WHAT WERE JESUS AND THE PHARISEES TALKING ABOUT WHEN THEY TALKED ABOUT LAW?

David A. Skeel, Jr.*

This comment focuses on the question whether Jesus’ statements about the law in his New Testament debates with the Pharisees applied not just to the Mosaic law, but also to contemporary secular law and any other context that involves the analysis of legal texts. If they do, his insistence on flexible, open-ended interpretation poses a puzzle for the recent culture wars debates. Why, if Jesus condemned nitpicky interpretations of the law, do evangelicals consistently insist on originalism and textualism rather than more flexible modes of legal interpretation? One explanation is simply that evangelicals have lost sight of the interpretative principles that lie at the heart of their faith. This comment argues, instead, that Jesus’ teaching implies a very broad scope for God’s law, and a narrower domain for the laws enforced by sinful men and women. The comment also suggests, however, that the stridency of evangelicals’ insistence on strict construction may owe something to the tradition of Biblical literalism in American evangelicalism.

* S. Samuel Arsht Professor of Corporate Law, University of Pennsylvania, Philadelphia, Pennsylvania.