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The Continuing Quest for Jewish Legalism

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In spite of widespread acceptance of the nonlegalistic character of first-century Judaism (following E. P. Sanders), some Pauline scholars continue to interpret the apostle's statements against a backdrop of Jewish legalism. Rather than accuse Paul of misconstruing his own religious heritage, they choose a variety of paths to rediscovering legalism in Judaism. This article highlights seven of these approaches to rediscovering legalistic Judaism, all of which are deemed thus far unsuccessful, largely due to inadequate definitions of legalism.

Key Words: legalism, Paul, Judaism, Sanders, New Perspective

THE CURRENT SITUATION IN PAULINE STUDIES VIS-À-VIS "LEGALISTIC JUDAISM"

The tone of NT and especially Pauline scholarship vis-à-vis Judaism has changed significantly since 1977. That year saw the publication of E. P. Sanders's *Paul and Palestinian Judaism*, with its vigorous portrayal of nonlegalistic Judaism.¹ In broad outline, this picture of a kinder, gentler, grace-filled first-century Judaism has been widely accepted.² Even those who remain somewhat critical speak of a near consensus that no longer views rabbinic soteriology as centered in the balancing of transgressions and good works, that is, in a form of works righteousness.³ While continued

1. E. P. Sanders, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (Philadelphia: Fortress, 1977). Although certainly not the first to protest against the picture of "legalistic Judaism" long prevalent among Christian NT scholars, it was Sanders's protest that was finally heard by the guild.

2. "On the whole, his [Sanders's] analysis of the structure of thought in Palestinian Judaism has been widely acknowledged as accurate and convincing" (John M. G. Barclay, "Paul and the Law: Observations on Some Recent Debates," *Themelios* 12 [1986]: 8). Jacob Neusner is sometimes cited as a particularly weighty opponent of Sanders's portrayal of covenantal nomism. While Neusner does speak of Sanders's work as "so profoundly flawed as to be hopeless," this is said in regard to the methodology of comparing patterns of religion and not to the portrayal of Jewish covenantal nomism. Rather, "so far as Sanders proposes to demonstrate the importance to all the kinds of ancient Judaism of covenantal nomism, election, atonement, and the like, his work must be pronounced a complete success" ("Paul and Palestinian Judaism: A Comparison of Patterns of Religion," *History of Religions* 18 [1978]: 180; cf. also p. 191).

3. Timo Laato, *Paulus und das Judentum: Anthropologische Erwägungen* (Åbo Pargas: Åbo Akademis Förlag, 1991), 34–37 (ET: *Paul and Judaism: An Anthropological Approach* [trans.

nuancing of Sanders's portrayal is certainly in order, a simple rejection is almost nonexistent.⁴ On a more popular level, unfortunately but not surprisingly, most voices continue to reflect a pre-1977 view of first-century legalistic Judaism.⁵

What has just been stated about the reception of Sanders's new perspective on Second Temple Judaism does not apply to his less favorably received perspective on Paul.⁶ The "new perspective on Paul" [hereafter, NPP] appeared with this nomenclature in a Manson Memorial Lecture delivered by James D. G. Dunn in November 1982.⁷ As with most subsequent proponents of the NPP, Dunn builds upon Sanders's new perspective on Judaism, while going in some new directions regarding Paul.

1. First-century Judaism(s) were not legalistic, but were characterized by covenantal nomism (so Sanders).
2. Because Jews were not espousing works righteousness, Paul was not opposing legalism in his letters.
3. Instead, at issue was a question of social identity: "Who belongs to the people of God and how is this known?" That is, does one have to be Jewish—be circumcised, keep food laws, celebrate Sabbath, and so forth—in order to inherit the promises to Abraham?

Without going into detail, the choice of one perspective over the other makes quite a difference in the interpretation of Paul's letters and theology. In particular, the meaning and role of "justification by faith apart from works of law" (Rom 3:28) are explicated much differently. Is he contrasting faith in Christ with human works (seen as meritorious) or with Jewishness?

Atlanta, GA: Scholars Press, 1995]). Page numbers refer to the German edition. Another critic notes, "Sanders's basic thesis has been widely accepted as needing no further demonstration" (Moisés Silva, "The Law and Christianity: Dunn's New Synthesis," *WTJ* 53 [1991]: 339–53, citation from p. 340).

4. See, for instance, the essays in Donald A. Carson, Peter T. O'Brien, and Mark A. Seifrid, eds., *Justification and Variegated Nomism*, vol. 1: *The Complexities of Second Temple Judaism* (WUNT 2/140; Grand Rapids: Baker Academic, 2001).

5. See, for example, Neil T. Anderson, Rich Miller, and Paul Travis, *Breaking the Bondage of Legalism* (Eugene, OR: Harvest House, 2003), 51, 60, 155 passim.

6. Paul's pattern of religion is addressed in *Paul and Palestinian Judaism* on pp. 431–523 (less than 20% of the book). See also idem, *Paul, the Law, and the Jewish People* (Philadelphia: Fortress, 1983). Already in 1982, Morna Hooker proposed that Paul's pattern of religion was remarkably like that in Palestinian Judaism ("Paul and 'Covenantal Nomism,'" in *Paul and Paulinism: Essays in Honour of C. K. Barrett* [ed. M. D. Hooker and S. G. Wilson; London: SPCK, 1982], 47–56). "In many ways, the pattern which Sanders insists is the basis of Palestinian Judaism fits exactly the Pauline pattern of Christian experience: God's saving grace evokes man's answering obedience" (p. 10). This is not to ignore that the parts differ—Paul has a different covenant (Abrahamic promise versus Sinaitic law) and a different nomism (the Spirit [or "law of Christ"] replaces the Torah)—but the pattern remains the same.

7. James D. G. Dunn, "The New Perspective on Paul," *BJRL* 65 (1983): 95–122; repr., idem, *Jesus, Paul, and the Law: Studies in Mark and Galatians* (Louisville: Westminster John Knox, 1990), 183–214.

Not everyone has been satisfied with this state of Pauline studies vis-à-vis Judaism.⁸ Don Hagner suggested in 1993 that the “Copernican revolution in Pauline studies” introduced by Sanders’s work was “not yet complete.”⁹ Building on the work of a number of scholars, Charles Talbert suggested in August 2000 that a post-New Perspective might be emerging.¹⁰ And Doug Moo sees hints that “we [are] on the verge of a new paradigm,” replacing the NPP paradigm.¹¹

A number of NT scholars, while professing general acceptance of Sanders’s covenantal nomism, are engaged in a renewed quest to discover legalistic Judaism at the time of the NT.¹² To some observers, this continued quest is an exercise in self-contradiction—acknowledge in one breath that Second Temple Judaism was *not* legalistic and with the next discover that it *was*. To others, it represents a return to earlier theories (e.g., Paul was opposing diaspora, or nonliterary, Judaism),¹³ while to others this group heralds a “new paradigm.” To what extent do these efforts at rediscovery of legalistic Judaism succeed in significantly nuancing (or even

8. A helpful update on this debate (to 2004) can be found in James D. G. Dunn, “The New Perspective on Paul: Whence, What and Whither?” in *The New Perspective on Paul* (rev. ed.; Grand Rapids: Eerdmans, 2008), 1–97, esp. pp. 41–95.

9. Donald A. Hagner, “Paul and Judaism, the Jewish Matrix of Early Christianity: Issues in the Current Debate,” *BRR* 3 (1993): 111.

10. Charles H. Talbert, “Paul, Judaism, and the Revisionists,” *CBQ* 63 (2001): 1–22. More recently, Michael Bird urges a move beyond the New Perspective, in the sense not of rejection but of a hybrid that draws from both traditional (reformed) and newer perspectives (*The Saving Righteousness of God: Studies on Paul, Justification and the New Perspective* [Paternoster Biblical Monographs; Eugene, OR: Wipf & Stock, 2007]). On the subject of Jewish legalism, Bird is unclear. On the one hand, he considers it inappropriate to equate Judaism with legalism (p. 90). Nevertheless, he agrees with those who discover “merit theology” in some forms of Judaism (pp. 89–94) and considers this a criticism that “strike[s] at the jugular” of the New Perspective (p. 89). “[C]ovenantal nomism can still become ‘legalistic’ when forced onto Gentiles and covenantal nomism itself can (according to its advocates) assimilate a high degree [of] nomism/legalism within its own paradigm” (p. 94 n. 14).

11. Douglas J. Moo, “Beyond the New Perspective: Hints of an Emerging Consensus,” in *Papers of the Evangelical Theological Society Midwest Regional Meeting* (Wheaton, 2002). One proposed new paradigm of this sort is the “newer perspective” of A. Andrew Das, *Paul, the Law, and the Covenant* (Peabody, MA: Hendrickson, 2001), and idem, *Paul and the Jews* (Library of Pauline Studies; Peabody, MA: Hendrickson, 2003). His works lie outside the scope of this article, because he agrees with Sanders that Second Temple Jews were nonlegalistic in their self-understanding. He parts ways with the NPP in arguing that Paul’s Christology led him to view Judaism as necessarily legalistic, even if Jews failed to grasp this. Thus, Judaism (in its own view) was nonlegalistic, yet Paul was opposing legalism in his letters. See also Francis Watson, *Paul, Judaism, and the Gentiles: Beyond the New Perspective* (rev. and exp. ed.; Grand Rapids: Eerdmans, 2007); although he is critical of the way New Perspective writers relate divine agency and human response in both Paul and Judaism, he has no interest in resurcting any sort of legalistic Judaism (see esp. pp. 12–21 in the preface to the revised edition).

12. See the helpful overview of scholarly responses to Sanders and the NPP in Stephen Westerholm, “The ‘New Perspective’ at Twenty-Five,” in *Justification and Variegated Nomism*, vol. 2: *The Paradoxes of Paul* (ed. Donald A. Carson, Peter T. O’Brien, and Mark A. Seifrid; WUNT 2/140; Tübingen: Mohr Siebeck / Grand Rapids: Baker Academic, 2004), esp. pp. 17–36.

13. See James D. G. Dunn, *The Theology of Paul the Apostle* (Grand Rapids: Eerdmans, 1998), 339 and notes.

rejecting) Sanders's portrayal of Judaism—perhaps even delivering a new paradigm?

This article will document this quest for legalistic Judaism and note its major arguments. Thus, although the article touches on the exegesis of a number of Pauline and Jewish texts, it serves primarily as a sort of prolegomenon to the study of the Pauline corpus. Brief analysis of this renewed quest's arguments suggests two conclusions: (1) this quest suffers from an inadequate definition of "legalism," and (2) theological convictions regarding soteriological synergism seem to lie at the root of many disagreements with the NPP.¹⁴

PREOCCUPATION WITH LEGAL MINUTIAE (CASUISTRY)

Though agreeing that Jews were not legalists in Sanders's narrow soteriological sense (earn salvation by keeping commandments), G. B. Caird argues that "there are other, broader senses of legalism, and Sander's [*sic*] argument does little to disperse the impression which the Mishnah regularly makes on non-Jewish readers, that the Rabbis were *deeply preoccupied with legal minutiae, almost to the exclusion of other concerns.*"¹⁵ This is, in essence, the charge of casuistry qua legalism. However, casuistry does not necessarily imply legalism strictly understood. Caird's charge fails because it unduly broadens the definition of legalism to include elements that in Christian contexts would not be termed legalism. Was not Paul himself, at points, "preoccupied with legal minutiae"? He is concerned, for instance, to determine under what circumstances one could or could not eat meat offered to idols [1 Cor 8–10]; he gives rulings on various marriage-related issues [1 Cor 7], on paying taxes [Rom 13], and so on. Caird and others can respond that Paul's "preoccupation" is of a different sort, which is precisely my point: the charge of preoccupation with legal minutiae does not suffice to indicate legalism.¹⁶

14. I have addressed the issue of definition more fully in "Defining 'Legalism'" (*Andrews University Seminary Studies* 46 [2008]: 91–108) and explored the relevance of synergistic debates in "Reformation *Redivivus*: Synergism and the New Perspective," *Journal of Theological Interpretation* 3 (2009): 89–106. This article will not examine the many other critiques that have been made of Sanders's work. For instance, mention was made of Neuser's *methodological concerns* (n. 2 above). Others take issue with a seeming *sociological reductionism* in the work of Sanders and the New Perspective. Eschatological salvation is understood as "getting in" and "staying in" a social group rather than eschatological entry into the life of the age to come. See Timo Eskola, "Paul, Predestination and 'Covenantal Nomism': Re-assessing Paul and Palestinian Judaism," *JStJ* 28 (1997): 392–94.

15. George B. Caird, "Paul and Palestinian Judaism: A Comparison of Patterns of Religion," *JTS* 29 (1978): 539, emphasis added.

16. See John W. Drane, *Paul, Libertine or Legalist? A Study in the Theology of the Major Pauline Epistles* (London: SPCK, 1975) for the view that Paul's attention to behavioral details in 1 Corinthians does constitute legalism. See also the discussion of Paul and Jewish halakha in Peter J. Tomson, *Paul and the Jewish Law: Halakha in the Letters of the Apostle to the Gentiles* (CRINT 3/1; Minneapolis: Fortress, 1990). Looking beyond Paul, what of Matthew's concern for legal precision in Jesus' divorce saying (Matt 5:31–32; also 19:3–9)?

It would be interesting and important to pursue the question within Christian and Jewish theologies as to the precise point at which "attention to details of behavior" becomes a legalistic preoccupation with the same. However, until a somewhat dispassionate treatment of this subject occurs, Caird's "impression" will hardly suffice as convincing evidence for others. Rabbinic scholars will have quite a different "impression" and will argue for the coexistence of halakic (detailed, casuistic) reasoning and trust in divine mercy.

EMPHASIS UPON "DOING"

Others sense that Judaism stressed "doing" in a manner and to an extent far beyond what one finds in Paul; thus, the former was legalistic. "Paul means by *nomos* most often the commands mediated through Moses," and it is "the commanding aspect of [*nomos*]," the demand that something be done, that is particularly prominent.¹⁷ This Jewish emphasis on doing can be seen in Paul's

- frequent references to "doing" or "fulfilling" the law: Rom 2:13–14, 25–27; 8:4; 13:8, 10; Gal 3:10; 5:3, 14; 6:2, 13
- coupling of "works" with *nomos* ("works of the law")
- particularization of *nomos* in "commandment": Rom 7:7–13, 13:8–10 (Eph 2:15)

In addition to the uncontroversial use of law for the Pentateuch (or sacred writings of the Jews; e.g., Rom 3:21, 1 Cor 14:21), Paul uses law for divine requirements (commands) that must be "done" (Rom 2:14, Gal 5:3), "kept" (Rom 2:26, Gal 6:13), and can be "broken" (Rom 2:20–23). Here law is "the sum of specific divine requirements given to Israel through Moses."¹⁸

These authors do not necessarily equate this emphasis on doing with legalism per se. But Judaism's emphasis on doing is, for them, clearly different from Paul's emphasis on believing and grace, and, thus, at least raises suspicions of springing from legalism.¹⁹ However, Paul surely also gives considerable emphasis to doing and not simply to believing and grace.

- Rom 2:13: but [it is] the doers of the law who will be justified.
- 1 Cor 7:19: obeying the commandments of God is everything.

17. Douglas J. Moo, "Law', 'Works of the Law', and Legalism in Paul," *WTJ* 45 (1983): 82.

18. Stephen Westerholm, *Perspectives Old and New on Paul: The "Lutheran" Paul and His Critics* (Grand Rapids: Eerdmans, 2004), 299. See also Thomas R. Schreiner, *The Law and Its Fulfillment: A Pauline Theology of Law* (Grand Rapids: Baker, 1993), 38–39, who notes especially the contrast between "doing" and "believing" in a number of Pauline texts (Rom 9:32–33, 10:5–13).

19. According to some, Paul speaks of Christians' "fulfilling" the law but not of their "doing" it; this is, allegedly, the opposite of Jewish language, which stresses the "doing" of commandments. So Das, *Paul and the Jews*, 169; also pp. 33 n. 46 and 172 n. 13. See, however, the Pauline texts cited in the list above, which would seem to belie this distinction.

- 2 Cor 5:10: For all of us must appear before the judgment seat of Christ, so that each may receive recompense for what has been done in the body, whether good or evil.
- Gal 6:8–9: but if you sow to the Spirit, you will reap eternal life from the Spirit. So let us not grow weary in doing what is right, for we will reap at harvest time, if we do not give up.
- Phil 4:9: Keep on doing the things that you have learned and received and heard and seen in me, and the God of peace will be with you.
- 1 Thess 4:1: Finally . . . as you learned from us how you ought to live and to please God (as, in fact, you are doing), you should do so more and more.

And from the disputed Paulines,

- 2 Thess 3:4: And we have confidence in the Lord concerning you, that you are doing and will go on doing the things that we command.
- Eph 6:5–8: Slaves, obey your earthly masters. . . . Render service with enthusiasm, as to the Lord and not to men and women, knowing that whatever good we do, we will receive the same again from the Lord, whether we are slaves or free.
- 1 Tim 4:15–16: Put these things into practice, devote yourself to them, so that all may see your progress. Pay close attention to yourself and to your teaching; continue in these things, for in doing this you will save both yourself and your hearers.²⁰

Obviously, the simple discovery of an emphasis on doing does not of itself demonstrate the presence of some sort of legalism or even a difference from Paul. The significance of an emphasis of this sort on doing can only be understood within its own larger theological context. For both Paul and Judaism, the same doing could be either a fruit of prior divine grace or a legalistic attempt to obtain grace via works.

LEGALISM AS A HUMAN TENDENCY AND THUS AS DIFFERENCE BETWEEN THEORY AND PRAXIS

While acknowledging that our extant Jewish literary sources do not paint a particularly legalistic picture, some writers point to “a natural human tendency toward legalism,”²¹ the “human cry for personal autonomy . . . [that] is endemic to the human condition” and is “*not* a unique Jewish problem.”²² With this supposition in place, it can then be suggested that there will likely have been a difference between theory and praxis in first-

20. See further 1 Cor 3:13, 6:9, 16:14; Phil 4:13; 1 Thess 4:3–4; 1 Tim 5:9–10; also Heb 10:36, 13:20–21.

21. Hagner, “Paul and Judaism,” 119.

22. Silva, “The Law and Christianity: Dunn’s New Synthesis,” 349, emphasis in original. Schreiner states that a nonlegalistic Judaism would be “the only religion in history that escaped the human propensity for works-righteousness” (*The Law and Its Fulfillment*, 115).

century Judaism. Jewish *writers* may have espoused the theory of an ideal, nonlegalistic Judaism, but *nonwriting Jews*, being subject to this natural human tendency, inevitably practiced some form of legalism.

What the practice of nonliterary Jews looked like will remain, in the nature of the case, mostly a matter of conjecture from silence.²³ Silva points to the parable of the Pharisee and the publican as evidence that “self-trust was a genuine problem in the rabbinic Judaism of Jesus’ day” and was not simply a creation of the Reformers (Luke 18:9, “some who trusted in themselves that they were righteous”).²⁴ Whether Jesus intended to portray the Pharisee as a legalist is open to debate.²⁵ However, even if this small group is accepted as legalistic, the publican calls into question any supposed natural human tendency toward legalism—he cries for mercy, not autonomy. The parable does relatively little to document the supposed legalism of nonliterary Jews.

The fact of occasional legalistic attitudes and statements in Jewish sources is not at issue here (see the next point on variegated nomism). Rather, the critical assumption for this point is that legalism is a natural human tendency. As a Protestant, I admit to nodding vigorously when first reading of this human tendency.²⁶ However, upon asking why I believe this, the evidence proves far less persuasive than I might have hoped. The study of human nature in anthropology, sociology, or psychology does not confirm that some form of legalism is a natural human tendency.²⁷ This attempt to infer the thoughts, feelings, and motivations of ancient peoples across time and cultures based upon modern experience, or “the presupposition of psychic unity,” cannot be said to have succeeded.²⁸ Neither does one find much concern about such a general human tendency in other

23. For an attempt at reconstructing a nonlegalistic “common Judaism” from meager sources, see E. P. Sanders, *Judaism: Practice and Belief, 63 BCE–66 CE* (Philadelphia: Trinity Press International, 1992).

24. Silva, “The Law and Christianity: Dunn’s New Synthesis,” 349–50.

25. See Fredrick C. Holmgren, “The Pharisee and the Tax Collector: Luke 18:9–14 and Deuteronomy 26:1–15,” *Int* 48 (1994): 252–61. Holmgren argues that the Pharisee is not portrayed as a legalist but is an exaggeration or caricature of *proper concern* for covenant community. That is, in line with Deut 26:1–15 and Ps 1, the responsible covenant community member is to do certain things and not do others, and this is recited in a temple liturgy in Deut 26.

26. “The attempt to gain God’s favor by one’s own good deeds is for Luther ‘the fundamental principle of the devil and of the world’” (Westerholm, *Perspectives Old and New on Paul*, 26, with citation from M. Luther, “Lectures on Galatians,” *Luther’s Works* 27:146).

27. Outside of theology, “legalism” appears to be used primarily in jurisprudence where it refers to a “rule orientation”; see Judith N. Shklar, *Legalism* (Cambridge: Harvard University Press, 1964). A search for “legalism” in the fields of anthropology, sociology, or psychology yields little. An analogous concept in psychological studies may be “rigidity,” which refers, however, to paranoid or neurotic conditions in which simple decisions become complex and serious matters of deliberation; cf. David Shapiro, *Autonomy and Rigid Character* (New York: Basic Books, 1981), 69–73.

28. Richard A. Shweder, *Thinking through Cultures: Expeditions in Cultural Psychology* (Cambridge: Harvard University Press, 1991), 73; quoted in Zeba A. Crook, *Reconceptualising Conversion: Patronage, Loyalty, and Conversion in the Religions of the Ancient Mediterranean* (BZNV 130; New York: de Gruyter, 2004), 32.

religious traditions (e.g., Buddhism, Islam). As for Judaism, one rarely finds any concern with legalism apart from response to Christian charges of Jewish legalism.²⁹ This is not to say that Jewish writers were unaware of legalism; rather, it was for them ludicrous to imagine that a frail human being could somehow earn God's favor by doing. "[God] remembered that they were but flesh, a wind that passes and does not come again" (Ps 78:39).

Thus, in the end the only evidence of such a natural human tendency toward legalism turns out to be a particularly Protestant reading of NT texts.³⁰ The assumption (human tendency toward legalism) enables the interpretation (NT texts counter this human tendency) which, in turn, demonstrates the assumption. Such circular reasoning is not a priori false, but it will hardly be persuasive barring some other evidence to break the circle.³¹

VARIEGATED NOMISM

Against the portrayal of Second Temple Judaism as a monolithic, nonlegalistic, covenantal nomism, quite a few scholars have argued vigorously for the varied nature of Judaisms in this period. Mark Adam Elliott, for instance, takes issue with a portrayal of covenantal nomism as consistently nationalistic or ethnocentric.³² Rather than viewing the entire nation—all who were descended from Israel—as automatically enjoying the covenant blessings (the alleged position of NPP proponents), numerous sectarian groups were convinced that only adherents of their respective brands of Judaism were members of elect Israel. For these forms of Judaism, history was headed toward the vindication of the remnant rather than the redemption of all Israelites.

Although this focus on the varied and sectarian nature of early Judaisms should hardly be controversial since the discovery of the Dead Sea Scrolls, Elliott has provided us with extensive documentation of this fact.³³

29. Bernard S. Jackson, "Legalism," *JJS* 30 (1979): 1.

30. Brunner, for example, connects his discussion of human nature explicitly to Luther's *cor incurvatum in se* ("the self bent back upon itself"; Emil Brunner, *Man in Revolt: A Christian Anthropology* [trans. O. Wyon; Philadelphia: Westminster, 1947], 136). Brunner argues in this way for a universal human tendency toward soteriological legalism rooted in the defaced *imago dei*. A "legalistic understanding of God and of the self belongs to the primal perversion" (p. 163). This is a magnificent unpacking of a particular (in parts, Lutheran) conception of the *imago dei* but presupposes, rather than demonstrates, a universal tendency.

31. So also 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: The Pauline Literature and Theology* (ed. S. Pedersen; Skandinavische Beiträge; Göttingen: Vandenhoeck & Ruprecht, 1980), 75.

32. Mark Adam Elliott, *The Survivors of Israel: A Reconsideration of the Theology of Pre-Christian Judaism* (Grand Rapids: Eerdmans, 2000). See esp. pp. 27–56 on the persistence of this view of a normative Judaism.

33. According to Elliott, while scholars have generally acknowledged the sectarian nature of Qumran's thought, they have failed to see the contradictions between this and national election (*ibid.*, 48–52).

Less clear is whether this actually constitutes a telling critique of covenantal nomism. In fact, from the start, New Perspective proponents have generally recognized the variegated nature of Second Temple Judaism. Thus, Sanders could state,

It is certainly not the case that there is uniformity of systematic theology among the material studied, and this is not implied by arguing for a basic consistency in the underlying pattern of religion. . . . That differences within a common pattern can cut very deep is shown by the existence of the Qumran community as a separate sect, but the differences should not prevent us from seeing what was common. Thus, to the frequent assertion that there were numerous *Judaisms* in the Palestine of the period studied, one can reply yes or no, depending on just what is meant. There were obviously different groups and different theologies on numerous points. But there appears to have been more in common than just the name "Jew."³⁴

Likewise, Dunn frankly acknowledges the diversity (with reference to Neusner's writings and the Dead Sea Scrolls) and probes for the unity within this diversity.

Nevertheless, all that being said [about diversity], we can still speak of a common and unifying core for second temple Judaism, a fourfold foundation on which all these more diverse forms of Judaism built, a common heritage which they all interpreted in their own ways. . . . the fact remains that the word [*Ioudaismos*] could be used; there was something recognizable as "Judaism," something common to these various diverse expressions of second temple Judaism(s).³⁵

Moving beyond this issue of sectarian diversity, Elliott is particularly exercised by the sort of nationalistic election theology that *automatically* includes every individual member of the nation among the redeemed without regard to individual behavior. He finds this sort of nationalism confirmed in Moore's study of rabbinic Judaism. "A 'lot in the World to come'. . . is ultimately assured to every Israelite on the ground of the original election of the people by the free grace of God."³⁶

However, many of these authors appear to have been able to hold together both a national election and the potential rejection of individuals or groups within that nation. That is, Elliott's critique of their position on national election may not go far enough in acknowledging their own differentiation between national election and personal or sectarian redemption.³⁷

34. Sanders, *Paul and Palestinian Judaism*, 423.

35. James D. G. Dunn, *The Partings of the Ways: Between Christianity and Judaism and Their Significance for the Character of Christianity* (Philadelphia: Trinity Press International, 1991), 18.

36. George Foot Moore, *Judaism in the First Centuries of the Christian Era, the Age of the Tannaim* (3 vols.; Cambridge: Harvard University Press, 1927), 2:95 (with reference to *m. Sanh.* 10:1), cited in Elliott, *The Survivors of Israel*, 36.

37. Elliott is aware of this distinction between national election and the individual's enjoyment of benefits, but he views these two poles as inherently contradictory (*The Survivors of*

For instance, Elliott cites C. G. Montefiore as “a particularly clear representation” of this nationalistic perspective as follows: “Rabbinic Judaism was convinced . . . that for every decent Israelite there was a place in the future world.”³⁸ Unfortunately, Elliott fails to note Montefiore’s significant addition of the word *decent*—thus limiting the benefits of national election to those who live up to some standard of decency (some form of Torah adherence).³⁹ This would seem to point to Montefiore’s ability to hold together national election and individual responsibility.

True, Sanders echoes the rabbinic sentiment that “all Israelites have a share in the world to come”; however, he follows this immediately with “unless they renounce it by renouncing God and his covenant. All sins . . . may be forgiven as long as a man indicates his basic intention to keep the covenant.”⁴⁰ Similarly, Dunn understands that the covenantal (national) blessings will not be enjoyed *automatically*, but only by those adhering to the Law (nomism).⁴¹

An ambitious attempt to counter, or at least to nuance, the acceptance and understanding of any monolithic covenantal nomism is found in *Justification and Variegated Nomism*, vol. 1: *The Complexities of Second Temple Judaism*.⁴² Carson’s introduction and summary lead the reader to think that this volume more or less refutes the view of Second Temple Jewish soteriology as covenantal nomism.⁴³ To the extent that proponents of covenantal nomism fail to grasp the quite-varied nature of the Judaism of this period, he may have a point. (However, as noted above, proponents may not be as blind to this variegated nomism as Carson supposes.) The individual essays in the volume demonstrate convincingly how varied the different brands of Jewish belief and practice were during this period. However, with clear acknowledgement of this variety, the essays give variegated responses as to whether these differing forms of Judaism represent something akin to covenantal nomism. Thus, it is premature to hear in this volume a requiem for covenantal

Israel, 41–44). Moore, by contrast, following *m. Sanh.* 10:1, sees these poles cohering—“all Israel” will, indeed, have a lot in the world to come, but “all Israel” does not include Sadducees (who deny the resurrection), Samaritans, and those who mutter incantations (*Judaism*, 2:381, 387–88).

38. Claude G. Montefiore, *Judaism and St. Paul: Two Essays* (Jewish People: History, Religion, Literature; London: Max Goschen, 1914; repr., New York: Arno, 1973), 44, cited by Elliott, *The Survivors of Israel*, 36.

39. Montefiore portrays the nonlegalistic character of the typical, decent Israelite (*Judaism and St. Paul*, 33–37).

40. Sanders, *Paul and Palestinian Judaism*, 147.

41. Dunn, *The Partings of the Ways*, 18–35; also 105–7, 301 n. 37.

42. See n. 4, p. 376 above.

43. Carson acknowledges disagreements among the volume’s authors and the affirmation of covenantal nomism by some, but he returns consistently to the view that these authors have overturned the thesis of a monolithic covenantal nomism. “The literature of Second Temple Judaism reflects patterns of belief and religion too diverse to subsume under one label” (= covenantal nomism; p. 5). “Covenantal nomism is not only reductionistic, it is misleading” (p. 544).

nomism.⁴⁴ Instead, what Elliott and the essays in *Variegated Nomism* have done is to remind us that covenantal nomism should be understood in most cases as sectarian covenantal nomism. Jewish writings of this period do not reject the election of Israel but redefine the members of this elect Israel. Similarly, they do not reject nomism but reinterpret that law.

OPTIMISTIC ANTHROPOLOGY

Taking a cue from H. Odeberg, Timo Laato finds Sanders's central weakness to lie in a failure to consider the significance of differing anthropological presuppositions.⁴⁵ Specifically, Paul differed fundamentally from Judaism on the question of freedom of the will. Whereas Judaism was essentially optimistic regarding human willingness and ability to keep the commandments of God, Paul was pessimistic.⁴⁶ This optimism led in Judaism to a soteriological synergism. For Judaism, works were the *conditio sine qua non* of salvation, and this conditionality meant that salvation was not solely of grace.⁴⁷ Paul, on the other hand, is portrayed as consistently upholding the radical unconditionality of salvation in Christ. The issues of conditionality and synergism will be addressed later; here a few comments on differing anthropologies.

For a number of reasons, we are inclined to remain skeptical as to the value of Laato's conclusions in relation both to Paul and to Judaism. First, he goes to some length to prove that a pessimism such as Paul evidences is not to be found in Judaism of the period. Assuming the accuracy of this point for the moment, we are justified in asking from what source, then, Paul drew this newfound pessimism (personal experience, revelation, Jesus, other religions?). Lacking an answer to this important question of source and the motivation of such a novelty vis-à-vis his own background, the reader is left wondering if novelty (or discontinuity) is indeed the best hypothesis to explain the evidence.⁴⁸ We have little indication that Paul's Jewish opponents faulted him for heterodoxy, or novelty, in the issue of *Willensfreiheit*.

Further, it is the contention of Frank Thielman that an anthropological pessimism was, in fact, already found broadly in Judaism contemporary

44. A number of reviewers of *Justification and Variegated Nomism* appear to agree with this general assessment of the book, and particularly of Carson's summation. See, for example, two reviews in the SBL's online *Review of Biblical Literature*, by John Byron (RBL 11 [2002]) and Pamela Eisenbaum (RBL 12 [2002]), available at <http://www.bookreviews.org/bookdetail.asp?TitleId=1887&CodePage=1887,4658>. See also Simon J. Gathercole, "Early Judaism and Covenantal Nomism: A Review Article," EQ 76 (2004): 153–62.

45. Laato, *Paulus und das Judentum*, 34–37.

46. *Ibid.*, 83–184. On optimistic Jewish joy in obedience to the commandments, see Solomon Schechter, *Aspects of Rabbinic Theology: Major Concepts of the Talmud* (New York: Schocken, 1961), 149–69 ("The Joy of the Law").

47. Laato, *Paulus und das Judentum*.

48. Russell Morton suggests that the source might be apocalyptic eschatology (such as found in 4 Ezra, 1QM, and Revelation); see his review of *Paulus und das Judentum*, CBQ 55 (1993): 375–77.

with Paul.⁴⁹ The roots of this pessimism regarding Israel's "will to obey" are not hard to document in the OT.

He said to me, Mortal, I am sending you to the people of Israel, to a nation of rebels who have rebelled against me; they and their ancestors have transgressed against me to this very day. The descendants are impudent and stubborn. I am sending you to them, and you shall say to them, "Thus says the Lord GOD." Whether they hear or refuse to hear (for they are a rebellious house), they shall know that there has been a prophet among them. (Ezek 2:3–5)⁵⁰

One wishes that Laato had included an examination of the evidence for a Jewish pessimism cited by others. Laato's black-and-white contrast between Jewish optimism and confidence in human ability over against Pauline pessimism is difficult to reconcile with the rabbis' daily repetition of the 17th benediction: "Lead us back, our Father, to thy Torah, and cause us to return in perfect repentance before Thee. Blessed art thou, O Lord, who acceptest repentance."⁵¹ One could, of course, refer equally to the very Jewish idea that human beings are frail creatures of dust.⁵² The relation between human freedom, sin, and divine grace would seem to be more complex in both Paul and in Judaism than Laato allows.⁵³

In addition, Laato's portrayal of Sanders's position is not entirely accurate. Sanders, it is true, acknowledged that Palestinian Judaism lacked a doctrine of original sin (that is, had reason to be more optimistic).⁵⁴ Yet, Sanders also gives evidence for a continuing sense of human inability and reliance upon divine grace in Judaism.⁵⁵ Thus, it is incorrect to contend, as Laato does, that Sanders has ignored or missed the significance of anthropological assumptions.

LEGALISM AND CONDITIONALITY

In many of these attempts to rediscover Jewish legalism, it is noted that Judaism made obedience a "condition" for salvation in a way that Paul did not. As Caird stated in a review of *Paul and Palestinian Judaism*, "most surprising of all is the statement that for Paul, as for Palestinian Judaism,

49. Frank Thielman, *From Plight to Solution: A Jewish Framework for Understanding Paul's View of the Law in Galatians and Romans* (NovTSup 61; Leiden: Brill, 1989), 28. Although Laato refers to Thielman's work in footnotes, he does not interact with this implicit challenge to his thesis. See also Morton's review of Laato.

50. See further Deut 9:6, 31:27; Isa 48:4; Jer 5:23; Ezek 3:7.

51. Cited in Sanders, *Paul and Palestinian Judaism*, 232.

52. See, for example, Gen 18:27 ("I who am but dust and ashes" [Abraham]); Ps 103:13–15 ("He remembers that we are dust"). On humans as weak and (morally) frail, see Hans Walter Wolff, *Anthropology of the Old Testament* (trans. M. Kohl; Philadelphia: Fortress, 1974), 30–31. Wolff notes the similarity of the outlook found in the OT and DSS (e.g., "bāsār—man in his infirmity: weakness") to Pauline pessimism in Rom 7, "nothing good dwells in me" (p. 31).

53. For this point, see especially the review by James D. G. Dunn, *JTS* 45 (1994): 242–45.

54. Sanders, *Paul and Palestinian Judaism*, 115.

55. *Ibid.*, 223–28, 232.

'good deeds are the *condition* of remaining "in." . . . Here surely the Luth-
erans are entitled to counterattack with a 'sola fide.'"⁵⁶

For Paul, as well as Caird and others, the only *condition* for salvation was faith; obedience was the outworking of that faith ("fruit"). In Judaism, by contrast, the *condition* was obedience, and this obedience was not simply the outworking of faith or grace but was (unaided?⁵⁷) human effort. Moule expresses this point well (using terms such as *by*, *depend on*, *cause*, and *means of* instead of *condition*).

If the Jew was "in" (i.e. within the Covenant) unless he deliberately put himself "out" by flagrant transgression, this does not alter the fact that "staying in" does therefore depend on observance: a code of laws does play an essential part, though not in the initiation of "salvation," which is by pure grace, yet in its maintenance. If, then, by contrast, Paul (while agreeing that the initial offer of salvation is purely by the grace of God) holds that both its acceptance and its maintenance are by faith rather than by adherence to any law-code, and that conduct such as, he believes, in fact fulfils the Law (in its spirit, if not in its letter) is an effect of this faith-union but in no way its cause, then he is not only setting up a sharp contrast between faith and Torah religion (which Dr. Sanders agrees he is doing), but is, by implication, contrasting the maintenance of the convenantal [*sic*] relation for Christians by faith with the maintenance of it in Judaism by "works"; and this latter does seem to me not far off from the "legalism" (convenient though unbiblical term?) which Dr. Sanders holds that Paul is not attacking. . . . That both the Jew (according to "covenantal nomism") and the Christian (according to Paul) are "out" if "good works" do not follow is certainly true, but this is no proof that "good works" play the same role in both systems of salvation. In the one they are part of the means of "staying in," in the other they are a symptom of "staying in."⁵⁸

The issue turns out to be not *whether* obedience is a condition but *in what sense* obedience is a condition.⁵⁹ That is, both Second Temple Judaism and Paul agreed that obedience *was not a condition for initial entry* ("by pure grace" in Judaism, "purely by the grace of God" in Paul). Likewise, both

56. Caird, "Paul and Palestinian Judaism: A Comparison of Patterns of Religion," 542, emphasis added. See also Robert H. Gundry, "Grace, Works, and Staying Saved in Paul," *Bib* 66 (1985): 1–38, esp. pp. 11, 35; and Laato, *Paulus und das Judentum*.

57. For "aided" or "unaided" human effort, see the section on synergism, pp. 388–391 below.

58. Charles F. D. Moule, "Jesus, Judaism, and Paul," in *Tradition and Interpretation in the New Testament: Essays in Honor of E. Earle Ellis* (ed. G. Hawthorne; Grand Rapids: Eerdmans, 1987), 48–49.

59. Even Martin Luther held that "works are a condition, but not a cause, of salvation" ["*opera sunt necessaria ad salutem, sed non causant salutem, quia fides sola dat vitam*," Luther WA 30 II.663.3–5; 39 I.254.27–30], quoted in Alister E. McGrath, *Iustitia Dei: A History of the Christian Doctrine of Justification* (2nd ed.; New York: Cambridge University Press, 1998), 214, and 457–58 n. 35.

agreed that obedience *was a necessary condition for remaining in* this graciously bestowed status. That is, to cite Moule again, “both the Jew (according to ‘covenantal nomism’) and the Christian (according to Paul) are ‘out’ if ‘good works’ do not follow.” In Judaism, however, humans must obey *in order to stay in* (“part of the means of staying in” = instrumental cause), whereas in Paul humans obey *as a result of staying in* (“a symptom of” = fruit of the Spirit, evidential only).

This is a much larger theological issue than can be dealt with in this paper.⁶⁰ The issue here turns out to be precisely the relation of faith and obedience in both Paul and in Judaism. Jewish legalism, it is asserted, views human obedience *apart from faith* as the necessary condition for “remaining in.” Paul, on the other hand, is thought to view obedience as “*only* (but not unimportantly) a *sign* of staying in, faith being the [only] necessary and sufficient condition of staying in as well as of getting in.”⁶¹ If, however, it could be demonstrated that Jewish sources, too, viewed human obedience as the fruit of divine inworking, that is, of faith and grace, rather than as the instrumental cause of remaining, would this make a difference?⁶² Or if it could be demonstrated that human obedience, even as fruit, constitutes a condition in Paul for passing the final judgment, would that make a difference?⁶³ For those on this renewed quest for Jewish legalism, one suspects the answer would be “no,” because the fundamental distinction between Paul and Judaism is seen to lie in the next and last point: Jewish synergism.

SYNERGISM

Although acknowledging that Palestinian Judaism did not hold to a crass sort of legalism (good works earn divine favor), Robert Gundry does charge it with being synergistic.

In view of Sanders’ discussion, it may be too much to say that in Pal[estian] Jud[aism] good works were always thought to earn God’s favor according to a bookish weighing of merits. But in view of the many passages in Pal[estian] Jewish literature that Sanders cites concerning atonement by good works, it is not too much to say that in Paul’s presentation of Pal[estian] Jud[aism] good works constitute a righteousness necessary at least to activate God’s grace for the forgiveness of sins. *Paul will have none of this synergism.*⁶⁴

60. James B. Torrance, for instance, speaks of “contractual” [conditional] versus “covenantal” [unconditional] obligations, and highlights Calvin’s differentiation between “legal repentance” (repent [condition to be met] and you will be forgiven) and “evangelical repentance” (you have been forgiven, therefore repent); see Torrance’s introduction to John McLeod Campbell’s *The Nature of the Atonement* (Grand Rapids: Eerdmans, 1996), 6, 11–12.

61. Gundry, “Grace, Works, and Staying Saved in Paul,” 35 (original emphasis).

62. On the Jewish and Christian metaphorical use of “(bear) fruit” for deeds as result, see Friedrich Hauck, καρπός, καρποφορέω, TDNT 3:614–16.

63. See the discussion of this point in my *Paul, Judaism, and Judgment according to Deeds* (SNTSMS 105; New York: Cambridge University Press, 1999), 288–90, esp. nn. 11–12.

64. Gundry, “Grace, Works, and Staying Saved in Paul,” 19 (emphasis added).

This charge that Palestinian (or Second Temple) Judaism was synergistic and thereby differed from Paul has been echoed by others. "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." Covenantal nomism is in reality "synergistic nomism." "By synergism we mean simply that the actions of men are believed to affect their eschatological salvation."⁶⁵

This debate over synergism appears to be especially a Reformation-related issue, less prevalent in Orthodox and Catholic discussions. Synergy has been a "key concept in the Orthodox theology of grace, where it designates the cooperation . . . of man in the work of salvation carried out in him by God. The Christian East almost entirely escaped the Pelagian crisis" which was "introduced from Augustine on into the Latin theology of grace."⁶⁶ Likewise, "Catholic doctrine is always clear that both man's power to work at his salvation and the exercise of that power (by efficacious grace) are the gift of God's grace," that is, not independently exercised.⁶⁷

Luther reformulated the Augustinian position on the depravity of the human will, thereby rejecting human cooperation in the achieving and obtaining of salvation and resulting in soteriological monergism.⁶⁸ His "theology of grace was set forth as a protest against synergism."⁶⁹ As early as the generation of Philipp Melancthon, however, Luther's monergism was perceived to be problematic and a moderate synergism was suggested in response to increasing moral laxity among confessing Lutherans. In the outworking of conversion "the human will can co-operate with the Holy Spirit and God's grace."⁷⁰ This led to the Majorist and Synergist controversies and resulted in the formal rejection of Melancthon's modified synergism in the Formula of Concord (1577). His position was seen as

65. Eskola, "Paul, Predestination and 'Covenantal Nomism': Re-assessing Paul and Palestinian Judaism," 396–97, 404–6. In addition to Gundry, Eskola lists Hagner and Laato as proponents (405, n. 34). See also now Simon J. Gathercole, *Where Is Boasting? Early Jewish Soteriology and Paul's Response in Romans 1–5* (Grand Rapids: Eerdmans, 2002); Ed Condra, *Salvation for the Righteous Revealed: Jesus Amid Covenantal and Messianic Expectations in Second Temple Judaism* (AGJU 51; Leiden: Brill, 2002); and, in a somewhat more popular format, Guy Prentiss Waters, *Justification and the New Perspectives on Paul: A Review and Response* (Phillipsburg, NJ: P & R, 2004).

66. Jean-Yves Lacoste, *Encyclopedia of Christian Theology* (New York: Routledge, 2005), 3:1758.

67. Karl Rahner and Herbert Vorgrimler, *Theological Dictionary* (New York: Seabury, 1973), 452.

68. C. G. Fry, "Synergism," in *Evangelical Dictionary of Theology* (ed. Walter A. Elwell; 2nd ed.; Baker Reference Library; Grand Rapids: Baker, 2001), 1161–62. While Luther was deeply concerned to maintain this fundamental *distinction* between divine action (justification by grace through faith) and human response (sanctification, works), he was equally concerned to deny any *division*; that is, they belong and work together, they "cooperate."

69. Lacoste, *Encyclopedia of Christian Theology*, 1538.

70. "Synergism," in *The Oxford Dictionary of the Christian Church* (ed. Frank L. Cross and Elizabeth A. Livingstone; 3rd ed.; New York: Oxford University Press, 1997), 1568.

weakening total depravity and detracting from the sole sufficiency of divine grace in salvation.⁷¹

That, however, was not the end of synergistic controversy among Protestants. With their greater stress on the necessity of holiness or sanctification, the traditions associated with Jacob Arminius and John Wesley have often been considered synergistic.⁷² Berkouwer can speak in this regard of Wesley's "insidious nomism" and "tendency toward synergism, in spite of his adherence to Sola-fide."⁷³ For an attempt to rekindle debate among evangelical interpreters over a modified synergism, see now Paul Rainbow's vigorous appeal in *The Way of Salvation*.⁷⁴

On a purely lexical level, synergism refers simply to the "working together" of divine grace and human responsibility (Gk., συνεργέω, συνεργός; Lat., *synergismus*). That both Paul and Judaism held to some type of divine-human cooperation in the process of salvation is generally acknowledged.⁷⁵ The charge that Judaism was synergistic in a way that Paul was not seems to focus on the *independent* (that is, *unaided*) *exercise of human freedom* in obedience. Both Paul and Judaism called for the exercise of human obedience or works. A difference is perceived by interpreters, however, in that this exercise was the fruit, or result, of grace and faith in Paul (thus faith, and not obedience, remains the only condition of maintaining status), whereas in Judaism it was not so clearly the fruit or result of divine grace but was more an independent, human exercise of free will. This *independent exercise* of obedience would diminish the greatness or all-sufficiency of divine grace in salvation. However, as suggested above, Jewish texts do not envision human obedience to God's commands as an independent exercise of human freedom. Whether explicitly stated or not, human obedience is ultimately traceable to the working of divine grace.

Thus, this particular rediscovery of Jewish legalism qua synergism turns out to be less a matter of what Pauline and Jewish texts say and more

71. See Luther D. Peterson, "Synergist Controversy," in *The Oxford Encyclopedia of the Reformation* (ed. Hans J. Hillerbrand; 4 vols.; New York: Oxford University Press, 1996), 4:133–35. Also, Ernst Friedrich Fischer, *Melanchthons Lehre von der Bekehrung: Eine Studie zur Entwicklung der Anschauung Melanchthons über Monergismus und Synergismus unter besonderer Berücksichtigung der psychologischen Grundlage und der prädestinatianischen Konsequenzen* (Tübingen: Mohr Siebeck, 1905).

72. C. G. Fry, for instance, lumps Pelagius, Erasmus, Arminius, and Wesley together as supporters of synergism or freedom of the will, over against monergists such as Augustine, Luther, and Calvin (Fry, "Synergism," 1161–62). On Wesley and synergism, see Kenneth Dean Streitenberger, "John Wesley's Theology of Salvation with Respect to the Synergistic Element Therein" (Th.M. thesis, Boston University, 1972); also Robert V. Rakestraw, "John Wesley as a Theologian of Grace," *JETS* 27 (1984): 193–203; and Manfred Marquardt, "John Wesley's 'Synergismus,'" in *Einheit der Kirche* (ed. L. Hein; Wiesbaden: Steiner, 1977), 96–102.

73. Gerrit C. Berkouwer, *Faith and Sanctification* (Grand Rapids: Eerdmans, 1952), 52.

74. Paul A. Rainbow, *The Way of Salvation: The Role of Christian Obedience in Justification* (Waynesboro: Paternoster, 2005).

75. See, for example, Phil 2:12b–13, "work out [κατεργάζεσθε] your own salvation with fear and trembling; for it is God who is at work in you [ὁ ἐνεργῶν ἐν ὑμῖν], enabling you both to will and to work [καὶ τὸ ἐνεργεῖν] for his good pleasure."

a matter of one's already determined soteriology, that is, it is a resurrection of Reformation debates over synergism. When Paul states, "So let us not grow weary in doing what is right, for we will reap at harvest time, if we do not give up" (Gal 6:9), he appears to make the doing of good works a condition ("if") for inheriting eternal life (v. 8). The language of works and conditionality does not differ here from that in Jewish texts. What differs is the already determined soteriological system into which the respective statements are fitted.⁷⁶ Those tending toward an Augustinian, monergistic position will probably view covenantal nomism as a legalistic decline, while those inclined toward the type of divine-human cooperation in salvation seen in Melancthon, Wesley, and others will see covenantal nomism as a fair representation of their position.

CONCLUSION

One major element of an ever-louder call to go beyond the NPP is a revision of Sanders's new perspective on Judaism. These attempts at this revision of Judaism qua nonlegalistic covenantal nomism walk a tightrope. The simple return to a pre-1977 view of legalistic Judaism is unacceptable; yet a wholly nonlegalistic Judaism contradicts the revisers' understanding of Paul's letters. Thus, we have witnessed a continued quest to rediscover a legalistic Judaism that does not repudiate Sanders's fundamental challenge to traditional Christian views of first-century Judaism.

This paper has surveyed a number of these attempts and found them wanting for various reasons. In particular, and building upon my previous work in defining legalism, many attempts founder on a deficient understanding of legalism. Too often, they identify some aspect of Jewish texts (e.g., casuistry, focus on doing) and inappropriately call it legalism. This is inappropriate because the very same aspect or emphasis in Pauline texts would not be called legalism. Although using other terminology (e.g., synergism), this continued quest represents a return to a pre-1977 perspective of Judaism as legalistic.

The discussion of synergism at least raises the possibility that much of the continued debate over legalism in first-century Judaism and in the NPP amounts to a resurrection of Reformation debates over synergism. It should not come as a surprise in this postmodern era that our preunderstanding may play a crucial role in historical and exegetical analysis.

76. See Roger E. Olson, *The Mosaic of Christian Belief: Twenty Centuries of Unity and Diversity* (Downers Grove, IL: InterVarsity, 2002), 277–86. Olson argues that both monergism (in Augustine, Luther, and Calvin) and synergism (in most early Fathers, Erasmus, Arminius, and Wesley) have characterized varying parts of the Great Tradition of Christianity. He notes that both sides believe divine grace is always predominant but disagree on the relation of human cooperation to this divine initiative, and he pleads that both have a place.