?"), though the language of course needed to be updated, and that ambiguous and now nearly meaningless word "righteousness," ubiquitous in Bible translations and in preachers' pulpits, had to be given a meaningful sense. The Greek word it translates is *dikaionomata*; the authoritative Liddell & Scott Greek Lexicon gives "ordinances" or "decrees" as its meaning specifically in this verse of Romans. Wasn't that good enough, and weren't some of the newer Bible translations close enough to that literal sense (e.g. the New International Version's "the law's requirements," or the New American Standard Bible's "the requirements of the Law (= "of the Torah")?)

Yet Michael seemed to have a hunch that something more than just "ordinances" or "requirements" was involved in *dikaionomata*. He urged me to stick with Jerome's original (4<sup>th</sup> century) Latin translation "justices" (*justitiae*, the plural of *justitia*, "justice"). Now, this puzzled me a bit, since one of the most comprehensive Latin dictionaries ever published (Lewis & Short's) lists that plural *justitiae* specifically from Jerome's Bible translations as meaning, again, simply "judgments, precepts, ordinances." So why translate it "justices," as if it were a technical term pertaining to a legal code?

Under Michael's encouragement, I started ransacking the corpus of Greek literature for texts that would show how *dikaionomata* actually functioned within a living, and specifically religious, context. The first surprises came with the Septuagint, the Greek translation of the Old Testament that Paul himself so often quoted. I immediately encountered passages like Ezekiel 18:9.3ff:

(The just man) will not oppress anyone, but will restore to the debtor his pledge, and will snatch nothing by violence, will give his bread to the hungry, and will cover the naked with a garment. And will not give his silver at interest and will not take a profit, and will withdraw his hand from iniquity, will make a just judgment between man and man and between himself and his neighbor, and has walked in my statutes and has kept my *dikaionomata* for doing those things — he is a just man, he will live in the life, says the Lord.

or Job 34:27.2:

He has extinguished the impious,  
they were visible in his sight,  
because they turned away from the law of God  
and did not recognize his **dikaionomata**  
for the cry of the poor man to come up to him,  
and he hears the cry of poor people.

Such passages had nothing to do with the Torah's "piety" requirements — circumcision, dietary restrictions, holy days, or the taboos of Leviticus —, but related specifically and exclusively

to the fair and equitable treatment of one's fellow human beings. That sense of *dikaiomata* seemed closely akin to its original Greek connection with the word for "fairness and justice," *dikaioσynē*, which in turn derives from the key word from the world of Greek ethics, *dikē*, Justice itself, administered by God ("Zeus" for the Greeks) as the unimpeachable rule for treatment of one's fellow human beings.

Next came the use of *dikaiomata* by early Christian writers, including Origen's tantalizing comment on Luke (fragment 222, line 20ff.):

For Job was also rich, but did not pass his life in selfish luxury; his house was open with loving kindness toward everyone in need. He treated no one unjustly, instead helping the victims of injustice, arranging the provision of sustenance to widows and orphans — for that is the code of justice (*dikaiomata*) of wealthy people who are just.

— and the same author's commentary on the Psalms (12.1244.28):

The Lord's code of justice (*dikaiomata*) in his law is what includes fairness-and-justice (*dikaioσyne*) in rendering to each according to merit — or (you could say) it is what concerns each person's stewardship. That is what "delights the heart" (Psalm 118/9:143) when it is contemplated.

And, finally, the greatest of Byzantine scholars, Photius (9<sup>th</sup> century), had actually written a commentary on our very passage in Paul (Romans 2.26). Unlike any extant treatise or translation before or after him, Photius seems to have penetrated to the real function here of *dikaiomata*. Listen to his remark (*Commentary on Romans*, 483.28ff.):

"So if the uncircumcised observes the Torah's *dikaiomata*." Paul doesn't say "observes the Torah," lest the Jew say, "And how is it possible for an uncircumcised person to observe the law when he's transgressing the law on that very issue, the fact of being uncircumcised?" Therefore, so as not to give those people a handle on that issue, he doesn't put it that way. Instead, he says "the law's *dikaiomata*." For the Jews, he says "the Law;" for the uncircumcised, he says "the Law's *dikaiomata*." He is saying, "I didn't speak of the whole Torah, but only of the code of justice," at the same time cleverly hinting at the fact that not all things in the Torah determined what was just, but the Torah's **code of justice** (*dikaiomata*) did, and justified whatever was in harmony with grace, but the rest was given only because of their weakness.

Photius' understanding of Romans 2.26 proved to be the "smoking gun," because Photius recognized that *dikaiomata*, far from being a vague term denoting "righteousness" or "requirements," was the technical term for an actual subset of the Torah, the Torah's code of justice and fairness between man and man. We can in fact follow Jerome in translating *dikaiomata tou nomou* as "the Justices of the Law / Torah," a major category of ancient Jewish law demarcated by Leviticus 19:18, "Thou shalt love thy neighbor as thyself."

It remained for Michael Wood, through his research into the Dead Sea Scrolls, to recognize the name for the other division of Torah (what Photius, at the end of the above-quoted passage, calls "the rest"), the *erga tou nomou* (the "Jobs of the Law / Torah") — that body of ritual, taboos, and prescriptions regulating the relationship of man to God which was, through the Christian faith, superseded by the Justices. Finally, the recognition of those two great divisions of the Torah enabled Mr. Wood to resolve not only all apparent contradictions in Romans 2 and 3, but also apparent contradictions between Paul's doctrine and the Sermon on the Mount.

Dr. William Berg

Former Professor of Greek and Roman Classics at Stanford University, UCLA, and other academic institutions

(PhD in Classical Studies, Princeton 1966)