

## CHAPTER ONE



### Undeserved Grace Versus Strict and Deserving Obedience in Early Judaism

**P***aul and Palestinian Judaism*, by E. P. Sanders, marked a watershed in New Testament studies. Sanders's work was fundamentally a corrective to New Testament scholarship that had been all too ready to malign first-century and rabbinic Judaism as legalistic. Consequently, he rightly emphasized the central and significant roles that God's election and mercy played in Jewish thought.<sup>1</sup> Crucial to the "new perspective on Paul" has been Sanders's assertion that the Jews never understood the law to require perfect obedience. On the contrary, obedience to the law was set within the framework of God's election and covenant relationship with Israel. Should one fall short and transgress, the law itself provided means of atonement. Sanders attempted to account for material that would appear, on first glance, to indicate that the Jews saw the law as requiring rigorous or perfect obedience.

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<sup>1</sup> Sanders's understanding of Judaism has garnered nearly universal assent. Even Jacob Neusner, while strongly disagreeing with Sanders on methodology, agrees that "covenantal nomism" is a correct depiction of Judaism: "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" ("Comparing Judaisms," *HR* 18 [1978]: 180; see also pp. 177–78; Boyarin, *Radical Jew*, 47). Likewise in 1993: "I find myself in substantial agreement with both the classificatory language he uses ['covenantal nomism'] and the main points of his characterization of that common piety of ancient Israel in the first century" (Jacob Neusner, *Judaic Law from Jesus to the Mishnah: A Systematic Reply to Professor E. P. Sanders* [South Florida Studies in the History of Judaism 84; Atlanta: Scholars Press, 1993], x).

Klyne R. Snodgrass, on the other hand, has identified a crucial point that would significantly alter Sanders's formulation.<sup>2</sup> Snodgrass called attention to the sheer quantity of material in Judaism that speaks of God judging strictly on the basis of human works and accomplishment of the law. If Snodgrass's assessment is right, then intertestamental and Tannaitic Jewish thought typically hovered between two logically irreconcilable poles: God would judge the elect people according to mercy, and yet God would judge all people impartially on the basis of their works. Snodgrass points out that the *shape* of this tension differs from document to document. Some writings may emphasize God's grace and mercy, while others may emphasize God's strict judgment on the basis of law-observance. Jewish writings from this time period are distinguished in part by the balance they maintain between these two poles. In his concern to emphasize the gracious elements of Judaism, Sanders may have gone too far when he denied that there are admonitions throughout this literature to observe perfectly what God enjoins in the law. If it is true that the Jews often saw the law as requiring strict, perfect obedience, the key premise in the "new perspective on Paul" would be wrong.

### I. *Jubilees*<sup>3</sup>

*Jubilees* is a showcase for Sanders's exposition of Judaism. Central to the document is Israel's election as a people before God. Written in the midst of a cultural crisis as Hellenism was making inroads into Jewish society, *Jubilees* gives detailed consideration to those laws that distinguished the elect people from the Gentiles.<sup>4</sup> Within the boundaries marked by these laws, one would find a gracious and merciful God. Outside of them, one would encounter strict judgment. Yet even within the gracious framework of election and mercy, *Jubilees* still maintains that God's law is strictly to be obeyed.

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<sup>2</sup>Klyne R. Snodgrass, "Justification By Grace—To the Doers: An Analysis of the Place of Romans 2 in the Theology of Paul," *NTS* 32 (1986): 72–93.

<sup>3</sup>Citations are from the translation by O. S. Wintermute in *OTP*, 2:52–142.

<sup>4</sup>On the dating of *Jubilees*, see George W. E. Nickelsburg, *Jewish Literature between the Bible and the Mishnah: A Historical and Literary Introduction* (Philadelphia: Fortress, 1981), 78–79. Because of the polemic against certain Gentile practices prevalent prior to the revolt (e.g., nudity, Gentile feasts, intermarriage, and idolatry), Nickelsburg prefers a date just prior to the Maccabean revolt in 168 B.C.E.

Throughout his retelling of Gen 1 to Exod 12, the author of *Jubilees* weaves into his narrative legal concerns that betray his own situation. To begin with, Israel is God's elect people, *all* Israel (1:17–18, 25, 28; 16:17–18; 19:18; 22:11–12). Israel enjoys a special covenantal relationship with God that was bequeathed from the patriarchs (6:17–19).<sup>5</sup> As God's special people, it remains incumbent upon the Jews to follow those laws that distinguish them from the Gentiles (2:21). The Sabbath is not only a sign of election but also an identity marker (2:19, 31). The Jews are not to intermarry with the Gentiles or even to eat at the same table or associate with them (22:16; 30:7–8). Idolatry is forbidden (1:9; 11:16; 12:2; 20:7; 22:22; 36:5). The Jews must keep the Festivals of Weeks, Tabernacles, and Passover (6:17; 16:29; 49:4–8). They must circumcise (15:11, 25–27). They must give tithes (13:25–27). There must be no incest or nakedness (3:31; 33:10).<sup>6</sup> In short, the Jews must not live as the Gentiles. All the Gentiles' ways are "unrighteous" and "unclean" and lead to idolatry (22:16; 35:13). Moses at one point pleads with God that the people might never come under foreign domination lest they succumb to idolatry and pagan ways (1:19). Given this emphasis, it is no surprise that *none* of Canaan's offspring will be saved (22:20–21; 32:19). To act unrighteously is *defined* as to live and behave as a Gentile.

While all Jews number by birth among an elect people, an individual could still compromise his or her status among the elect. *Jubilees* lists a group of sins that remove one from the elect, covenant people: violations of the Feasts of Weeks (6:17) or Tabernacles (16:29–30), failure to tithe (13:25–26), nakedness (3:31), failure to observe the period of uncleanness after childbirth (3:8–11), giving the younger daughter into marriage first (28:6), adultery (39:6), and violence against a brother (4:5). Violations of these laws are "eternal errors" against the laws "writ-

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<sup>5</sup> Moses renews the feast of Shabuot at Mt. Sinai. This feast is set on the fifteenth day of the third month, the very day God established the feast with Noah (6:1–21). This is also the designated date for God's covenant with Abraham (14:1–20), the changing of Abram and Sarai's names, the institution of circumcision (15:1–34), Isaac's birth and weaning (16:13; 17:1), Jacob's covenant with Laban (29:7–8), and Jacob's celebration at the Well of Oaths (44:1, 4). The shared date suggests continuity between the covenant relationship with the patriarchs and the Sinaitic legislation. There is only *one* ancient covenant between God and his people, and even the patriarchs observed the Sinaitic laws (in advance of their reception); John C. Endres, *Biblical Interpretation in the Book of Jubilees* (Washington, D.C.: Catholic Biblical Association of America, 1987), 227.

<sup>6</sup> Naked youths who had attempted by epispasm to conceal their circumcision participated in the games of the Jerusalem gymnasium at the height of Hellenism prior to the Maccabean era (1 Macc 1:11–15; 2 Macc 4:9, 12–14; Josephus, *Ant.* 12.240–241).

ten on the heavenly tablets.” Yet *Jubilees*, as Sanders observes, does not explicitly exclude atonement for these sins.<sup>7</sup> However, there is no atonement for violating the Sabbath (2:27, 33), eating meat with blood (6:12–13; 21:18, 22–24), defiling one’s daughter (30:10, 16), or lying with one’s father’s wife (33:13, 15–17). Both categories include especially egregious sins and violations of the laws maintaining Israel’s unique identity. Such transgressions jeopardize one’s status within the covenant.<sup>8</sup>

What about less serious sins? The author speaks regularly of God’s mercy toward the obedient, that is, those who by their actions affirm that they wish to remain within the covenant. To those who are obedient in this covenantal sense, God is rich in mercy and may be appealed to for mercy (23:31; 31:25; 45:3). *Jubilees* fully recognizes that people sin. In light of this situation, the author praises repentance (1:22–23; 23:26; 41:23–27). Although *Jubilees* otherwise strongly opposes incest, the author’s retelling of the story of Judah and Tamar specifies repentance as a mitigating factor.<sup>9</sup> Along with repentance, God accepts the *prayers* of a repentant heart.<sup>10</sup> *Jubilees* also heartily affirms the value of the sacrificial system (6:14; 50:10–11). The daily sacrifices atone for sin, and the Day of Atonement is efficacious (34:18–19).<sup>11</sup> Thanks to God’s gracious provisions, the elect are the majority of Israel, all those who seek to remain within the covenant.

Thus one could be “righteous” even when not perfectly obedient. It would be easy to conclude from this that the law does not demand strict obedience. Nevertheless, the people’s sins were never ignored but always had to be reconciled with God’s will through a process of atonement and repentance. God’s demands were never set aside. Indeed, it is perfection of conduct that remains the ideal. “All of his commands and his ordinances and all of his law” are to be carefully observed “without turning aside to the right or left” (23:16). In 5:19: “[God] did not show partiality, except Noah alone . . . because his heart was righteous in all of his ways just as it was commanded concerning him. And he did not transgress anything which was ordained for him.” Noah, while the recipient of God’s mercy (10:3), did “just as it was commanded” and was

<sup>7</sup> Sanders, *Paul and Palestinian Judaism*, 368–69.

<sup>8</sup> See Sanders (ibid., 367–71) for a full discussion.

<sup>9</sup> Or in the case of Reuben’s sin, *Jubilees* maintains that the covenant was not yet fully revealed. While Reuben and Judah violated the most serious, covenant-denying sins, the author’s rationalization of the ancestor’s sin implicitly denies the possibility of repentance for such sins in his own day.

<sup>10</sup> Sanders, *Paul and Palestinian Judaism*, 379–80.

<sup>11</sup> Except in certain extreme instances, as mentioned above, or, for example, giving one’s daughter in marriage to a Gentile (30:13–16).

“righteous in all of his ways.” “He did not transgress.” Jacob is “a perfect man” (27:17). Leah “was perfect and upright in all her ways,” and Joseph “walked uprightly” (36:23; 40:8). While there is mercy for God’s elect, the requirement of right conduct “in all things” (21:23) is still upheld and admonished through these exemplary models. While Israel enjoys an elect status, the law must still be obeyed (20:7: “to be joined to all his commands”; 1:23–24: “cleave to me and to all my commands”). Israelites’ observance of the law and strict avoidance of sin is at least a partial factor in being considered “friends” of God:

All of these words I have written for you, and I have commanded you to speak to the children of Israel that they might not commit sin or transgress the ordinances or break the covenant which was ordained for them so that they might do it and be written down as friends. But if they transgress and act in all the ways of defilement, they will be recorded in the heavenly tablets as enemies. (30:21–22)<sup>12</sup>

In 10:7–8 Mastema, the chief of the spirits, asks the Lord with respect to the people: “O Lord, Creator, leave some of them before me, and let them obey my voice. And let them do *everything* which I tell them.” God tells Abram in 15:3 to “be pleasing before me and *be perfect*.” Abraham is then praised in 23:10, since he “*was perfect in all of his actions* with the Lord and was pleasing through righteousness all of the days of his life.”<sup>13</sup> The author therefore looks forward to the day when Israel will be *perfectly* obedient (1:22–24; 5:12; 50:5). Sanders admits from these passages: “Perfect obedience is specified.”<sup>14</sup> He also writes: “As we have now come to expect, the emphasis on God’s mercy is coupled with a strict demand to be obedient.”<sup>15</sup> Every word of this statement must be given its due weight. What the above passages show is that, while there is provision for sin and failure, the ideal remains strict and perfect obedience of the law.

Sanders emphasizes mercy and forgiveness in *Jubilees* at the expense of the law’s strict and ideal demand. He attempts to resolve the logical tension between God’s mercy toward the elect and the rigorous demands of the law in favor of the former, since *Jubilees* can speak of *sin-*

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<sup>12</sup>In fact, in *Jub.* 23 the nation is punished for having disobeyed God’s laws; George W. E. Nickelsburg, “The Bible Rewritten and Expanded,” *Jewish Writings of the Second Temple Period* (ed. Michael E. Stone; CRINT 2.2; Philadelphia: Fortress, 1984), 99–100.

<sup>13</sup>Nor was Abraham’s obedience a matter of his own human achievement. Abraham prays for God’s help with respect to his conduct in 12:20.

<sup>14</sup>Sanders, *Paul and Palestinian Judaism*, 381.

<sup>15</sup>*Ibid.*, 383.

ners as those who are righteous by means of God's own provision for sin.<sup>16</sup> Therefore: "Righteousness as perfect or nearly perfect obedience is not, however, the 'soteriology' of the author."<sup>17</sup> While it is true that perfect or nearly perfect righteousness is not the *soteriology* of the author, it does remain the ideal with respect to the law's demand for obedience. The danger of legalism is that it downgrades God's mercy and election. The danger of Sanders's position is that he often downgrades the strict demands of the law. As much as *Jubilees* understands the law as an ethnic identity/boundary marker, and as much as *Jubilees* speaks of God's mercy toward an elect and often sinful people—unlike the strict judgment of the Gentiles (5:12–18; 23:31)—it remains true for the author that God intended the law to be obeyed *without transgression*.

## II. The Qumran Literature<sup>18</sup>

The Qumran community called itself the "house of the law" and the "Community in law" (CD 20.10, 13; 1QS 5.2). Those who entered the community agreed to "return to the law of Moses."<sup>19</sup> What did this commitment to the law mean in actual practice? To begin with, it entailed unusual devotion. Wherever ten covenanters gathered, each member was required to take his turn studying and expounding the Torah so that the Torah was studied day and night without a break (1QS 6.6–8). The entire community would gather for a third of the night to study the Torah and recite the benedictions and prayers (1QS 6.6–8). Four hours of every member's day was to be spent in the Torah.<sup>20</sup> But even beyond

<sup>16</sup> Ibid., 380–83.

<sup>17</sup> Ibid., 382. Sanders (p. 379) argues that in fact *Jubilees* is not so strict, since it affirms repentance and God's mercy. This is a confusion, in my opinion, between the legal demand and the larger framework of Judaism, which is inclusive of God's election and mercy.

<sup>18</sup> All citations and quotations are from Florentino García Martínez, *The Dead Sea Scrolls Translated: The Qumran Texts in English* (trans. Wilfred G. E. Watson; 2d ed.; Leiden: E. J. Brill, 1996). Citations of 1QH will differ from Geza Vermes (*The Dead Sea Scrolls in English* [4th ed.; New York: Penguin Books, 1995]), and likewise Sanders, since I am following Martínez's numbering system. Vermes's numbers for the Thanksgiving Hymns are in parentheses.

<sup>19</sup> 4QD<sup>b</sup> 17 I,3 (=CD-A 15.9, 12); 4QD<sup>c</sup> 2 II,3–4, 6–7 (=CD-A 16.1–2, 4–5); 1QS 5.8–9.

<sup>20</sup> Eckhard J. Schnabel, *Law and Wisdom from Ben Sira to Paul: A Tradition History Enquiry into the Relation of Law, Wisdom, and Ethics* (Tübingen: J.C.B. Mohr [Paul Siebeck], 1985), 182.

this great devotion, to “return to the law of Moses” meant especially a commitment to perfect obedience.

### *A. Observance of “All” the Law*

The Qumran documents show that there were elements in Judaism that stressed thoroughgoing obedience of the law prior to 70 C.E. In fact, the necessity of striving toward perfect fulfillment of the law is a major motif throughout the Qumran literature. The demand was strict and absolute:

1 QS 1.13–17: They shall not stray from any one of all God’s orders concerning their appointed times; they shall not advance their appointed times nor shall they retard any one of their feasts. They shall not veer from his reliable precepts in order to go either to the right or to the left. And all those who enter in the Rule of the Community shall establish a covenant before God in order to carry out all that he commands and in order not to stray from following him.

1QS 3.9–11: May he, then, steady his steps in order to walk with perfection on all the paths of God, conforming to all he has decreed concerning the regular times of his commands and not turn aside, either left or right, nor infringe even one of his words.

1QS 5.1: This is the rule for the men of the Community who freely volunteer to convert from all evil and to keep themselves steadfast in all he prescribes in compliance with his will.

1QS 5.8: He [anyone entering the Community] shall swear with a binding oath to revert to the Law of Moses with all that it decrees, with whole heart and whole soul, in compliance with all that has been revealed concerning it to the sons of Zadok.

1QS 5.20–22: And when someone enters the covenant to behave in compliance with all these decrees, enrolling in the assembly of holiness, they shall test their spirits in the Community (discriminating) between a man and his fellow, in respect of his insight and of his deeds in law, under the authority of the sons of Aaron, those who freely volunteer in the Community to set up his covenant and to follow all the decrees which he commanded to fulfil.<sup>21</sup>

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<sup>21</sup> See also 1QS 4.22; 8.10, 15, 18, 22; 9.9–10, 19; 10.21 with their references to “perfect” behavior. Herbert Braun tracks each use of the word “all” (כֻּל) in its immediate context throughout the Community Rule; “Beobachtungen zur Tora-Verschärfung im häretischen Spätjudentum,” *TLZ* 79 (1954): 350 n. 21. He concludes (p. 350): “alles, was Gott befohlen hat; alle Gebote sind zu halten.” He

Nor is this emphasis on doing *all* the law distinctive of the *Rule of the Community* (1QS). *Damascus Document* (CD) 15.12–14 speaks of one who wishes to enter the community:

But when he has imposed upon himself to return to the law of Moses with all his heart and all his soul [they will exact revenge] from him if he should sin. . . . And if he fulfils all that has been revealed of the law. . . .

CD 16.6b–8: And as for what he said [Deut 23:24]: “What issues from your mouth, keep it and carry it out.” Every binding oath by which anyone has pledged to fulfil the letter of the law, he should not annul, even at the price of death.

And, as with the *Rule of the Community*, there are several references to the need for “perfect” behavior (e.g., CD 2.15; 20.2, 5, 7). Even the hymns make reference to “perfection” of way (e.g., 1QH<sup>a</sup> 9[=1].36).

### *B. Forgiveness and Atonement as Mitigating Factors*

What if a member sinned and fell short of the perfection required by the law? Certain sins within the community, such as blasphemy during the reading of the law or praying, or slandering or murmuring against the community’s leadership, resulted in an automatic expulsion from the community (e.g., 1QS 7.18–19). The expulsion for these sins was permanent, irrevocable, and entailed a complete loss of one’s status within the elect community and no hope for a place in the world to come. Other sins led to a one- or two-year suspension, a trial period prior to readmittance to full membership (1QS 6.24–25).<sup>22</sup> Those who had been community members for ten years were held to a stricter standard; if they willfully sinned, they would be permanently expelled (1QS 7.22–27). There were even stricter penalties for the “men of perfect holiness” in 1QS 8. Any intentional sin on their part would result in permanent expulsion from the community (1QS 8.1–4; 8.20–9.2).<sup>23</sup> An

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makes the same point with regard to the *Damascus Document* (pp. 351–52, and n. 28). See also W. D. Davies (“Paul and the Dead Sea Scrolls: Flesh and Spirit,” in *The Scrolls and the New Testament* [ed. Krister Stendahl; New York: Harper & Brothers, 1957], 281 nn. 80–81), who follows Braun in locating 73 instances in the *Rule of the Community* where the word “all” is used with respect to doing the law.

<sup>22</sup> Seven years in the case of a Sabbath violation (CD 12.4–6).

<sup>23</sup> Sanders, *Paul and Palestinian Judaism*, 323–27. There is some debate, though, on the identity of this group. See Sanders, *Paul and Palestinian Judaism*, 301–3; Paul Garnet, *Salvation and Atonement in the Qumran Scrolls* (WUNT 2/3; Tübingen: J.C.B. Mohr [Paul Siebeck], 1977), 85–86; and Robert J. Daly,



inadvertent sin would lead to a two-year expulsion. Of course, the sin that always damned was a failure to accept the commandments of the law as revealed to the community. In short, the penalties for sin were in many cases quite severe.

Sanders rightly stresses the availability of a system of atonement and correction for sin at Qumran (particularly right conduct). However, far from mitigating the strict requirement of the Qumran halakah to be perfect in deed, the system of atonement confirms it. Each sin had to be atoned for in some way for the individual to be restored to a proper status as an individual of “perfect righteousness.” Any sin rendered the individual impure and out of favor before God and the community until that sin had been properly rectified. For example, CD 10.2–3 says: “No-one who has consciously transgressed anything of a precept is to be believed as a witness against his fellow, until he has been purified to return.”

Even with these provisions for sin, Qumran members still expressed an intense self-awareness of sin in their hymnic material.<sup>24</sup> Far from finding perfect obedience a matter of due course, they struggled individually with living in a fully righteous manner before God. 1QH<sup>a</sup> 12(=4).29–33 laments falling short of the “perfect path” required by God. Community members looked forward to the eschaton when they would be “cleansed” of this tendency toward sin (1QS 3.21–23; 4.18–22; 11.14–15; 1QH<sup>a</sup> 14[=6].8–10; 7[=15].15–17).<sup>25</sup> So then, how could they speak so insistently of “perfect righteousness”? As Sanders underscored, such status flowed out of God’s gracious and merciful relations with the elect community (e.g., 1QH<sup>a</sup> 12[=4].37; 15[=7].30; 19[=11].29–32).<sup>26</sup>

Does this emphasis in the Qumran scrolls on God’s mercy and graciousness rule out a strict judgment according to works? Sanders writes:

That the requirement for legal perfection is set within a context of gratuity is made clear when one considers a group of statements concerning reward and punishment. The reward even of perfection is said to be by God’s *mercy* while the wicked receive the punishment *deserved* by them. . . . *The principal point of the punishment for deeds but reward by mercy*

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*Christian Sacrifice: The Judaeo-Christian Background Before Origen* (Studies in Christian Antiquity 18; Washington, D.C.: Catholic University of America Press, 1978), 164–67.

<sup>24</sup> See Sanders, *Paul and Palestinian Judaism*, 273–84.

<sup>25</sup> *Ibid.*, 279–80, 283–84, 291.

<sup>26</sup> Sanders himself points out the dilemma between the requirement of perfect obedience and the failure to live up to the standard (*ibid.*, 288–90). He attempts to resolve the dilemma by arguing that the failure to live up to God’s standard refers to humanity’s condition *before God*. Perfection must come by means of God’s grace and pardon.

*theme is that, while man can forfeit salvation by transgressions, he can never be sufficiently deserving to earn it by obedience.*<sup>27</sup>

For Sanders, obedience is always the response to God's grace toward his elect.<sup>28</sup> While God is indeed merciful, 1QS 4.6–8 is unmistakably clear, contra Sanders, that God will reward those who are obedient in their works: "And the visitation of those who walk in it [the counsels of the spirit] will be for healing, plentiful peace in a long life, fruitful offspring with all everlasting blessings, eternal enjoyment with endless life, and a crown of glory with majestic raiment in eternal light." While God is a God of compassion and mercy, he still "pays man his wages" (1QS 10.17–18). 4QPs<sup>f</sup> 8.4–5 says: "[Man is examined] according to his path each one is rewar[d]ed according to his de[de]ds." 1QM 11.14 asserts: "you shall carry out justice by your truthful judgment on every son of man." 1QpHab 8.1–3 says: "Its interpretation concerns all observing the Law in the House of Judah, whom God will free from punishment on account of their deeds and of their loyalty to the Teacher of Righteousness." In other words, alongside those texts that speak of God's mercy and forgiveness of sin (even at the judgment), there are passages that adhere to a strict judgment according to the standard of works.<sup>29</sup> Sanders resolves the tension by subordinating the passages that speak of *all* people being judged according to their works to those passages where God judges the wicked according to works but the elect with mercy and grace (e.g., 1QH<sup>a</sup> 13[=5].6; 14[=6].9; 17[=9].34).<sup>30</sup> While many Qumran passages affirm a judgment according to mercy for the elect, such passages do not exhaust *all* the evidence. The covenanters could also affirm that God would judge all people, even those of the community, on the basis of what they had earned by their works. The two motifs must be allowed to remain in tension.<sup>31</sup>

<sup>27</sup> Ibid., 293.

<sup>28</sup> Ibid., 295–96.

<sup>29</sup> Sanders himself recognizes the Qumran content and cites the texts, but errs, as the next sentence says, by subordinating and minimizing passages where *all* people are judged according to their works to other passages where the elect are *not* judged by their works but by grace. Ibid., 291–94, while even citing these passages.

<sup>30</sup> Ibid., 294. Note that these references fall *outside* the halakah in the context of the hymnic material.

<sup>31</sup> As Sanders himself admits with respect to the strict demand of the halakah: "from the point of view of the *halakah*, one is required to walk perfectly. From the point of view of the individual in prayer or devotional moments, he is unable to walk perfectly and must be given the perfection of way by God's grace"

### *C. The Distinctiveness of the Sectarian Understanding of the Law*

To “return to the Law of Moses” (1 QS 5.7–9) in entering the community was to take upon oneself not only the “revealed things” that would have been clear in Moses to everyone but also the “hidden things” that would have been clear only to the “sons of Zadok” within the sect (1 QS 5.8–9). Yet these “hidden things” were not concoctions of the community’s imagination. Rather, they understood this revelation as embedded and preserved in the Scriptures all along, waiting to be revealed in the days of the Qumran community.<sup>32</sup> Since the law, from the community’s standpoint, had been fully revealed only to its members, only those within the Qumran community could fulfill the law in *all* that it required (CD 14.8; 20.29; 1QSa 1.5–7; 1QS 1.7; 4.22; 5.10–12; 6.15; 9.17–21; CD 20.11, 33). This understanding of the law as, in a certain respect, their own possession no doubt strengthened their sense of God’s election. Members were to be examined on the basis of their observance of this understanding of the law (1QS 5.20–24; 6.14, 17). Anyone who

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(ibid., 288). Unfortunately, Sanders is not consistent on this point. Elsewhere he writes:

Commandments were given which a man was to obey. Perfect obedience was the aim, and, within the tightly ordered community structure, was not considered a totally impossible goal. Infractions were punished, and the acceptance of the punishment, together with the perseverance in obedience, led to full restoration of fellowship (ibid., 286).

Sanders tries to resolve the contradiction by distinguishing between behavior monitored *within the community*, where perfect obedience is possible, as opposed to strict obedience before God, where such perfection is not possible. The problem, though, is that the Qumran material itself does not make such a neat distinction. Perfect obedience was required of *all* the law, not just what was monitored. The devotional material shows the struggles of individuals with that requirement and the need for the grace and mercy available to members of the community; see 1QH<sup>a</sup> 12(=4).37; 15(=7).18–19; 1QS 10.11; 11.2–3, 12–15; Bruce W. Longenecker, *Eschatology and Covenant: A Comparison of 4 Ezra and Romans 1–11* (JSNTSup 57; Sheffield: JSOT Press, 1991), 25. Sanders has led New Testament scholars to assume that perfect obedience of the law is possible. According to the Qumran materials, perfect obedience is *required* by the *halakah*, but it is *not* necessarily possible.

<sup>32</sup>This reinforced their sense of divine election (1QH<sup>a</sup> 6[=14].12–13, 25–26). God had entrusted to *them* the “hidden things” of his law; Sanders, *Paul and Palestinian Judaism*, 317–18. On the distinction between the “revealed things” and the “hidden things,” see also Wayne O. McCready, “A Second Torah at Qumran?” *SR* 14 (1985): 5–15.

did not observe God's law, as they understood it, would be destroyed (1QH<sup>a</sup> 12[=4].26–27; CD 2.6, 19–21; 1QS 5.10–13). Consequently, those outside of the community were lost. While God had established his covenant with the people of Israel, Israel had disobeyed God's law and remained apostate. The covenanters saw themselves as the rightful heirs of Israel's heritage. They were the faithful remnant of Israel.<sup>33</sup>

Could it be that the emphasis on “all the law” throughout the Qumran literature was intended to refer to the legal decrees *peculiar* to the community? Was the emphasis on obeying “all the law” a way of inculcating observance of the community's own sectarian interpretations and revelations? Certainly. Yet to observe the entirety of the laws as the community interpreted them was to take on a *stricter* set of obligations than the laws of the Torah as understood by the rest of Israel. Jerome Murphy-O'Connor points out that anyone who compares CD 6.11–7.4 and its elaboration in CD 9–16 will recognize that it goes *beyond* the Holiness Code of Lev 17–26 and is even more rigorous.<sup>34</sup> The Qumran covenanters were responsible not only for the biblical laws but also for all the additional community rules and regulations, the “hidden matters in which all Israel had gone astray” (CD 3.13–14).<sup>35</sup> To be committed to “all the law” meant to accept not only the new rules of the community but also the increased difficulty that such law-observance required. It *intensified* the requirement of obedience.

### III. Philo<sup>36</sup>

Philo, unlike the rabbis or Qumran, represents a Judaism from the soil of the Diaspora, in the midst of conscious and deliberate interaction with the philosophical trends and fashions of the Gentile world. In this

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<sup>33</sup>Schnabel, *Law and Wisdom*, 175–77. The community was therefore structured along the biblical parameters for historical Israel. They were a community of priests, Levites, and Israelites (CD 3:21–4:4).

<sup>34</sup>Jerome Murphy-O'Connor, “The New Covenant in the Letters of Paul and the Essene Documents,” in *To Touch the Text: Biblical and Related Studies in Honor of Joseph A. Fitzmyer, S. J.* (ed. Maurya P. Horgan and Paul J. Kobelski; New York: Crossroad, 1989), 199–200.

<sup>35</sup>The community's laws are “decisions made by God Himself and are therefore absolute and binding”; Johannes A. Huntjens, “Contrasting Notions of Covenant and Law in the Texts From Qumran,” *RevQ* 8 (1974): 367; see the full discussion on pp. 366–68.

<sup>36</sup>All citations are from the Loeb Classical Library edition published by Harvard University Press.

pluralistic environment, Philo offers an apology for the Mosaic law. Although emerging from a very different setting, certain key motifs in Philo parallel Qumran and *Jubilees*: perfect obedience of the Mosaic law is the ideal and is to be pursued. On the other hand, when an individual fails in that obedience, there remains a larger system that involves mercy and forgiveness.

### *A. The Law, the Requirement of Obedience, and Perfect Obedience*

The figure of Moses occupies a prominent place in Philo's writings. The Jews, led by Moses, are an elect and special people who uniquely possess the law of God.<sup>37</sup> In his *Life of Moses* Philo depicts Moses as the supreme lawgiver, a lawgiver who ranked far above the other great lawmakers of the world. The Jews, as followers of this tradition, are to intercede with God that the Gentiles abandon their ancestral customs to follow the laws of Moses.<sup>38</sup> The Gentiles would thereby be delivered from the evil to the good and thus recognize the Jewish law's universal truth and meaning for their lives. Philo's writings therefore encourage Jewish faithfulness and call the Gentiles to reconsider the law of Moses as the ultimate expression of the Creator.

While Philo reflects the philosophical soil of the Gentile world, he always subordinates those ideas to an ultimately Jewish worldview. *The law of Moses* embodies the very virtues that Stoic and Platonic thinkers valued: courage, magnanimity, and justice. Philo, however, adds to the list a fourth virtue that was not recognized among the Gentiles: repentance. He defines this virtue as the abandonment of atheism, paganism, and polytheism in favor of the God of Moses. Repentant, converted Gentiles would thus join the elect people of Israel. Philo's allegorization of the Abrahamic narratives parallels in many respects Plutarch's approach to Homer's story about Penelope and her suitors. He draws upon

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<sup>37</sup> *Spec.* 1.299–300, 303; E. P. Sanders, "The Covenant As a Soteriological Category and the Nature of Salvation in Palestinian and Hellenistic Judaism," in *Jews, Greeks and Christians* (ed. Robert Hamerton-Kelly and Robin Scroggs; Leiden: E. J. Brill, 1976), 26–33.

<sup>38</sup> *Mos.* 2.44; thus the pattern set by Abraham in *Virt.* 212–214, 219, 221, 226. See Sanders, "The Covenant As a Soteriological Category," 29–30. Similarly, Philo can use Joseph as a model of one who "strongly disapproved" of neglecting the customs of the Hebrews (*Ios.* 202–203). Onan, on the other hand, is rebuked for abandoning Hebrew customs (*Deus* 17–18); Alan Mendelson, *Philo's Jewish Identity* (BJS 161; Atlanta: Scholars Press, 1988), 22–25.

Hellenistic tools in the service of a Jewish perspective.<sup>39</sup> In the biblical narrative, when Abraham does not have a child by Sarah, he turns to Hagar, his Egyptian maidservant. In Philo's interpretation, Hagar represents general education, and Sarah true philosophy. Since Hagar is an Egyptian, one must look for true philosophy among the Jews, the descendants of Sarah. The general education of the Gentiles is only preparatory for the true philosophical task, the study and observance of the Jewish law (*Congr.* 1–24).<sup>40</sup>

Although Philo championed an allegorical approach to exegesis, he firmly resists those who take the allegories too far and deny the literal meaning. In an often-cited passage (*Migr.* 89–93) Philo attacks those who would deny the literal meaning altogether. As he puts it, circumcision does indeed point to the denial of the passions. The Sabbath does indeed point to the Unoriginated's power and the created's need for rest. Yet that does not mean that circumcision and the Sabbath are to be abandoned once their true meaning has been recognized.<sup>41</sup> Even as the soul is not without the body in this life, so also the higher, spiritual meaning of the law derived through allegory must never be severed from the literal meaning. There is never the one without the other.

While Philo may interpret the law in an allegorical manner and often in terms of Hellenistic philosophy, he never denies the importance of the law's prescriptions. The law of Moses mediates true philosophy and knowledge of the eternal, uncreated God.<sup>42</sup> Philo therefore sought to observe the law. He journeyed to Jerusalem and sacrificed (*Prov.* 2.107 [64]). He paid the temple tax and supported the custom of "first-fruits."<sup>43</sup> He elaborates in his writings on the Jewish festivals and synagogue customs. Finally, he urged the Jews to maintain their identity as a witness to the Gentiles. The Gentiles need to repent and adopt the law of

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<sup>39</sup> In Plutarch's allegory, Penelope's chambermaids represented general education, whereas Penelope herself represented philosophy, the true and highest knowledge of nature and the universe.

<sup>40</sup> For a more thorough discussion of the relationship between Judaism and Greek philosophy in Philo's thought, see John M. G. Barclay, *Jews in the Mediterranean Diaspora: From Alexander to Trajan (323 B.C.E.-117 C.E.)* (Edinburgh: T&T Clark, 1996), 163–65. Barclay concludes: "But it is also true that without his faith and his sacred text Philo would never have immersed himself so deeply in philosophy. Philo reads Plato not for his own sake but for the reflection of truths he thinks he has learnt from Moses" (p. 165).

<sup>41</sup> Mendelson, *Philo's Jewish Identity*, 54–62.

<sup>42</sup> *Virt.* 64–65; *Spec.* 1.13–31; 2.164–167.

<sup>43</sup> *Spec.* 1.77–178; E. P. Sanders, *Jewish Law from Jesus to the Mishnah: Five Studies* (Philadelphia: Trinity Press International, 1990), 292–99.

Moses. As Peter Tomson put it, “For Philo, observance of the Jewish Law is a prerequisite to true illumination.”<sup>44</sup>

In chastising those who allegorized the law but did not observe its precepts, Philo’s wording is significant:

There are some who, regarding laws in their literal sense in the light of symbols of matters belonging to the intellect, are overpunctilious about the latter, while treating the former with easy-going neglect. Such men I for my part should blame for handling the matter in too easy and off-hand a manner:<sup>45</sup> they ought to have given careful attention to both aims, to a more full and exact investigation of what is not seen and *in what is seen* [i.e., the laws’ literal sense] *to be stewards without reproach*. . . .<sup>46</sup> It is quite true that the seventh Day is meant to teach the power of the Unoriginate and the non-action of created beings. *But let us not for this reason abrogate the laws laid down for its observance*. . . . It is true also that the Feast is a symbol of gladness of soul and of thankfulness to God, but we should not for this reason turn our backs on the general gatherings of the year’s seasons. It is true that circumcision does indeed portray the excision of pleasure and all passions . . . but let us not on this account repeal the law laid down for circumcising. . . . *so we must pay heed to the letter of the laws*. . . . (Migr. 89–93) [emphasis mine]

Philo encourages an observance of the law in all respects. It is not enough to recognize the inner meaning behind the law and then ignore the actual observance. Even the more difficult laws, such as circumcision and the Sabbath, which most clearly distinguished the Jews from their Hellenistic neighbors and thus involved the greatest social cost, were scrupulously to be obeyed.

In *Praem.* 79–83 (especially 79 and 82, citing Deut 30:10) Philo says that it is not enough to hear or profess the precepts; one must actually do them. Mere words apart from obedient thoughts and actions will not suffice. Individuals will be weighed in the scales (e.g., *Congr.* 164; *Her.* 46). In *Deus* 162 one must not deviate to the right or to the left from the path God has prepared for humanity in the law (*Abr.* 269; *Post.*

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<sup>44</sup>Peter J. Tomson, *Paul and the Jewish Law: Halakha in the Letters of the Apostle to the Gentiles* (CRINT 3.1; Minneapolis: Fortress, 1990), 44. On the other hand, one must not go so far as to make Philo an exclusive particularist who would completely deny wisdom among the Gentiles, especially among Gentile philosophers. On this point, see Barclay, *Jews*, 171–72.

<sup>45</sup>τῆς εὐχερείας (“handling the matter in too easy and offhand a matter”) could be translated more gravely as “licentiousness,” or “tolerance of/indifference to evil” (Liddell-Scott). In neglecting the visible, literal sense of the laws, they have entered into a dangerous situation.

<sup>46</sup>ἀνεπιλήπτου, lit. “blameless.”

101–102; cf. *Leg.* 3.165; the “middle road” of *Migr.* 146). Philo praises Abraham (*Abr.* 192) since “he had not neglected any of God’s commands.” One’s “whole life” should be one of “happy obedience to law” (*Abr.* 5–6).<sup>47</sup>

In *Spec.* 4.143 Philo treats the law as an organic unity when he writes regarding the command in Deut 4:2: “Another most admirable injunction is that nothing should be added or taken away, but all the laws originally ordained should be kept unaltered just as they were.” Philo continues in 4.144: “if there be any adding or taking away, its whole being is changed and transformed into the opposite condition” (see also *Legat.* 117 and *QG* 3.3). Or in 4.147: “In the same way too if one adds anything small or great, . . . or on the other hand takes something away from it, in either case he will change and transform its nature.” Philo sees the law in its entirety as immutable and enjoining complete obedience.<sup>48</sup> It is the fulfillment of *all* that the Lawgiver has provided that gives “possession of justice whole and complete” (4.144). As Philo writes in *Spec.* 4.179: “But the Jewish nation . . . lives under exceptional laws which are necessarily grave and severe, because they inculcate the highest standard of virtue.”<sup>49</sup>

### B. The Merciful Framework and Perfect Obedience

What about sacrifice and atonement? What about Judaism’s gracious and merciful framework? Philo mirrors what one finds elsewhere in Judaism. God “ever prefers forgiveness to punishment” (*Praem.* 166). God granted to the Jews several means by which they could rectify the situation created by sin and violation of God’s law. For example, Philo never denies the literal meaning of the Day of Atonement or the sacrificial system. The repentant could offer a sacrifice at the temple to ask for the remission of sins (*Spec.* 1.235–241). The ritual sacrifice and release of a

<sup>47</sup>I take the law of nature to be coordinate with the revealed, Mosaic law. See especially *Mos.* 2.52; Naomi Cohen, “The Jewish Dimension of Philo’s Judaism—An Elucidation of de Spec. Leg. IV 132–150,” *JJS* 38 (1987): 169–70, and Barclay, *Jews*, 172.

<sup>48</sup>Cohen emphasizes the strict observance required in this passage, although she oversteps the evidence with regard to the “unwritten laws” (ἀγραφοὶ νόμοι) in 4.150 by including also the Jewish oral law; “The Jewish Dimension of Philo’s Judaism,” 174–79, 185. This phrase should rather be understood as the Jewish customs peculiar to Alexandria (with John W. Martens, “Unwritten Law in Philo: A Response to Naomi G. Cohen,” *JJS* 43 [1992]: 38–45).

<sup>49</sup>While encouraging perfect obedience of all the law, Philo did not consider all transgressions of the law equally heinous.



second goat on the Day of Atonement both effected forgiveness and purification from sin (*Spec.* 1.188–190). A long and detailed section on the various other sacrifices for sin is found in *Spec.* 1.226–256.<sup>50</sup> Both involuntary and voluntary sins could be forgiven through the act of sacrifice (*Spec.* 1.235–239).

Alongside sacrifice Philo upholds several other means of availing oneself of God's forgiveness. Ritual purifications are an invitation to wash the defiled soul.<sup>51</sup> Even the patriarchs practiced ritual purification (e.g., *Plant.* 161–162). So also the fasts on the Day of Atonement help the Jew implore God for the pardon of his or her sins (*Spec.* 2.193, 196). Likewise, *prayer* is crucial to the process of bringing about God's forgiveness (*Abr.* 6; *Mos.* 2.24; *Spec.* 2.196; *Congr.* 107). God may even apply punishments and suffering to heal an individual from the effects of sin (*Somn.* 2.293–299; *Congr.* 158–180).

Philo emphasizes the importance of participating with one's whole being in the sacrificial system. No bodily ritual is of value without the soul's participation.<sup>52</sup> Philo often speaks of the spiritual/symbolic meaning of the sacrifices and washings. They point toward a changed internal state.<sup>53</sup> Ritual purification or sacrifice is of no avail without repentance and a proper disposition.<sup>54</sup>

While repentance did not figure significantly in Greek thought, Philo devotes a whole section of *On the Virtues* to repentance (175–186).<sup>55</sup> While the Stoics were saying that the wise person does not re-

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<sup>50</sup> See Jean Laporte, "Sacrifice and Forgiveness in Philo of Alexandria," in *The Studia Philonica Annual: Studies in Hellenistic Judaism* (vol. 1, ed. David T. Runia; Atlanta: Scholars Press, 1989), 36–38.

<sup>51</sup> *Ibid.*, 34–35, 40. In fact, he endorses ritual washings *beyond* those prescribed by Scripture.

<sup>52</sup> Valentin Nikiprowetzky explains that, while Philo allegorizes the sacrificial system, his intent is to *defend* the sacrificial system and not to set any of it aside; "La Spiritualisation des Sacrifices et le Culte Sacrificiel au Temple de Jérusalem chez Philon D'Alexandrie," *Sem* 17 (1967): 97–116: "Le judaïsme de Philon a donc un aspect conservateur qu'il est très nécessaire de bien apercevoir" (p. 114).

<sup>53</sup> Laporte, "Sacrifice and Forgiveness," 38–39, 42.

<sup>54</sup> *Det.* 20–22; *Cher.* 95–96; *Mos.* 2.106–108; *Spec.* 1.67–68, 203, 227, 235–237, 272, 290; *Plant.* 108; see Mendelson, *Philo's Jewish Identity*, 65–66.

<sup>55</sup> David Winston, "Philo's Doctrine of Repentance," in *The School of Moses: Studies in Philo and Hellenistic Religion* (ed. John Peter Kenney; Atlanta: Scholars Press, 1995), 29–40; Ronald Williamson, *Jews in the Hellenistic World: Philo* (Cambridge Commentaries on the Writings of the Jewish and Christian World 200 BC to AD 200 1.2; Cambridge: Cambridge University Press, 1989), 248–55. See also the excellent overview of this section of Philo in Jon Nelson

pent, Philo asserts the exact opposite, since only God can be sinless (*Fug.* 157; *Virt.* 177; *Leg.* 3.106, 211).<sup>56</sup> The possibility of repentance flows out of God's recognition of the human tendency to sin (*Fug.* 99, 105).<sup>57</sup> It is as if one is ill and repentance is the only hope for a return to health (*Fug.* 160; *Abr.* 26; *Spec.* 1.236–253). The effect of sincere repentance is as if the sin had never been (*Abr.* 19; *Spec.* 1.187–188; *QG* 1.84; *Mut.* 124; *Somn.* 1.91).<sup>58</sup> God bestows rewards and blessings “in honor of their victory” (*Virt.* 175). Nevertheless, those who repent still bear the scars of their misdeeds (*Spec.* 1.103).

Given the human tendency to sin, the free decision to repent must be “activated and empowered” by God (*Cher.* 2). In *Abr.* 17–18 God is said to have brought about Enoch's repentance.<sup>59</sup> In *Leg.* 3.213 Philo says that many desire to repent but are unable to do so because God does not permit it. Repentance must be traced ultimately to the activity of God's grace. God initiates and provides a resolution for the situation caused by disobedience of the law.

Through all these means God is manifested as merciful. The Jews, though, are the *special* object of God's compassion and pity. They have been “set apart out of the whole human race” as a first fruit to God (*Spec.* 4.180).<sup>60</sup> While Philo affirms Israel's special status as recipients of God's mercy and affirms repentance as a means to rectify the situation caused by sin, he nevertheless commends those whose conduct is

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Bailey, “*Metanoia* in the Writings of Philo Judaeus,” in *SBL Seminar Papers, 1991* (Atlanta: Scholars Press, 1991), 135–41. He emphasizes the connection between “repentance” at conversion and the continuing life of repentance and adherence to the Mosaic law (for instance, *Virt.* 180–183).

<sup>56</sup>Winston, “Philo's Doctrine of Repentance,” 32; Bailey, “*Metanoia*,” 140–41.

<sup>57</sup>Winston, “Philo's Doctrine of Repentance,” 32. In his exposition of Gen 6:3 in *QG* 1.91; 2.13, Philo explains that God gave the people at the time of the flood 120 years to repent of their sin, and then seven *more* days after Noah and his family entered the ark. Such is God's patience and forbearance.

<sup>58</sup>Winston, “Philo's Doctrine of Repentance,” 34; Bailey, “*Metanoia*,” 140. On the necessity of sincerity, see *Fug.* 160.

<sup>59</sup>Bailey, “*Metanoia*,” 138.

<sup>60</sup>Yet God's mercy and compassion have limits. Those who act freely in wickedness will receive their due punishment, since their actions “do not deserve compassion, far from it, but anger” (*Spec.* 4.76–77). When Phinehas saw his fellow Israelites flagrantly breaking the covenant, he urged the rest to take up the sword against the evildoers. They showed the evildoers no mercy or pity as they meted out justice (*Mos.* 1.302–303). Mercy and compassion within the realm of God's special dealings with Israel do not obtain apart from the intent to obey the law; Dorothy Sly, “Philo's Practical Application of Δικαιοσύνη,” in *SBL Seminar Papers, 1991* (Atlanta: Scholars Press, 1991), 304.

perfect. Those who remain sinless and unblemished are superior to those who must repent and so be healed of their illness (*Abr.* 26; *Virt.* 176). Abraham achieved perfect obedience of the law (*Migr.* 127–130; *Abr.* 275–276; *Her.* 6–9).<sup>61</sup> Noah was “perfect” in virtue (*Deus* 117, 122, 140; *Abr.* 34, 47). In the case of Noah, however, Philo immediately qualifies the attribution of perfection (*Abr.* 36–39). Noah attained a perfection relative to his generation; he was “not good absolutely” (οὐ καθάπαξ). Philo contrasts Noah’s “perfection” with other sages who possessed an “unchallenged” and “unperverted” virtue. Noah therefore won the “second prize.” Although Noah is to be praised for his achievement, Philo clearly commends to his reader the “first prize” of an unqualified virtue. Moses, for instance, fell into that highest category. The Lawgiver exemplifies the attainment of the highest place of all (*Mos.* 1.162; 2.1, 8–11; *Leg.* 3.134, 140; *Ebr.* 94; *Sacr.* 8). Philo commends Moses as a model toward which his readers are to strive (*Mos.* 1.158–159).<sup>62</sup> Such exemplars show that perfect obedience and sinlessness remain the ideal for Philo.

Philo’s ideal stands in stark contrast to his evaluation of the human ability to refrain from sin (e.g., *Mut.* 48–50, quoting Job 14:4; *Mos.* 2.147; *Agr.* 174–180). In one place at least, Philo denies that any individual can avoid sin, *including* Moses. Sinlessness is a characteristic only of God (*Virt.* 176–177 [or also the divine man]; *Fug.* 157; *Spec.* 1.252). Hilgert concludes from this that Philo is not serious about the sinless “divine man.” The vast chasm between the Creator and the creature eliminates the possibility that any of Israel’s heroes could be sinless.<sup>63</sup> Hilgert must

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<sup>61</sup> The passage from *Quis rerum divinarum heres sit* is representative both as an admonition to strive toward perfect obedience as well as an expression of Abraham’s attainment of that goal:

When, then, is it that the servant speaks frankly to his master? Surely it is when his heart tells him that he has not wronged his owner, but that his words and deeds are *all* [πάντα] for that owner’s benefit. And so when else should the slave of God open his mouth freely to Him Who is the ruler and master both of himself and of the All, *save when he is pure from sin* and the judgements of his conscience are loyal to his master. . . . The loyalty of Abraham’s service and ministry is shewn by the concluding words of the oracle addressed to Abraham’s son, “. . . Abraham thy father hearkened to My voice and kept My injunctions, My commands, My ordinances and My statutes” (Gen. xxvi. 3–5). It is the highest praise which can be given to a servant that *he neglects none* [μηδενός] *of his master’s commands*. . . . [emphasis mine]

<sup>62</sup> Larry W. Hurtado, *One God, One Lord: Early Christian Devotion and Ancient Jewish Monotheism* (2d ed; Edinburgh: T&T Clark, 1998), 61–63.

<sup>63</sup> Earle Hilgert, “A Review of Previous Research on Philo’s *De Virtutibus*,” in *SBL Seminar Papers, 1991* (Atlanta: Scholars Press, 1991), 114, following Holladay.

therefore explain away those people Philo identifies as having been “perfect,” people who have never disobeyed a single one of God’s commands. A better approach is that of Ronald Williamson. For Williamson, Moses, Abraham, and others were indeed perfect and fully observant of the law. Given the human tendency to sin, their perfect lives must have been the gracious gift of a God in whom there is such perfection (*Leg.* 3.131–135; *Her.* 120–122).<sup>64</sup> While those who receive such perfection from God are relatively few and exceptional, they remain the ideal toward which all people are to strive.<sup>65</sup>

Philo thus maintains that the Jews, as an elect people, are to strive to live as virtuously and as perfectly as possible. He admits that this is very difficult. Even Enoch and Enosh were not able to live perfectly and without sin. God, on the other hand, remains a merciful God who recognizes humanity’s difficulty with sin and offers abundant grace and mercy to the repentant.<sup>66</sup> While the emphasis in Philo is certainly upon mercy and forgiveness of sin, the law still enjoins a perfect obedience toward which all people should strive.

#### IV. The Tannaim

The authors of the apocalyptic literature written in the immediate aftermath of the destruction of the temple in 70 C.E. were still reeling from the lost war against the Romans.<sup>67</sup> By the time of the Mishnah the Jews had recovered their composure. They had begun to sift through their traditions and to understand themselves in continuity with that history. Although the temple had been destroyed, the Tannaim wanted to codify for posterity the practices and oral traditions associated with worship in the heart of Jewish space prior to its destruction. The Mishnah therefore offers a vision of the temple and nation. The rabbis viewed their day as a time of transition to that imminent, inevitable restoration of temple-centered

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<sup>64</sup> As Williamson put it: “Philo did not regard the divine sinlessness, however, as incommunicable to mortal man” (p. 215). God out of free grace chooses to bestow on certain rare individuals such sinlessness and perfection (*Leg.* 3.77–79, 85, 88–89). To these exceptional individuals, there would be no need for repentance (*Virt.* 177). For the rest of humanity, on the other hand, sin remains “congenital” (*Mos.* 2.147). See the full discussion in Williamson, *Jews*, 204–7.

<sup>65</sup> *Ibid.*, 205–6. There is no room in Philo for a legalistic understanding of such perfection and obedience. See, for example, *Leg.* 3.78.

<sup>66</sup> In *Praem.* 166–167 God prefers forgiveness to punishment. In *QG* 4.180 God judges in accordance with *our* nature and not according to the divine; Williamson, *Jews*, 37–38.

<sup>67</sup> See Chapter 2.

piety. Tractate *Sanhedrin* of the Mishnah carefully describes the casting of lots by priests for the performance of sacrifice and the various chambers of the temple (e.g., the wood chamber, the wheel chamber, the hewn-stone chamber). Tractate *Yoma* revolves exclusively around the temple cultus (ignoring the actual synagogue practices of its time). Tractate *Qinnim* attempts to solve the mathematical issues of the bird-sacrifices: Maccoby notes that “to study such a tractate was an academic exercise, but one which focused the mind on the messianic hope, for with the restoration of the temple these problems would become practical.”<sup>68</sup> The Tannaim struggled to find ways to fulfill the laws regarding the temple in its temporary absence. In other words, Tannaitic Judaism’s conscious return to and idealization of the situation prior to the temple’s fall shared with the Second Temple period a belief in the temple’s efficacy for mediating God’s presence among the people. The grace and atonement that had been bound up with temple practice were still available to the people. The literature of the Tannaim therefore exhibits a continuity with the Second Temple period in affirming God’s election and mercy toward Israel.

#### A. Rigorous and/or Perfect Obedience in the Tannaim

Several Tannaitic passages call into question Sanders’s denial that the rabbis saw the law as requiring perfect obedience. For example, the rabbis spoke of the seriousness of failure to obey even one *mitzvah*. Likewise, the obedience of one command brings a reward (e.g., *m. Qidd.* 1:10a).<sup>69</sup> Sanders interprets these sayings as hortatory: “If God denies the land to one who transgresses, avoid transgression!”<sup>70</sup> Because the rabbis wanted to encourage obedience, they insisted that each command be given its proper due. But the Tosefta, elaborating on *m. Qidd.* 1:10a,

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<sup>68</sup> Hyam Maccoby, *Early Rabbinic Writings* (Cambridge Commentaries on the Writings of the Jewish and Christian World 200 BC to AD 200 3; Cambridge: Cambridge University Press, 1988), 33. Lawrence H. Schiffman agrees: “[The Mishnah] was edited in an atmosphere in which the restoration of a Temple-centered reality was still a living hope, and in which the conception of sanctity still flowed from that reality, even in its absence” (*From Text to Tradition: A History of Second Temple and Rabbinic Judaism* [Hoboken, N.J.: Ktav, 1991], 194); see also Shaye J. D. Cohen, *From the Maccabees to the Mishnah* (LEC 7; Philadelphia: Westminster, 1987), 219. On the adaptation of the temple laws to a reality without the temple, see Sanders, *Paul and Palestinian Judaism*, 109, 163–64.

<sup>69</sup> Also *m. Mak.* 3:15. Schechter (*Aspects of Rabbinic Theology*, 164–65) takes the positive element to mean that the perfect fulfillment of one commandment would bring about salvation. Similarly Moore, *Judaism*, 1:391.

<sup>70</sup> Sanders, *Paul and Palestinian Judaism*, 129; so also pp. 119–20.

explains that individuals are judged according to a majority of deeds. Thus one should always consider oneself half innocent and half guilty. Every sin, then, has the potential to “destroy much good” (*t. Qidd.* 1.13–15). Far from interpreting *m. Qidd.* 1:10a as merely hortatory, the Tosefta indicates that God’s judgment will be based upon whether the balance of one’s deeds is good or evil. Later Amoraic rabbis followed the Tosefta and understood *m. Qidd.* 1:10 and *t. Qidd.* 1.13–15 as indicating that God would judge every individual’s deeds on a scale.<sup>71</sup>

Sanders points to other passages in the Tosefta where a single virtuous or heinous act at the end of one’s life could decisively alter the significance of all that had preceded. Sanders contends that when these passages are placed alongside those passages in the Tosefta indicating judgment according to the weight of one’s deeds, the former *exclude* the weighing of deeds in the latter.<sup>72</sup> On the contrary, when both sets of passages are placed alongside each other, two very different Tannaitic theories of judgment emerge. Some rabbis simply held that one would be judged on the basis of a majority of deeds, while others thought that a person’s whole fate could be determined by his or her last actions quite apart from such a balance of deeds.

In *m. ’Abot* 3:16 Rabbi Akiba asserts: “All is foreseen, but freedom of choice is given; and the world is judged by grace, yet all is according to the majority of works [that be good or evil].”<sup>73</sup> Like the Tosefta text, this passage also contradicts Sanders’s assertion that rabbinic soteriology did not view one’s place in the world to come as based on the counting or weighing of deeds.<sup>74</sup> Sanders’s response is that this passage cannot be asserting a judgment according to the majority of works since that would be contrary to Akiba’s statement in *b. Sanh.* 81a:

When R. Gamaliel read this verse he wept, saying, “Only he who does all these things shall live, but not merely one of them!” Thereupon R. Akiba said to him, “If so, *Defile not yourselves in all these things* [Lev. 18.24].—is the prohibition against *all* [combined] only, but not against one?” [Surely not!] But it means, *in one* of these things; so here too, for doing one of these things [shall he live].<sup>75</sup>

<sup>71</sup> Ibid., 131; *b. Qidd.* 39b.

<sup>72</sup> Sanders, *Paul and Palestinian Judaism*, 130–31; so also Schechter, *Aspects of Rabbinic Theology*, 306 n. 4.

<sup>73</sup> As cited in Sanders, *Paul and Palestinian Judaism*, 132. I am deliberately using Sanders’s translation here.

<sup>74</sup> Ibid., 146; Sanders openly admits: “It is true that there are some sayings which do indicate that God judges strictly according to the majority of a man’s deeds” (p. 143). But Sanders claims that this is not a rabbinic doctrine.

<sup>75</sup> As cited in *ibid.*, 139.

Akiba's reply, according to Sanders, denies strict judgment in favor of God's judging a person righteous by *merely one good work*! Sanders admits that *m. 'Abot* 3:16 says that one is judged according to a majority of works. He circumvents the passage by juxtaposing a second passage from the Babylonian Talmud that seems to indicate that even one righteous work can bring about life. However, *m. 'Abot* 3:16 is not so easily dismissed. Actually, judgment according to the weighing of one's works is a major motif that runs all through *m. 'Abot*. In *m. 'Abot* 2:1 Judah the Prince speaks of "a seeing eye and a hearing ear and all thy deeds written in a book."<sup>76</sup> In *m. 'Abot* 4:11 Akiba's student, Eliezer ben Jacob, says that those who perform one precept receive one advocate, but one sin brings about one accuser. Further, repentance and good works are a "shield" against retribution. One must repent and multiply good works in order to cancel out the accusations. This is the language of the courtroom in the presence of the eternal judge.<sup>77</sup> Finally, Akiba further explicates his own comment in 3:16 when he likens God's judgment in 3:17 to a shopkeeper who offers credit and keeps his account-book open. While one may borrow against the books, payment is still required. This illustration of a shopkeeper's credits and debits serves to explain the remarks in 3:16. Even as 3:16 spoke of a judgment based on a majority of deeds, 3:17 speaks of an account-book.

The saying in *m. 'Abot* 3:16 may pose more problems for Sanders than he recognizes.<sup>78</sup> The words "all is foreseen, but freedom of choice is given" present two ideas that appear contradictory and yet are both correct. God's sovereignty and human freedom of choice stand

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<sup>76</sup>By context this refers to reward and loss. Further, *m. 'Abot* 2:1 urges people to "be heedful of a light precept as of a weighty one" (see also *m. 'Abot* 4:2). Since one does not know what reward each fulfillment brings or what loss a transgression brings, in light of the careful divine record keeping, one should obey *all* the commands. This is an excellent example where obedience of the law flows out of the awareness of God's strict judgment and not as a response to election. One might also point to *Sipre Num.* 115 (to 15:41): "Why has God given us commandments? Is it not in order that we should keep them and receive a reward?" (Paul P. Levertoff, trans., *Midrash Sifre on Numbers: Selections from Early Rabbinic Scriptural Interpretations* [London: SPCK, 1926], 110–11). Rabbi Hananiah b. Akashya (c. 150) says in his midrash on Isa 42:21 (*m. 'Abot* 6:11 and *m. Mak.* 3:16): "The Holy One, blessed is he, was minded to grant merit to Israel; therefore hath he multiplied for them the Law and commandments." The motivation for observance of the law in these instances is the recognition of God's strict coming judgment.

<sup>77</sup>Charles L. Quarles, "The Soteriology of R. Akiba and E. P. Sanders' *Paul and Palestinian Judaism*," *NTS* 42 (1996): 190.

<sup>78</sup>Quarles, "Soteriology," 185–95.



alongside each other in a paradoxical relationship. Not surprisingly, the next statement also expresses a paradoxical relationship: “And the world is judged by grace, yet all is according to the excess of works.” Divine grace stands in tension with God’s judgment according to a majority of works. The problem with this understanding is that the word *נָחֵם* translated as “grace” is used elsewhere in the *ʿAbot* tractate as “good,” “good” in the sense of “righteousness” (or “justice”) rather than “grace.”<sup>79</sup> If one translates *נָחֵם* as “good” (in the sense of “righteousness”), the passage would neatly correspond to the emphasis on God’s righteous judgment elsewhere throughout the *ʿAbot* tractate (*m. ʿAbot* 3:11; 4:22). Akiba’s own clarification of the term in *m. ʿAbot* 3:17 calls the “judgment” in 3:16 a “judgment of truth” (*דִּין אֱמֶת*), thereby eliminating the notion of “grace” from contention. Both *m. ʿAbot* 3:16 and 17 are indicating that God’s judgment is *just*. It is God’s fair and just judgment (and not his grace) that is being contrasted with a judgment according to a majority of deeds. The contrast in *m. ʿAbot* 3:16 is between a strict divine justice that demands perfect obedience and a more tolerant judgment permitting a minority of sins in the balance.

Would this reading of *m. ʿAbot* 3:16 conflict with *b. Sanh.* 81a? In the latter Akiba and Gamaliel were discussing Ezek 18:5–9. Gamaliel read the thirteen moral commands in the biblical text and wept, supposing that only those who do “*all* these things shall live, but not merely one of them.”<sup>80</sup> Akiba responded on the basis of Lev 18:24 that “defile not yourselves in all these things” does not refer to all these things combined but against one individually. According to Akiba, by doing one of these things [he shall live]. Sanders takes Akiba’s response to mean that there is no judgment according to a majority of works; a single good deed is

<sup>79</sup> See *m. ʿAbot* 1:17; 2:29 (the “right way” as opposed to the evil way); 3:12, 15; 4:11 (“good” deeds that avert punishment), 17. In *m. ʿAbot* 5:1 the word is used for a “good” reward in the sense of “pleasant” or “precious.” Yet even here the word cannot mean “grace” since it is a reward to the righteous. In *m. ʿAbot* 3:18 (quoting Jer 17:6), where the word indicates the notion of “prosperity.” Never is the word used for “grace.” *Ibid.*, 187–89.

Antecedents for *נָחֵם* in the sense of “fair” or “just” may extend back to the Elephantine Papyri. Yochanon Muffs has found the word used in a commercial phrase that a transaction has been fair or satisfactory. The seller is “satisfied” with the payment; *Studies in the Aramaic Legal Papyri from Elephantine* (Studia et Documenta ad Iura Orientis Antiqui Pertinentia 8; New York: Ktav, 1973).

<sup>80</sup> In *b. Mak.* 24a Gamaliel again bursts into tears when he reads the word “all” with respect to the 613 requirements of the law. His opponents, on the other hand, focused on one decisive fulfillment.



sufficient to live. In light of *m. 'Abot* 3:16, however, Akiba's response was more likely an assertion of judgment according to a majority of deeds, in which one deed could tip the scales in favor of life or death.<sup>81</sup> Whereas Gamaliel lamented the need for absolute perfection, Akiba took the approach that God's judgment, based on divine justice and goodness, is paradoxically compatible with a judgment according to the lesser standard of a majority of deeds. If correct, all the Tannaitic statements about one deed bringing either punishment or reward would not be merely paranetic, as Sanders claims.<sup>82</sup> They would show that the rabbis often thought God would judge according to a system weighing fulfillments against transgressions. A single action, for good or ill, could decisively shift the balance of one's deeds. The plethora of Amoraic statements on weighing deeds shows that the Amoraim followed Akiba on this point.<sup>83</sup> God's judgment on the basis of a majority of works stood, for the rabbis, in paradoxical tension *not* with mercy but with justice, a divine justice that requires strict, perfect obedience of the law. Obedience results in life, and disobedience brings about death. In the words of *m. 'Abot* 4:22: "everything is according to reckoning."

To summarize, the Tannaim held differing positions on how God would judge humanity. In some instances, they saw the law as requiring strict and perfect obedience, as Gamaliel did. In other instances, they saw God judging people on the basis of a majority of deeds, as Akiba did. Thus one should act as if every single deed could be the deciding factor on the scales of God's judgment. Sanders has written: "Human perfection was not considered realistically achievable by the Rabbis, nor was it required."<sup>84</sup> While most of the rabbis sided with Akiba that God does not judge strictly, *m. 'Abot* 3:16 shows that the rabbis *did* at times assert that God's justice requires perfect obedience.<sup>85</sup>

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<sup>81</sup> Quarles, "Soteriology," 194. This is therefore an example of the school of Hillel adopting the "weighing" model of judgment, contra Sanders, *Paul and Palestinian Judaism*, 138 n. 61.

<sup>82</sup> Sanders, *Paul and Palestinian Judaism*, 141.

<sup>83</sup> Contra *ibid.*, 131–32, 138.

<sup>84</sup> *Ibid.*, 137.

<sup>85</sup> For a Jewish perspective on the "divine imperative" to do what God commands, see Gerson Appel, *A Philosophy of Mitzvot: The Religious-Ethical Concepts of Judaism, Their Roots in Biblical Law and The Oral Tradition* (New York: Ktav, 1975), 165–69. He emphasizes the obligatory nature of *all* God has commanded as an important facet of the historic Jewish perspective on the Torah (with particular emphasis on the Sefer ha-Hinnuk).

### B. God's Grace and Mercy as a Mitigating Factor

If the Jews were to strive toward perfect (or a majority) fulfillment of the law, how does one account for the factors Sanders identified that indicate otherwise? For instance, the rabbis often lessened the difficulty of observing the law. They emphasized the *intent* to obey the commands. To intend to obey the command was often as important as the performance itself.<sup>86</sup> Yet the rabbis' emphasis on intention was never at the expense of actually fulfilling the intention. One must still strive to *do* the command and not just intend to fulfill it.<sup>87</sup> Thus it is a sin whenever any of the law's requirements, no matter how minor, are violated. "In their [the rabbis'] view, God had given all the commandments, and they were all to be obeyed alike. It would be presumptuous of man to determine that some should be neglected."<sup>88</sup> Even when the law was summarized under a few basic principles or even a *single* principle (e.g., love), the rabbis did not see the principle eliminating the need to do all of the law's commands.<sup>89</sup> The Tannaim also made many of the biblical commands more accessible to their contemporaries. After the destruction of the temple in 70 C.E., the temple sacrifices were no longer available. The rabbis substituted the intention of sacrificing for the sacrifice itself. One expressed this intention by substituting the study of the temple laws for the sacrifices themselves.<sup>90</sup> The rabbis never eliminated any of the law's commands but struggled to find ways to do what the law required in a new, contemporary setting.

One might conclude that perfect fulfillment of the law was not necessary in Tannaitic Judaism given the possibility of repentance, atonement, and sacrifice. In fact, the reverse is true. The entire system of repentance, atonement, and sacrifice was designed to rectify the situation caused by disobedience of any of God's laws and commands. The very existence of this system shows that the rabbis saw God's law as demanding perfect obedience. Failure in any respect had to be rectified and accounted for before God. Therefore, one must always strive to obey the law perfectly. Even though an individual may not fulfill the law perfectly, he or she is not free to desist from trying (R. Tarfon, *m. 'Abot* 2:16).<sup>91</sup>

<sup>86</sup> Sanders, *Paul and Palestinian Judaism*, 107–9; Montefiore and Loewe, *A Rabbinic Anthology*, 272.

<sup>87</sup> Sanders, *Paul and Palestinian Judaism*, 109.

<sup>88</sup> *Ibid.*, 112.

<sup>89</sup> *Ibid.*, 114.

<sup>90</sup> *Ibid.*, 109.

<sup>91</sup> *Ibid.*, 176 n. 147. "Covenantal nomism" always involves a "nomism." In Tannaitic thought, the election of Israel entailed the summons to fulfill God's

Sanders often writes that the halakah does not require perfect obedience.<sup>92</sup> This, in my opinion, confuses the matter. The halakah always demands strict obedience. The rabbis themselves admit the difficulty of being able to do what the law requires.<sup>93</sup> It is the broader context of election, covenant, and the provisions for failure in atonement and sacrifice that allow for grace to prevail. While sinful people are indeed saved on the basis of God's grace and mercy, it is characteristic of Tannaitic thought that the legal demand for strict obedience still remains. The practical result of this unresolved logical tension is surely that individuals are granted a share in the world to come even when their obedience is far less than perfect. Yet the merciful provision for failure never detracts from the strict demand, even when that demand has not been realized in actual conduct.<sup>94</sup>

One ought not minimize halakic statements on the necessity to observe all that the law commands. God will reward good deeds and punish any violations of his law. "For one cannot obtain rewards except for deeds."<sup>95</sup> Sanders notes the tendency to interpret blessings as rewards

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law and commandments (ibid., 85–86, 92–97, 99). On the importance of covenant stipulations following the establishment of a covenantal relationship in ancient suzerainty treaties, see Jon D. Levenson, "Covenant and Commandment," *Tradition* 21 (1983): 42–51. In other words, God's action on behalf of Israel and the covenant relationship *precedes* the commandments. Nevertheless, upon entry into the covenant relationship the covenant stipulations were strictly to be obeyed.

<sup>92</sup> For example, Sanders claims that the rabbis "consistently passed up opportunities to require legal perfection" (*Paul and Palestinian Judaism*, 138). Yet they could speak of being "completely righteous"; Montefiore and Loewe, *A Rabbinic Anthology*, 307.

<sup>93</sup> Sanders rightly admits: "the biblical commandments, while not necessarily more difficult to fulfil than the laws of some other societies, are nevertheless difficult or even impossible fully to obey" (ibid., 115). Elsewhere Sanders adds: "Although the term 'righteous' is primarily applied to those who obey the Torah, the Rabbis knew full well that even the righteous did not obey God's law perfectly" (p. 203).

<sup>94</sup> The apparent contradiction is resolved when one keeps the strict demands of the law conceptually distinct from the larger framework of God's mercy and election of Israel. The rabbis can therefore speak of how rare it is for anyone to obey God's law perfectly, that is, the commands of the law considered strictly in themselves. Yet perfect righteousness and blamelessness is quite achievable when one includes the possibility of God's forgiveness, sacrifice, and atonement. But this is not the same as actually accomplishing all that the law requires.

<sup>95</sup> *Mek. Pisha* 5 (to 12:6; Lauterbach, 1:34); Sanders, *Paul and Palestinian Judaism*, 117. Jacob Z. Lauterbach's text of the *Mekilta de-Rabbi Ishmael* (3 vols; Philadelphia: Jewish Publication Society of America, 1933–1935) is cited by volume and page number.

for accomplishments, even minor accomplishments.<sup>96</sup> Like Jesus, the rabbis narrate a parable of laborers who worked for varying lengths of time, but unlike Jesus' parable, the rabbinic moral is quite different. Those who worked longer receive a greater reward than those who worked less.<sup>97</sup> Sanders cautions that this doctrine of "measure for measure" recompense is counterbalanced by statements to the effect that one "light" command merits a great reward.<sup>98</sup> Further, God's quality of rewarding is greater than his quality of punishing.<sup>99</sup> Such affirmations of grace, contra Sanders, do not eliminate assertions of strict judgment. The former simply emphasize the gracious and merciful aspects of the irresolvable tension.<sup>100</sup>

### *C. The Tension between Deserving Obedience and Undeserved Mercy in the Tannaitic View of Election*

In covenantal nomism, the nomism of the law's observance is embedded within the gracious framework of God's election and covenant. God's election and relationship with Israel guarantees that "all Israelites have a share in the world to come." The doing of the law takes place in the framework of grace and thanksgiving for God's provision. Yet one sees

<sup>96</sup>Sanders, *Paul and Palestinian Judaism*, 117.

<sup>97</sup>*Sipra Behuqotai* pereq 2 (to 26:9; Neusner, 3:354); Sanders, *Paul and Palestinian Judaism*, 118. The references to Jacob Neusner in parentheses on *Sipra* citations include the volume and page number from *Sifra: An Analytical Translation* (3 vols.; BJS 138–140; Atlanta: Scholars Press, 1988).

<sup>98</sup>Sanders, *Paul and Palestinian Judaism*, 119.

<sup>99</sup>*Sipra Vayyiqra Diburah Dehobah* parasha 12.10 (to 5:17; Neusner, *Sifra*, 1:327); Sanders, *Paul and Palestinian Judaism*, 123.

<sup>100</sup>Sanders, *Paul and Palestinian Judaism*, 124. It is precisely the gracious framework of election and the provision of atonement for failure that prevents the observance of the law from degenerating into legalism or sheer despair in the face of God's strict demands. The rabbis could therefore be optimistic about the number of Israelites with a share in the world to come. As *m. Sanh.* 10:1 says: "All Israelites have a share in the world to come." The passage then goes on to list those who were excluded: those who deny the resurrection of the dead, Epicureans, and those who deny that the law is from heaven. Akiba adds a few more: the wilderness generation, the ten spies, the flood generation, those who read heretical books, Jeroboam, Ahab, and Manasseh (though some rabbis dispute this, since Manasseh repented), Korah, Doeg, Ahithophel, and Gehazi. In sum, such a list shows that the vast majority of Israel is *included* in salvation. Only the most egregious of sinners forfeited their covenant membership and salvation in Israel; Sanders, *Paul and Palestinian Judaism*, 147–57. As George Foot Moore puts it: "There is no indication that pious Jews were afflicted with an inordinate preoccupation about their individual hereafter" (*Judaism*, 2:321).

the same tension between deserved reward and undeserved grace even with the gracious framework of covenantal nomism, particularly in the Tannaitic understanding of how Israel and proselytes “get in” to this special relationship with God.

The Tannaitic rationale for God’s election of Israel was varied and veered in either of two directions. Either the Israelites warranted God’s election on the basis of their own prior choice or obedience of God, or God’s election was for his own name’s sake (in view of the “merit” of the Fathers). The first approach traced God’s election to the action of the Israelites themselves. Some Tannaim argued that Israel chose to accept God’s commandments while the other nations did not. The descendants of Esau saw the command “Do not kill” and realized that they could not fulfill the law. Other nations could not even abide by the seven laws of Noah, let alone the laws of Mount Sinai.<sup>101</sup> God had given the law at Mount Sinai so that all the nations would have an opportunity to accept it. Only Israel actually did.<sup>102</sup> According to another Tannaitic rationale, God recognized that Israel was hard pressed for the necessary works to warrant divine election. God therefore gave the Israelites the command to obtain the paschal lamb four days prior to the first Passover in order that by this act they might display their obedience and so merit the exodus.<sup>103</sup> Alternatively, the Tannaim rationalized that the exodus was based on Israel’s prior faith.<sup>104</sup> Sanders points out that the giving of the law at Mount Sinai, like the covenant to Abraham, was an unconditional covenant.<sup>105</sup> Still another rationalization revolved around God’s election of the patriarchs. Sanders emphasizes the point that the “merit” (זְכוּת [zekût]) of the Fathers was traditionally misunderstood by those of the Weberian school as transferable. The “merit” of the Fathers is better translated as “for the sake of” or “by virtue of” the Fathers. זְכוּת (zekût), when prefaced by the preposition בְּ (bêt), never means “merit.”

<sup>101</sup> Sanders, *Paul and Palestinian Judaism*, 88.

<sup>102</sup> *Mek. Bahodesh* 1 (to 19:2b; Lauterbach, *Mekilta de-Rabbi Ishmael*, 2:198–200); Sanders, *Paul and Palestinian Judaism*, 88–89.

<sup>103</sup> *Mek. Pisha* 5 (to 12:6; Lauterbach, *Mekilta de-Rabbi Ishmael*, 1:33–34); Sanders, *Paul and Palestinian Judaism*, 89.

<sup>104</sup> *Mek. Beshallah* 7 (to 14:31; Lauterbach, *Mekilta de-Rabbi Ishmael*, 1:253); Sanders, *Paul and Palestinian Judaism*, 89. Sanders (pp. 92–94) corrects misimpressions of the Tannaim’s view that Israel was elected “on condition of” their future obedience. Israel did not earn their election by their future obedience, but rather the condition of their election was that they intended to adhere to the commands.

<sup>105</sup> Sanders, *Paul and Palestinian Judaism*, 94–95, 97. Israel’s disobedience may bring about rebuke but did not set aside the Mosaic covenant. “On condition of” future obedience meant that the Israelites intended to obey it.

When *zēkūt* (without the preposition) is used for “merit,” the subject is always an earthly reward and never soteriological. The verb זָכָה (*zākā*) often means “to act correctly” with no sense of a treasury of merits. God simply chose Israel “for the sake of” or “in view of” his promise and oath to the patriarchs.<sup>106</sup> The same would apply to God’s election of Israel “for his name’s sake.”<sup>107</sup> Of course, the problem with this Tannaitic explanation of an election based on the patriarchs is that it only removes the issue of election one step back.<sup>108</sup> The question remains why the patriarchs were chosen and not others. The Tannaitic response is often that God chose the patriarchs on the basis of their own obedience or willful choice. That is why they were chosen and not others.<sup>109</sup>

Sanders emphasizes that these Tannaitic interpretations of Israel’s election are not meant to be systematic theology. The rabbis simply wanted to defend God from seeming “capricious or arbitrary.”<sup>110</sup> Still, such statements show that there was a genuine tension within Judaism between God’s election as an act of grace and mercy, and God’s election in response to human obedience and choice. Thus the rabbis could hold that “one cannot obtain rewards except for deeds” while at the same time saying “Thou hast shown us mercy, for we had no meritorious deeds.”<sup>111</sup>

The rationale behind Israel’s election is more than mere theory or an attempt to explain away God’s apparent capriciousness. The same

<sup>106</sup> Sanders is following earlier scholars such as Moore, *Judaism*, 3:164; and Montefiore and Loewe, *A Rabbinic Anthology*, 221.

<sup>107</sup> Sanders, *Paul and Palestinian Judaism*, 90–92, 183–98; see the differing approach of Schechter, *Aspects of Rabbinic Theology*, 170–98, who takes the term to refer to a sort of imputed righteousness, although such a righteousness cannot save apart from God’s grace and individual responsibility within the covenant.

<sup>108</sup> As Sanders himself points out (*Paul and Palestinian Judaism*, 100).

<sup>109</sup> See T. R. Schreiner, *The Law and Its Fulfillment*, 117–18.

<sup>110</sup> Sanders, *Paul and Palestinian Judaism*, 87.

<sup>111</sup> On the former: *Mek. Pisha* 5 (to 12:6; Lauterbach, *Mekilta de-Rabbi Ishmael*, 1:34); see also *Sipre Deut* 170 (to 18:9; Hammer, 199); 297 (to 26:1; Hammer, 287); Sanders, *Paul and Palestinian Judaism*, 89–90. The English translation cited here is Reuven Hammer’s *Sifre: A Tannaitic Commentary on the Book of Deuteronomy* (Yale Judaica Series 24; New Haven: Yale University Press, 1986). On the latter: *Mek. Shirata* 9 (to 15:13; Lauterbach, *Mekilta de-Rabbi Ishmael*, 2:69); Sanders, *Paul and Palestinian Judaism*, 86, 90. One was to obey the commands “for their own sake” in view of God’s election and not out of an attitude of works-righteousness or to gain a reward (*m. ’Abot*. 1:3; 2:12; Sanders, *Paul and Palestinian Judaism*, 120–12; Moore, *Judaism*, 2:95–100; Schechter, *Aspects of Rabbinic Theology*, 162; Montefiore and Loewe, *A Rabbinic Anthology*, 276–79).

tension manifests itself in the handling of proselytes. The Jews “get in” (as Sanders phrases it) simply by their birth or circumcision into the covenant people.<sup>112</sup> While “getting in” is a matter of birth and circumcision, it also involves a conscious acceptance of Israel’s election and the commandments.<sup>113</sup> The Gentile too “gets in” by accepting the Torah.<sup>114</sup> Incidentally, proselytes are to obey *every single aspect* of the law.<sup>115</sup> The law’s requirements for the proselyte are no different from those for the rest of Israel.

At times, the Tannaim see election and covenant as due to God’s gracious mercy upon undeserving Israel. At other times, election and covenant are due to Israel’s merit and obedience. Surely such ambiguity

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<sup>112</sup>Sanders, *Paul and Palestinian Judaism*, 206–7. Elsewhere Sanders writes: “when the Rabbis did discuss how one gets in, they saw it in terms of accepting the election and the commandments” (“Puzzling Out Rabbinic Judaism,” in *Approaches to Ancient Judaism* [ed. William Scott Green; 5 vols.; Chico, Calif.: Scholars Press, 1978–1985], 2:67–68).

<sup>113</sup>*Sipra Nedabah* parasha 2 (to 1:2; Neusner, *Sifra*, 1:78); Sanders, *Paul and Palestinian Judaism*, 84–86, 206–7, 211, 270.

<sup>114</sup>Sanders, *Paul and Palestinian Judaism*, 85–86, 206–7; that is, when the rabbis allowed for Gentiles in the world to come. Rabbi Eliezar said that no Gentile could be saved. From a rabbinic standpoint Gentile converts reenact Israel’s initial acceptance of the covenant relationship at Sinai; Lawrence H. Schiffman, “The Rabbinic Understanding of Covenant,” *RevExp* 84 (1987): 294. It is unfortunate that Sanders did not investigate more thoroughly the issue of “getting in.” Timo Laato notes that entry into Judaism did indeed involve human activity; it was not a matter strictly of God’s grace; *Paul and Judaism: An Anthropological Approach* (trans. T. McElwain; South Florida Studies in the History of Judaism 115; Atlanta: Scholars Press, 1995), 58–59. Likewise, “staying in” entails human obedience and is not entirely a matter of God’s grace.

<sup>115</sup>In *t. Demai* 2.4 it says: “A proselyte [“a gentile”] who took upon himself all the obligations of the Torah and is suspected with regard to one item, even with regard to all [the obligations of] the Torah, behold, he is [deemed to be] like an apostate Israelite.” *Tosefta Demai* 2.5 continues: “A proselyte who took upon himself all the obligations of the Torah except for one item—they do not accept him”; Jacob Neusner and Richard S. Sarason, eds., *The Tosefta* (6 vols.; Hoboken, N.J.: Ktav, 1977–1986), 1:82–83. The *Tosefta* is followed on this point by *Sipra Qedoshim* pereq 8 (to 19:32–33; Neusner, *Sifra*, 3:128) and *b. Šabb.* 31a; Alan F. Segal, *Paul the Convert: The Apostolate and Apostasy of Saul the Pharisee* (New Haven: Yale University Press, 1990), 119–20. Thus Eleazar corrected Ananias’s proselytizing of the royal house of Adiabene; Izates also had to be circumcised; Segal, *Paul the Convert*, 99–102. See Sanders, *Paul and Palestinian Judaism*, 138 n. 61, 206; the proselyte is to “accept” all the laws, but to accept them all implies that there is an obligation toward all the commandments, and one will try to accomplish them. On the dating of these precepts to the Second Temple period, see Tomson, *Paul*, 88–89, 89 n. 134.



affects how one views obedience to the law *within* the system. At times, all reward is based on strict observance of the law. At other times, God is merciful and gracious, and the covenant is given gratuitously to an unworthy people. The unreconcilable logical tension must be allowed to stand.<sup>116</sup>

## V. Conclusion

While upholding the law as a marker of Jewish ethnic identity, *Jubilees* commends Noah, Abraham, and others for their perfect obedience of the law. Philo too speaks of certain “perfect” individuals. The law, for Philo, was an immutable whole; to add or detract from it would ruin its perfection, a perfection to be mirrored in the lives of God’s people. Similarly, the language of “perfect righteousness” at Qumran has a prescriptive force. Perfection was the standard by which the community members were to try to live.<sup>117</sup> Rabbi Akiba said that God mercifully allows for sin and failure, but the majority of one’s deeds must still accord with the law. Gamaliel, on the other hand, saw God as demanding a strict and perfect obedience with little or no room for failure. Whether by perfect exemplary models or by claiming that God demands strict obedience, these documents evince a struggle with the law’s strict demand. In the words of Eleazar to his torturer, Antiochus, in 4 Macc 5:20–21: “To transgress the law in matters either small or great is of equal seriousness, for in each case the law is equally despised.”

At the same time, there was the virtually ubiquitous assumption that the Jews were a special people who had been favored by God. Further, *Jubilees*, Philo, and the rabbis upheld sacrifice as a means of rectifying the situation caused by sin. Along with sacrifice, there was a whole array of possible ways to ameliorate sin’s effects, including suffering and repentance or, in the case of Qumran, further obedience and piety. The

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<sup>116</sup> While recognizing the logical tension, Sanders tends to resolve the matter in favor of the grace of the covenantal framework; *Paul and Palestinian Judaism*, 100–101.

<sup>117</sup> Or to put it in terms of Josephus (*Ag. Ap.* 2.160): “to those who believe that their lives are under the eye of God all sin is intolerable [οἱ γὰρ πιστεύσαντες ἐπισκοπεῖν θεὸν τοὺς ἑαυτῶν βίους οὐθὲν ἀνέχονται ἑξαμαρτεῖν].” God observes not only outward actions but also inward thoughts (2.166). The practice of the law is to be “punctilious” (2.149; πραττόμενα μετὰ πάσης ἀκριβείας). Violation of the law brings the promise of punishment (2.178, 277).



very existence of a system of atonement shows that any act contrary to God's law, even the least infraction, had to be rectified in some way; each of God's laws demands obedience. God is holy and expects the same from Israel. Perfect conduct always remained the ideal.

God's forgiving grace and the strict demand of the law represent two opposing poles of Jewish thought that persisted in logical tension.<sup>118</sup> It is all a matter of focus. From one perspective, the law's demands are encompassed within the framework of election and mercy. From another perspective, each of the law's commands requires obedience; fulfillment of the command leads to blessing, while disobedience leads to punishment. Or to state it differently, God will judge all people strictly according to their works, and yet God will judge Israel on the basis of mercy. For the Tannaim, this tension manifests itself even in the understanding of Israel's election. At times, election is traced to the deserving merit of the patriarchs or Israel, while at other times it is a result of God's free, unmerited grace. It is inaccurate, then, to see obedience in Tannaitic literature strictly as a response to God's election. While that is often the case, in other places the Tannaim affirm that God is not capricious and grants blessings on the basis of deserving conduct and merit. Sanders was right to stress God's grace and mercy in the system, but he stated matters too strongly when he denied that God commands strict obedience of the law.

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<sup>118</sup>In the Prayer of Manasseh, whereas sinlessness is characteristic of only a very few such as Abraham, Isaac, and Jacob, "who did not sin against you" (v. 8), "Manasseh" admits that he is a grievous sinner (vv. 9–12). He penitently implores God for mercy and forgiveness (vv. 6–7, 13).