

# THE TRINITY REVIEW

For though we walk in the flesh, we do not war according to the flesh, for the weapons of our warfare [are] not fleshly but mighty in God for pulling down strongholds, casting down arguments and every high thing that exalts itself against the knowledge of God, bringing every thought into captivity to the obedience of Christ. And they will be ready to punish all disobedience, when your obedience is fulfilled. (2 Corinthians 10:3-6)

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## Sanders/Dunn “Fork in the Road” in the Current Controversy over the Pauline Doctrine of Justification by Faith

By Robert L. Reymond

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The current controversy between the traditional Reformation position, on the one hand, and the “Shepherd” position, on the other, over the Pauline doctrine of justification by faith has a history. Evangelicals were confronted in the 1970s by several forks in the road where they chose the wrong road because their guides were highly respected theologians. The “Shepherd fork” that asks evangelicals to opt for justification both by a living faith in Christ and by the works this living faith produces came in the early to mid-70s and has continued to plague the church to this day. The next significant fork on this wrong road where many evangelicals took a second wrong road was at the “Sanders/Dunn fork” in the late 70s and early 80s.<sup>1</sup> Now it is a truism that when one loses his way he should retrace his steps if he can, locate the fork (or forks) where he chose the wrong road, and take the other road. In order to assist evangelicals to retrace their steps, since O. Palmer Robertson has addressed the “Shepherd fork,”<sup>2</sup> I propose in this essay to address the second fork in the road, the “Sanders/Dunn fork.”

### *The Most Debated Topic among Paul Scholars Today*

The most debated topic among Paul scholars today is Paul’s understanding of the law and more specifically the meaning of his key phrase, “works of law” (*erga novmou*, *erga nomou*).<sup>3</sup> By this phrase he summarily characterized what he was so strongly setting off over against his own doctrine of justification by faith in Jesus Christ, namely, justification by “works of law.” Obviously, we will not be able fully to comprehend the precise nature of the doctrine Paul wants to put in its place if we do not grasp the precise nature of the teaching he so vigorously opposed. This debate is raging today between Protestant Pauline scholars, particularly German Lutheran scholars and historic Reformed theologians, on the one hand, and the “new perspective”

<sup>3</sup> Paul uses the phrase, “works of law,” eight times in his writings: he affirms that no one can be justified by “works of law” (*Galatians* 2:16 [3 times]; *Romans* 3:20, 28), that the Spirit is not received by “works of law” (*Galatians* 3:2, 5), and that all those whose religious efforts are characterized by “works of law” are under the law’s curse (*Galatians* 3:10). Also the simple *erga*, in *Romans* 4:2, 6; 9:12, 32; 11:6; and *Ephesians* 2:9 almost certainly has the same meaning, thereby bringing the total number of texts in which Paul alludes to the concept to fourteen. I would argue that Paul intended by this phrase “things done in accordance with whatever the law commands – the moral law no less than the ritual, the ritual laws no less than the moral,” with the intention of achieving right standing before God.

Although C. E. B. Cranfield argued in his essay, “St. Paul and the Law,” in the *Scottish Journal of Theology* 17 (1964), 43-68, that Paul coined this Greek phrase because no designation was available in Greek to represent the idea of “legalism,” close equivalents have been found in the Qumran material, for example, *m’sy thôrāh* (“works of law”) in 4QFlor 1.1-7 (= 4Q174); *m’sy bhthôrāh* (“works in the law”) in 1QS 5:20-24; 6:18; and *mqtsh m’sy hthôrāh* (“some of the works of the law”) in 4QMMT 3:29, all which seem to denote the works that the Qumran Community thought the law required of it in order to maintain its separate communal existence.

<sup>1</sup> See E. P. Sanders, *Paul and Palestinian Judaism, A Comparison of Patterns of Religion* (Fortress, 1977), and James D. G. Dunn, “The New Perspective on Paul” in *Bulletin of the John Rylands University Library of Manchester* 65 (1983), 95-122.

<sup>2</sup> See O. Palmer Robertson, *The Current Justification Controversy*. The Trinity Foundation, 2003.

views of E. P. Sanders, James D. G. Dunn and their followers, on the other. The former view – the “traditional Reformation view” – contends that Jews in general in Paul’s day and the Pharisees in particular were obeying the law to accumulate merit before God for themselves and thereby to earn salvation, and that this is the reason Paul appears at times to inveigh against the law: His kinsmen according to the flesh or at least a large portion of first-century world Jewry (not all Jews, of course, since there was always “a remnant chosen by grace,” *Romans* 11:5) had come to view the law *legalistically* as the instrument for the acquisition of righteousness. C. E. B. Cranfield has argued that Paul’s criticism of the law was a criticism of its then-current *perversion* into the legalism of works-righteousness; it is thus the “legalistic misunderstanding and perversion of the law,” not the law itself, which kills.<sup>4</sup>

### *Sanders’ “Covenantal Nomism”*

The traditional Protestant view had not gone unchallenged, of course. For example, in 1894 C. G. Montefiore, a distinguished Jewish scholar, had argued that the rabbinic literature of the time speaks of a compassionate and forgiving God and of rabbis whose daily prayer was “Sovereign of all worlds! Not because of our righteous acts do we lay our supplications before you, but because of your abundant mercies” (*b. Yoma*

87b).<sup>5</sup> And in 1927 G. F. Moore had urged in his *Judaism in the First Centuries of the Christian Era*<sup>6</sup> that the earliest literature of rabbinic religion spoke constantly of grace, forgiveness and repentance. But New Testament theologians had largely ignored the implications of such studies. The publication of E. P. Sanders’ programmatic *Paul and Palestinian Judaism*<sup>7</sup> in 1977, however, brought a “rude awakening” to what Dunn calls the “quiet cul-de-sac” that the field of New Testament study had become, making it necessary for anyone earnestly desiring to understand Christian beginnings in general or Pauline theology in particular to reconsider the traditional Protestant view.<sup>8</sup>

Sanders, in the name of what he terms “covenantal nomism,” challenged the traditional view as being simply a myth. He argues, first, that traditional Protestantism, particularly Lutheranism, has been guilty of reading back into New Testament times *late* Jewish sources (such as those from the fifth century AD that picture the final judgment as a matter of weighing up merits and demerits) and thereby inappropriately construing the conflict between Paul and his Jewish opponents in terms of debates that occurred at the time of the magisterial Reformation between Luther and Rome; and second, that conversely first-century Palestinian Judaism had not been seduced by merit theology into becoming a religion of legalistic works-righteousness wherein right standing before God was earned by good works in a system of strict justice. He contends rather (1) that the covenant, the law, and the

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<sup>4</sup> C. E. B. Cranfield, “St. Paul and the Law,” 43-68; see also his response to his critics, “‘The Works of the Law’ in the Epistle to the Romans” in *Journal for the Study of the New Testament* 43 (1991), 89-101. Of course, Paul’s criticism of “covenantal legalism” was not an innovation: both the Old Testament prophets, by their denunciation of a preoccupation with the niceties of sacrificial ritual while obedience from the heart expressed in humility, compassion, and justice for the oppressed was non-existent (*1 Samuel* 15:22-23; *Psalms* 40:6-8; 51:16-17; *Isaiah* 1:10-20; *Amos* 2:6-8; 4:4-5; 5:21-24; *Micah* 6:6-8), and later Jesus himself, by his denunciation of the concern of the hypocritical scribes and Pharisees for their external, presumably merit-acquiring observance of the law while their hearts were far from the Lord (*Matthew* 5:21-6:18; 23:1-39; *Mark* 7:1-13; *Luke* 11:37-54), had spoken against such a perversion of the law’s purpose.

So also Ridderbos (“Section 21: The Antithesis with Judaism” in *Paul: An Outline of His Theology*, 130-135), 132-134, who insists that for the Judaism of Paul’s day “the law is the unique means to acquire for oneself merit, reward, righteousness before God, and the instrument given by God to subjugate the evil impulse and to lead the good to victory...for the Jews the law was the pre-eminent means of salvation, indeed the real ‘substance of life’.... Judaism knew no other way of salvation than that of the law, and...it saw even the mercy and the forgiving love of God as lying precisely in the fact that they enable the sinner once more to build for his eternal future on the ground of the law.... It is this redemptive significance that Judaism ascribed to the law against which the antithesis in Paul’s doctrine of sin is directed.”

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<sup>5</sup> C. G. Montefiore, “First Impressions of Paul,” *Jewish Quarterly Review* 6 (1894), 428-475; “Rabbinic Judaism and the Epistles of St. Paul,” *Jewish Quarterly Review* 13 (1900-1901), 167-217.

<sup>6</sup> G. F. Moore, *Judaism in the First Centuries of the Christian Era: The Age of the Tannaim* (2 volumes; Harvard University, 1927).

<sup>7</sup> E. P. Sanders, *Paul and Palestinian Judaism, A Comparison of Patterns of Religion* (Fortress, 1977); see also his more important *Paul, the Law, and the Jewish People* (Fortress, 1983), his *Paul* (Oxford University Press, 1991), and his *Judaism: Practice and Belief, 63 BCE – 66 CE* (SCM, 1992), all four works unified by their common conviction concerning the *non-legalistic* nature of first-century Palestinian Judaism and their corresponding rejection of the traditional Lutheran Reformation understanding of the law/gospel antithesis as the key to Paul’s view of the law and the theology of his Jewish opposition. See also W. D. Davies, *Paul and Rabbinic Judaism: Some Rabbinic Elements in Pauline Theology* (1948; fourth edition; Fortress, 1980), who argues that Paul’s doctrine of justification by faith apart from “works of law” was only one metaphor among many of the time (221-223) and that Paul was simply a Pharisee for whom the messianic age had dawned (71-73).

<sup>8</sup> The reason Sanders’ effort was heard while the previous efforts were largely ignored is traceable to the new historical situation and social climate which obtained at the time as the result of, first, the Nazi Holocaust in the aftermath of which the traditional denigration of Judaism as the negative side of the debate with the Protestant doctrine of justification could no longer be stomachable, and second, Vatican II which absolved the Jewish people of deicide.

Jews' special status as the elect people of God were all gifts of God's grace to Israel; (2) that the Jews did not have to earn – and knowing this were not trying to earn – what they already had received by grace; (3) that Judaism did not teach that “works of law” were the condition for entry into the covenant but only for continuing in and maintaining covenant status (that is to say, that salvation comes not from meritorious works but through belonging to the covenant people of God),<sup>9</sup> which “pattern of religion,” Sanders contends (I think wrongly), is also found in Paul; and (4) that the only real bone of contention between an (at times) incoherent and inconsistent Paul (who was not unwilling to distort his opponents' positions at times in order to safeguard his own) and his Jewish contemporaries was not soteriology (what one must do in order to be saved) but purely and simply *Christology* (what one should think about Christ). Which is just to say that Paul saw Christianity as superior to Judaism only because while the Jews thought they had in the covenant a *national* charter of privilege, Paul viewed covenantal privilege as *open to all* who have faith in Christ and who accordingly stand in continuity with Abraham. Or to put it more simply, Paul viewed Christianity as superior to Judaism only because Judaism was not Christianity.

It is indeed true, as Sanders demonstrates from his in-depth examination of the Qumran literature, the Apocryphal literature, the Pseudepigraphal literature, and the rabbinic literature of the first two-hundred years after Christ that one can find many references in this material to God's election of Israel and to his grace and mercy toward the nation. And, of course, if Sanders is right about the non-legalistic nature of Palestinian Judaism in Paul's day, then Douglas J. Moo is correct when he asserts that the traditional Reformation view of Paul's polemic “is left hanging in mid-air, and it is necessary either to accuse Paul of misunderstanding (or misinterpreting) his opponents, or to find new opponents for him to be criticizing.”<sup>10</sup> Regarding the first of these possibilities, I can only say that the modern scholar, whether Christian or Jew, who supposes that he understands better or interprets more accurately first-century Palestinian Judaism than Paul did, is a rash person indeed! Moreover, Sanders makes too much of

his, in my opinion, methodologically flawed findings on the “non-legalistic” character of first-century Palestinian Judaism, since first-century Palestinian Judaism, as he himself recognizes, also taught that the elect man was obligated, even though he would do so imperfectly (for which imperfections the law's sacrificial system provided the remedy), to obey the law in order to *maintain* his covenant status and to *remain* in the covenant. But this is to acknowledge, as Moo notes, that

even in Sanders's proposal, works play such a prominent role that it is fair to speak of a “synergism” of faith and works that elevates works to a crucial salvific role. For, while works, according to Sanders, are not the means of “getting in,” they are essential to “staying in.” When, then, we consider the matter from the perspective of the final judgment – which we must in Jewish theology – it is clear that “works,” even in Sanders's view, play a necessary and instrumental role in “salvation.”<sup>11</sup>

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<sup>11</sup> Moo, *The Epistle to the Romans*, 215. In his somewhat dated but nonetheless very insightful *Biblical Theology* (Eerdmans, 1948), Geerhardus Vos also affirms that Judaism contained a large strain of legalism, stating that the Judaic “philosophy asserted that the law was intended, on the principle of meritoriousness, to enable Israel to earn the blessedness of the world to come” (142). He then explains why and how the Judaizers went wrong:

“It is true, certain of the statements of the Pentateuch and of the O. T. in general may on the surface seem to favor the Judaistic position. That the law cannot be kept is nowhere stated in so many words. And not only this, that the keeping of the law will be rewarded, is stated once and again. Israel's retention of the privileges of the *berith* [covenant] is made dependent on obedience. It is promised that he who shall do the commandments shall find life through them. Consequently, writers have not been lacking, who declared, that, from a historical point of view, their sympathies went with the Judaizers, and not with Paul. Only a moment's reflection is necessary to prove that...precisely from a broad historical standpoint Paul had far more accurately grasped the purport of the law than his opponents. The law was given after the redemption from Egypt had been accomplished, and the people had already entered upon the enjoyment of many of the blessings of the *berith*. Particularly, their taking possession of the promised land could not have been made dependent on previous observance of the law, for during their journey in the wilderness many of its precepts could not be observed. It is plain, then, that law keeping did not figure at that juncture as the meritorious ground of life inheritance. The latter is based on grace alone, no less emphatically than Paul himself places salvation on that ground. But, while this is so, it might still be objected, that law-observance, if not the ground of receiving, is yet made the ground for retention of the privileges inherited. Here it cannot, of course, be denied that a real connection exists. But the Judaizers went wrong in inferring that the connection must be *meritorious*, that, if Israel keeps the cherished gifts of Jehovah through observance of His law, this must be so, because in strict justice they had *earned* them. The connection is of a totally different kind. It belongs not to the legal sphere of merit, but to the symbolico-typical sphere of *appropriateness of expression*. ...the abode of Israel in Canaan typified the heavenly, perfected state of God's people. Under these

<sup>9</sup> Sanders, *Paul and Palestinian Judaism*, 422.

<sup>10</sup> Douglas J. Moo, “Paul and the Law in the Last Ten Years” in *Scottish Journal of Theology* 40 (1987), 293. See also Moo's “‘Law,’ ‘Works of the Law,’ and Legalism in Paul,” *Westminster Theological Journal* 45 (1983), 73-100; and his *The Epistle to the Romans* (Eerdmans, 1996), particularly his comments on *Romans* 3:20 and the following “Excursus: Paul, ‘Works of the Law,’ and First-Century Judaism” (206-217), that take these developments into account, and Mark A. Seifrid, “Blind Alleys in the Controversy over the Paul of History” in *Tyndale Bulletin* 45.1 (1994), 73-95.

Moo goes on to note in the same connection:

...there is reason to conclude that Judaism was more “legalistic” than Sanders thinks. In passage after passage in his scrutiny of the Jewish literature, he dismisses a “legalistic” interpretation by arguing that the covenantal framework must be read into the text or that the passage is homiletical rather than theological in intent. But was the covenant as pervasive as Sanders thinks? Might not lack of reference in many Jewish works imply that it had been lost sight of in a more general reliance on Jewish identity? And does not theology come into expression in homiletics? Indeed, is it not in more practically oriented texts that we discover what people *really* believe? Sanders may be guilty of underplaying a drift toward a more legalistic posture in first-century Judaism. We must also reckon with the possibility that many “lay” Jews were more legalistic than the surviving literary remains of Judaism would suggest. Certainly, the undeniable importance of the law in Judaism would naturally open the way to viewing doing the law in itself as salvific. The gap between the average believer’s theological views and the informed views of religious leaders is often a wide one. If Christianity has been far from immune to legalism, is it likely to think that Judaism, at any state of its development, was?<sup>12</sup>

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circumstances the ideal of absolute conformity to God’s law of legal holiness had to be upheld. Even though they were not able to keep this law in the Pauline, spiritual sense, yea, even though they were unable to keep it externally and ritually, the requirement could not be lowered. When apostasy on a general scale took place, they could not remain in the promised land. When they disqualified themselves for typifying the state of holiness, they *ipso facto* disqualified themselves for typifying that of blessedness, and had to go into captivity.... And in Paul’s teaching the strand that corresponds to this Old Testament doctrine of holiness as the indispensable (though not meritorious) condition of receiving the inheritance is still distinctly traceable” (142-144).

<sup>12</sup> Moo, *The Epistle to the Romans*, 215-217. While I disagree with Jacob Neusner’s final conclusion, see also his *Rabbinic Judaism: Structure and System* (Fortress, 1995), 7-13, 20-23, wherein he heaps scorn upon Sanders’ literary efforts, not so much for his conclusions but because he tends by his method to join all Judaic religious systems into a single, harmonious “Judaism.” While Neusner appreciates the methodology of Sanders’ *Paul and Palestinian Judaism* much more than the methodology and conclusions reflected in his *Judaism: Practice and Belief 63 BCE – 66 CE*, he still faults Sanders’ earlier handling of the Mishna and the other rabbinic sources because, says Neusner, the Pauline-Lutheran questions he brings to it are simply not these sources’ central concerns: “Sanders’ earlier work is profoundly flawed by the category formation that he imposes on his sources; that distorts and misrepresents the Judaic system of these sources” (22). He explains:

In support of Moo’s contentions one could cite, as samplings of Judaic thought in this regard, *Sirach* (also known as *Ecclesiasticus*) 3:3, 14-15, 30-31, a second-century BC Jewish writing, that teaches quite clearly that human good deeds atone for sins:

3 Whoever honors his father atones for sins,... 14 For kindness to a father will not be forgotten, and against your sins it will be credited to you; 15 In the day of your affliction it will be remembered in your favor, as frost in fair weather, your sins will melt away.... 30 Water extinguishes a blazing fire: so almsgiving atones for sin. 31 Whoever requites favors gives thought to the future; at the moment of his falling he will find support. (See also *Sirach* 29:11-13 and *Tobit* 4:7-11.)

Sanders also ignores Flavius Josephus’ frequent insistence that God’s grace is meted out in response to merit,<sup>13</sup> and he simply discounts the argument of 2

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“Sanders quotes all documents equally with no effort at differentiation among them. He seems to have culled sayings from the diverse sources he has chosen and written them down on cards, which he proceeded to organize around his critical categories. Then he has constructed his paragraphs and sections by flipping through these cards and commenting on this and that. So there is no context in which a given saying is important in its own setting, in its own document. This is Billerbeck scholarship.

“The diverse rabbinic documents require study in and on their own terms... [But Sanders’] claim to have presented an account of ‘the Rabbis’ and their opinions is not demonstrated and not even very well argued. We hardly need to dwell on the still more telling fact that Sanders has not shown how systemic comparison is possible when, in point of fact, the issues of one document, or of one system of which a document is a part, are simply not the same as the issues of some other document or system; he is oblivious to all documentary variations and differences of opinion. That is, while he has succeeded in finding rabbinic sayings on topics of central importance to Paul (or Pauline theology), he has ignored the context and authentic character of the setting in which he has found these sayings. He lacks all sense of proportion and coherence, because he has not even asked whether these sayings form the center and core of the rabbinic system or even of a given rabbinic document. To state matters simply, how do we know that ‘the Rabbis’ and Paul are talking about the same thing, so that we can compare what they have to say? If it should turn out that ‘the Rabbis’ and Paul are not talking about the same thing, then what is it that we have to compare. I think, nothing at all” (22-23).

<sup>13</sup> In his *Against Apion*, II, 217b-218, for example, Josephus writes: “For those...who live *in accordance with our laws* [*nomimōs*] the prize is not silver or gold, no crown of wild olive or of parsley with any such public mark of distinction. No; each individual, relying on the witness of his own conscience and the lawgiver’s prophecy, confirmed by the sure testimony of God, is firmly persuaded that *to those who observe the laws* [*tois tous nomous diaphulaxasi*] and, if they must needs die for them, willingly meet death, God has granted *a renewed existence* [*genesthai palin*] and in the revolution of the ages the gift of a better life [*bion ameino*].”

In his *Discourse to the Greeks on Hades* Josephus states that “to those that have done well [God will give] an everlasting fruition,”

*Esdras*<sup>14</sup> as an atypical exception here.<sup>15</sup> And Qumran document 1QS 11:2, 3 states: “For I belong to the God of my vindication and the perfection of my way is in his hand with the virtue of my heart. And *with my righteous deeds* he will wipe away my transgressions.”<sup>16</sup> 1QS 3:6-8; 8:6-10; 9:4 also attribute an atoning efficacy to the Qumran Community’s deeds. Turning to the New Testament, one may also cite here the opinion of the “believers who belonged to the party of the Pharisees” (*Acts* 15:5) who declared: “Unless you [Gentiles] are circumcised, according to the custom taught by Moses, you cannot be saved” (*Acts* 15:1). I grant that the focus of these *Acts* verses is directed toward what the Pharisee party in the church thought Gentiles had to do in order to be saved, but it is surely appropriate to conclude, first, that they would have believed that they themselves had to do the same thing in order to be saved, and second, that they were apparently reflecting what at least the Pharisees – the strictest sect of Judaism – would also have believed.

Moreover, in Paul’s “allegory” in *Galatians* 4:21-31, wherein he first declares that “Hagar stands for Mount

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and more specifically that “the just shall remember only their righteous actions, whereby they have attained the heavenly kingdom.”

<sup>14</sup> 2 *Esdras* is 4 *Esdras* in the appendix of the Roman Catholic Vulgate Bible, with chapters 3-14 being a late first-century AD work written by an unknown Palestinian Jew in response to the destruction of Jerusalem in AD 70.

<sup>15</sup> See, for example, the following statements in 2 *Esdras*: 7:77: “For you have a treasure of works laid up with the Most High.” ... 7:78-94: “Now, concerning death, the teaching is: When the decisive decree has gone forth from the Most High that a man shall die...if [the spirits are] those...who have despised his law...such spirits shall not enter into habitations, but shall immediately wander about in torments, ever grieving and sad...because they scorned the law of the Most High.... Now this is the order of those who have kept the ways of the Most High, when they shall be separated from their mortal bodies. During the time that they lived in it, they...withstood danger every hour, that they might keep the law of the Lawgiver perfectly. Therefore...they shall see with great joy the glory of him who receives them...because...while they were alive they kept the law which was given them in trust.” ... 7:105: “...no one shall ever pray for another on that day...for then every one shall bear his own righteousness or unrighteousness.” ... 7:133: “[The Most High] is gracious to those who turn in repentance to his law.” ... 8:33: “For the righteous, who have many works laid up with thee, shall receive their reward in consequence of their own deeds.” ... 8:55-56: “Therefore do not ask anymore questions about the multitude of those who perish. For they also received freedom, but they despised the Most High, and were contemptuous of his law.” ... 9:7-12: “And it shall be that every one who will be saved and will be able to escape on account of his works...will see my salvation in my land...and as many as scorned my law while they still had freedom...these must in torment acknowledge it after death.” See also B. W. Longenecker, 2 *Esdras* (Sheffield Academic, 1995).

<sup>16</sup> For the defense of “with my righteous deeds” and not “and in his righteousness” as the more likely original reading see Mark A. Seifrid, “Blind Alleys,” 81-82, fn. 28.

Sinai in Arabia and corresponds to *the present city of Jerusalem* [literally “the now Jerusalem,” *tē nun Ierousalēm*], because she is in slavery with her children,” thereby placing “the now Jerusalem,” which stands within his “Hagar-Sinai-lawbondage” matrix, in bondage to the law (4:25), and then contrasts “the now Jerusalem” with “the Jerusalem that is above [literally “the above Jerusalem,” *hē anō Ierousalēm*]” that is “free” and the Christian’s “mother,” it is apparent that Paul’s expression, “the now Jerusalem,” goes beyond the Judaizers who were troubling his churches and, in the words of Ronald Fung, “stands by metonymy for Judaism, with its trust in physical descent from Abraham and reliance on legal observance as the way of salvation.”<sup>17</sup> In sum, Paul by this allegory is saying that the nation of Israel, because of its unbelief and bondage to the law, is in actually a nation of spiritual Ishmaelites, sons of the bondwoman Hagar, and not true Israelites at all!

Finally, if the foregoing data are not sufficient to show Sanders’ error, and if one is willing as I am to give Paul his rightful due as an inspired apostle of Christ, then as the *coup de grâce* to his “new perspective” on first-century Palestinian Judaism, Paul writes in *Romans* 9:30-32, 10:2-4:

When then shall we say? That the Gentiles, who did not pursue righteousness, have obtained it, a righteousness that is by faith; but Israel, *who pursued law [as a means to] righteousness*,<sup>18</sup> did not attain [the requirements of that] law. Why not? Because *they pursued it not by faith but as if it were by works [of law]*<sup>19</sup>.... For I can testify about [the Israelites] that they are zealous for God, but their zeal is not based on knowledge. Since they did not know the righteousness that comes from God and *sought to establish their own*, they did not submit to God’s righteousness. Christ is the end of “law-

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<sup>17</sup> Ronald Y. K. Fung, *The Epistle to the Galatians* (NICNT; Eerdmans, 1988), 209; see also C. K. Barrett, “The Allegory of Abraham, Sarah, and Hagar in the Argument of Galatians” in *Rechtfertigung, Festschrift für Ernst Käsemann*, edited by Johannes Friedrich, Wolfgang Pöhlmann, and Peter Stuhlmacher (Göttingen: Vandenhoeck & Ruprecht, 1976); republished in *Essays on Paul*, 154-170.

<sup>18</sup> I construe *dikaioṣunēs*, to be an ablative of means. Moo virtually says this when he concludes his discussion of the phrase, *nomon dikaioṣunēs*, here by saying: “‘Law,’ therefore, remains the topic of Paul’s teaching throughout this verse and a half [*Romans* 9:31-32a], but law conceived as a means to righteousness” (625-626).

<sup>19</sup> I have added this prepositional phrase only to bring out what I think is Paul’s intended meaning and not because I think that it reflects the originality of the textual variant *ergōn nomou*, supported by a2 D K P Y 33 81 104 *etc.*, a few church fathers, and a few versions.

keeping” [literally “law”] as a means to [eis<sup>20</sup>] righteousness to all who believe<sup>21</sup> (emphasis supplied).

In sum, while both Judaism and Paul viewed obedience to the law as having an appropriate place in the covenant way of life, there was this difference: whereas Paul viewed the Christian’s obedience as (at best) the *fruit* and *evidentiary sign* of the fact that one is a member of the covenant community, Judaism saw obedience to the law as the *instrumental basis* for continuing in salvation through the covenant. Thus, the legalistic principle – even though it occurred within the context of the covenant as a kind of “covenantal legalism” – was still present and ultimately that principle came to govern the soteric status of the individual. This is just to say that Second Temple Judaism apparently over time became focused more and more on an “instrumental nomism” and less and less on a “gracious covenantalism of faith.” Paul rightly saw that *any* obligation to accomplish a works-righteousness to *any* degree on the sinner’s part would negate the principle of *sola gratia* altogether (*Romans* 11:5-6), obligate him to obey the whole law (*Galatians* 3:10; 5:3), and make the cross-work of Christ of no value to him (*Galatians* 2:21; 5:2).<sup>22</sup> Finally, Paul does not represent Christianity as superior to Judaism only because of a kind of dispensational shift within salvation history from Judaism to Christianity. His differences with Judaism were far more radical and passionate than that.

### Dunn’s “New Perspective”

James D. G. Dunn, who accepts, not without some reservations, Sanders’ understanding of first-century

Palestinian Judaism, in his *Jesus, Paul and the Law*<sup>23</sup> urges that Paul’s “works of law” phrase does not refer to works done to achieve righteousness, that is, to legalism, but to the Mosaic law particularly as that law came to focus for Israel in the observance of such Jewish “identity markers” as circumcision, food laws, and Sabbath-keeping. That is to say, Paul’s “works of law” phrase refers to a subset of the law’s commands, encapsulating *Jewish* existence in the nation’s covenant relationship with God or, to quote Dunn himself, “the self-understanding and obligation accepted by practicing Jews that E. P. Sanders encapsulated quite effectively in the phrase ‘covenantal nomism.’”<sup>24</sup> In sum, for Dunn the heart issue for Paul was the inclusion of Gentile Christians in the messianic community on an equal footing with Jewish Christians. In other words, for Paul his bone of contention with Judaism was not so much with an imagined attempt to acquire a merit-based righteousness before God as much as it was with Israel’s *prideful* insistence on its covenantal racial exclusiveness: Israel shut Gentiles out of the people of God because they did not observe *their* ethno-social “identity markers.” And apparently many Jewish Christians wanted Gentile Christians to observe these Jewish “identity markers” before they would or could share table fellowship with them (see *Acts* 10:28; *Galatians* 2:11-13). Paul by his “works of law” phrase was opposing then the Old Testament *ritual* laws that kept Israel in its national identity (see *Numbers* 23:9) apart from Gentiles.

Whereas Sanders’ conclusions, in my opinion, go too far, Dunn’s interpretation of Paul’s concern, in my opinion, is reductionistic and does not go far enough.

<sup>20</sup> By construing the *eis*, here as denoting “means,” I have conformed Paul’s statement here with his earlier phrase, “law [as a means to] righteousness,” in 9:31.

<sup>21</sup> C. K. Barrett, in “Romans 9:30-10:21: Fall and Responsibility of Israel” in *Essays on Paul*, correctly explains Paul’s intention in these verses this way: “...the only way to achieve righteousness (which is what the righteous law requires) is by faith. This way the Gentiles, who really had no choice in the matter, had adopted, when they were surprised by the gospel.... Israel had not done this. They had been given the law...and had sought to do what they understood it to mean; but they had misunderstood their own law, thinking that it was to be obeyed on the principle of works, whereas it demanded obedience rendered in, consisting of, faith” (141, emphasis supplied).

<sup>22</sup> For a detailed critical analysis of Sanders’ thesis, see M. A. Seifrid, *Justification by Faith: The Origin and Development of a Central Pauline Theme* (NovTSup 68; Brill, 1992); S. Westerholm, *Israel’s Law and the Church’s Faith: Paul and His Recent Interpreters* (Eerdmans, 1988); C. G. Kruse, *Paul, the Law and Justification* (InterVarsity, 1996); and Karl T. Cooper, “Paul and Rabbinic Soteriology” in *Westminster Theological Journal* 44 (1982), 123-139.

<sup>23</sup> James D. G. Dunn, *Jesus, Paul and the Law: Studies in Mark and Galatians* (Westminster/John Knox, 1990), 183-206, 215-236; see also his “The New Perspective on Paul” in *Bulletin of the John Rylands University Library of Manchester* 65 (1983), 95-122. Moo, *The Epistle to the Romans*, provides the “Dunn bibliography” on the issue (207, fn. 57), to which must be added his *The Theology of Paul the Apostle* (Eerdmans, 1998), 334-371.

<sup>24</sup> In his essay, “Echoes of Intra-Jewish Polemic in Paul’s Letter to the Galatians” in *Journal of Biblical Literature* 112 (1993), Dunn states that the phrase refers to “acts of obedience required by the law of all faithful Jews, all members of the people with whom God had made the covenant at Sinai – the self-understanding and obligation accepted by practicing Jews that E. P. Sanders encapsulated quite effectively in the phrase ‘covenantal nomism’” (466). In his more recent *The Theology of Paul the Apostle* Dunn declares quite forcefully: “I do not (and never did!) claim that ‘works of the law’ denote only circumcision, food laws, and Sabbath. A careful reading of my ‘New Perspective’ should have made it clear that, as in Galatians 2, these were particular focal or crisis points for (and demonstrations of) a generally nomistic attitude” (358, fn 97, emphasis supplied). If this is actually the case, then Dunn is saying that first-century Jewry held generally to a legalistic view of salvation and his “New Perspective” is not really new.

Paul was indeed concerned with – and vigorously opposed – the spirit of racial exclusiveness within Messiah’s community, but this does not appear to be his concern in his sermon in the synagogue at Pisidian Antioch when he declared that “through [Jesus] *everyone who believes [pas ho pisteuōn] is justified [dikaioutai] from all things [apo pantōn]*, from which you could not be justified by [keeping] the [whole] law of Moses” (Acts 13:39). Nor does he hesitate to relate his “works of law” terminology universally to “no flesh” (literally “not...all flesh,” *ou...pasa sarx*) in *Romans* 3:20,<sup>25</sup> which surely includes both Gentiles (see *Romans* 3:9) who obviously *were not obligated to observe Israel’s circumcision or food laws* but who, according to Paul, were nonetheless regarded by God as transgressors of his law (see *Romans* 1:18-32) and the people of Israel who *were obligated to observe and who were in fact observing their national identity markers* (see *Romans* 2:25-29) but who also, according to Paul, were still regarded by God as transgressors of his law (see *Romans* 2:21-24), both accordingly standing under the law’s condemnation.<sup>26</sup> Which is just to say that Paul’s “works of law” phrase in *Romans* 2:20 intended more than simply observance (or in the case of Gentiles, non-observance) of Israel’s national identity markers. *The phrase included observance of God’s moral law, too.* But if the phrase in 3:20 includes observance of the moral law of God as well, it surely means the same in 3:28 where Paul declares: “For we maintain that a man [*any man*; see 3:29-30] is justified by faith apart from [legalistic] works of law.” And immediately after he establishes mankind’s guilt before God in terms of the inability of the “works of law” to justify anyone (3:20) Paul places those “works of law” as the false way to righteousness over against and in contrast to faith in Christ’s saving work as the one true way to righteousness (see *Romans* 3:21-25: *dikaioṣunē theou dia pisteōs Iēsou Christou*). Then when one takes into account Paul’s reference to *human* “boasting” both in 3:27 (*kauchēsis*) and 4:2 (*kauchēma*) and his insistence in *Romans* 4 that Abraham was not justified by his “works” (*ex ergōn*, 4:2) or by his “working” (*ergazomenō*, 4:4-5) – which words, given their proximity to *Romans* 3:20 and 3:28, are almost certainly his theological shorthand for his earlier “works of law”

<sup>25</sup> Note too his universalistic phrases, “every mouth” (*pan stoma*) and “the whole world” (*pas ho kosmos*) in *Romans* 3:19.

<sup>26</sup> Moo, *The Epistle to the Romans*, writes: “The ‘works’ mentioned [in *Romans* 3:20] must...be the ‘works’ Paul has spoken of in chap. 2. But it is not circumcision – let alone other ‘identity markers’ that are not even mentioned in Rom. 1-3 – that the Jew ‘does’ in Rom. 2; it is, generally, what is demanded by the law, the ‘precepts’ (v. 26; cf. vv. 22-23, 25, 27). Therefore, 3:20 must deny not the adequacy of Jewish identity to justify, but the adequacy of Jewish works to justify” (214).

expression – it should be again apparent that Paul’s “works of law” phrase intends more than the observance (or in the case of Gentiles, non-observance) of certain Jewish identity markers *since Abraham lived before the giving of the ritual law of the Mosaic Law to Israel*.<sup>27</sup>

Then to Peter who, after enjoying table fellowship with Gentiles for a time at Antioch, succumbed to the pressures of the Judaizers Paul said:

We [apostles] who are Jews by birth and not “Gentile sinners” know that a man is not justified by *observing the law [ex ergōn nomou]*, but by faith in Jesus Christ. So we, too, have put our faith in Christ Jesus that we may be justified by faith in Christ and not by *observing the law [ex ergōn nomou]*, because by *observing the law [ex ergōn nomou] no one* [note again the universality in *ou...pasa sarx*, “not...all flesh”] will be justified [*Galatians* 2:15-16].

Then, after asking the “Judaized” Gentile Christians of Galatia the twin questions: “Did you receive the Spirit by *observing the law [ex ergōn nomou]*, or by *believing what you heard [ex akoēs pisteōs]*” (*Galatians* 3:2), and “Does God give you his Spirit and work miracles among you because you *observe the law [ex ergōn nomou]* or because you *believe what you heard [ex akoēs pisteōs]*” (*Galatians* 3:5), he declares:

*All who [hosoi, “As many as”] rely on observing the law [ex ergōn nomou eisin] are under a curse, for it is written: “Cursed is everyone [pas] who does not continue to do everything [pasin] written in the Book of the Law.” Clearly no one [oudeis] is justified before God by the law, because, “The righteous will live by faith” [Galatians 3:10-11; see also Romans 3:21-28; 4:1-5; Titus 3:5].*

Who are these people who are “relying on observance of the law” for their salvation? Once again we are struck by Paul’s universalistic language. It is true that in his letter to the Romans Paul describes the Jew as one who “relies [*epanapaue*] on the law” (*Romans* 2:17). And it is also true that in the context of the Galatians letter his most immediate opponents are the Judaizers and his Gentile converts who had succumbed to the teaching of the Judaizers. But Paul’s “no flesh” (*ou...pasa sarx*) expression in *Galatians* 2:16 appears once again to be

<sup>27</sup> W. Gutbrod, *nomos* (and the nom-, nom-, word cluster), *Theological Dictionary of the New Testament*, translated by Geoffrey W. Bromiley (Eerdmans, 1967), IV:1072, also declares that Paul “works out his position” in regard to the law “primarily with ref. to the ethical commandments, esp. those of the Decalogue which apply to all men.”

applicable to anyone and everyone<sup>28</sup> – Jew or Gentile, *the latter of whom had no obligation to observe circumcision or Israel's food laws* – who trusts in his own law-keeping for salvation. And the same must be said for his “as many as” (*hosoi*), his “everyone” (*pas*) and his “no one” (*oudeis*) in *Galatians* 3:10-11. Finally, his descriptive “*everything [pasin]* written in the Book of the Law” in *Galatians* 3:10 suggests once again that he intended by his “works of law” expression not only Israel's identity markers of circumcision, food laws, and Sabbath-keeping but also the moral law.

### Conclusion

It would appear then from these Biblical references, first, that the “new perspective” theologians have not done adequate justice to Paul's teaching when they insist that first-century Palestinian Judaism was *not* a religion of legalistic works-righteousness, for it clearly was (as were, of course, the myriad religions of the Gentiles), even though its legalism expressed itself within the context of God's gracious covenant with them in terms of a “maintaining” of covenantal status; second, that by his “works of law” expression Paul intended not just the ceremonial aspects of the law but the whole law in its entirety; and third, that “there is more of Paul in Luther”<sup>29</sup> and the other Reformers with respect to the critical salvific matters that concerned them in the sixteenth century than some of the “new perspective” theologians are inclined to admit.<sup>30</sup>

In sum, these “new perspective” suggestions that would have Paul saying either more or other than he should have said (Sanders) or less than he actually and clearly intended (Dunn) are “blind alleys” which the church must reject if it hopes to understand Paul's doctrine of justification.<sup>31</sup> And I fervently hope that

evangelicals who have taken the influential “Sanders / Dunn fork in the road” will retrace their steps in the light of what I have pointed out in this essay and choose to come down once again on the side of the historic Reformation position on the doctrine of justification by faith alone in the preceptive and penal obedience of Christ alone for their justifying righteousness before God. For Paul insists

1. that there is only one Gospel – justification by faith alone in Christ's righteous obedience and redeeming death alone (*Romans* 1:17; 3:28; 4:5; 10:4; *Galatians* 2:16; 3:10-11, 26; *Philippians* 3:8-9);
2. that any addition to or alteration of the one Gospel is another “gospel” that is not a gospel at all (*Galatians* 1:6-7);
3. that those who teach any other “gospel” stand under the anathema of God (*Galatians* 1:8-9); and
4. that those who rely to any degree on their own works or anything in addition to Christ's doing and dying to obtain their salvation nullify the grace of God (*Romans* 11:5-6), make void the cross-work of Christ (*Galatians* 2:21; 5:2), become debtors to keep the entire law (*Galatians* 5:3), and in becoming such “fall from grace” (*Galatians* 5:4), that is, place themselves again under the curse of the law.

Therefore, what one thinks about justification is serious business indeed. The destiny of his own soul depends upon it. Quite correctly did Martin Luther declare Paul's doctrine of justification by faith alone to be the article of the standing or falling church.<sup>32</sup> And John Calvin, declaring it to be “the main hinge upon which religion turns”<sup>33</sup> and “the first and keenest subject of controversy” between Rome and the Reformers of the sixteenth century,<sup>34</sup> states: “Wherever the knowledge of [justification by faith alone] is taken away, the glory of Christ is extinguished, religion abolished, the Church destroyed, and the hope of salvation utterly overthrown.”<sup>35</sup>

<sup>28</sup> Observe his universalistic *everyone [pas]* and *no one [oudeis]* in *Galatians* 2:16.

<sup>29</sup> S. Westerholm, *Israel's Law and the Church's Faith: Paul and His Recent Interpreters* (Eerdmans, 1988), 173.

<sup>30</sup> One would not be too surprised if Roman Catholic scholars, given their historical opposition to the Reformation interpretation of *Romans*, embraced Sanders' and Dunn's “new perspective,” but Joseph A. Fitzmyer in his *Romans: A New Translation with Introduction and Commentary* (Anchor Bible; Doubleday, 1993), rejects the views of Sanders and Dunn, even arguing that Paul opposes merit theology. B. Byrne, also a Roman Catholic who holds a view of the law that is similar to Fitzmyer's view, like Fitzmyer dismisses the views of Sanders and Dunn in his *Romans* (Collegeville: Glazier, 1996).

<sup>31</sup> For readers who are interested in pursuing these topics for themselves, I recommend that they begin with E. Earle Ellis, “Pauline Studies in Recent Research” in *Paul and His Recent Interpreters* (Grand Rapids: Eerdmans, 1961), 11-34; Herman Ridderbos, *Paul: An Outline of His Theology*, translated by John R. De Witt (Grand Rapids: Eerdmans, 1975), 13-43; Scott J. Hafemann, “Paul and His Interpreters,” and Thomas R. Schreiner, “Works of the Law,” these

last two articles appearing in *Dictionary of Paul and His Letters*, 666-679 and 975-979 respectively, and Thomas R. Schreiner, “Works of Law' in Paul” in *Novum Testamentum* 33 (1991), 217-244.

<sup>32</sup> See Martin Luther's exposition of *Psalm* 130:4 in his *Werke* (Bohlau, 1883 to present), 40.3.352:3.

<sup>33</sup> John Calvin, *Institutes of the Christian Religion*, 3.11.1.

<sup>34</sup> John Calvin, “Calvin's Reply to Sadoletto,” *A Reformation Debate*, edited by John C. Olin (Grand Rapids: Baker, 1976), 66.

<sup>35</sup> John Calvin, “Calvin's Reply to Sadoletto,” *A Reformation Debate*, 66.