Paul and the law: E. P. Sanders's retrieval of Judaism

by Mark Chancey in the June 13, 2006 issue

The Jews of Jesus' time, the preacher intoned, were slavishly devoted to the practices of their ancestors. They studied scripture but did not apply it. Their temple was "rotten to the core." Ancient Judaism was a religion whose rituals were "impressive, inspiring and empty." It was a faith preoccupied with the superficial and lacking in substance. "As long as people talked about love," the speaker thundered, "they did not have to practice it."

I took notes on this particular preacher because his portrait of Judaism was so outrageously negative. But his version of Judaism is not that unusual in Christian history. Such caricatures of Judaism have abounded in Christian preaching.

A major reason that many Christians now know that these are caricatures is the work of E. P. Sanders, a biblical scholar who retired last year from Duke University. The Judaism that emerges in his writing is a living, vibrant religion, not the Judaism of empty ritual and oppressive legalism found in many earlier studies. For those who want to understand early Judaism on its own terms but whose primary familiarity with it is through the New Testament, Sanders's writings are invaluable.

Sanders was brought up as a Methodist in the small town of Grand Prairie, Texas. After attending nearby Texas Wesleyan College, which nurtured his nascent interests in history and religion, Sanders went to Perkins School of Theology at Southern Methodist University. There he supported himself by doing church work and selling cookware while taking as many ancient-language courses as possible. He had never met a Jew before moving to Dallas.

Sanders credits a Perkins professor, William R. Farmer, with changing the direction of his life by urging him to study abroad. When Sanders's resources proved too modest for travel, Farmer and a local Methodist minister took it upon themselves to raise the money. A sizable donation came from an anonymous benefactor at Dallas's Reform synagogue, Temple Emanuel. "I especially vowed that the gift from Temple Emanuel would not be in vain," Sanders writes—a vow that he would more than fulfill.

After a year studying in Göttingen, Oxford and Jerusalem, Sanders landed at Union Theological Seminary, where he worked under W. D. Davies, who was well known for his 1948 book *Paul and Rabbinic Judaism*: *Some Rabbinic Elements in Pauline Theology*. Sanders was receptive to Davies's sympathetic approach to Jewish sources, and he made a point of taking classes at Jewish Theological Seminary. He completed the doctoral program in two years and nine months—as he often reminded his own graduate students ("Go thou and do likewise"). His subsequent career took him from McMaster University (1966-1984) to Oxford University (1984-1990) to Duke (1990-2005), where his mentor Davies had moved in 1966.

Sanders's first major book, *Paul and Palestinian Judaism* (1977), canvassed Palestinian Jewish literature from 200 BCE to 200 CE in order to compare those texts' theology with that of Paul. Sanders was not reticent about his chief motivation: to "destroy the view of rabbinic Judaism" as a legalistic religion in which one earned salvation by doing works.

The book opens with a devastating critique of 19th- and early 20th-century Protestant scholarship, with particular attention given to the influence of Ferdinand Weber, Wilhelm Bousset and Rudolf Bultmann. Relying on misleading summary treatments of Judaism, such scholars often had little firsthand familiarity with ancient Jewish sources, Sanders demonstrated. Because they wrongly believed that Judaism was a "works-righteousness" religion, they also wrongly believed that Jewish efforts to save themselves led inevitably to arrogance about their accomplishments or to insecurity about their inability to completely uphold the Torah. Sanders found little evidence for such a theology.

Sanders proposed that ancient Jewish texts reflected a "pattern of religion" he gave the shorthand title of "covenantal nomism" and defined this way:

> (1) God has chosen Israel and (2) given the law. The law implies both (3) God's promise to maintain the election and (4) the requirements to obey. (5) God rewards obedience and punishes transgression. (6) The law provides for means of atonement, and atonement results in (7) maintenance or re-establishment of the covenantal relationship. (8) All those who are maintained in the covenant by obedience, atonement and God's mercy belong to the group which will be saved.

Thus, while Jews did believe that their covenant obligation was to live by Torah (*nomos* in Greek), they did not believe that their efforts earned them salvation. Salvation came only through God's grace. On this essential point—one may not become righteous in God's eyes through works—Paul and his Jewish contemporaries agreed. Sanders regards later Christian misunderstanding of Judaism as a projection onto it of Luther's critiques of Roman Catholicism.

What, then, is one to make of the confusing array of statements that Paul makes about the Jewish law? Precisely because of the variety of his claims, it is unlikely that Paul's conceptual starting point was a conviction that the law was somehow inadequate or unfulfillable. In Philippians 3:6, after all, Paul claims to be "blameless under the law."

In Sanders's view, Paul's logic did not proceed from a sense of plight (the inability of the law to save) to a solution (salvation through Christ). Instead, "the conviction of a universal solution preceded the conviction of a universal plight."

Paul's argument can be summarized most easily using Galatians 2:21: "If justification comes through the law, then Christ died for nothing" (NRSV). Paul's starting point was that Christ had died; therefore, there must have been a need for his death. If there was a need for Christ's death, then the Jewish law must not have been sufficient for salvation.

Much of Galatians consists of Paul's ad hoc arguments for the inadequacy of the Torah: the Galatians had received the Spirit by faith, not by works of the law (3:2); Abraham was justified by faith, not by works of the law (3:6); the Mosaic covenant did not supplant the promise to Abraham (3:17-18); the law was only a temporary measure (3:23-25); and so on. These critiques of the law were newly formulated in Paul's mind in the wake of his encounter with the risen Christ; they reflected neither his earlier views of Judaism nor any sense of widespread dissatisfaction toward the law among his Jewish contemporaries.

In making such arguments Paul was mindful of the law's divine origins (even if it had been given through angelic mediators, as per Gal. 3:19); this explains the letter's positive statements about the law. Thus, the law was added because of transgressions (3:19); it is not opposed to the promises of God (3:21); Christians can (and do) fulfill the law through love of neighbor (5:14, 6:2; cf. Lev. 19:18).

This reorientation of Paul's thinking in light of the Christ-event led him to break away from Judaism. In his new view, membership in the Jewish covenant was no longer sufficient for salvation. Both Jews and gentiles stood in need of the salvation that came only through Christ. Paul used two sets of "transfer terminology" to describe entry into the people of God: the participation language of being "in Christ" (e.g., 2 Cor. 5:14-21) and the juridical phrase, "justification by faith." The language of "justification" (or "righteousness"; the Greek *dikaiosyne* is translated both ways) is used especially in contexts in which Paul combats Judaizers who were urging gentile Christians that salvation required full conversion to Judaism. Gentiles would be justified by faith, Paul argued—not by works of the Jewish law. The law could indeed lead to a righteousness (Phil. 3:4-11), but it was not the *right* righteousness that leads to salvation, the righteousness achieved by faith in Christ.

The rejection by Sanders (and by other scholars, including James D. G. Dunn and N. T. Wright) of the view that Christianity is a religion of grace in total opposition to a Judaism defined as a religion of works-righteousness came to be known as the "New Perspective on Paul." Dunn, who coined the phrase, emphasized that Paul's references to works should not be interpreted as "good works" (as with Luther) but as "works of the law," and added that such works should primarily be understood as the commandments of Torah that functioned as social markers of Jewish distinctiveness—circumcision, Sabbath observance and dietary laws.

Scholars who agree with Sanders that Judaism was radically distorted by earlier scholars do not necessarily agree with his exegetical arguments. Some within the New Perspective posit a two-covenant plan of salvation: Jews are justified by works of the law and gentiles are justified by faith (John Gager and Stanley Stowers, building on work by Lloyd Gaston and Krister Stendahl). Other scholars have strongly criticized aspects of the New Perspective, arguing that at least some, if not all, streams of early Judaism were legalistic (D. A. Carson, Frank Thielman). Some defend traditional Protestant readings of Paul that emphasize the centrality of justification by faith (Carson, Mark Seifrid, Seyoon Kim, Stephen Westerholm, Brendan Byrne).

In many respects, Pauline studies, like much of the rest of New Testament scholarship, is now fragmented. Regardless, however, of whether one agrees that *Paul and Palestinian Judaism* contains the "truth, ultimate" (see the index's whimsical entry), there is little question that the book played a major role in breaking the reigning Lutheran-Bultmannian paradigm of understanding Paul,

curbing heavily biased portrayals of Judaism and opening new avenues of inquiry.

Sanders turned to the Gospels with *Jesus and Judaism* (1985), which received the inaugural Grawemeyer Award in Religion, and with a briefer treatment written for the general public, *The Historical Figure of Jesus* (1990). Once again, a driving motivation was the desire to overturn erroneous notions about Judaism, in this case, "the stark contrast between Jesus, who represents everything good, pure and enlightened, and Judaism, which represents everything distorted, hypocritical, and misleading."

Contextualizing Jesus within Judaism, Sanders argues that he was an apocalyptic prophet proclaiming the imminent arrival of the kingdom of God and the restoration of Israel. Joined by Paula Fredriksen, Bart D. Ehrman, John P. Meier and others, Sanders disagrees entirely with the deapocalypticized portraits of Jesus proposed by John Dominic Crossan, Marcus J. Borg and the Jesus Seminar.

Many studies of the historical Jesus begin with his sayings, sifting out those likely to have originated with Jesus from those that they believe developed later. Sanders opts for a different route. Focusing initially on key events in Jesus' ministry—his baptism by another eschatologist, John the Baptist, and his call of 12 disciples, probably symbolizing the restoration of the 12 tribes—he only later turns to the sayings material.

Most important for Sanders's reconstruction is Jesus' overturning of the tables in the temple. The "temple tantrum," to use Fredriksen's term, was not a protest directed at the purity system (as per Borg), at the temple's role as broker between humanity and God (as per Crossan), or at corrupt administration (as suggested by the Gospels themselves). "If Jesus were a religious reformer . . . bent on correcting 'abuse' and 'present practice,'" Sanders reasons, "we should hear charges [elsewhere in the Gospels] of immorality, dishonesty, and corruption directed against the *priests* "—charges that are largely missing. Furthermore, "those [scholars] who write about Jesus' desire to return the Temple to its 'original,' 'true' purpose, the 'pure' worship of God, seem to forget that the principal function of any temple is to serve as a place for sacrifice, and that sacrifices *require* the supply of suitable animals" and, by implication, money-changers to facilitate their sale.

Rather than being a "cleansing," Jesus' action was a symbolic demonstration of the temple's imminent destruction in preparation for the arrival of the eschatological

one. Drawing on a range of Jewish sources (e.g., Isaiah, Tobit, 1 Enoch, the Temple Scroll), Sanders demonstrates that expectations of a new temple were common. Jesus' action should be interpreted in light of passages such as Mark 15:29 and Acts 6:13, which designate as false charges that Jesus threatened the temple. Sanders thinks the biblical writers protesteth too much; Jesus likely made such utterances.

Given the brazenness of Jesus' action in the temple, the priests, the chief Jewish authorities in Judea, were offended. Given the volatility of the crowds gathered for Passover, a festival celebrating deliverance from foreign oppressors, the Romans were eager to dispose of a troublemaker. Jesus expected to play a prominent role in the coming kingdom of God; the Romans, confused on this point, executed him as a kingly claimant. Jesus did not die because he preached grace to a Judaism opposed to it. He died because he lit a match near a powder keg.

Sanders also devotes special attention to Jesus' relationship with the Pharisees, suggesting that some conflict stories are best seen as examples of intra-Jewish debate while others (perhaps most) postdate Jesus. Stereotypical images of Pharisees as harsh, hypocritical and holier than thou ignore the polemical nature of the Gospels and reflect a lack of familiarity with Jewish sources. Such images, Sanders is well aware, have often functioned to legitimize Christian anti-Judaism.

To understand how influential such views have been, one need only to read the "Pharisees" article in the classic *Interpreter's Dictionary of the Bible*, which describes Pharisaism as "the immediate ancestor of rabbinical (or normative) Judaism, the largely arid religion of the Jews after the fall of Jerusalem." Both Pharisaic and rabbinic Judaism are characterized as a "sterile religion of codified traditions." Since all modern Judaism grows out of ancient rabbinic Judaism, the implications of claims like these are clear.

Sanders gives Judaism his most systematic treatment in *Judaism*: *Practice and Belief 63 BCE—66 AD* (1992), which he describes as "the book I always wanted to write, or at least close to it." Sanders focuses on what he calls "common Judaism," the Judaism on which the masses and the priests agreed: a religion of grace in which the Creator God had elected Israel and given it the Torah. Unlike many studies of Judaism, the book is organized not by categories of literature (apocalyptic, rabbinic, mystical, etc.), but by the practices associated with daily living, the Sabbath and the Jewish festivals.

Sanders readily grants the diversity of early Judaism, but argues that Jews held broad agreement on those practices and on key doctrines (i.e., covenantal nomism). He thus rejects claims by some scholars that Judaism was fractured into radically different “Judaisms.” With one of the most detailed descriptions available of the Temple’s operation, the book is perhaps the best place to turn to learn more about topics such as why Joseph and Mary sacrificed two doves after Jesus’ birth (Luke 2:21-38) and why the charge that Paul brought a gentile into the temple led to his arrest (Acts 21:28).

Sanders has retired from the classroom but not from writing. He is currently at work on another introductory volume on Paul, a study of the importance of both the internal and external aspects (that is, both the beliefs and practices) of Judaism and Christianity, and, in a new direction, a consideration of democracy, Christianity and fundamentalism. Like his previous books, these will no doubt be rich in detail, packed with references to primary sources and fresh in their perspectives.

Yet they might also make readers uncomfortable who prefer their reconstructions tidy and with no loose ends. Sanders’s Jesus, after all, was wrong about the imminence of the new temple. His Paul was inconsistent in the way he talked about the Jewish law. Sanders’s closing comments in *Paul*: *A Very Short Introduction*, which warn against idolizing consistency, might be applied to Sanders himself: “He forces us . . . to pose an extremely serious question: must a religion, in addressing diverse problems, offer answers that are completely consistent with each other? Is it not good to have passionate hopes and commitments which cannot all be reduced to a scheme in which they are arranged in a hierarchical relationship?”