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DEFINING LEGALISM

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Legalism, in the eyes of Protestant scholars of the New Testament, is the worst of all possible religious defects.¹

There is no evil or error more abominable in the sight of the Lord than legalism.²

No one wants to be labeled a legalist. It is resoundingly negative and is used in polemics solely of others, never of oneself. The accused, of course, reject the label. To give just one example from many,

Seventh-day Adventists are often said to be extreme legalists, because of their views of the Sabbath, dietary regulations, advocacy of tithing, and prohibition of drinking and smoking. Denying that they are legalistic, they insist that out of thankfulness to Christ, by whose grace they have been saved through faith, they obey his will as the Scriptures reveal it.³

Further instances of this strongly polemical use in academic biblical studies, practical theology, and popular Christian literature could easily be multiplied.⁴ In spite of widespread use, the term “legalism” is employed in a variety of ways, usually without a great deal of attention to definition. Too often, it is simply assumed that the reader will understand what is meant by the term—and whatever that is, it is, without doubt, bad. Some may be surprised to learn that, in fact, little careful work has been done on defining this term

¹Albert I. Baumgarten, “Marcel Simon’s *Verus Israel* as a Contribution to Jewish History,” *HTR* 92/4 (1999): 467, n. 12 (quotation refers to personal comments by Sanders).

²C. H. MacIntosh, cited in Jack Stewart, *The Legalist* (Springfield, MO: New Leaf, 1989), 19.

³N. H. Maring, s.v. “Legalism,” *Encyclopedic Dictionary of Religion*, vol. F-N., ed. Paul K. Meagher et al. (Washington, DC: Corpus, 1979), 2085, with ref. to *Seventh-day Adventist Encyclopedia* (1966).

⁴See, e.g., Rudolf Bultmann, *Primitive Christianity in Its Contemporary Setting*, trans. R. H. Fuller (New York: Meridian, 1956), esp. 59-79, “Jewish Legalism”; Thomas R. Schreiner, *The Law and Its Fulfillment: A Pauline Theology of Law* (Grand Rapids: Baker, 1993), esp. chap. 4, “Is Paul Opposing Jewish Legalism?”; L. A. King, “Legalism or Permissiveness: An Inescapable Dilemma?” *Christian Century* 47/14 (April 16, 1980): 434-438; Roger Brooks, *The Spirit of the Ten Commandments: Shattering the Myth of Rabbinic Legalism* (San Francisco: Harper & Row, 1990); Ron Smith and Rob Penner, *Grace, Simply Grace: Dealing with Condemnation and Legalism in the Christian Life* (Seattle, WA: YWAM, 1992); and Stefan Ulstein, *Growing Up Fundamentalist: Journeys in Legalism and Grace* (Downers Grove: InterVarsity, 1995).

in biblical and theological studies, the arenas of its greatest use.⁵ This muddled situation and the almost hopelessly polemical use of the term have led to calls for this loaded and troublesome word to be dropped from active vocabulary.⁶ I sympathize with the frustration, but doubt that the term will ever go away and thus choose the path of seeking a more precise definition. This paper hopes, first, to fill the definitional gap by examining the lexical and theological history of the word and considering various senses of legalism, and, second, to suggest one meaning for use in biblical and theological studies.

Most of the distinguishable elements typically associated with legalism (e.g., focus on law, emphasis on “letter of the law”) are ambivalent indicators; they can refer to a practice or attitude that is sometimes negative, sometimes positive. Unfortunately, one or more of these supposedly constituent elements is then identified with the consistently negative concept of legalism. Rather than making anything clear through an agreed-upon definition, the use of the term simply tells the reader something about the author’s own stance. To be useful in discussion (especially polemical discussion), the charge of legalism requires that one aspect be present that will be identified consistently as negative by most parties in whatever context it is found. This is, then, no longer simply a part but rather the essence of the matter and thus what biblical scholars and theologians mean when using the term “legalism.”

*Notes on the History of the Use of
“Legalism” in English*

Past usage of the English term “legalism” cannot dictate what the lexeme means in current usage. In this case, however, it does illumine the background of its almost exclusively negative connotation. Toward this end, this article will examine the history of the word in the English language and its use (or nonuse) in the Bible and in Christian theology.

⁵See Bernard S. Jackson, “Legalism,” *JJS* 30 (1979): 1-22.

⁶“Moreover, the word ‘legalistic,’ once prominent in discussions of post-exilic Jewish religion, should surely be banned from the literature. The term may indeed be appropriate if taken to mean no more than that Jews were concerned with law, or that they discerned the divine will in conformity with its provisions. But a history of association with charges of hypocrisy, merit-mongering and casuistic pettifoggery mean that ‘legalistic’ is simply not perceived as a term of neutral description. It is better abandoned to the writers of apologetics” (Stephen Westerholm, “Whence ‘the Torah’ of Second Temple Judaism,” in *Law in Religious Communities in the Roman Period: The Debate Over Torah and Nomos in Post-Biblical Judaism and Early Christianity*, ed. Peter Richardson and Stephen Westerholm, *Studies in Christianity and Judaism* 4 (Waterloo, ON: Wilfrid Laurier University Press, 1991), 41, see also 19-43. S. Westerholm notes that Sanders also despairs of any fruitful use of the loaded term “legalism,” preferring instead the more neutral “nomism” (*Perspectives Old and New: The “Lutheran” Paul and His Critics* [Grand Rapids: Eerdmans, 2004], 332, n. 109).

On Its Rise in the English Language

The theological use of *legal* in the English language predates Reformation times with the sense “of or pertaining to the Mosaic law; existing under or founded upon that law.”⁷ The earliest occurrence in this sense appears ca. 1425 C.E.: “legall observation [of OT unctions, sacrifices, and ceremonial rites] shall utterly cease.”⁸ Following the Reformation, a more soteriologically oriented meaning akin to *legalism* (see below), began to occur: “of, pertaining to, concerned with, or based upon the law of works, i.e. salvation by works, as opposed to salvation by faith.”⁹

Bernard S. Jackson finds that “The term ‘legalist’ appears to have been coined by Edward Fisher, in the tract *The Marrow of Modern Divinity* (1645), to designate one who ‘bringeth the law into the case of Justification.’”¹⁰ This led, then, to the use of *legalism* as a term of reproach for “those who are accused of adhering to the Law as opposed to the Gospel,”¹¹ or, as a later Protestant interpreter put matters, “The first great battle which the Church had to fight was with Jewish legalism.”¹² Thus legalism appears to have been originally connected with Reformation debates over the place of Law-related righteousness in justification and was clearly a pejorative term. It was built upon the Lutheran law-gospel contrast and its understanding of justification by faith apart from works.¹³ One did not want to be called a legalist because that would imply a reliance on human obedience to the law rather than faith in the gospel.

On Its (Non)use in the English Bible

Since the biblical manuscripts contain no Hebrew or Greek lexeme approximating the sense of the term “legalism,” a study of biblical languages

⁷*Oxford English Dictionary*, 2d ed., ed. J. A. Simpson and E. S. C. Weiner (Oxford: Clarendon, 1989), 8:804, s.v. “Legal,” no. 4.

⁸“The Chester Plays, Play VIII: Adoration of the Magi,” in *The Chester Mystery Cycle*, ed. R. M. Lumiansky and D. Mills (London: Oxford University Press, 1974), 169. *OED* lists 1500 as the approximate date of composition, but this will be changed to 1425 in *OED*, 3d ed., according to information from *OEDonline* (dated June 18, 2004).

⁹*OED*, 8:804.

¹⁰Jackson, 5; cf. also *OED*, 8:804, s.v. “Legalist (1).” Fisher’s title page included “Wherein every one may cleerly see how far he . . . deserveth the name of Legalist.”

¹¹*OED*, 8:804, s.v. “Legalism (1).”

¹²R. C. Trench, *Commentary on the Epistles to the Seven Churches in Asia Revelation II and III* (New York: Scribner, 1861), 83.

¹³In light of the Reformation background of the English word, it seems reasonable to assume that its origins lie in the German Lutheran Reformation. Luther spoke of *Gesetzler* (lit. “law-ones”) and *Werkeheiligkeit* (lit. “works-piety”), all of which were later subsumed under *Gesetzlichkeit* (lit. “law-ishness”) (cf. U. Dierse, “Gesetzlichkeit [II],” *Historisches Wörterbuch der Philosophie*, vol. 3, ed. Joachim Ritter [Basel: Schwabe, 1974], col. 533).

will be of little help in defining the term.¹⁴ Likewise, a search of English Bible translations for “legalism (-ist, -istic)” yields not a single entry in either testament.¹⁵ These are not “biblical words,” but must receive their definitions from elsewhere.

Of course, there is much in the OT and NT about law-related (legal) requirements, rules of conduct and ritual, and the relationship of the same to one’s righteousness. However, in the English Bible, this is not termed “legalism.” That fact alone should give pause in discussions of legalism, Jewish or otherwise. For instance, whatever Paul was opposing, the question as to whether he would have termed it “legalism” (or whether there were legalists among first-century Jews) cannot be answered directly from biblical word-study. On a contemporary, popular level, it is often those who wish to be most biblical who call their opponents “legalists.” It should at least be recognized that a departure from biblical language has occurred at this point. One might ask, “What precisely is the accusation, since it is one not found in the Bible itself?”

Since the term “legalism” is not found in Scripture, Bible dictionaries will not normally carry an article devoted to this word or concept (e.g., there is no entry in the *Anchor Bible Dictionary*). Along the same lines, since there is no corresponding Hebrew or Greek term for legalism, no entry covering this concept will be found in more lexically oriented works such as the *New International Dictionary of New Testament Theology* or the *Theological Dictionary of the New Testament*.

On Its Use in Christian Theology

Although above we did not carefully trace the lexical history of legalism in the centuries *since* the Reformation, a look at the use of both the word and concept in Christian theology (with a glance at other fields) should suffice to indicate any change or development, as well as pointing out the imprecision and diversity of definition.

¹⁴C. E. B. Cranfield notes that “The Greek language used by Paul had no word-group to denote ‘legalism,’ ‘legalist,’ and ‘legalistic’” (“St. Paul and the Law,” *SJT* 17 [1964]: 55). Paul could, of course, have spoken of legalism without a technical term (see Douglas J. Moo, “‘Law,’ ‘Works of the Law,’ and Legalism in Paul,” *Westminster Theological Journal* 45/1 [1986]: 86). Daniel P. Fuller’s attempt to argue that *nomos* can be understood as legalism in Paul’s letters has been unpersuasive since it is theologically rather than lexically grounded (*Gospel and Law: Contrast or Continuum? The Hermeneutics of Dispensationalism and Covenant Theology* [Grand Rapids: Eerdmans, 1980], 97-99).

¹⁵This includes the following translations: KJV, NKJV, RSV, NRSV, NASB, NJB. Two exceptions may be noted: “legalistic” occurs in the NIV once (“as for legalistic righteousness [lit. the righteousness which is in the law], faultless,” Phil 3:6), and “legalist” once in the NLT (“Peter wouldn’t eat with the Gentiles anymore because he was afraid of what these legalists [lit. those of the circumcision] would say,” Gal 2:12). The nuance intended by the translators in each case is not entirely clear (though certainly negative), especially since neither version chooses this gloss elsewhere in similar lexical situations. The German *Lutherbibel* does not use terms for legalism (*Gesetzlichkeit, gesetzlich*).

Dictionaries of Theology (Protestant)

Since legalism has become common currency in Christian (especially Protestant) theological tradition, one will find brief treatments in dictionaries of theology and Christianity. Here legalism is “the act of putting law above gospel by establishing requirements for salvation beyond repentance and faith in Jesus Christ,” and it focuses on “narrow and rigid codes” and “obligates God to bless those who have proven themselves worthy.”¹⁶ The author acknowledges that this definition complicates matters for Protestants, since “the Christian faith does not altogether dismiss the requirements of obedience to law,” but seeks to balance faith and obedience.¹⁷ It notes that fundamentalists tend to “moral and doctrinal legalism,” Pentecostals to “experiential legalism,” and mainline Protestants can fall prey to “political legalism.”¹⁸ This dictionary includes a number of different aspects of legalism and seems to recognize the term’s possibly dangerous imprecision.

The Concise Dictionary of the Christian Tradition makes legalism a relational term: “A relationship that is governed primarily by rules or by law.”¹⁹ Another takes its cue from Reformation theology. Legalism is the moralism that results when the proper law-gospel balance is lost. It is a form of neonomianism in which “obedience comes to be seen as a constituent element of justification.”²⁰ Still another, while acknowledging that legalism is not a biblical term, argues that “criticism of attitudes to the law describable as legalistic constitutes a significant element in New Testament teaching.”²¹ A “preoccupation with form at the expense of substance” eventually yielded “a vein of Judaism in which ‘the works of the law’ were seen as a pathway to righteousness.”²² “Legalism” means “works done to commend the doer to God” and “holds out the hope of salvation on the basis of human effort.”²³ Other dictionaries are less helpful here, simply defining “legalism” via their assumptions regarding “legalistic Judaism.”

¹⁶Gerald L. Sittser, s.v. “Legalism,” *Dictionary of Christianity in America*, ed. Daniel G. Reid (Downers Grove: InterVarsity, 1990), 641.

¹⁷Ibid.

¹⁸Ibid., 641-642.

¹⁹Walter A. Elwell and Peter Toon, eds., *The Concise Dictionary of the Christian Tradition: Doctrine - Liturgy - History* (Grand Rapids: Zondervan, 1989), 227; see also P. S. Watson, s.v. “Legalism,” *A Dictionary of Christian Theology*, ed. Alan Richardson (Philadelphia: Westminster, 1969), 191.

²⁰W. R. Godfrey, s.v. “Legalism,” *New Dictionary of Theology*, ed. Sinclair B. Ferguson and David F. Wright (Downers Grove: InterVarsity, 1988), 379.

²¹A. R. G. Deasley, s.v. “Legalism,” *Evangelical Dictionary of Biblical Theology*, ed. W. Elwell (Grand Rapids: Baker, 1996), 478.

²²Ibid., 478-479.

²³Ibid., 479.

Dictionaries/Encyclopedias of Theology (Roman Catholic)

Roman Catholic theology generally gives much less attention to the term “legalism,” unless a Protestant accusation is being refuted. The *New Catholic Encyclopedia* contains no entry devoted to this topic in its fifteen volumes.²⁴ When the term is, on occasion, addressed, the breadth of meaning appears not greatly different from that found in Protestant sources. The *Encyclopedic Dictionary of Religion* notes various shades of meaning: “strong reliance on, and strict adherence to, laws”; “excessive emphasis upon conformity to codes of ritual or ethics”; “belief that observance of the Ten Commandments or of humanly established laws will gain merit and eternal life.”²⁵ Interestingly, in this last sense “it is doubtful that any Christian body can properly be described as legalistic.”²⁶ As the article shows, legalism is a term for opponents and heretics, never for one’s own position.

Use in Christian Theology: Conclusions

It becomes evident from the above dictionary entries that legalism and legalist were terms rooted in theological discussion and that they conveyed a strong social opprobrium. Protestants thus described the position of those who appeared to teach some form of justification by works (e.g., “papists,” Jews, “Mohammedans,” neonomians, pagans). So-called legalists themselves, on the other hand, consistently rejected the accusers’ opinion, typically charging them with a form of exclusive reliance on grace and faith (apart from works) amounting to antinomianism.

In theological discussion, the term only has meaning within the context of a prior decision as to the relationship between faith and human response. That is, the use of the term has as much to do with the user’s own system of relating grace and works as it does with any commonly accepted definition of legalism. As Gerald L. Sittser notes: “It has always been an open question to determine exactly what constitutes legalism.”²⁷

A few examples may fill out this picture. Roman Catholics have been termed legalists by Protestants for requiring adherence to a code of canon law and/or for a perceived soteriological synergism. Puritans have been viewed as legalistic by non-Puritans due to the former’s stringent Sabbath rules. Protestant Fundamentalists appear to make adherence to strict rules of doctrine and behavior a saving necessity (e.g., no dancing, smoking, or card-playing) and thus receive this epithet from non-Fundamentalists. Liberal Protestants

²⁴*New Catholic Encyclopedia*, 2d ed., 15 vols. (Washington, DC: Catholic University of America, 2003). The only subsection devoted to legalism is in an article on Chinese philosophy with reference to a third-century B.C. political philosophy calling for strict laws to control human evil (C. B. Jones, “Legalism [*Fajia*],” in *ibid.*, 8:509-510).

²⁵Maring, 2,084-2,085.

²⁶*Ibid.*, 2,084.

²⁷Sittser, 641.

appeared legalistic to some Lutherans since the former seemed to require certain social or political behavior of those who would be genuine followers of Christ. Even the call to repent and believe might be termed “legalistic” by some who advocate *sola gratia* and *sola fide*, since it makes not only faith in Jesus Christ but also repentance a requirement for salvation. In Christian theology, the meaning of legalism varies with the soteriology of the individual user and his or her tradition. Of course, for many “The rigid interpretation of Torah by the Pharisees as reflected in the NT has become a prototype of legalism.”²⁸

Use in Common Parlance (Contemporary)

In contemporary common parlance, legalism refers to “strict adherence, or the principle of strict adherence, to law or prescription, esp. to the letter rather than the spirit.”²⁹ As we will detail below, several distinct aspects are included in the common usage: strictness, external performance, focus on law or prescription, and stress on the “letter” versus the “spirit” behind the performance. According to the *Oxford English Dictionary*, this common (i.e., nontheological) usage only appeared in the late 1800’s, suggesting that the popular sense may well have arisen out of the theological use of the term, which was well underway by that time, but may have drawn from closely related terms such as “legal” and “legality,” which did not necessarily carry the same heavy theological flavor. That is, in common parlance legalism is not primarily a theological term.

Outside of theological discussion, use of the term in the legal sphere is dominant. In jurisprudence, as in political science and ethics, legalism is “the ethical attitude that holds moral conduct to be a matter of rule following, and moral relationships to consist of duties and rights determined by rules.”³⁰ Thus the meaning of the term tends toward the idea of law-centeredness (or formalism, traditionalism) for defining legalism, and has almost nothing to do with soteriological legalism.³¹

All of this should caution us against a too-ready transferal of our common (though actually not so common) use of legalism to the theological realm. Simply because we might sense that a particular group or position is “legalistic” (in common parlance) does not demonstrate that it represents theological legalism. For that we will need to delve more deeply into the theological sense of the term.

²⁸Iris V. Cully, s.v. “Legalism,” *The Dictionary of Bible and Religion*, ed. William H. Gentz (Nashville: Abingdon, 1986), 608.

²⁹*Webster’s New Universal Unabridged Dictionary* (New York: Barnes and Noble, 1996), based upon *The Random House Dictionary of the English Language, the Unabridged Edition*, 2d ed. (1993), s.v. “Legalism.”

³⁰Judith N. Shklar, *Legalism* (Cambridge: Harvard University Press, 1964), 1.

³¹The field of sociology does not generally use the term legalism (there is no entry in *A Dictionary of Sociology*, 2d ed., ed. Gordon Marshall [Oxford: Oxford University Press, 1998]); it prefers instead to speak of rigidity that is related to paranoia and neurosis.

Defining Legalism in Theology and Biblical Studies

Introductory Matters

Help from English Dictionaries

As noted above, the use in common parlance is not identical with that in theological arenas. Nevertheless, dictionaries of the English language do make reference to a specifically theological use of the term.

a. the doctrine that salvation is gained through good works. b. the judging of conduct in terms of adherence to precise laws.³²

Applied reproachfully to the principles of those who are accused of adhering to the Law as opposed to the Gospel; the doctrine of justification by works, or teaching which savours of that doctrine.³³

As will be suggested shortly, this focus on a principle or doctrine that views salvation or justification as gained via doing good works (= soteriological legalism) is the best way forward in obtaining an agreed-upon definition.

Pre-Christian Jewish Legalism?

Since Christianity grew out of Jewish roots, we should ask first whether the Christian use of the term derives from Jewish antecedents. The question of whether there actually was pre-Christian Jewish legalism continues to be debated and is not the topic of this paper.³⁴ Rather, we are only asking here whether Jewish sources discuss or show awareness of legalism.

The answer is a clear “no.” “Legalism would not appear on the agenda of . . . the historian of Jewish thought . . . were it not for the challenge presented from the outside.”³⁵ The English term “legalism” only arose in seventeenth-century *Christian* debates.

Jewish scholars have indeed dealt with legalism, but usually only in response to the Christian charge of Jewish legalism. S. Schechter believes that Paul had simply misunderstood Judaism since it was not legalistic.³⁶ C. G.

³²*Webster's New Universal.*

³³*OED.*

³⁴A watershed against the charge of Jewish legalism was reached in 1977 with the publication of *Paul and Palestinian Judaism* by E. P. Sanders (Philadelphia: Fortress, 1977). For a recent attempt to refute, or at least to modify, Sanders's conclusions, see *Justification and Variegated Nomism, Vol. 1: The Complexities of Second Temple Judaism*, ed. D. A. Carson, Peter T. O'Brien, Mark A. Seifrid (Grand Rapids: Baker Academic, 2001). See the author's forthcoming “The Continuing Quest for Jewish Legalism” for further description and critique of this renewed search for Jewish legalism.

³⁵Jackson, 1. Of course, as Jackson himself makes clear, the answer will be “yes,” if one is speaking of specific matters such as externalism or ritualism rather than of a vague legalism. Most Jewish thinkers have been concerned with many of the same abuses of law versus grace seen by Protestant theologians.

³⁶S. Schechter, *Aspects of Rabbinic Theology: Major Concepts of the Talmud* (Peabody, MA: Hendrickson, 1998).

Montefiore accepts the thesis that Paul opposed Jewish legalism. However, since Palestinian (Rabbinic) Judaism was not legalistic, what Paul was opposing must have been some other (aberrant) form—as in Hellenistic Judaism.³⁷ S. Sandmel found the charge exasperating, noting that

It can be set down as something destined to endure eternally that the usual Christian commentators will disparage Judaism and its supposed legalism, and Jewish scholars will reply, usually fruitlessly. . . . [W]ith those Christians who persist in deluding themselves about Jewish legalism, no academic communication is possible.³⁸

Varying Senses of the Term “Legalism”

Bernard Jackson delineates six distinct aspects of legalism:³⁹

1. doctrine of justification by works (soteriological legalism)
2. preference for letter above spirit (literalism)
3. ritual or ceremonial law valued as highly as moral law (ritualism, formalism)
4. scholasticism (comprehensive elaboration of the law)
5. excessive attention to detail and particular cases (casuistry)
6. external coercion versus internal motivation (externalism)

Jackson has done a superb job of demonstrating the unfairness in charging the one or the other of these facets to Judaism.⁴⁰ In what follows, I will expand on each of these senses of legalism. Although some of the boundaries of numbers 2–6 overlap, it will prove helpful to focus on these varying aspects as somewhat distinct elements.

³⁷C. G. Montefiore, *Judaism and St. Paul: Two Essays* (London: M. Goschen, 1914).

³⁸S. Sandmel, *The First Christian Century in Judaism and Christianity: Certainties and Uncertainties* (New York: Oxford University Press, 1969), 98, n. 10; cited in Sanders, *Paul and Palestinian Judaism*, 35.

³⁹Jackson’s article, 1-22, esp. 4-17, is the most significant, and to my knowledge the only previous attempt at defining the term legalism. An attempt at further clarification is provided by Heikki Räisänen, “Legalism and Salvation by the Law: Paul’s Portrayal of the Jewish Religion as a Historical and Theological Problem,” in *Die Paulinische Literatur und Theologie*, ed. Sigfred Pedersen (Göttingen: Vandenhoeck & Ruprecht, 1980), 63-83 (see below). See also the helpful comments of Moisés Silva, “The Place of Historical Reconstruction and New Testament Criticism,” in *Hermeneutics, Authority, and Canon*, ed. D. A. Carson and John D. Woodbridge (Grand Rapids: Zondervan, 1986), 117-121.

⁴⁰There are, of course, individual points of his argument with which one may disagree, e.g., Paul and Matthew were at odds over the relative importance of letter versus spirit (8-9). Nevertheless, he successfully demonstrates that Judaism has been misunderstood *vis-à-vis* this or that function of legalism, and/or Christian accusers are themselves guilty of the same.

The Problem Noted: *pars pro toto*⁴¹

Jackson's careful definitional work was prompted by a problem seen too often in discussions of Jewish legalism. As noted by him, and evident above in the common use of the word, there are numerous distinguishable elements of what is often referred to as legalism.⁴² Sometimes one, or a few, of these elements will be identified in Jewish writings, with the conclusion that this particular author or literature is legalistic. The difficulty here is that quite a number of these elements can be used in either a positive or a negative sense.

This ambiguity will be shown in more detail below, but a general illustration may suffice for now. In common English usage, legalism has something to do with a *focus on* law(s), commandments, or prescriptions. Usually, those labeled legalists will be perceived by the accusers to engage in an "excessive," "obsessive," "overwhelming," or other negatively intended sort of "focus." On the other hand, giving some degree of attention (focus) to specific laws and commands will be viewed positively in other contexts by these same accusers. They may, for instance, note that the NT is full of specific commands and regulations and does not seem averse to some focus on laws.⁴³ Thus, in reality, it is not the giving of attention to commands—the *focus on* law—that makes one legalistic, but the perception that this focus is excessive or misdirected. Thus a *focus on* law cannot suffice to identify legalism. *The part cannot be taken for the whole.*

It is important to draw a distinction between attempting to observe the principles embodied in the law and legalism. . . . Legalism is a slavish following of the law in the belief that one thereby earns merit.⁴⁴

Again, while "following the law" may be part of legalism, it cannot suffice of itself to justify the label. For this, one must ascertain whether this is a "slavish following" that is done "in the belief that one thereby earns merit." As noted earlier, this article wishes to suggest that these ambiguous partial elements of what is commonly called legalism be labeled in some other way, and that the term legalism be reserved for that which expresses the essence of the matter.

⁴¹I.e., taking the part for the whole.

⁴²For a similar recognition of varying senses of legalism among NT scholars, see S. Gathercole, who notes that "Much discussion on Jewish literature has run aground because of an *indiscriminate use of the word* 'legalism.' 'Legalism' can be used as an umbrella term under which everything bad can be subsumed" (*Where is Boasting?* [Grand Rapids: Eerdmans, 2002], 29, see esp. 29-33, emphasis supplied).

⁴³"Circumcision is nothing, and uncircumcision is nothing; but obeying the commandments of God is everything" (1 Cor 7:19). "Now the works of the flesh are obvious . . . those who do such things will not inherit the kingdom of God" (Gal 5:19, 21). On NT attention to specific commands, see W. Schrage, *Die konkreten Einzelgebote in der paulinischen Paränese* (Gütersloh: G. Mohn, 1961).

⁴⁴Millard J. Erickson, *Christian Theology* (Grand Rapids: Baker, 1986), 978.

Sense #1: Justification by Works
(Soteriological Legalism)

The Conclusion First

For clarity in theological discussion, legalism is best reserved for this sense alone, which gets to the essence of the matter.⁴⁵ Legalism is the belief that salvation is obtained by human obedience.⁴⁶

Reasons for this preference are: First, other attempts at definition, though admittedly diffuse and inconsistent, seem to agree that this soteriological point is basic to the sense of the term (see above). It refers to “works done to commend the doer to God,” to “the hope of salvation on the basis of human effort,”⁴⁷ or to the “belief that observance of the Ten Commandments or of humanly established laws will gain merit and eternal life.”⁴⁸ Second, this sense corresponds best with the origins of the lexeme (see above). Finally, although Christian exegetes and theologians often include other facets, this soteriological legalism seems to nearly always lie at the heart of what they have in mind. A few representative examples follow:

1. “Legalism is a slavish following of the law in the belief that one thereby earns merit.”⁴⁹
2. Legalism is “dependence on law keeping as the means of salvation.”⁵⁰
3. “Salvation was made contingent on adherence to the dictates of the Law.”⁵¹
4. Legalism is “self-salvation,” “the notion that one’s good deeds have efficacy over against one’s sins, that one therefore can make some contribution toward one’s salvation,” “soteriological legalism,” “the temptation to rely on [one’s] goodness” and “self-righteousness.”⁵²

⁴⁵For a similar conclusion, see the helpful discussion of “acting legalism” [= soteriological legalism] versus “reacting nomism” in R. N. Longenecker, *Paul: Apostle of Liberty* (Grand Rapids: Baker, 1976), 74-85. See also Gathercole, 33 (“relation of works and [final] salvation”).

⁴⁶Since “salvation” is a typically Christian theological concept, the eschatological *summum bonum*, it may, in other contexts, be called, e.g., “life,” “life in the age to come,” “justification,” “divine favor.”

⁴⁷Deasley, 479.

⁴⁸Maring, “Legalism,” 2,084-2,085.

⁴⁹Erickson, 978.

⁵⁰Richard E. Howard, s.v. “Legalism,” *Beacon Dictionary of Theology*, ed. Richard S. Taylor (Kansas City, MO: Beacon, 1983), 311.

⁵¹Donald G. Bloesch, “The Reformers Shed the Shackles of Legalism,” *CT* 25 (October 23, 1981): 18.

⁵²Moisés Silva, “Review Article: The Law and Christianity: Dunn’s New Synthesis,” *WTJ* 53 (1991): 349-351.

5. Law is used “as a means to the establishment of a claim upon God, and so to the defence of his [the individual’s] self-centredness and the assertion of a measure of independence over against God. He imagines that he can put God under an obligation to himself, that he will be able to so adequately to fulfil the law’s demands that he will earn for himself a righteous status before God.”⁵³
6. Legalism is “the intention to claim God’s favour by establishing one’s own rightness.”⁵⁴

Using Protestant terminology, the central problem is that there is no *sola gratia* (i.e., to grace must be added human obedience as the cause of salvation) and no *sola fide* (i.e., to faith in Christ must be added human works, obedience to the divinely established law as the instrument of salvation).⁵⁵

Soteriological Legalism: Two Versions?

Heikki Räisänen suggests that a distinction be made between two brands of soteriological legalism, a “hard” and a “soft” version.⁵⁶ *Hard* legalism is “the intention to claim God’s favour by establishing one’s own rightness.”⁵⁷ Räisänen prefers the term “anthropocentric legalism” for this version, since it normally results in boasting before God in human achievements, and in self-righteousness whether perceived as such by the doer or not. The hard legalist will downplay the role of divine aid (grace) in such obedient acts, attributing them (perhaps more implicitly than explicitly) to the doer’s own choice or ability. *Soft* legalism also attributes “soteriological value . . . to the keeping of the law,” but differs from the hard version in that these legalists are “free of any boasting or a self-righteous attitude.”⁵⁸

E. P. Sanders’s *Paul and Palestinian Judaism* has been generally perceived as ruling out accusations that Second Temple Judaism was characterized by a boastful, self-righteous “hard” legalism.⁵⁹ Räisänen agrees with Sanders that Second Temple Judaism was not a form of hard legalism and was not what Paul was envisioning as a foil. Instead, according to Räisänen, Paul portrayed

⁵³C. E. B. Cranfield, “St. Paul and the Law,” 47; cited in Westerholm, *Perspectives*, 332.

⁵⁴C. F. D. Moule, “Obligation in the Ethic of Paul,” in *Christian History and Interpretation: Studies Presented to John Knox*, ed. W. R. Farmer, C. F. D. Moule, and R. R. Niebuhr (Cambridge: Cambridge University Press, 1967), 393; this position has been adopted by a number of writers; see, e.g., Räisänen, “Legalism and Salvation by the Law,” 63; and Westerholm, *Perspectives*, 332.

⁵⁵Those who discover Jewish legalism do not necessarily deny grace in Judaism. For Schreiner, 94-95, e.g., legalism is the reliance on divine grace and human effort; i.e., legalism need not deny *gratia*, but *sola gratia*.

⁵⁶Räisänen, “Legalism and Salvation,” 63-83.

⁵⁷*Ibid.*, 63.

⁵⁸*Ibid.*, 64, with ref. to 4 Ezra 7:21.

⁵⁹See, e.g., Sanders, *Paul and Palestinian Judaism*.

Judaism as a form of soft legalism, wrong not because it led to boasting, but because it was wrong about Christ. Räsänen believes that Paul's view of Judaism as a form of soft legalism was itself a caricature and misrepresentation that arose gradually out of the apostle's increasingly Gentile environment.⁶⁰

This distinction between soft and hard legalism presents a difficulty for historians in that the difference lies in the psychological response to one's law-keeping ("boasting" or a "self-righteous attitude"); such inner motives are notoriously hard to document in ancient texts.⁶¹ This also presents theological difficulties for Christian students of the Bible since OT heroes and their spirituality often seem to represent hard legalism. When Job is called "righteous in his own eyes" (Job 32:1)⁶² after taking his stand before God on his integrity and good behavior (31:1-40) is he not acting as a "hard legalist," bragging on his achievements? Job can assert "self-righteously" (?): "I would give [God] an account of all my steps; like a prince I would approach him."⁶³

Thus while it is helpful to recognize that individuals may respond differently to obedience—hard legalists with boasting and self-righteous pride, soft legalists without—this distinction between soft and hard versions will probably not be of help in the long run for better defining the term.

Legalism = Synergism?

Some NT scholars are using the term *synergism* in place of a more crassly understood legalism, meaning thereby a specific and (supposedly) more well-defined aspect of legalism.

If legalism means that keeping the law affects eschatological salvation, then covenantal nomism is legalistic nomism by definition. [. . . This is] the common theory of synergistic religion . . . [whereby human actions] affect . . . salvation.

By synergism we mean simply that the actions of men are believed to affect their eschatological salvation.⁶⁴

In English theological usage, this term can likewise be traced to Reformation debates. "Synergism" is "the teaching of P[hilipp] Melanchthon

⁶⁰Ibid., 63-83.

⁶¹Gathercole, 30, notes that "The attitudes or psychological dispositions of the participants in the religion really lie *outside the bounds of historical criticism of such texts*" (emphasis original).

⁶²Biblical quotations taken from the NRSV unless otherwise noted.

⁶³Job 31:37; see also Ps 7:8 ("judge me, O Lord, according to my righteousness") or 26:1 ("Vindicate me, O Lord, for I have walked in my integrity"). These OT examples are taken from S. Westerholm, *Israel's Law and the Church's Faith: Paul and His Recent Interpreters* (Grand Rapids: Eerdmans, 1988), 218, n. 15.

⁶⁴Timo Eskola, "Paul, Predestination and 'Covenantal Nomism'—Re-assessing Paul and Palestinian Judaism," *JSJ* 28/4 (1997): 396-937, 404-406. See also Robert H. Gundry, who posits: "Paul will have none of this synergism" ("Grace, Works, and Staying Saved in Paul," *Biblica* 66 [1985]: 19).

that in the act of conversion the human will can co-operate with the Holy Spirit and God's grace."⁶⁵ The fact that Eastern Orthodoxy, Roman Catholicism, John Wesley, Philip Melancthon, and the Formula of Concord all disagree on the meaning of synergism and its relation to ultimate salvation may be taken to indicate that this word is hardly an advance over legalism. Since most students of the NT and of Christian theology will admit that human actions affect eschatological salvation *in some fashion*, the term synergism only moves the debate on to the particular way in which works affect salvation.

Sense #2: Preference for Letter
above Spirit (Literalism)

This view of legalism has to do with the handling of written codes. In it, a preference is given to the "letter of the law" over the "spirit of the law." This can have to do either (i) with a principle of interpretation (e.g., literal interpretation versus figurative); or, as in most cases, (ii) with a hewing to every "jot and tittle," largely disregarding the deeper intentions ("spirit") of an author or a writing. This latter element is then closely aligned with a perceived excessively scrupulous or punctilious observance.⁶⁶

Thus the rabbis are thought to be petty legalists when they adhere merely to the letter of the law of divorce (Matt 5:27), whereas Jesus goes beyond the mere letter and exposes the spirit of the law by discerning adultery in "lust in the heart" (5:28). The same idea occurs when first-century Judaism is accused of legalistic overemphasis on 613 commandments (i.e., seeking to apply the letter of the law as broadly and specifically as possible). Paul, in contrast, finds the spirit of the law fulfilled in a single principle or rule—loving one another (Rom 13:8-10)—which may, at times, lead to an ignoring of particulars in the letter of the law (e.g., "nothing is unclean in itself," Rom 14:14). This sense lies at the heart of the traditional contrast between Jewish legalism *qua* focus on the letter of the law and Christian grace as focus on the spirit of the law.

The problem with this element of the definition, of course, is that it cuts both ways.⁶⁷ Jewish thinkers were aware of the need to balance the letter and the spirit of the law. To accuse Jews generally of focusing on the "mere letter

⁶⁵F. L. Cross and E. A. Livingstone, eds., *The Oxford Dictionary of the Christian Church*, 3d ed. (New York: Oxford University Press, 1997), 1,568.

⁶⁶On the whole, see J. J. Scott Jr., "Literalism," in *Evangelical Dictionary of Theology*, 2d ed., ed. Walter A. Elwell (Grand Rapids: Baker, 2001), 694-695.

⁶⁷N. Isaacs adopts this definition and argues that all religious movements (including Judaism) have varying and undulating relationships between a focus on the letter and on the spirit of law ("Is Judaism Legalistic?" *The Menorah Journal* 7 [1921]: 259-268). That is, in this sense all religious movements are legalistic at varying periods, in which case it would become ludicrous to use the term as an accusing epithet. Such literalism is what Joseph Fletcher means by legalism as an ethical theory, which he identifies often in Christian ethical systems (*Situation Ethics: The New Morality* [Louisville: Westminster John Knox, 1997], 18-22).

of the law” must ignore a considerable body of evidence. For example, Hillel is reputed to have summarized *the spirit* of the whole law, not entirely unlike the sense found in Jesus or the Christian tradition: “That which you hate do not do to your fellows; this is the whole law; the rest is commentary; go and learn it.”⁶⁸ And, like Jesus, the rabbis were quite capable of giving attention to the spirit of the law of adultery, not merely to its letter: “He who looks at a woman with desire is as one who has criminal intercourse.”⁶⁹

On the flip side, Paul was not averse to “laying down the law” where needed; that is, to putting the focus on the letter of the law. For instance, “This is my rule in all the churches” (1 Cor 7:17). Most of 1 Cor 7 is a series of fairly literal “rules” covering relationships between men and women.⁷⁰ P. J. Tomson notes that

Paul does, of course, contrast letter and spirit in 2 Corinthians 3 (esp. vv 3, 6-8; cf. also Rom 7:6). However, he seems here not to be contrasting two totally different religious patterns—one (Mosaic legalism) which focuses on the letter of the law, the other (Pauline grace through faith) on its underlying intention (spirit). The “letter” refers here to the ten words inscribed on stone tablets—the central symbol of Jewishness—but with no implication of legalism. The “spirit” is neither the deeper meaning behind the literal text nor does it imply the gospel v. law. Rather, “spirit” here is the Holy Spirit poured out through the new covenant ministry of the apostle. The letter/spirit contrast is salvation historical.⁷¹

While most religious traditions will agree that there exists at some point an overemphasis on the letter versus the spirit of the law, there is rarely agreement as to when this point is reached. Thus the charge of legalism, in this sense, represents an unfair, floating scale of judgment. Christian theologians may point to some Jewish texts with emphasis on keeping the letter of a particular law. However, they will do well to use a term other than legalism (e.g., literalism). To label this Jewish stance legalism seems out of order when Christian theologians likewise stress keeping the letter of some other commandment. If the part (literalism) does not imply the whole (soteriological legalism) in the one, neither should it in the other.

Sense #3: Imbalanced Emphasis on Ritual or Ceremonial Law (Ritualism, Formalism)

This overlaps with the letter/spirit contrast (#2 above) and the idea of externalism (#6 below), but focuses on the behavior itself more than on the interpretation or

⁶⁸*b. Sabb.* 31a.

⁶⁹*Tractate Kallah*, cited in Jackson, 15; see also *Avodah Zarah* 20a; *Eruvin* 18b; *Berakhot* 61a (cited in Jackson, 15).

⁷⁰See further P. J. Tomson, *Paul and the Jewish Law: Halakha in the Letters of the Apostle to the Gentiles* (Minneapolis: Fortress, 1990).

⁷¹See Scott J. Hafemann, *Paul, Moses, and the History of Israel* (Peabody, MA: Hendrickson, 1996), esp. 437-444.

value placed upon an act. It emphasizes the proper performance of rituals or form. Opponents assume that ritualists have little regard for inner motivation. Any religious performance that appears to place ultimate or greater value on the external or formal ritual act, either to the detriment or even the elimination of concern for inner motivation, will be termed legalistic by some, but should more accurately be termed formalism or ritualism.

Jackson notes that critiques of certain types of ritualism or externalism can be found already in the OT prophets, yet it is doubtful that they were calling for the ultimate abolition of ritual systems, or that they were finding something wrong with formal rituals *per se*.⁷² Of course, most religious movements produce “forms” via which their values are carried out, yet they would not necessarily be labeled ritualistic or formalistic. For instance, most Christian traditions practice some form of baptismal rite. The practice of baptism *per se* would hardly be sufficient for most to term this legalistic. Rather, the issue rests on whether the external form replaces the need for an internal commitment to the values expressed by the outward form. Where an empty ritual is being performed, the charge of formalism will usually be raised. However, few accused legalists are seeking to carry out an empty ritual.

To give a further example, less liturgically oriented Protestants not infrequently look askance at Episcopalians, Lutherans, or Roman Catholics, charging them with being legalists due to their stress on liturgical forms of worship (e.g., kneeling, repetition of creeds, set liturgical responses), thus “They repeat their prayers without even meaning the words.” Here again, it is not actually the repetition or form that draws the charge of legalism—what about the “excessive” repetition of phrases or choruses in much contemporary evangelical worship?—but the assumed inner attitude. Analysis of inner motives must ensue to ascertain whether such performance really is a type of ritualism, or is the proper formal (i.e., bodily) carrying out of an internal commitment.

As with literalism (#2 above), this sense of legalism proves insufficient. The presence of attention to rituals and forms does not necessarily mean legalism, unless an underlying attitude can be demonstrated.

Sense #4: Comprehensive Elaboration of Law (Scholasticism)

The elaboration of how to obey the law (application) will be dealt with below (#5: casuistry). Scholasticism, in distinction, deals with the manner of study of the law, that which precedes the specifics of application.⁷³ The rabbinic study of Torah can seem, to outsiders, to be a sort of intellectualism, an interminably lengthy study of details of the text: “Turn it and turn it again for everything is

⁷²Jackson, 11-12.

⁷³See esp. *ibid.*, 12, n. 67 for this distinction. On the meaning of “scholasticism” in the field of theology, see A. Vos, “Scholasticism,” in *New Dictionary of Theology*, 621-623.

in it.”⁷⁴ Or as Max Weber described Pharisees, “They also included small middle-class people who engaged in *scriptural interpretation as a pastime*.”⁷⁵

Here again, however, this sense alone can hardly be trusted to demonstrate legalism. Will the “rational analysis of doctrine”⁷⁶ in Francis Turretin’s *Institutio* or Karl Barth’s *Church Dogmatics* be taken by Reformed Protestants as proof of legalism? Similarly, a look at the number and length of Christian commentaries on Scripture produced in the last twenty years or evangelical debates over women’s ordination⁷⁷ will demonstrate a similar “interminably lengthy study of details of the text,” yet will seldom be used to demonstrate legalism.

Sense #5: Excessive Attention to Individual Cases (Casuistry)

“Casuistry” is “the application of moral principles and the determination of right and wrong in particular cases (Lat. *casus*) in light of the peculiar circumstances and situation.”⁷⁸ In common parlance, as well as in some theological writings, casuistry is a strongly negative term—a “specious, deceptive, or oversubtle reasoning, esp. in questions of morality; fallacious or dishonest application of general principles; sophistry.”⁷⁹ Casuists use reasoning to provide excuses and justification for otherwise wrong behavior and often give excessive attention to detail versus larger principles. This can overlap considerably with the letter versus spirit sense (#2 above) and is sometimes confused with scholasticism (#4 above) since both can involve excessive attention to detail. Casuistry differs, however, from scholasticism by focusing on details of *application in individual cases*. In discussions of “Jewish legalism,” reference is often made to “Jewish casuistry,” the latter usually taken to imply or equate with the former.

As with other senses, this one is clearly distinct from soteriological legalism. There is, in fact, a neutral, or even positive, use of the term in both theology and in common parlance, referring to “making the law more specific and removing obscurity and doubt as to its application.”⁸⁰ Paul is certainly engaged in detailed attention to applying principles of behavior in specific cases in 1 Cor 7 (regulations for situations involving marriage and sexuality) and in chapters 8–10 (eating meat offered to idols). Current theological debates over genetic research, homosexuality (orientation versus behavior), and many more, could also be viewed as casuistic. However, most of those carefully applying human reason to the detailed analysis of ethical cases will

⁷⁴*Ben Bag Bag, Mishnah Avot* 5:22, cited in D. Daube, *The New Testament and Rabbinic Judaism* (London: Athlone, 1956), 411-412.

⁷⁵Cited in Jackson, 12, n. 68, emphasis supplied.

⁷⁶Vos, 621-622.

⁷⁷Noted by Silva, “Historical Reconstruction,” 118.

⁷⁸Cook, “Casuistry,” in *New Dictionary of Theology*, 129.

⁷⁹*Webster’s New Universal Unabridged Dictionary*, s.v. “Casuistry” (primary definition).

⁸⁰Cook, 129.

hardly want to be called legalists for this activity.

Sense #6: External Coercion versus Internal Motivation,
Rule-centeredness (Externalism)

While both Judaism and Christianity give emphasis to actual obedience, it is asserted by not a few Christian interpreters that what is externally similar differs fundamentally on an internal level. Christian obedience springs from a new nature and is motivated by gratitude; Jewish obedience is coerced by external commands and often against the individual's own desires and will. Jewish *halakhab* is then viewed as an example of such external coercion.⁸¹

This will be seen to overlap considerably with several of the senses depicted above, and the problem entailed is likewise similar. It is not enough to point to an emphasis on obedience, nor even to the coercive potential of stating that such obedience is important or necessary.⁸² Rather, rule-centeredness indicates legalism only where the internal motivation is laid bare.

Conclusions

Reserve Legalism for Soteriological Legalism

In biblical and theological discussion, one should refer to a person, a text, or a group as representative of legalism ("legalistic") only if one can demonstrate that these rely upon unaided human effort to obtain divine grace (in Christian terms, justification by means of works). In light of the lexical and theological background of the term, and in order to lend greater precision, legalism should be reserved for soteriological legalism.

When Other Senses are in View, Use Other
Terms (Senses #2-6 Above)

For the same reasons, when practices or attitudes are identified that are often associated with legalism, but which themselves are not, strictly speaking, soteriological legalism, a more accurate descriptor should be chosen (senses #2-6 above). It will not do to identify, for example, casuistry, focus on law, or an emphasis on the letter of the law in a particular author or writing and then conclude that it is legalistic. This terminological suggestion will not itself resolve all disputes over legalism, but it will take students of theology and biblical studies a long way toward speaking the same language.

⁸¹This may reflect a neo-Kantian strain in Lutheranism that wished to emphasize an internalized ethical imperative over against an external rule (see Gathercole, 31).

⁸²That Paul, as in the OT and Second Temple Judaism periods, could speak of a "judgment according to works" for believers certainly suggests the importance and necessity of obedience. See K. Yinger, *Paul, Judaism and Judgment According to Deeds*, SNTSSup 105 (Cambridge: Cambridge University Press, 1999).