

THE NEW PERSPECTIVE: PAUL, LUTHER AND JUDAISM

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The phrase 'The New Perspective on Paul' was first used by Professor James D. G. Dunn, who chose it as the title of his 1982 Manson Memorial Lecture.¹ Ever since, he has been one of its foremost proponents, but, as he himself was quick to acknowledge, its real architect was E. P. Sanders, whose *Paul and Palestinian Judaism* (published in 1977)² had broken the mould into which descriptions of Paul's life and theology had been poured for centuries. Krister Stendahl, however, had already given Pauline studies a severe jolt with his seminal article, 'The Apostle Paul and the Introspective Conscience of the West'.³ Other scholars quickly adopted the new perspective, most notable among them being N. T. Wright, who gave it a qualified endorsement as early as 1978⁴ and continued to use it as the foundation of a series of major Pauline studies.⁵ Soon, the New Perspective had precipitated what Douglas Moo called 'an avalanche of print'.⁶ Much of this 'avalanche' is safe only for experts in Second Temple and Tannaitic Judaism, but the New Perspective also has clear implications for historical and systematic theology. It has particularly serious implications for the Confessional theology (and hence the preaching) of Protestantism. If Stendahl, Sanders, Dunn and Wright are

¹ Subsequently reprinted in the *Bulletin of the John Rylands Library* 65 (1983), pp. 95-122.

² E. P. Sanders, *Paul and Palestinian Judaism* (London, 1977).

³ Reprinted in *Paul among Jews and Gentiles* (Philadelphia, 1976), pp. 78-96. First published in *Harvard Theological Review* 56 (1963), pp. 78-96.

⁴ See Wright's article, 'The Paul of History and the Apostle of Faith' in the *Tyndale Bulletin* 29 (1978), pp. 61-88.

⁵ Most notably, *The Climax of the Covenant* (London, 1991); 'Romans and the Theology of Paul', in D. M. Hay and E. E. Johnson (eds), *Pauline Theology* (Minneapolis), pp. 30-67; and *The Letter to the Romans: Introduction, Commentary and Reflections* (The New Interpreter's Bible, Nashville, 2002, Vol. 10), pp. 393-770.

⁶ Douglas Moo, 'Paul and the Law in the Last Ten Years', *Scottish Journal of Theology* 40 (1987), pp. 287-307. The words quoted occur on p. 288.

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correct, Luther and Calvin were profoundly wrong, Protestant theologians have seriously miscued the whole doctrine of salvation and Protestant creeds and pulpits have been preaching a flawed message.

JUDAISM A RELIGION OF GRACE

In the first instance the New Perspective is not so much a new perspective on Paul as a new perspective on Judaism. Here, the lines of battle are clearly drawn. The Old Perspective is that of Martin Luther, who, driven by his 'introspective conscience' drew a sharp contrast between Judaism and Christianity, attributing to the former the worst features of medieval Catholicism. Christianity was a religion of grace; Judaism was a religion of law, proclaiming salvation by works and urging men and women to build up a balance of merit by performing 'works of torah', thus ensuring that their good deeds outweighed their bad deeds.

Sanders rejects this as a travesty of Judaism, and argues the opposite: far from being a legalistic religion of 'works righteousness' Judaism was a religion of grace. Israel's faith was rooted in divine election, and this was a matter of mercy, not of human achievement. You did not earn membership of the covenant people by keeping the Torah. The Torah was for those who were already *in*, by grace. The Law was about 'staying in', not about 'getting in'; and even staying in did not require perfect compliance with the Law. It required, instead, what Sanders called 'covenantal nomism', and one key element of this was that it actually provided for infringements of the Torah. There was a covenant way of dealing with breaches of the Law. You made atonement (through the cultic sacrifices) and you repented.

Sanders was not the first to question Luther's portrayal of Judaism. Thirty years earlier, W. D. Davies had warned against the tendency to contrast Pauline Christianity as a religion of faith and the Spirit with Rabbinic Judaism as 'a religion of obedience and the Torah'.⁷ Davies himself was following in the footsteps of G. F. Moore who, as early as 1927, spoke of the prejudice with which many scholars referred to Judaism and described that prejudice as a Protestant inheritance from Luther's controversy with Catholicism. Moore went on to assert that 'a lot in the world to come' (the closest approximation in Judaism to the Christian idea of salvation) 'is ultimately assured to every Israelite on the ground of the original election of the people by the free grace of God, prompted not by its merits, collective or individual, but solely by God's love.... These facts

⁷ W. D. Davies, *Paul and Rabbinic Judaism* (London, 3rd edition, 1970 [1st edition 1948]), p. 221.

are ignored when Judaism is set in antithesis to Christianity.... If the one is grace, so is the other.’⁸

We should note, however, that if Luther was driven by an introspective conscience, the modern Christian West has its own problem of conscience: the Jewish Holocaust. There is little doubt that one force driving the New Perspective is real sensitivity to the possibility that Nazi anti-semitism grew on the root of Lutheran anti-Judaism. This is reflected in, for example, N. T. Wright’s approach to Romans 9-11:

If this section is ignored or downplayed, there is an open and often-travelled road towards anti-semitism. A case can be made out, in fact, for saying that the standard Protestant exegesis of Romans, in which Romans 9-11 was marginalized, robbed the church of the best weapon it could have had for identifying and combating some of the worst evils of the Third Reich.... No one who has followed the main movements of modern theology will need reminding how important these issues have been in the post-holocaust re-evaluation of the church’s relationship to Judaism.⁹

Jurgen Moltmann shows a similar sensitivity, although from a different perspective. He is anxious lest his emphasis on the uniqueness of Christ be seen as anti-Judaism: ‘Christian-Jewish dialogue today must be a tentative dialogue – especially in Germany – for it is a dialogue between the sufferers and the guilty.’¹⁰

Yet contrition for the Holocaust cannot by itself offer a total explanation for either the emergence of the New Perspective or the welcome accorded to it. As P. S. Alexander points out, ‘It is surely significant that most of these scholars have either been Christians of

⁸ G. F. Moore, *Judaism in the First Centuries of the Christian Era* (Oxford, 1927-30), Vol. 2, pp. 93, 94, 95.

⁹ *The Climax of the Covenant*, p. 233. Cf. Wright’s later comment: ‘It was not merely neo-paganism, but Christian complicity with neo-paganism, that sent millions of Jews to their deaths in our own century’ (*Ibid.*, p. 253).

¹⁰ J. Moltmann, *The Way of Jesus Christ* (London, 1990), p. xvii. Cf. Stuhlmacher’s comment on the background to the New Perspective: ‘We must also keep in mind the apparent goal of these authors to make a new beginning in Pauline interpretation, so as to free Jewish-Christian dialogue from improper accusations against the Jewish conversation partners’ (P. Stuhlmacher, *Revisiting Paul’s Doctrine of Justification*, [Downers Grove, 2001], p. 34).

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liberal Protestant background or Jews arguably influenced by liberal Protestant ideas.’¹¹ Such a background would provide little sympathy with classical Lutheranism. Instead, it would predispose them to see their own Liberalism reflected from the bottom of the rabbinic well. It would then be tempting to minimise the differences between Judaism and Christianity and in particular to play down any suggestion that the one faith is superior to the other.

This meshes well with the post-holocaust theme. The psychology of modern European theology sees it as part of our collective repentance to mute our criticism of Jewish theology and to replace ‘mission’ to the Jews with dialogue; and at the same time Liberal Protestantism is happy to see Christianity as no more than a new phase or dispensation of Judaism. Krister Stendahl clearly reflects this when he speaks of Paul’s Damascus Road experience as not a ‘conversion’ but a ‘calling’. Saul of Tarsus did not give up his ancestral faith. He remained a Jew, but one called to engage in mission to the Gentiles; and by the same token his converts, the Gentile Christians, were in reality ‘honorary Jews’.¹²

But not all those who sympathise with the New Perspective share this assessment of the relation between Judaism and Christianity. N. T. Wright, for example, is fully aware that since the holocaust, ‘Shrill voices from all sides’ denounce Christian missions to Jews on the ground that ‘to say that Jesus is the true Messiah for Jews as well as Gentiles is to be implicitly anti-semitic or at least anti-Judaic, hinting that Judaism is somehow incomplete’.¹³ Wright sees this as running exactly counter to Paul’s argument in Romans 9-11, where the apostle’s whole concern is to demonstrate that Gentile Christians have not ‘replaced’ Jews as the true people of God and that the church has not become ‘an exclusively gentile possession’. In fact, Wright sees the anti-missions position as profoundly ironic:

Precisely because the gospel stands athwart all ethnic claims, the church cannot erect a new racial boundary. The irony of this is that the late twentieth century, in order to avoid anti-semitism, has advocated a position

¹¹ From an essay, ‘Torah and Salvation in Tannaitic Literature’, in D. A. Carson, P. T. O’Brien and M. A. Seifrid (eds), *Justification and Variegated Nomism*, Vol. 1 (Tübingen and Grand Rapids, 2001), p. 271. Besides Sanders, Alexander has in mind such scholars as G. F. Moore, S. Schechter and C. G. Montefiore.

¹² K. Stendahl, *Paul among Jews and Gentiles* (Philadelphia, 1976) p. 9, p. 37.

¹³ *The Climax of the Covenant*, p. 253.

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(the non-evangelisation of the Jews) which Paul regards precisely as anti-semitic.¹⁴

There is also another balancing factor. As G. F. Moore points out, Judaism itself was a missionary religion and as such extremely successful in securing proselytes. This itself rested on the principle of exclusiveness: if Yahweh was the one true God then Judaism was the one true religion and all others were false. This is the main reason that Judaism posed such a problem to the legislators of the Roman Empire. In that world all sorts of religions existed amicably and respectfully beside each other. The Jews didn't fit into this. They saw Judaism as destined to become the one universal faith and regularly commented scathingly on the idolatry, folly and viciousness of other religions.¹⁵

Nothing can detract from the horror of the Holocaust, and the church cannot lightly absolve itself of responsibility. But we must avoid the opposite error of portraying Judaism as all sweetness and light, free from the stigma of intolerance. Judaism itself could be a persecuting religion: indeed, under such leaders as Saul of Tarsus it came within an ace of destroying Christianity in its cradle. Admittedly, Jews alone were excluded from the universal toleration practised by Rome, but this 'was chiefly because they alone were intolerant'.¹⁶ When it became clear that Christians saw themselves as the true heirs to the covenant, Jesus as the only Lord and faith in Christ as the only way to salvation, they quickly fell victims to this very intolerance.

LUTHER

There can be no denying that Martin Luther saw Judaism as a legalistic religion which encouraged its adherents to believe in salvation by works. In Luther's later years this degenerated into fierce anti-semitism.¹⁷ Yet

¹⁴ *Ibid.*, p. 253. The italics are Wright's.

¹⁵ See, for example, N. T. Wright's observation that in his indictment of paganism in Romans 1:18-32 Paul 'draws extensively on traditional Jewish critiques of the pagan world'. (*The Letter to the Romans*, p. 428).

¹⁶ G.F. Moore. *Judaism*, Vol. 1, p. 323.

¹⁷ On Luther's anti-semitism see G. Keith, *Hated Without a Cause?* (Carlisle, 1997), pp. 149-74. Keith warns against equating Luther's attitude with that of the Third Reich, arguing that the Reformer 'never envisaged attacks on the persons of the Jews'. Nevertheless, Luther did allow himself to write, 'Dear Christian, be on your guard against the Jews, who... are consigned by the wrath of God to the devil, who has not only robbed them of a proper

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there is no reason to think that he ever abandoned his belief (expressed particularly in his Commentary on Romans 11:28) that 'the Jews at the end of the world will return to the faith'.¹⁸ It is notable, too, that his negative comments in the great soteriological commentaries (*Romans and Galatians*) are seldom directed at Judaism as such and certainly not at Judaism exclusively. The real target is the medieval religion of merit, identified with 'the sophists and the scholastics'. Judaism is targeted only by analogy. For example, commenting on Galatians 3:13 he writes, 'no sophist or legalist or Jew or fanatic or anyone else speaks this way'.

In the 'Argument' to the same Commentary he writes:

So it is that the Turks perform different works from the papists, and the papists perform different works from the Jews. And so forth. But although some do works that are more splendid, great and difficult than others, the content remains the same, and only the quality is different. That is, the works vary only in appearance and in name. For they are still works. And those who do them are not Christians; they are hirelings, whether they are called Jews, Mohammedans, papists or sectarians.¹⁹

This same pattern appears in Melancthon's *Loci Communes*, where the real target is not Judaism specifically but 'the godless sophist professors of theology' or 'the common run of sophists'.²⁰ Neither Luther nor Melancthon had any pretensions to being experts on Tannaitic Judaism: they drew with a broad brush. More recent Lutherans have been both better informed and more specific. Bultmann, for example, remarking that the fundamental idea of the Jewish ethic is blind obedience, writes:

understanding of Scripture, but also of ordinary human reason, shame, and sense, and only works mischief with Holy Scripture through them. Therefore, they cannot be trusted and believed in any other matter either' (cited by Keith, p. 159).

¹⁸ Luther's *Works* (Saint Louis, 1972), Vol. 25, p. 429.

¹⁹ *Works*, Vol. 26, p. 10. Cf. Luther's comments in *The Freedom of a Christian*, referring to those who, 'having no faith, boast of, prescribe, and insist upon their ceremonies as means of justification': 'Such were the Jews of old, who were unwilling to learn how to do good. These [the Christian] must resist, do the very opposite, and offend them boldly lest by their impious view they drag many with them into error. In the presence of such men it is good to eat meat, break the fasts, and for the sake of liberty of faith do other things which they regard as the greatest of sins' (*Works*, Vol. 31, p. 373).

²⁰ W. Pauck (ed.), *Melancthon and Bucer* (Philadelphia, 1969), pp. 74, 89 (Library of Christian Classics, Vol. 19).

Along with this view, belief in the *meritoriousness* of conduct according to the Law easily established itself. In fact the dependence on good works, the pride in good works, evidently played a fatal part in late Judaism. The religious man expects to be able to call God's attention to his merits, he believes that he has a claim on God.²¹

Calvin and Calvinism fully endorsed Luther's doctrine of justification, including its critique of Judaism. For example, commenting on Romans 2:25 Calvin wrote: 'The Jews thought that circumcision was of itself sufficient for the purpose of obtaining righteousness.... With regard to the Pharisees, who are content with making an external pretence of holiness, we need not wonder that they so easily delude themselves.'²²

For the most part, Calvin's dialogue, like Melancthon's, is with 'our opponents', under such soubriquets as 'the schools of Sorbonne'.²³ Yet there were significant differences between Lutheranism and Calvinism. It would be foolhardy to claim that the Reformed churches have never been tainted by anti-semitism, but they have certainly produced a fair number of Judeo-philes. Some of these Judeo-philes have been premillennialists such as Andrew Bonar and Robert McCheyne.²⁴ Others, such as the English Presbyterian, Adolph Saphir, have themselves been of Jewish background. Saphir, who along with Dr Alfred Edersheim was profoundly influenced by Dr John Duncan's mission to Jews in Budapest (1841-43), was particularly careful not to exaggerate the legalism of the Pharisees: 'Do not think that the Pharisees were all hypocrites. They were all in danger of becoming hypocrites, and some of them were hypocrites, but many of them were godly, religious, earnest men, and they truly revered the Scriptures, and had a zeal for God.'²⁵ On the other side of the Atlantic,

²¹ R. Bultmann, *Jesus and the Word* (London, 1958), p. 56. A similar modern Lutheran perspective appears in Ernst Kasemann's essay, 'Paul and Israel': 'religion always provides man with his most thorough-going possibility of confusing an illusion with God. Paul sees this possibility realised in the devout Jew: inasmuch as the announcement of God's will in the law is here misunderstood as a summons to human achievement and therefore as a means to a righteousness of one's own' (*New Testament Questions of Today*, London, 1969, p. 184).

²² Calvin, *The Epistles of Paul the Apostle to the Romans and to the Thessalonians* (Carlisle, 1995), p. 55.

²³ Calvin, *Institutes* (J. T. McNeill, ed., Philadelphia, 1960), III.xv.7.

²⁴ See A. A. Bonar and R. M. McCheyne, *Narrative of a Visit to the Holy Land* (Edinburgh, 1842).

²⁵ Adolph Saphir, *The Divine Unity of Scripture* (London, 1892), p. 98.

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Dr J. Gresham Machen was uttering a similar caution: 'Exaggerations certainly should be avoided; there are certainly many noble utterances to be found among the sayings of the Jewish teachers; it is not to be supposed that formalism was unrelieved by any manifestations of goodness of the heart.'²⁶

Such Judaeo-philía has not led to any let-up in anti-pharisaic polemic, but it has certainly limited anti-semitism in countries such as Scotland where the Reformed influence was strong. This has been openly acknowledged by Jews themselves. For example, David Daiches, the son of an Edinburgh rabbi, records his father's warm feelings for Scotland as 'one of the few countries in Europe... where the Jews had never been persecuted', and his constant assumption 'of the closest natural sympathy between Scottish Presbyterians and Jews'.²⁷ But this was not due merely to natural Scottish tolerance. It rested on the deeply held belief that the Jews were still central to God's purpose. They were not his 'ancient people', but, quite simply, his people. This was the impetus behind Presbyterian missions to the Jews. They were not a gesture of hostility towards Judaism, but a commitment to working in harmony with God's plan to save 'all Israel'.²⁸ Whether such a missiology is biblically justified may, of course, be debated, but it is at least a far cry from anti-semitism.

Of far greater theological significance, however, was Calvinism's radically different attitude to the Law. For Lutheranism, the Law had two functions: one civil, the other theological.

The first understanding and use of the law is to restrain the wicked.... The other use of the law is the theological or spiritual one, which serves to increase transgressions. This is the primary purpose of the Law of Moses, that through it sin might grow and be multiplied, especially in the conscience. Paul discusses this magnificently in Rom.7. Therefore the true function and the chief and proper use of the Law is to reveal to man his sin, blindness, misery, wickedness, ignorance, hate and contempt of God, death, judgement, and the well-deserved wrath of God. Yet this use of the Law is completely unknown to the hypocrites, the sophists in the

²⁶ J. G. Machen, *The Origin of Paul's Religion* (Grand Rapids, 1947), p. 178.

²⁷ D. Daiches, *Two Worlds* (Edinburgh, 2nd edition, 1997), p. 97.

²⁸ See, for example, the remark of Bonar and McCheyne (*op. cit.*, p. 322): 'there is no country under heaven to which Christians turn with such a lively interest as Immanuel's land... those who love Israel bear it upon their hearts, because its name is inwoven with the coming conversion of Israel'.

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universities, and to all men who go along in the presumption of the righteousness of the Law or of their own righteousness.²⁹

This is the classic Lutheran understanding of the law as 'the schoolmaster' who leads us to Christ. The law reveals sin, convicts of sin and thus drives us away from all self-righteousness into the arms of the Saviour.³⁰

Calvin fully endorsed these two uses of the law, but he would not have endorsed Luther's protests that the law has nothing to do with Christians.³¹ On the contrary, his doctrine of the 'third use' of the law insists strenuously on its applicability to believers: 'The third and principal use, which pertains more closely to the proper purpose of the law, finds its place among believers in whose hearts the Spirit of God already lives and reigns.'³² This is a conscious rejection of the views of those who argue that in respect of believers the law is completely abrogated. Instead, says Calvin, it is the law which shows us on a daily basis what the will of God is; and it is the law which incites us to obedience: 'The law is to the flesh like a whip to an idle and balky ass, to arouse it to work. Even for a spiritual man not yet free of the weight of the flesh the law remains a constant sting that will not let him stand still.'³³

This immediately alerts us to the fact that the Torah may play a far more significant role in Calvinism than it does in Lutheranism. It also creates an instant possibility that Calvinism can assimilate the notion of 'covenantal nomism' in a way that Lutheranism never could: a possibility which requires further exploration.

²⁹ Luther, *Works*, Vol. 26, pp. 308ff. (commenting on Galatians 3:19). Cf. Melancthon (*op. cit.*, p.79): 'the work of the law is to kill and to damn, to reveal the root of our sin, and to perplex us. It mortifies not only avarice and desire, but the root of all evils, our love of self, the judgement of reason, and whatever good our nature seems to possess.'

³⁰ See Luther on Galatians 3:24: 'with its whippings it drives us to Christ, just as a good teacher whips, trains and disciplines his pupils in reading and writing with the purpose of bringing them to a knowledge of the liberal arts and of other good things, so that eventually they may do with pleasure what initially, when they were forced to do it by the teacher, they did involuntarily' (*Works*, Vol. 26, p. 346).

³¹ 'The righteousness of the heart ignores all laws, not only those of the pope but also those of Moses' (*Works*, Vol. 26, p. 226).

³² Calvin, *Institutes*, II.vii.12. This is reflected in the Westminster Confession. Cf. *The Marrow of Modern Divinity*.

³³ *Institutes*, II.vii.12.

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E. P. SANDERS

But despite these qualifications historic Lutheranism and historic Calvinism stand shoulder to shoulder on the core issue: the Judaism confronted by the Apostle Paul was a form of legalism. Has the work of Sanders rendered this view untenable?

We must note, first of all, that Sanders' portrayal of Judaism would serve as an entirely accurate description of Old Testament religion. This was no legalism. It was a faith rooted firmly in election, mercy and grace. This is clearly emphasised in the giving of the Decalogue itself. Israel was not redeemed from Egypt because it had kept the Torah. It would keep the Torah because it had been redeemed: 'I am the Lord your God, who brought you out of the land of Egypt, out of the house of bondage. You shall have no other gods before me' (Exod. 20:2, RSV). Here, the indicatives of salvation take clear precedence over the imperatives of the law. Salvation comes before works.

The same note is sounded in the affirmation of Israel's election in Deuteronomy 7:7-8: 'It was not because you were more in number than any other people that the Lord set his love upon you and chose you, for you were the fewest of all peoples; but it is because the Lord loves you, and is keeping the oath which he swore to your fathers...'

The piety of Israel clearly grasped this principle. In Psalm 51, for example, the covenant-breaker, David, knows with absolute certainty that there can be no legalistic or cultic atonement for his sin: 'For thou hast no delight in sacrifice; were I to give a burnt offering, thou wouldest not be pleased' (Ps. 51:16). Instead, his whole trust is in the mercy of God: 'Have mercy on me, O God, according to thy steadfast love; according to thy abundant mercy blot out my transgressions' (Ps. 51:1). This explains why Calvin can speak of the Old Testament as established by the free mercy of God and of the Jews as 'those to whom the doctrine of the righteousness of faith was imparted'.³⁴ These sentiments are echoed in the Westminster Confession: 'The justification of believers under the Old Testament was... one and the same with the justification of believers under the New Testament' (*Westminster Confession*, 11.6). This, of course, is the precise argument which Paul *appears* to be using in Romans 4:1-12 and Galatians 3:6-18. Abraham and David were both justified by faith, apart from works of law.³⁵

³⁴ *Institutes*, II.x.4.

³⁵ This exegesis has been challenged by, for example, N. T. Wright, who categorically dismisses the idea that Romans 4 is 'an Old Testament proof'

The second point to be made is that Sanders has no difficulty finding rabbinic sources from which he can quote statements to the effect, for example, that some rabbis kept the indicatives and the imperatives well balanced and in the right order; that entrance into the covenant was prior to keeping the commandments; that God first chose Israel and only then required her obedience; that disobedience as such did not remove one from the covenant; and that God's justice always gives way to his mercy whenever the two conflict. He can even argue that rabbinic thought is dominated by the idea of God's love rather than by the idea of his justice.

This does not prove, however, that there was no legalism in Jewish thought. Even less does it prove that the Judaisers with whom Paul was in conflict were not legalists. Judaism, like Christianity, embraces a wide range of opinions, and even if the evangelical note was dominant there may well have been other voices much more legalistic in tone. These voices may have been very influential in the circles in which Paul (and Jesus) moved. To some extent, Sanders himself concedes this: 'The possibility cannot be completely excluded that there were Jews accurately hit by the polemic of Matt. 23, who attended only to trivia and neglected the weightier matters. Human nature being what it is, one supposes that there were some such. One must say, however, that the surviving Jewish literature does not reveal them.'³⁶

This last sentence cleverly excludes the Gospels (and possibly Paul) from the body of relevant evidence. Leaving that aside, however, the force of the whole argument is considerably weakened by Sanders' own admission (on the very same page) with regard to the paucity of sources for Judaism prior to 70 AD:

We have not discussed the Pharisees and Sadducees as such, for example, but only the surviving literature. It seems to me quite possible that we not only have no Sadducean literature, but also virtually no Pharisaic literature, apart from fragments embedded in the Rabbinic material. Thus I know a good deal less about Pharisaism than has been 'known' by many investigators.³⁷

Because of these gaps in the literature, our knowledge of Judaism in the time of Paul is, according to Sanders, almost entirely inferential. We have to 'hypothesise' that covenantal nomism was the basic *type* of religion known to Paul and Jesus because it is maintained so consistently in the

of justification by faith. See Wright's essay, 'Romans and the Theology of Paul', in D. M. Hay and E. E. Johnson (eds), *Pauline Theology*, p. 39.

³⁶ Sanders, *Paul and Palestinian Judaism*, p. 426.

³⁷ *Ibid.*

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sources available from 200 BC to 200 AD. For the same reason we have to say that 'the Judaism of before 70 kept grace and works in the right perspective, did not trivialise the commandments of God and was not especially marked by hypocrisy'.³⁸

At this point, however, Sanders' argument faces two difficulties, not necessarily fatal, but nevertheless significant.

First: is it safe to assume such consistency within Judaism between, for example, the time of Paul and the era of the Tannaim? Certainly, Rabbinic Judaism has remained remarkably consistent since the end of the second century AD. But it may not always have been so. There is some evidence that the 'Common Judaism' of the post-Tannaitic period was preceded by a period when there was 'a conglomeration of many competing Judaisms'.³⁹ Besides, even if there was uniformity in the pre-Tannaite period, we cannot simply assume that the Rabbis reproduced it. Moore asserts, for example, that the task of the Tannaites was 'one of conservation, not of reformation'.⁴⁰ But what impact did the destruction of the Temple have on Judaism? We know that it rendered for ever impossible the offering of piacular sacrifice and thus made imperative the formulation of a doctrine of atonement by repentance alone. This was a paradigm shift, by any standards. What other adjustments followed in its wake?

Then there is the question of the impact which Christianity itself had on Judaism. We know, for example, that in the light of Christian use of the Septuagint the Jews commissioned and adopted the version of Aquila. Were there other changes? In particular, did the Tannaim, in response to the criticisms of Paul, modify their soteriology to give more emphasis to grace and less to the merit of obeying the Torah?

The second difficulty is that it is by no means clear that the post-70 Jewish sources are as uniform as Sanders assumes. To some extent this is a question of methodology. Following G. F. Moore, advocates of the New Perspective wish to give primacy to the official Tannaitic literature. Moore insists that, 'Judaism may properly claim to be represented by the teachers and the writings which it has always regarded as in the line of its catholic

³⁸ *Ibid.*, p. 427.

³⁹ The phrase is from R. Deines, in Carson *et al* (eds), *Justification and Variegated Nomism*, p. 444. Commenting on the Tannaitic literature, P. S. Alexander makes a similar point: 'It is important to realize at the very outset of our enquiry that these texts do not represent the sum-total of Judaism in the first few centuries of the current era, or even, necessarily, Jewish "orthodoxy" at this time. This literature is the product of one particular party or movement within Judaism' (*Ibid.*, p. 262).

⁴⁰ G. F. Moore, *Judaism*, Vol. 1, p. 131.

tradition.’⁴¹ One problem with this is that this ‘catholic tradition’ was launched only after 70 AD. A second, and more important, problem is that it requires us to discount the numerous other Jewish writings which have come down to us from the very same period, on the ground that they are ignored in the Tannaitic literature and in the Talmud.

This is very convenient for the New Perspective, since some of this literature reflects points of view much closer to Luther’s impression of Judaism. This is particularly true of the literature which has survived from the period immediately following 70 AD: most notably, 4 Ezra, the Apocalypse of Baruch and Josephus.⁴² Sanders is aware that these embarrass his central thesis. He virtually ignores the *Apocalypse of Baruch* and he dismisses 4 Ezra with the words, ‘in IV Ezra one sees how Judaism works when it actually does become a religion of individual self-righteousness. In IV Ezra, in short, we see an instance in which covenantal nomism has collapsed. All that is left is legalistic perfectionism.’⁴³

Sanders’ solution is to note that this ‘legalistic perfectionism’ is ‘contrary to the generally prevailing view’. Moore takes a similar line: ‘inasmuch as these writings have never been recognised by Judaism, it is a fallacy of method for the historian to make them a primary source for the eschatology of Judaism, much more to contaminate its theology with them’.⁴⁴ But although the Pseudepigrapha were never incorporated into canonical Judaism as defined by the Tannaim after 70 AD, they may nevertheless have had considerable popular influence. Indeed, Moore himself concedes that, ‘From such books the historian gets glimpses of the religion of the times outside the schools.’⁴⁵ It may have been in precisely such quarters that the opposition to Paul arose, and we have no right to conclude that, prior to 70 AD, it represented only an insignificant minority of Jews.

A moment’s reflection on the history of Christian theology should be sufficient to warn us of the risk involved in arguing that a religious community could not have held certain beliefs or observed certain practices because they are out of keeping with their creed (in the case of Paul and Judaism, a creed 100 years later than the period under review). Christianity

⁴¹ *Judaism*, Vol. 1, p. 127.

⁴² For an informed discussion of the significance of these documents see Simon Gathercole, *Where Is Boasting? Early Jewish Soteriology and Paul’s Response in Romans 1-5* (Grand Rapids/Cambridge, 2002) pp. 136-60.

⁴³ Sanders, *Palestinian Judaism*, p. 409.

⁴⁴ Moore, *Judaism*, Vol. 1, p. 127.

⁴⁵ *Ibid.*, p. 127.

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prides itself on being a religion of grace and has enshrined that in centuries of hymnody. Yet a recent televised rendering of the great Christmas hymn, *The First Noell*, dared to insert the following:

If we in this life do well
We shall be free from death and hell.

Reformed theology has sometimes suffered similar infiltrations. All its great creeds and all its representative theologians clearly set forth a religion of grace: eternal, unconditional love; justification by faith alone; preservation ('staying in') by divine power. Yet it would be perilous to argue from the mere existence and unanimity of such authorities that legalism never infiltrated the Reformed community; even more perilous to argue that no one could ever have accused it of harbouring legalism because its creeds explicitly disavow it. Nor has that legalism been confined to the usual suspects, such as the Sabbatarians of the Western Isles. Take, for example, *The Marrow of Modern Divinity*. This is a full-blooded statement of Protestant Theology, contemporaneous with the Westminster Confession of Faith. Yet already there is a clear awareness that legalism has reared its head within the Reformed community. One of Evangelista's dialogue partners is Nomista. His very name and presence are testimony that even as early as 1646 Calvin's doctrine of the Third Use of the Law was being perverted in a way that threatened the evangelical heritage of the Reformation. Nomista speaks as follows:

God requires that every Christian should frame and lead his life according to the rule of the Ten Commandments; the which if he do, then may he expect the blessing of God both upon his own soul and body; and if he do not, then can he expect nothing else but his wrath and course upon both.⁴⁶

The later discussion in the *Marrow* shows that Nomista saw himself as depending for salvation on a Covenant of Works, seeking to please God by 'strict walking according to the law'. It would be vain to argue that Nomista is an impossible caricature on the ground that Reformed theology

⁴⁶ *The Marrow of Modern Divinity*, edited, with notes, by Thomas Boston [1726], (Edinburgh, 1818), pp. 27f. Boston's Preface includes a comment from Thomas Halyburton: 'I dread mightily that a rational sort of religion is coming in among us; I mean by it, *a religion that consists in a bare attendance on outward duties and ordinances*' (italics mine).

has been consistently anti-legalistic.⁴⁷ It would also be risky to suppose that the legalistic Calvinist is a rarity or that the Protestant pulpit has always been faithful to Luther's doctrine of justification. Whatever the clarity of the official Protestant doctrine, there can be little doubt that the piety of many Protestants was heavily tainted with a doctrine of justification by works. This is one reason why so many (unlike Luther and Calvinism) had problems with assurance. Whatever their creeds might say, 'grace' suffered from fatal admixtures of self-righteousness. In all probability there was a similar disconformity between Tannaitic teaching and other streams within Judaism.

Sanders might reply, however, that Nomista is a documented figure and that there is no such documented figure within Palestinian Judaism.

Part of the answer to this is that it begs the question. The non-Tannaitic literature of Judaism may provide precisely such documentation. The Gospels and the Pauline epistles may do the same. But there is a more fundamental issue. Can we simply take Sanders' case as proved and henceforth regard it as axiomatic that the religion of the Mishnah, the Midrashim, the Targums and the Talmud was one of grace: that is, one in which eternal life was entirely a matter of divine mercy to the exclusion of works?

That question can be answered only by experts in Tannaitic and later Jewish literature. There can be no denying that the New Perspective currently holds the field, but, as Douglas Moo points out,

further critical assessment of Sanders' covenantal nomism proposal is required. Many of us *Neutestamentler* feel that Sanders' proposal fails to do justice to some important elements in both Paul and Judaism, yet feel incompetent to explore the mass of Jewish material. We eagerly await the work of the next generation of scholarship in Judaism.⁴⁸

One of that new generation is Simon Gathercole, who has subjected Sanders' thesis to detailed scrutiny in *Where Is Boasting: Early Jewish Soteriology and Paul's Response in Romans 1-5*. Gathercole, following F. Avemarie,⁴⁹ is particularly critical of Sanders' use of rabbinic sources,

⁴⁷ For the opposite point of view (that Reformed theology is inherently antinomian) consider James Hog's *Confessions of a Justified Sinner*. Luther's Jew is no more impossible (and perhaps no more typical) than Hog's Calvinist.

⁴⁸ *Scottish Journal of Theology* 40 (1987), p. 306.

⁴⁹ F. Avemarie, *Tora und Leben* (Tübingen, 1996). Unfortunately, Avemarie's work has not yet been translated into English. Gathercole's high opinion on

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arguing that far from unambiguously supporting Sanders' key concept, covenantal nomism, they actually create serious difficulties for it. Covenant language is rare in Tannaitic literature and never associated with the hope of life to come. This makes it difficult to use the covenant as an architectonic principle around which one can organise the rest of the Jewish material. But this is what Sanders does, and in the process he falls victim to his own 'systematising tendency'.⁵⁰ The paradigm of covenantal nomism excludes the idea of salvation or damnation by works, and this tempts Sanders into mishandling key elements in the rabbinic material: 'Texts that are problematic for the main thesis are *underinterpreted*, and texts that might just support it are stretched beyond their limits.'⁵¹

Gathercole, following Avemarie, cites as examples Sanders' use of three texts from Rabbi Akiba.⁵² The first asserts that the world is judged by grace, but everything is according to the majority of works. The second declares that God will incline the scale in favour of anyone who has performed just one *mitsvah*. The third lays down that anyone who does *one* of the things specified in Ezekiel 18:5-9 will live.

Sanders' response to assert that these texts provide no ground for the view that 'weighing fulfilments against transgressions constitutes rabbinic soteriology'.⁵³ Neither Gathercole nor Avemarie would dispute this. They point out, however,⁵⁴ that Sanders completely ignores the fact that each of these texts underlines the importance of *deeds* and presupposes that obedience to the commandments is the way to salvation. Indeed, the doctrine of final salvation according to works was 'an integral part of the theology of Palestinian Judaism'⁵⁵ and Sanders' refusal to face this (since there is no place for it in his system) means that his model of rabbinic soteriology is inadequate, particularly in its assessment of the link between obedience to the Torah and life in the age to come.

of it is shared by P. S. Alexander, Professor of Post-Biblical Jewish Literature at the University of Manchester, who speaks of it as 'a highly competent and subtle analysis of the rabbinic texts' (Carson *et al*, eds. *Justification and Variegated Nomism*, p. 273).

⁵⁰ Gathercole, *Where Is Boasting*, p. 155.

⁵¹ *Ibid.*, p. 155.

⁵² *Ibid.*, pp. 151-2.

⁵³ Sanders, *Paul and Palestinian Judaism*, p. 138.

⁵⁴ Gathercole, *Where Is Boasting?*, p. 152.

⁵⁵ Gathercole, *Where Is Boasting?*, p. 160.

WIDER THEOLOGICAL ISSUES

When we move from the rarefied atmosphere of Rabbinical Studies to address wider biblical and theological issues the New Perspective faces further serious difficulties.

What, for example, does Sanders mean by 'legalism'? Moises Silva appreciates the force of some of Sanders' criticism of the Old Perspective, but nevertheless regards Sanders as operating with a definition of legalism which is fuzzy and misleading.⁵⁶ Sanders' touchstone is the so-called medieval merit-system according to which one's sins and one's good deeds were weighed in the divine balance and judgement passed according to which preponderated. This was certainly a caricature of Judaism (and probably also of the medieval theologians). It also misconceived the point at issue at the Reformation. The target of the Protestant polemic was not 'balance', but self-salvation. Legalism is the idea that we win acceptance with God on the basis of something that is true about ourselves. That may be something we have done, something we have experienced, something infused into us or some privilege which distinguishes us from other people. Whatever it is, if it allows us to boast about ourselves before God it is legalism. If we deemed ourselves justified on the basis of national privilege, that would be legalism. If we deemed ourselves justified on the basis of our own covenant-keeping, that would be legalism.

Sanders operates with a much narrower definition unrelated to historical Christian theology. Indeed, according to Silva⁵⁷ he actually quotes in support of his thesis passages from (for example) Ecclesiasticus, which, to Lutheran or Protestant ears, are clearly legalistic. He prefaces these with the remark that, 'Ben Sirach shared the general belief that atonement is possible. Among good deeds, two are singled out which atone for transgression. They are honouring one's father and giving alms.'⁵⁸ He then quotes as follows:

Whoever honours his father atones for sins (*Ecclesiasticus* 3:3).

For kindness to a father will not be forgotten,
and as a substitute for sins it shall be firmly planted;
in the day of your affliction it will be remembered in your favour;
as frost in fair weather, your sins will melt away (3:14-16).

⁵⁶ Moises Silva, 'The Law and Christianity: Dunn's New Synthesis' (*Westminster Theological Journal* 53 (1991), p. 349).

⁵⁷ Silva, *op. cit.*, p. 348.

⁵⁸ *Paul and Palestinian Judaism*, p. 338.

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Water extinguishes a blazing fire:
so almsgiving atones for sin (3:30).

Store up almsgiving in your treasury,
and it will rescue you from all affliction (29:12).

This, surely, brings us within a hairsbreadth of the medieval notion of Penance, with its three elements, confession, contrition and satisfaction. To Ben Sirach, almsgiving and honouring one's father are clearly potent satisfactions.

When, later, Sanders came to focus more specifically on Paul, his fuzzy understanding of legalism betrayed him yet again, although the aberration was more pardonable. One of the subtler elements in the Protestant doctrine of justification was the insistence that faith is not the *ground* of our acceptance with God. We are justified *through* faith, not *on account of* it. The latter point of view (known as Neonomianism) is represented by Neomista in the *Marrow of Modern Divinity* and, more formally, by Richard Baxter.⁵⁹ It is firmly repudiated in the Westminster Confession (11:1): 'Those whom God effectually calleth he also freely justifieth... not by imputing faith itself, the act of believing, or any other evangelical obedience to them as their righteousness.' This refinement is not known to Sanders, who writes, for example,

God righteouses the uncircumcised and the circumcised on the same basis,
faith (33)

and again,

Abraham was not in fact righteoused by works... works would not count towards righteousness, since God counts only faith.⁶⁰

Here is the very point Protestant orthodoxy sought to avoid: the portrayal of faith itself as a meritorious work. Were Baxter's position correct, it would land us in the absurd position of putting our faith in faith itself.⁶¹

⁵⁹ See Baxter's *Imputative Righteousness Truly Stated* (London, 1679); *contra*, R. Traill, *A Vindication of the Protestant Doctrine of Justification*, in Traill, *Works* (reprinted Edinburgh, 1975), Vol. 1, pp. 252-96.

⁶⁰ E. P. Sanders, *Paul, the Law and the Jewish People* (London, 1983), p. 33.

⁶¹ Cf. Traill: 'this faith, in the office of justification, is neither condition, nor qualification, nor our gospel-righteousness, but in its very act a renouncing of all such pretences'.

THE PROPHETS' CRITIQUE OF OLD TESTAMENT RELIGION

But there is another infinitely more serious problem facing the New Perspective: the Old Testament prophets often spoke of the religion of their contemporaries in terms that fully match Luther's strictures on Judaism. The prophets focus on the nation's self-satisfaction, its sense of special privilege and its reliance on formal, routine performance of the less exacting demands of the Law.

Take, for example, the expression of Yahweh's displeasure in Isaiah 1:10-20, reminiscent in many ways of Paul's indictment of the Gentiles in Romans 1:18-32. The people have been indulging in useless religion: sacrifices, incense, festivals and solemn assemblies. 'I have had enough of burnt-offerings of rams and the fat of fed beasts,' cries the Lord. 'I do not delight in the blood of bulls, or of rams, or of he-goats. Bring no more vain offerings; incense is an abomination to me. New moon and sabbath and the calling of assemblies – I cannot endure iniquity and solemn assembly' (Isa. 1:11-13). Instead, he says, 'cease to do evil, learn to do good; seek justice, correct oppression; defend the fatherless, plead for the widow' (Isa. 1:17).

Amos sounded a similar note: 'I hate, I despise, your feasts, and take no delight in your solemn assemblies' (Amos 5:1). These so-called worshippers are the very people who are 'at ease in Sion' (6:1), enjoying the luxury of their ill-gotten gain while at the same time paying mere lip-service to the Law:

Hear this, you who trample upon the needy, and bring the poor of the land to an end, saying, 'When will the new moon be over, that we may sell grain? And the sabbath, that we may offer wheat for sale, that we may make the *ephah* small and the shekel great, and deal deceitfully with false balances, that we may buy the poor for silver and the needy for a pair of sandals, and sell the refuse of the wheat?' (Amos 8:4-6).

In Jeremiah the point of attack is Israel's sense of her own special status: she was secure because she had the temple (Jer. 7:4). The prophet warns: 'Will you steal, murder, commit adultery, swear falsely, burn incense to Baal, and go after other gods that you have not known, and then come and stand before me in this house, which is called by my name, and say, "We are delivered!"?' (Jer. 7:9f.). Yahweh will have none of it: 'therefore will I do to the house which is called by my name, and in which you trust, and to the place which I gave to you and to your fathers, as I did to Shiloh' (Jer. 7:14).

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Such passages surely raise the interesting possibility that Luther drew the inspiration for his portrayal of Judaism not from his own introspective conscience, but from the Old Testament prophets. We have to bear in mind, too, that these prophetic criticisms were not aimed at peripheral minorities in Israel and Judah. On the contrary, it was those who loved Yahweh and obeyed the voice of his servants (Isa. 50:10) who were the minority. This is Paul's 'remnant according to the election of grace', described so movingly by Zephaniah: 'I will leave in the midst of you a people humble and lowly. They shall seek refuge in the name of the Lord... they shall pasture and lie down, and none shall make them afraid' (Zeph. 3:12).

The question is, Did post-exilic Judaism undergo such a revolution that those proportions were reversed, the minority becoming the majority and securing such influence that it was the theology of the Remnant that ultimately came to be encapsulated in the so-called Common Judaism of the Tannaitic literature? That is what the New Perspective requires us to believe.

THE BAPTIST'S 'WARNING-ORACLES'

When we turn to the New Testament the first voice we hear is that of resumed prophecy in the person of John the Baptist. The critique has lost none of its edge:

But when he saw many of the Pharisees and Sadducees coming towards him, he said to them, 'You brood of vipers! Who warned you to flee from the wrath to come? Bear fruit that befits repentance, and do not presume to say to yourselves, "We have Abraham as our father"; for I tell you, God is able from these stones to raise up children to Abraham. Even now the axe is laid to the root of the trees; every tree therefore that does not bear good fruit is cut down and thrown into the fire' (Matt. 3:7-10).

N. T. Wright asserts (twice) that such a critique is no sign that one is being 'anti-Jewish'⁶² and this is, of course, true, as is his further comment that John's 'warning-oracles' were 'a sign of deep loyalty to Israel's true God and true vocation'.⁶³ But although John was not anti-Jewish, he was certainly anti-Pharisaic and this is of real significance for the New Perspective. After the fall of Jerusalem the Sadducees became irrelevant to Judaism. The Pharisees, on the other hand, were the custodians of the oral

⁶² *Jesus and the Victory of God* (London, 1996), p. 323, fn., p. 324.

⁶³ *Ibid.*, p. 324.

tradition and it was that tradition which, under the Tannaim, became the core of Common Judaism. We have no reason to believe that the Gospels misrepresent them. Indeed, quite the opposite, according to G. F. Moore: 'The gospels themselves are the best witness to the religious and moral teaching of the synagogue in the middle forty years of the first century, and the not infrequent references, with approval or dissent, to the current Halakah are evidence of the rules approved in the schools of the Law and taught to the people.'⁶⁴

We are entitled, then, to take John's warnings as directed not against the Pharisees personally, but against the 'type' of religion they represented. They are the people who 'made the mistake of thinking that physical descent from Abraham granted them an automatic immunity from God's eschatological wrath'.⁶⁵ It would be hard to exaggerate the severity of John's warning. These men, the custodians and champions of what was later enshrined in the Mishnah, the Midrashim and the Talmud, were 'a brood of vipers'; and because of them, the axe is laid to the root of the trees. The axe, of course, is the axe of divine judgement, to be expressed historically in the fall of Jerusalem and the destruction of the temple. The trees, however, are not merely the Pharisees, but the whole Jewish people. To return to Wright: what drove John's ministry was 'deep distress at the corruption which seemed endemic in the national life'.⁶⁶ To John, that corruption was encapsulated in Pharisaism; and it was that corruption, linked to reliance on descent from Abraham and focused on the oral tradition rather than on the written Torah, which would bring the whole nation under the judgement of God: 'Jerusalem, under its present regime, had become Babylon.'⁶⁷ If, as Sanders argues, the theology of the Pharisees was homogeneous with the 'covenantal nomism' codified by the Tannaim then we have to reckon seriously with the possibility that it was the religion bred by that very theology which, in the Baptist's judgement, exposed the nation to retribution and ruin.

JESUS AND THE PHARISEES

The tradition of prophetic critique continues unabated in the ministry of Jesus. One of his most dramatic portrayals of the Pharisees is in the Parable of the Pharisee and the Publican (Luke 18:9-14). We must be

⁶⁴ Moore, *Judaism*, Vol. 1, p. 137.

⁶⁵ D. Hagner, *Matthew 1-13* (Word Biblical Commentary; Dallas, 1993), p. 50.

⁶⁶ *Jesus and the Victory of God*, p. 324.

⁶⁷ *Ibid.*, p. 32.

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cautious, of course, in using the parables to construct a portrait of Judaism: Jesus may have drawn eccentric rather than typical figures. However, as Gathercole points out, 'the parables can embody in a *character* what theological discourse can only do with difficulty: that is, to capture the spirit of what Jesus perceived himself to be "up against"'.⁶⁸ The Pharisee in Luke 18:9-14 is one such character. In all probability Jesus had in mind a real person and although he may not necessarily have been a typical Pharisee he is at least a reminder that such Pharisees existed; and a reminder, too, that Jesus regarded them as so dangerous that he felt justified in making them the subject of a solemn warning. They were a group of religionists who trusted in their own righteousness and regarded others with contempt.

Both points are clearly emphasised in the story. The Pharisee looks God in the eye and appeals with total confidence to his own record, betraying no sense of the need for mercy and grace. On the contrary, he has complete confidence in his own righteousness. Indeed, he is a living commentary on Paul's description of his own Pharisaic days (Phil. 3:5f.): as to righteousness in terms of the law, he is blameless. He fasts twice a week and he tithes everything he buys. In both of these claims, of course, the Pharisee was going beyond the requirements of the Old Testament (the written Torah), performing what were almost exact counterparts of medieval works of supererogation. The Torah required only one annual fast (*yom kippur*): he fasted twice a week. It required tithing, but not of all purchases (such commodities as corn, wine and oil had already been tithed by the producer). The Pharisee tithed everything.

The other plank in the Pharisee's platform was his superiority to his fellow human beings and even to his fellow Jews: 'God, I thank thee that I am not like other men, extortioners, unjust, adulterers or even like this tax-collector.' It would be hazardous to assume that this is an isolated instance of Pharisaic self-righteousness. Jeremias cites a similar prayer from the Talmud:

I thank thee, O Lord, my God, that thou hast given me my lot with those who sit in the house of learning, and not with those who sit at the street-corners; for I am early to work, and they are early to work; I am early to work on the words of the Torah, and they are early to work on things of no moment. I weary myself, and they weary themselves; I weary myself and profit thereby, and they weary themselves to no profit. I run, and they run; I

⁶⁸ Gathercole, *Where Is Boasting?*, p. 120.

run towards the life of the age to come, and they run towards the pit of destruction.⁶⁹

We have to remember, of course, that such humbug is not confined to Pharisaic Judaism. It is endemic to all human religion. Who can forget 'Holy Willie's Prayer':

I bless and praise thy matchless might,
 When thousands thou has left in night,
 That I am here before thy sight,
 For gifts an' grace
 A burning and a shining light
 To a' this place.

...

O Lord, thou kens what zeal I bear,
 When drinkers drink, an' swearers swear,
 And singin' there, and dancin' here,
 Wi' great an' sma';
 For I am keepit by thy fear
 Free frae them a'.

If Burns spoke a grain of truth, so, too, did Jesus (and Luther).

It is sometimes said that the point of the parable of the Pharisee and the Publican is that even tax-collectors are accepted by God.⁷⁰ That is, of course, a valid inference from the story. But the real focus of the parable, as Luke's editorial link makes clear, is the Pharisee as the representative of self-righteousness. The tax-collector is a foil. Yet, as Moses Silva points out, his prayer poses a real challenge to the New Perspective. The sentiment, 'God, have mercy on me, a sinner!' is *not* a recurring theme in the very literature that Sanders so extensively surveyed.⁷¹

In Matthew 15:1-20 (and its parallel, Mark 7:1-23) we have an account of a direct confrontation between the Pharisees and Jesus on the precise question of his relation to the oral tradition. It is noteworthy that it was they who took the initiative: 'Pharisees and scribes came to Jesus from Jerusalem.' The religious authorities were clearly conscious of a tension between Jesus' teaching and their own. The account turns on a sharp antithesis between 'the tradition of the elders' and 'the word of God'. Jesus' disciples ate their meals without first attending to the prescribed ceremonial

⁶⁹ J. Jeremias, *The Parables of Jesus* (London, 1963), p. 142.

⁷⁰ See, for example, I. H. Marshall, *The Gospel of Luke* (Exeter, 1978), p. 677.

⁷¹ 'The Law and Christianity: Dunn's New Synthesis', p. 350.

washing of the hands. This was not a requirement laid down anywhere in the Old Testament, but it was clearly laid down in the oral tradition, apparently because the Pharisees sought to apply to the ordinary domestic situation the levels of ritualistic purity required of the priests when attending to their temple duties.⁷² Since the priests were required to wash their hands (and their feet) the Pharisees wanted all Jews to do the same before eating a meal (another instance of supererogation?).

Jesus' disciples didn't, and as their rabbi he was responsible. He says nothing to rebut the charge. Instead, he makes a counter-charge: the Pharisees transgress the commandment of God for the sake of their tradition (Matt. 18:3). He cites as a specific example the Fifth Commandment, 'Honour your father and your mother.' Part of this honouring was that children had financial responsibilities towards their parents. It was possible to evade these, however, by declaring your property to be *korban* (Mark 7:11), that is, dedicated to God. According to the scribes, such a vow was absolutely binding, taking precedence over even obligations to parents. But it had one striking advantage: 'This convenient declaration apparently left the property actually still at the disposal of the one who made the vow, but deprived his parents of any right to it.'⁷³

Jesus' indictment of this 'tradition' could not have been more severe: it was nothing less than a violation of the Torah itself. They were setting tradition above the Word of God and rendering the latter utterly void (Mark 7:13).

In Matthew 23:23, the charge is not that the scribes and Pharisees evaded the law, but that they trivialised it. They tithed mint, dill and cummin, but neglected justice, mercy and faithfulness. Here again, the Pharisees seemed to be more rigorous than the Torah itself, which had required (Deut. 14:22f.) the tithing of grain, wine and oil, but had said nothing about tithing garden herbs. Jesus did not condemn such

⁷² See Hagner, *op. cit.*, p. 430.

⁷³ R. T. France, *The Gospel according to Matthew* (Leicester, 1985), p. 243. France concedes that 'later Rabbinic legislation allowed for such an oath to be waived in favour of obedience to the fifth commandment', but 'clearly it was not always waived in Jesus' day' (p. 243).

C. E. B. Cranfield (*The Gospel according to Saint Mark*, Cambridge, 1959, p. 238) offers an alternative view of the way that scribal interpretation of the law of *korban* affected compliance with the Fifth Commandment. Someone who had rashly vowed away his property, later regretted it and now wanted to use it for the benefit of his parents was prevented from doing so by the scribes' rigid interpretation of the binding nature of oaths.

scrupulosity in itself. He says, instead, 'Tithe these if you wish, but don't neglect the weightier matters of the law.' This, in his judgement, is exactly what the Pharisees were doing. Scrupulous in minor ritualistic and ceremonial detail, they were neglecting justice, mercy and faithfulness (a summary of the Law reminiscent of Micah 6:8, which defines the 'good' as acting justly, loving mercy and walking humbly with God). These, and not the tithing of parsley, were the things that really mattered, and in view of their cavalier attitude towards them the Pharisees, in Jesus view, were no more than blind guides. He drives the point home with biting irony in verse 24. They were so punctilious in their attention to minor details that they would strain the tiniest gnat out of their drinks and yet they would swallow a camel (an animal not only large, but unclean). In other words, they would lose sleep over the slightest ritualistic irregularity, but none at all over serious acts of injustice or cruelty. Luther never said anything more scathing than that.

This has an important bearing on the question of legalism. As J. G. Machen pointed out, 'A low view of law leads to legalism in religion; a high view of law makes a man a seeker after grace.'⁷⁴ The easier we make it to keep the law the easier it becomes to delude ourselves that we have complied with it and therefore have no need of divine grace. This is what provides the impetus towards relaxing the divine standard. If we judge ourselves by whether we have acted justly, loved mercy and walked humbly before God, we shall find little ground for satisfaction. But if the criterion is whether we have tithed our mint, it is easy to produce a warm glow. The problem is by no means confined to the Pharisees. Many a Protestant reduces righteousness to wearing a hat, not using Sunday transport, being punctilious about 'quiet times' or going mechanically through prayer-notes.

If there is a Christian 'covenantal nomism' then its terms are spelt out by Jesus in the Sermon on the Mount, negatively in Matthew 5:20 and positively in Matthew 7:21. According to the former passage, our righteousness must exceed that of the scribes and Pharisees. According to the latter, we must do the will of our Father who is in heaven.

Jesus leaves us in no doubt as to his attitude to the Torah. It will last as long as the universe itself; and his personal mission is not to destroy it, but to fulfil it. Matthew's account makes this point so emphatically that we can scarcely avoid the impression that rumours were current that Jesus was disrespectful to the Law. He rebuts these rumours vigorously, but even from his rebuttal it is easy to see how they could arise. The Six

⁷⁴ J. G. Machen, *The Origin of Paul's Religion*, p. 179.

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Antitheses (Matt. 5:14-48) make plain that at the very least Jesus and the Pharisees disagreed about the *interpretation* of the Torah. But at no point does he suggest either the abrogation or the relaxation of the Law. From this point of view, as Davies emphasises, the teaching of Jesus was no revolutionary or radically new phenomenon:

The Law remains in force.... To interpret on the side of stringency is not to annul the Law, but to change it in accordance with its own intention. From this point of view, we cannot speak of the Law being annulled in the antitheses, but only of its being intensified in its demand, or interpreted in a higher key.⁷⁵

Yet even in the Antitheses there is a strong under-current of anti-Pharisaism. They condemned murder, but not hate; adultery, but not lust. They loved their neighbour, but hated their enemy. It is hard to stand before such facts and draw the conclusion that the Pharisees were crypto-Christians, or Christians honorary Pharisees. Whether Christians lived up to their Lord's expectations is, of course, another matter. But his expectations were clear enough: a righteousness which exceeded that of scribes and Pharisees.

Finally, there is the case of Nicodemus, central to the whole argument yet curiously neglected. It throws into sharp and dramatic focus Jesus' view of the relationship between the Pharisees and the kingdom of God.

The story derives its force from Nicodemus' impeccable credentials. He was a Jew, of course, a member of God's elect people, chosen by divine grace and mercy. That itself would have been enough in the eyes of many to secure his participation in the kingdom. As Carson points out (citing the Mishnah), 'Predominant religious thought in Jesus' day affirmed that all Jews would be admitted to that kingdom apart from those guilty of deliberate apostasy and extraordinary wickedness.'⁷⁶ This probably explains why 'we find virtually no individual quest for salvation in Jewish literature. The question is whether or not one is an Israelite in good standing.'⁷⁷

⁷⁵ W. D. Davies, *The Sermon on the Mount* (Cambridge, 1966), p. 29.

⁷⁶ D. Carson, *The Gospel according to John* (Leicester, 1991), p. 189.

⁷⁷ Sanders, *Paul and Palestinian Judaism*, p. 237. Sanders does add, however, that 'simple heredity did not ensure salvation. That came to all those Israelites who were faithful.' But this does not detract from the fact that they were born 'in'. The 'faithfulness' related to 'staying in'. Even here there is an implicit legalism. Salvation was the reward of faithfulness, but faithfulness to what? To the Torah?

But Nicodemus was not merely an Israelite. He was a Pharisee, 'the strictest party of our religion' (Acts 26:5); he was a member of the Sanhedrin, the supreme ruling council of Judaism; and he was a teacher of Israel. Indeed, if we give the definite article its full force, he was *the* teacher of Israel: its most highly regarded theologian. As such, he was the expert when it came to defining the entry requirements for the kingdom of God.

And yet he himself does not belong to the kingdom. Jesus is almost brutally blunt. Here is someone who by all the received standards of the day had complied fully with the stipulations of covenantal nomism. To 'get in', he had to do nothing: he was born 'in'. To 'stay in', he had to accept the yoke of the Torah, repent when he failed and make appropriate cultic atonement. He had met these conditions and, by the time he went to see Jesus, no doubt as to his own spiritual security had ever troubled his mind. But that night he had doubts, not about himself, but about Jesus: for all that men were saying about him, perhaps he was, after all, 'from God'. The signs certainly pointed that way. No man could do the things that Jesus did unless God were with him.

He went, therefore, to give Jesus his endorsement. It was the beginning of a spiritual pilgrimage which would eventually lead to fully committed, risk-taking discipleship. But Jesus ignored his endorsement. Instead, he immediately changed the subject: 'Let's talk about you!' He told the great man that being a fully paid-up member of the covenant community (an Israelite, a Pharisee, a Ruler and a Teacher) was no guarantee of membership of the kingdom of God. He had to be born again, be re-created, regenerated, receive a new heart and become a new man. You entered the kingdom not as a Great One (*a rabbi*), but as a little child. 'You've never entered the kingdom!' Jesus said. 'You can't even see the kingdom! You are the Teacher of Israel ('the Reverend Professor Doctor'⁷⁸) and yet you don't know the most basic truths about entry into the kingdom.' These truths had been clearly taught by the Old Testament, particularly in such passages as Ezekiel 36:26, 'A new heart I will give you, and a new spirit I will put within you; and I will take out of your flesh the heart of stone and give you a heart of flesh.' Even the *Pseudepigrapha* had sounded a similar note: 'I shall create for them a holy spirit, and I shall purify them so that they will not turn away from following me from that day and forever' (*Jubilees*, 1:23).⁷⁹ Yet here was a teacher of outstanding reputation, an expert in 'heavenly things', who was completely nonplussed by the notion

⁷⁸ Carson, *op. cit.*, p.198.

⁷⁹ J. H. Charlesworth (ed.), *The Old Testament Pseudepigrapha* (New York, 1985), Vol. 2, p. 54.

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of the new birth and sincerely believed that if you were a Jew you were 'in' (and, presumably, that if you were a Gentile you were 'out').

In effect, Jesus put Nicodemus and his fellow rabbis in the same class as the Gentiles later described by Paul: the natural (*psychikos*) man does not receive the things of the Spirit of God. Instead, they are folly to him (1 Cor. 2:14). Nicodemus, great rabbi and great teacher though he was, was still a 'natural' man, afflicted with fatal spiritual blindness. His only hope was that the Spirit who gave the universe its beginning (Ps. 30:6) would infuse his soul with the life of God. Little did Nicodemus suspect, then, that participation in the kingdom would mean Jesus living for ever in his heart.

CONCLUSION

Sanders was right to place question marks against Luther's account of Judaism. It could not be equated simplistically with legalism or dismissed as proto-Scholasticism. But neither was Judaism the crypto-Lutheranism or implicit Christianity that the New Perspective suggests. The tendency to self-righteousness is endemic to human nature and this makes it easy for the doctrine of self-salvation to suck all religions into its vortex. Medieval Christianity disappeared into it and so, later, did dysfunctional Protestantism. In Luther's perception the religion of the Jews had suffered the same fate, and, being who he was, he had to tell it as he saw it. In his telling, he drew his inspiration from the Old Testament prophets, John the Baptist and Jesus. Modern academic discourse has higher standards of courtesy and accuracy than prevailed in Luther's day, and our greater knowledge of Tannaitic literature demands considerable fine-tuning of Luther's perspective. But this does not detract from the fact that anyone who comes from the New Testament to the Mishnah or the Talmud finds herself in a foreign world. The one is a world of *halakhah*, laying down meticulous instructions and promising life on the basis of obedience. Compared with the Old Testament, it leaves the theology untouched, but vastly expands the ethics. The other is a world of *kerygma* and *didache*, leaving the ethics untouched, but vastly expanding the theology. Above all else, the New Testament expanded the doctrine of justification, placing it in the brilliant light of incarnation and vicarious atonement. The only alternative to self-righteousness is *imputed* righteousness; and where could that be found except in a Last Adam? Judaism has none such. Every man must be his own saviour. That has bred its own moments of towering heroism and overflowing humanity. It has not brought hope to the ungodly.