

‘WORKS OF LAW’ IN PAUL

by

THOMAS R. SCHREINER
St. Paul, MN

Introduction

The phrase ἔργα νόμου¹ is used eight times in Paul. He affirms that no one can be justified by “works of law” (Gal 2:16³; Rom 3:20,28), that the Spirit was not received by “works of the law” but by responding to the message in faith (Gal 3:2,5), and that those who are of “works of law” are cursed (Gal 3:10).² It is evident from the above texts that Paul contrasts righteousness and the reception of the Spirit with “works of law.” Since righteousness and the reception of the Spirit are of such significance in Pauline theology, it is not surprising that there has been much discussion regarding what Paul is rejecting when he speaks negatively in these contexts of “works of law.” No consensus has been established, however, on what the phrase “works of law” means. Indeed, the rise of sociological interpretations of Paul and the recent controversy over Paul’s view of the law have intensified the debate further.³ What

¹ The phrase appears as ἐξ ἔργων νόμου in all the texts except Rom 3:28 where the reading is χωρὶς ἔργων νόμου. A similar expression, τὸ ἔργον τοῦ νόμου, occurs in Rom 2:15, but in this text Paul is not contrasting “the work of the law” with justification, and ἔργον is singular instead of plural.

² A similar expression is found in Rom 3:27 where Paul asks διὰ ποίου νόμου boasting is excluded, and concludes that it is not excluded τῶν ἔργων but διὰ νόμου πίστεως. Shorthand descriptions of the phrase probably occur in Gal 2:21 [(εἰ γὰρ διὰ νόμου δικαιοσύνη), so H. D. Betz, *Galatians* (Hermeneia) 126], 3:11 [(ὅτι δὲ ἐν νόμῳ οὐδεὶς δικαιούται παρὰ τῷ θεῷ δῆλον), *ibid.*, 146], and Rom 3:21 [(ὅτι οὐκ ἐστὶν ἄλλο θεῶν δικαιοσύνη θεοῦ πεφανερωμένη), so C. E. B. Cranfield, *Romans* (ICC) 201].

³ The recent debate on Paul and the law received its impetus from E. P. Sanders’ *Paul and Palestinian Judaism* (Philadelphia: Fortress, 1977). For a recent German article which agrees with Sanders see F. Mussner, “Das Toraleben im jüdischen Verständnis,” *Das Gesetz im Neuen Testament* (QD 108; ed. K. Kertelge; Freiburg: Herder, 1986) 28-45. For a survey of recent research on Paul and the law see D. Moo, “Paul and the Law in the Last Ten Years,” *SJT* 40 (1987) 287-307. For a bibliography of newer research see D. Zeller, “Zur neueren Diskussion über das Gesetz bei Paulus,” *ThPh* 62 (1987) 497-499.

we are particularly interested in ascertaining is the reason why Paul excludes “works of law” as a means of attaining justification or receiving the Spirit.⁴ In order to clarify this debate and as a step toward a solution of the meaning of ἔργα νόμου, this article surveys the major interpretative options and defends the option which is the most credible.

Survey of interpretation

As a means of clarifying the interpretive options, a survey of approaches on Paul’s use of ἔργα νόμου follows. This attempt to divide various scholars’ interpretations into discrete categories inevitably oversimplifies the situation. Even some of the scholars placed together have differing emphases and disagree with one another on some of the issues that pertain to “works of law.” Nevertheless, certain emphases emerge in the positions espoused which justify the rough divisions proposed.⁵

1. Inability to obey the law and meritorious achievement

Some have claimed that “works of law” do not justify because 1) no one can fulfill the law perfectly, and 2) it is legalistic to try to gain righteousness by doing good works.⁶ The distinctive in this

⁴ For the purposes of this essay we will only refer to righteousness or justification. That righteousness and the reception of the Spirit mutually interpret one another has been effectively argued by S. K. Williams, “Justification and the Spirit in Galatians,” *JSNT* 29 (1987) 91-100; cf. also N. Dahl, *Studies in Paul: Theology for the Early Christian Mission* (Minneapolis: Augsburg, 1977) 133; C. H. Cosgrove, *The Cross and the Spirit: A Study in the Argument and Theology of Galatians* (Macon: Mercer, 1988) 50-51.

⁵ It is particularly difficult to ascertain whether some scholars belong in category one or two below. A judgment has been made on the basis of the evidence available, but sometimes the evidence is ambiguous enough to make certainty impossible.

⁶ See, e. g., J. Calvin, *Calvin’s Commentaries* (ed. D. W. & T. F. Torrance; Grand Rapids: Eerdmans, 1961) 8:78-79; 11:53-55; W. Sanday & A. C. Headlam, *Romans* (ICC) 76, 94; E. D. Burton, *Galatians* (ICC) 120, 164; A. Nygren, *Romans*, 142-143, 162-165; O. Kuss, *Römerbrief*, 1:108-109, 175-177; C. K. Barrett, *Romans* (HNTC) 70-71, 82-83; F. J. Leenhardt, *Romans*, 96-97, 108-111; D. Guthrie, *Galatians* (NGB) 87-88, 96-98; J. Murray, *Romans* (NICNT) 107, 122-123; Cranfield, *Romans*, 197-198; L. Morris, *Romans*, 171-172, 185-187; R. Y. K. Fung, *Galatians* (NICNT) 113-114. It is clear that Luther believed that people were not justified by “works of law” since all sin and because any reliance upon law works was sinful (*LW* [ed. J. Pelikan; St. Louis: Concordia, 1963-1964] 26:122-123,

position is that both of the propositions stated above are emphasized equally when arguments are given as to why "works of law" do not justify.

2. *Focus on meritorious achievement*

Although R. Bultmann agrees that no one can keep the law, he sees the fundamental sin as idolatry, and this manifests itself in an attempt to justify oneself by works so that one can boast before God.⁷ In a famous statement he says that "*man's effort to achieve satiation by keeping the Law only leads him into sin, indeed this effort itself in the end is already sin.*"⁸ Many scholars have followed Bultmann, agreeing that sin does not consist primarily in inability to obey the law but the very attempt to obey it is sinful and shows that one is trying to earn merit before God.⁹ What makes this view

126-127, 131, 139-140, 253-260, 268; 27:219, 223-225, 256-257). It is difficult to determine whether Luther belongs in this category or the next one. In fact, some of his statements (*LW* 26:122-123, 139-140, 253-254) seem to suggest that he should be placed in the next category, for he appears to say that even one who obeys the whole law is cursed. It is more likely, though, that Luther is assuming failure to obey the law when he makes such statements, for he also says that anyone who thinks that he is obeying the law is deluded and a dreamer (26:254), and "It is inevitable, therefore, that by doing the Law they not only do not keep it, but that they even sin and deny the Divine Majesty in all his promises" (26:254). The point here seems to be that although Luther's opponents claim to keep the law, in fact they do not.

⁷ *Theology of the New Testament* (New York: Scribner's 1951) 1:262-267; "Romans 7 and the Anthropology of Paul," *Existence and Faith* (New York: Meridian, 1960) 147-157; "Christ the End of the Law," *Essays Philosophical and Theological* (London: SCM, 1955) 36-60.

⁸ *Theology* 1:264 (italics his); cf. also his "Christ the End," 52-53.

⁹ See e.g. E. Käsemann, *Romans*, 89, 102-103 and *passim*; G. Bertram, "ἐργον," *TDNT*, 2.651; H. Conzelmann, *An Outline of the Theology of the New Testament* (New York: Harper & Row, 1969) 226-235; J. Blank, "Warum sagt Paulus: 'Aus Werken des Gesetzes wird niemand gerecht?'" *EKK Vorarbeiten* (Neukirchen: Neukirchener Verlag, 1969) 1:79-95, see esp. 87-90; F. Hahn, "Das Gesetzesverständnis im Römer- und Galaterbrief," *ZNW* 67 (1976) 36, 39, 43-44; G. Klein, "Sündenverständnis and theologia Crucis bei Paulus," *Theologia Crucis—Signum Crucis*, Dinkler FS (ed. C. Andresen and G. Klein; Tübingen: J. C. B. Mohr, 1979) 249-282; *idem*, "Gesetz III," *THE* 13:58-75, esp. 64-75; Betz, *Galatians*, 116-119, 126, 144-146; H. Hübner, *Law in Paul's Thought* (Edinburgh: T. & T. Clark, 1984) 113-124; *idem*, "Was heisst bei Paulus 'Werke des Gesetzes?'" *Glaube und Eschatologie*, Kümmel FS (ed. E. Grasser and O. Merk; Tübingen: J. C. B. Mohr, 1985) 123-133; H. Weder, "Gesetz und Sünde. Gedanken zu einem qualitativen Sprung im Denken des Paulus," *NTS* 31 (1985) 357-376; *idem*, "Einsicht in Gesetzlichkeit: Paulus als verständnisvoller Ausleger des menschlichen Lebens," *Judaica* 43 (1987) 21-29; R. Bring, *Galatians*, 87-90,

unique is the claim that *the very attempt to obey the law as a means of justification is sinful, even if people were to obey it perfectly.*

3. *Inability to obey the law*

The idea that Paul rejects “works of law” because they represent an attempt to justify oneself before God is being increasingly questioned today. In a ground-breaking article, U. Wilckens maintains that Paul rejects “works of law” as a way of righteousness not because the attempt to obey the law is sinful, but because no one obeys the law perfectly.¹⁰ Other scholars have argued a similar position.¹¹ They claim that Paul is not criticizing the attempt to gain favor with God by doing good works. The reason Paul rejects “works of law” as a way of salvation is that the required works are lacking.

4. *“Works of law” as a subjective genitive*

L. Gaston in a novel interpretation understands νόμου in the phrase ἔργα νόμου as a subjective genitive.¹² When Paul refers to “works of law,” he is thinking of works which are produced by the

118-125; H. Schlier, *Galater* (KEK) 91-92, 132-135; *idem*, *Der Römerbrief* (HThKNT) 100-101, 117; O. Michel, *Römer* (KEK) 101-102, 111; D. P. Fuller, “Paul and ‘The Works of The Law,’” *WTJ* 38 (1975) 28-42; G. S. Duncan, *Galatians* (MNTC) 65-66, 92-96; F. F. Bruce, *Galatians* (NIGTC) 137-138, 157-161, esp. 160; F. Mussner, *Galaterbrief* (HThKNT) 230-231; W. Schmithals, *Der Römerbrief: ein Kommentar*, 113-115.

¹⁰ “Was heist bei Paulus: ‘Aus Werken des Gesetzes wird kein Mensch gerecht?’” *Rechtfertigung als Freiheit: Paulusstudien* (Neukirchen: Neukirchener Verlag, 1974) 77-109. This view is also defended in his Romans commentary, *Römer* (EKK) 1:173-178, 244-250.

¹¹ E.g., A. van Dülmen, *Die Theologie des Gesetzes bei Paulus* (SBT 5; Stuttgart: Katholisches Bibelwerk, 1968) *passim*, esp. 173-179; S. Westerholm, *Israel’s Law and the Church’s Faith: Paul and His Recent Interpreters* (Grand Rapids: Eerdmans, 1988) 120-121; F. Thielmann, *From Plight to Solution: A Jewish Framework for Understanding Paul’s View of the Law in Galatians and Romans* (SuppNovT 61; Leiden, Brill, 1989) 61-65; Zeller, “Diskussion,” 489; J. Lambrecht, “Gesetzesverständnis bei Paulus,” *Das Gesetz im Neuen Testament* (QD 108; ed. K. Kertelge; Freiburg: Herder, 1986) 112-127. D. J. Moo (“‘Law,’ ‘Works of the Law,’ and Legalism in Paul,” *WTJ* 45 [1983] 91-99) has a similar view, but he nuances it in a way that I will expand upon later.

¹² “Works of Law as a Subjective Genitive,” *Paul and the Torah* (Vancouver: University of British Columbia Press, 1987) 100-107; previously published in *SR* 13 (1984) 39-46.

law, and the works produced are only evil. Such an interpretation is confirmed, says Gaston, by Paul's use of the genitive case in similar constructions. Τὰ ἔργα τῆς σαρκός (Gal 5:19) and ὁ καρπὸς (Gal 5:22) designate works done *by the flesh* and fruit produced *by the Spirit*. Gaston sees the strongest argument for his case in Rom 4:15 where the words "law" and "work" are joined together, and Paul says "the law works wrath" (ὁ γὰρ νόμος ὀργὴν κατεργάζεται). Rom 2:14-16 is interpreted in a similar way. The "work of the law" (τὸ ἔργον τοῦ νόμου, v 15) in Gentiles is the work of bringing condemnation, for in Paul's view the law outside the context of covenant does not save, but kills. Finally, according to Gaston, Paul sees the law as bringing a curse (Gal 3:10), failing to accomplish righteousness (Gal 3:21), causing guilt (Rom 3:19), revealing sin (Rom 3:20), increasing sin (Rom 5:20), deceiving (Rom 7:11) and killing (Rom 7:10-11).

5. "Works of law" as signifying distinctions between Jews and Gentiles

A growing number of NT scholars argue that Paul rejects "works of law" because they constitute a barrier between Jews and Gentiles.¹³ Although there are minor differences among the

¹³ E. Lohmeyer, "Probleme paulinischer Theologie. II. 'Gesetzeswerke,'" *ZNW* 28 (1929) 177-207; later reprinted in *Probleme paulinischer Theologie* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1954) 33-74; J. B. Tyson, "'Works of Law' in Galatians," *JBL* 92 (1973) 423-431; J. D. G. Dunn, "The New Perspective on Paul," *BJRL* 65 (1983) 95-122; idem, "Works of the Law and the Curse of the Law (Galatians 3:10-14)," *NTS* 31 (1985) 523-542. Dunn has now worked out his view in more detail in his commentary on *Romans*, 2 vols. (WBC) 153-155, 158-159, 185-188, 192-193; cf. also lxiii-lxxii idem, *Jesus, Paul, and the Law: Studies in Mark and Galatians* (Louisville: Westminster, 1990) 4, 208-213, 237-241, 244; E. P. Sanders, *Paul, the Law, and the Jewish People* (Philadelphia: Fortress, 1983) 17-64, 100-104; cf. also 154-160; H. Räisänen, *Paul and the Law* (Philadelphia: Fortress, 1983) 162-177; F. Watson, *Paul, Judaism and the Gentiles: A Sociological Approach* (SNTSMS 56; Cambridge: Cambridge University Press, 1986) 63-72 and 132-142; T. D. Gordon, "The Problem at Galatia," *Int* 41 (1987) 32-43; R. Heiligenthal, "Soziologische Implikationen der paulinischen Rechtfertigungslehre im Galaterbrief am Beispiel der 'Werke des Gesetzes.' Beobachtungen zur Identitätsfindung einer frühchristlichen Gemeinde," *Kairos* 26 (1984) 38-53; J. M. G. Barclay, *Obeying the Truth: A Study of Paul's Ethics in Galatians* (Edinburgh: T. & T. Clark, 1988) 82; W. S. Campbell, "Did Paul Advocate Separation from the Synagogue? A Reaction to Francis Watson: Paul, Judaism and the Gentiles: A Sociological Approach," *SJT* 42 (1989) 462-464; R. G. Hamerton-Kelly, "Sacred Violence and 'Works of Law.': 'Is Christ then an Agent of Sin?' (Galatians 2:17)," *CBQ* 52 (1990) 55-75.

scholars placed in this category, they generally agree that “works of law” are not criticized by Paul because he thinks the law is impossible to fulfill, nor is Paul opposing the idea that one must obey the law to earn salvation. The problem with “works of law” is that such works restrict the people of God to the Jews, whereas the death of Christ on the cross has made salvation available to all people, both Jews and Gentiles, by faith.

We shall briefly examine a few representative scholars of this position since it is increasing in influence. J. D. G. Dunn, for example, says that Paul does not exclude “works of law” as the way to righteousness because such works were an attempt to earn salvation by amassing merit before God, or because such works could not be obeyed perfectly.¹⁴ Although “works of law” refers to the whole law,¹⁵ the term focuses on “identity markers” or “badges” of the covenant which separated Jews from Gentiles, viz. circumcision, food laws, and observance of certain days. Thus, when Paul speaks against “works of law,” he is not speaking against works in general, but against the particular works of the covenant which created a distinction between Jews and Gentiles. Paul’s polemic is not against “activism” but “nationalism.” He attacks any Jewish notion of privilege because of her covenantal status. The Jews wrongly boasted in their national privilege as God’s elect people, but they did not boast in their good works. So when Paul speaks of those who are ἐξ ἔργων νόμου in Gal 3:10 he refers to “those who have understood the scope of God’s covenant people as Israel *per se*, as that people who are defined by the law and marked out by its distinctive requirements.”¹⁶ And the curse of the law lies not on those who disobey the law, but on those who restrict the promise on nationalistic terms to the Jews.¹⁷ “Works of law” must be repudiated as a way to salvation because they create a social boundary between Jews and Gentiles, limiting salvation to a certain ethnic group.

¹⁴ See preceding note for bibliography. Dunn's conclusions are quite similar to Tyson's, and Tyson himself depends significantly upon Lohmeyer. See preceding note for references to Tyson and Lohmeyer.

¹⁵ It was not clear to me earlier that Dunn thought the entire law was in view in the phrase “works of law,” but in his recent work he has emphasized that “works of law” includes the whole law (see Jesus, *Paul, and the Law*, 208-213, 237-241).

¹⁶ “Works of the Law,” 534.

¹⁷ *Ibid.*, 536.

Dunn's *New Perspective* article cited above was an attempt, by his own admission, to explain the Paul as described by E. P. Sanders in a less arbitrary and idiosyncratic way. Nevertheless, Sanders and H. Räisänen share the following points in common with Dunn:¹⁸ 1) The term "works of law" refers to the whole law. 2) There is an indissoluble connection between Paul's soteriology and the inclusion of Gentiles into the people of God. Paul attacks the Jewish notion of covenant privilege and the law because such emphases demand that Gentiles be saved by becoming Jews instead of by believing in Christ. 3) Paul does not reject "works of law" as a way of salvation because they lead to boasting, self-effort, meritorious achievement, and legalism. The problem with the law is simply that it compels Gentiles to become Jews in order to join the people of God, and such a demand means that salvation comes through the law rather than Christ.

Sanders can be distinguished from Dunn in that he argues that even though Paul's statements on the law may be "coherent" they are not systematically consistent,¹⁹ while Räisänen's entire book is a sustained attempt to demonstrate that Paul often makes contradictory statements on the law. Räisänen finds Dunn's solution on the problem of Paul and the law unpersuasive²⁰ and concludes that Paul ended up distorting Judaism by portraying it as legalistic.²¹

F. Watson's explanation of "works of law" is similar in many respects to those of Dunn, Sanders and Räisänen, but he works intentionally from a sociological approach.²² NT scholarship has been plagued for too long with an unhistorical method which approaches Pauline theology with Lutheran spectacles, according to Watson. A careful examination of Pauline theology in general and "works of law" in particular shows that the latter were rejected because Paul wanted to legitimate the separation of Paul's Gentile congregations from the Jewish community. "Works of law" are

¹⁸ Sanders, *Paul, the Law*, 17-64, 100-104, 154-160; Räisänen, *Paul and the Law*, 162-177.

¹⁹ *Paul, the Law*, 144-148.

²⁰ "Galatians 2:16 and Paul's Break with Judaism," *NTS* 31 (1985) 543-553.

²¹ *Paul and the Law*, 188; idem, "Paul's Call Experience and His Later View of the Law," *The Torah and Christ* (Helsinki: Finnish Exegetical Society, 1986) 55-92, esp. 82-83, 86, 92.

²² *Sociological Approach*, 63-72 and 132-142.

not rejected because they represent a mistaken attempt to earn salvation by doing, nor does Paul have an antipathy towards works since he often exhorts his converts to do good works. “For Paul, the term ‘works of the law’ refers not to morality in general but to the practice of the law within the Jewish community.”²³ Paul rejects “works of law” solely because they define life within the Jewish community, and he wants his congregations to be separated from the synagogue and the Jewish pattern of life. The antithesis between “works of law” and faith, then, was coined by Paul as part of his legitimating ideology to justify the separation of Pauline congregations from the Jewish community.²⁴ Thus, it was not theology that led Paul to reject “works of law” according to Watson, but sociological expediency.

Evaluation and analysis

The newer interpretations of “works of law” rightly caution against reading Judaism through the lenses of the Reformation or traditional exegesis. And since anti-Semitism has sometimes crept into NT exegesis, Sanders’ work rightly warns us against reading Judaism with jaundiced and unsympathetic eyes. While the motive behind some of the recent interpretations is laudable, this does not mean that these interpretations should be accepted uncritically. We shall proceed by examining five questions, and the questions are listed in a different order than the survey of interpretation given above. We have adopted such an arrangement in the hope that our

²³ Ibid., 64; cf. also 198, n. 79.

²⁴ Watson says (*Sociological Approach*, 71, 200-201, n. 108 and 110) Paul did demand perfect obedience to the law for salvation in Gal 3:10, but adds that Paul’s opponents would have disagreed with his position. Räisänen (*Paul and the Law*, 94-95, see n. 13 on 95-96) also sees Paul as implying that no one can obey the whole law in Gal 3:10. Sanders, on the other hand, says (*Paul, the Law*, 20-27) that Paul excludes the law as a way of salvation without implying that it cannot be obeyed. Even though Watson and Sanders disagree on whether Paul thought the law could be obeyed perfectly, the differences between them on this issue should not be overemphasized. Watson’s explanation is similar to Sanders’ when he says that failure to obey the law is not Paul’s “reason” for rejecting the Jewish law. “His rejection of it is bound up with his establishment of Gentile congregations separated from the Jewish community; he then requires arguments to justify this” (201, n. 110). Compare Sanders’ (*Paul, the Law*, 4, 26) similar distinction between Paul’s *reasons* and *arguments*. Räisänen is distinguished from Watson in that he concludes that Paul’s arguments are logically contradictory.

own position will be clarified most accurately as we interact with the questions in the order presented here. 1) Is Dunn correct in focusing on “identity markers” which separate Jews from Gentiles in locating the reason why “works of law” do not justify? 2) Can Gaston’s interpretation of νόμου as a subjective genitive in the term “works of law” be sustained? 3) When Paul speaks against righteousness by “works of law” is he opposing a view that believes that righteousness can be earned or merited by observing the law? 4) If Paul is opposing legalism, is the interpretation of “works of law” as articulated by the Bultmann school correct? 5) Finally, the article shall conclude by asking whether the view that Paul opposed legalism has any credibility in light of Sanders’ work on Palestinian Judaism.

1. *Do “works of law” focus upon identity markers?*

It is generally acknowledged in NT scholarship that ἔργα in Paul refers to works done or deeds accomplished.²⁵ Moreover, there also seems to be a general consensus that the term ἔργα νόμου refers to the Mosaic law as a whole and cannot be confined to only part of it.²⁶ But is Dunn correct when he focuses upon “identity markers” like circumcision, food laws, and observance of days in describing “works of law,” so that he locates the reason behind Paul’s condemnation of the Jews in their nationalistic exclusivism? Galatians may suggest at first glance that Dunn is correct since Paul worries there that the Galatians will adopt circumcision (Gal 5:2-6, 11-12; 6:12-16; cf. 2:3-5) and observe certain days (4:10). Moreover, the introduction of the phrase “works of law” in 2:16 is connected with vv 11-14 where Peter’s behavior, according to Paul, amounts to an imposition upon the Gentiles of Jewish purity laws.²⁷ Further, the

²⁵ See Bauer-Aland, 6th ed., s.v. “ἔργον,” 623, 1; Bertram, “ἔργον,” *TDNT*, 2.637-652; H.-C. Hahn, “Work,” *NIDNTT*, 3.1150-1151; Westerholm, “*Israel’s Law*,” 106-121; Moo, “Works of the Law,” 90-99. The chart provided by Moo (93) is very helpful for a survey of usage.

²⁶ This was already emphasized by Luther (*LW* 26:122-123, 138; 27:223, 257) and Calvin (*Commentaries*, 8:69-70; 11:38-39; *Institutes*, 3.11.19-20). So also Moo, “Works of Law,” 90-99; Westerholm, *Israel’s Law*, 106-121; Mussner, *Galaterbrief*, 169-170; Räisänen, *Paul and the Law*, 177; Watson, *Sociological Approach*, 198, n. 79. Dunn also acknowledges that “works of law” refers to the whole law (see n. 15 above).

²⁷ On this text see J. D. G. Dunn “The Incident at Antioch (Gal 2:11-18),” *JSNT* 18 (1983) 3-57; cf. also his additional note where he responds to his critics in *Jesus, Paul, and the Law*, 174-182.

attempt to be justified by law (οἵτινες ἐν νόμῳ δικαιοῦσθε) in Gal 5:4 is connected with the desire to be circumcised (Gal 5:3). Thus, Dunn concludes that the “curse of the law” (Gal 3:10) falls upon those who restrict the people of God to those who observe such Jewish badges. As Dunn reads Paul, such a misunderstanding of God’s covenant places one under God’s curse.²⁸

The use of “works of law” in Romans can be interpreted according to Dunn’s schema as well. There is a polemic against circumcision in 2:25-29 and 4:9-12, suggesting that the reason righteousness does not come by “works of law” in 3:20 and 3:28 is due to overconfidence in Jewish “badges.” Rom 3:29-30 function as support for Dunn’s interpretation of “works of law” in 3:28, for the former verses stress the inclusion of the Gentiles into the people of God, indicating that the new community should not be restricted to the Jews.

Even though an initial reading of the evidence might seem to favor Dunn’s reading of “works of law,” we are convinced that the reason Paul rules out righteousness by “works of law” is broader than Dunn allows and that the primary reason, according to Paul, why righteousness cannot be obtained by “works of law” is that no one obeys the law perfectly.

Paul’s use of “works of law” in Rom 3:20 shows the weakness of Dunn’s thesis. The meaning of “works of law” here cannot be separated from what Paul says about the law in Romans 2, for Rom 3:19-20 function as the conclusion of all of Rom 1:18-3:18. And that Paul has in mind “works” commanded by the law in chapter 2 is clear, for he speaks of doing (ποιηταὶ νόμου, v 13), transgressing (τῆς παραβάσεως τοῦ νόμου [v 23], παραβάτης νόμου [v 25], παραβάτην νόμου [v 27]), practicing (νόμου πράσεως, v 25), and keeping (τὸν νόμον τελούσα, v 27) *the law*. He also speaks of “observing the ordinances of the law” (τὰ δικαιώματα τοῦ νόμου φυλάσσει, v 26)²⁹ and charges the Jews with specific infractions of the law in vv 21-22 i.e., stealing, adultery, and robbing temples. Indeed, the whole point of Rom 2:17-29 is to convict the Jews for not obeying the law and to contrast them with Gentiles who observe the law.³⁰

²⁸ Jesus, *Paul, and the Law*, 237.

²⁹ In Rom 8:4 Paul speaks of the “ordinance of the law” being fulfilled (τὸ δικαίωμα τοῦ νόμου πληρωθῆ).

³⁰ K. R. Snodgrass (“Justification by Grace-To the Doers: An Analysis of the Place of Romans 2 in the Theology of Paul,” *NTS* 32 [1986] 83-85) distinguishes

Now if it is true that “works of law” in Rom 3:20 is related to Jewish failure to obey the law in 2:17-29, then it follows that Paul’s point when he says that righteousness does not come by “works of law” is almost precisely the opposite of Dunn’s. The “works of law” which lead to the condemnation of the Jews are not the exaltation of “circumcision” and other “identity markers,” for Rom 2:25-29 shows that they keep the law of circumcision. Instead judgment comes because they do not keep the rest of the law, the moral norms of the law (cf Rom 2:21-22). The Jews are not condemned because they trumpet certain “boundary markers” to exclude Gentiles, even though Dunn is correct in affirming that Paul does not want these “identity markers” imposed on Gentiles. Nevertheless, in Romans Paul never faults the Jews for observing circumcision; he faults them for not obeying the rest of the law, while still thinking that circumcision could somehow protect them from God’s judgment. Thus, it seems that “works of law” in Rom 3:20 designates broadly the deeds commanded by the law, and the reason for condemnation is due to failure to keep the law.³¹

Of course, Dunn agrees that in Rom 2:17-29 the fundamental issue for Paul is Jewish failure to keep the law,³² but he does not draw the correct implication for the meaning of “works of law” in 3:20. He still thinks “‘works of law’ must refer to the attitude attacked in chap. 2; it must denote the ‘works’ referred to there, particularly circumcision.”³³ Three pieces of evidence show the weakness of Dunn’s proposal: 1) Even though Dunn is right when he says that Paul does not want circumcision to be required of Gentiles, the attitude which Paul criticizes in chapter 2 is not the

ἔργα νόμου in Rom 3:20 from the obedience to the law described in Romans 2. He rightly sees that “works of law” refers to “a striving after the law on one’s own” (84), but he fails to see the connection between “works of law” and the Jewish failure to obey the law in chapter 2. I hope to show in a future article on Romans 2 how Paul can say in Rom 2:13 that “the doers of the law will be justified,” while claiming at the same time that no one can be justified by “works of law.” See Wilckens (*Römer*, 1:131) for a good bibliography on Romans 2.

³¹We do not deny that Paul distinguished between moral norms of the law and laws which separate Jews from Gentiles. What we deny is that he has this distinction in mind when he uses the phrase “works of law.” For a defense of the idea that Paul saw the moral norms of the law as obligatory for the church see T. R. Schreiner, “The Abolition and Fulfillment of the Law in Paul,” *JSNT* 35 (1989) 47-74.

³²*Romans*, 108-128.

³³*Ibid.*, 158.

imposition of circumcision upon Gentiles. What Paul rejects is the exaltation of circumcision by the Jews as a sign of covenant protection *while they disobey the rest of the law*. 2) It is almost universally agreed that in 3:19-20 Paul is summarizing his previous argument. Now if we are correct in the above point that Paul attacks the Jews in chapter 2 for failing to observe the whole law, and since in 3:9-18 he stresses that no one is righteous and all are sinners, then it is likely in his summary statement in 3:20 that he is restating the same thesis. 3) Finally, the most likely interpretation of 3:20 itself is that Paul is speaking of human inability to obey the law. He says that righteousness is not available by “works of law” because (γάρ) “through the law is the knowledge of sin.” In other words, righteousness cannot be obtained by “works of law” since all sin and fail to meet the standard of the law. Nothing is said here about a wrong attitude or an exclusive spirit; the problem is disobedience. In Rom 3:20 Dunn seems to lapse back to the notion that “works of law” includes only part of the law, but if the whole law is expressed by the phrase, as is more likely because of the stress on not obeying the rest of the law in Romans 2, and 3:9-18, then Paul is concluding that righteousness does not come by doing what the law as whole requires, for no one obeys the whole law.

There is another piece of evidence in Romans that “works of law” lead to a curse because people cannot obey the law. It will be argued below that Paul's statements on “works of law” and boasting in Rom 3:27-28 cannot be separated from the example of Abraham which Paul cites in chapter 4.³⁴ It is also the case that the example of David in Rom 4:6-8 is brought in to confirm the case being made from Abraham.³⁵ Now since Rom 3:27-31 and chapter 4 are closely related, the word ἔργα in chapter 4 helps us to interpret what Paul means by “works of law” in 3:28. It should be noted that the use of the word ἔργα with reference to Abraham in 4:2 should, in accord with our previous comments on this word, be interpreted to refer to the performance of deeds in general.³⁶ No limitation to

³⁴ See pp. 232-233 below.

³⁵ Καθάπερ in v 6 shows that Paul is comparing the case of David to that of Abraham. The verb λογίζομαι relating Ps 32:1 (LXX 31:1) to Gen 15:6 functions as the catchword here.

³⁶ The verbal form of ἐργάζομαι in Rom 4:4-5 also suggests that “works” in the broadest sense are in view.

works which separate Jews from Gentiles is evident in context.³⁷

The specific point we want to make here, however, is from the appeal to David in Rom 4:6-8 which is linked to Paul's argument from the example of Abraham in 4:1-5. The appeal to David's experience constitutes further proof that when righteousness is excluded by "works of law" Paul is thinking of failure to obey the law, not the exaltation of "boundary markers." David's "righteousness apart from works" (δικαιοσύνην χωρὶς ἔργων, Rom 4:6) is further described in v 7 as the blessing of forgiveness for lawless deeds and sins. David's ἀνομίαι and ἁμαρτίαι (v 7) are another way of describing the works that are said to be lacking (χωρὶς ἔργων) in v 6. Paul is not implying that David's sins consisted in an overemphasis on circumcision and other "boundary markers" so that Gentiles were excluded from the people of God. His "lawless acts" and "sins" described here are general terms for one who sins by disobeying the law. The connection between David's failure to perform the necessary "works" in 4:6 and Paul's claim that righteousness is "apart from works of law" (3:28) suggests that the reason "works of law" do not justify is because of failure to obey the whole law.

We shall not examine Galatians in any detail here, but it is probable that here also Paul maintains that righteousness cannot be gained by "works of law" because of failure to obey the whole law. For example, the opponents who advocated circumcision "do not observe the law" (οὐδε ... νόμον φυλάσσουσιν, Gal 6:12). Of course, the opponents were circumcised and observed purity laws, and Paul resists the adversaries' attempt to require Gentiles to observe these laws. But Paul's point here is that obedience to the entire law is incumbent upon his opponents, and they are not succeeding in keeping it. Such an exegesis of Gal 6:12 fits with the warning delivered to anyone who would receive circumcision in Gal 5:3, viz., he is obligated to *do the whole law* (ὀφειλέτης ἐστὶν ὅλον τὸν νόμον ποιῆσαι, Gal 5:3). In Paul's view the reception of circumcision is

³⁷ Moreover, 4:9-12 asks the question whether righteousness apart from works is only available to the circumcised. The very posing of the question implies that "works" cannot be restricted to circumcision, for Paul assumes that he has already proved that righteousness is apart from works. Now he asks whether this *righteousness apart from works is available only to the circumcised*. It seems to me that the very posing of the question shows that "works" is the larger set of which circumcision is the subset.

linked with a commitment to observe the rest of the law, and his warning in 5:3 implies he views such observance to be impossible.

Our understanding of 6:12 and 5:3 is confirmed by Gal 3:10 where “works of law” are specifically connected with *doing everything* written in the law.³⁸ Dunn’s exegesis of Gal 3:10 and 3:13 must be rejected as foreign to the context, for he locates the curse in *a wrong understanding of the covenant*, and in *the limitation of covenant blessing to those who observe Jewish badges*. But the wording of Gal 3:10 is more naturally explained to say that those who do not obey the law are cursed.³⁹ The reason for the curse is not a wrong understanding, nor is it due to racial restriction; the curse comes upon the disobedient.

Finally, the closest parallels in Second Temple Jewish literature also suggest that the term “works of law” refers generally to the whole law, and it is not clear in these texts that the focus is on laws which separate Jews from Gentiles. No exact parallel to $\xi\rho\gamma\alpha \nu\acute{o}\mu\omicron\upsilon$ exists in the LXX. In 4QFlor 1:7 there is the Hebrew equivalent $h\dot{r}^o\{t\ y\dot{c}@x\&m^\wedge$ (“works of law”) which is probably a reference to all the works commanded in the law. There is a similar phrase “his works of law” (1QS 5:21; 6:18; $h\dot{r}^*oTB^\wedge\ wyc^*u\&m^\wedge$) in the Qumran literature. A careful reading of 1QS V-VII shows that general obedience to the law is being described in this passage. Members pledge to “return to the law of Moses according to *all* which he commanded” (1QS

³⁸ It is significant that Paul includes the word $\pi\acute{\alpha}\sigma\iota\nu$ from the LXX in his citation of Deut 27:26, for the word IK is lacking in the MT. For an examination of the textual evidence see Betz, *Galatians*, 144-145; Mussner, *Galaterbrief*, 223-224. For more detailed support for this exegesis of Gal 3:10 see T. R. Schreiner, “Is Perfect Obedience to the Law Possible? A Re-examination of Galatians 3:10,” *JETS* 27 (1984) 151-160; idem, “Paul and Perfect Obedience to the Law: An Evaluation of the View of E. P. Sanders,” *WTJ* 47 (1985) 245-278. For similar interpretations of this text see Wilckens, “Aus Werken des Gesetzes,” 92; Moo, “Works of Law,” 97-98; Westerholm, *Israel's Law*, 121; Lambrecht, “Gesetzesverständnis,” 113-116; Räisänen, *Paul and the Law*, 94-96, n. 13; Watson, *Sociological Approach*, 71, 200-201, n. 108 and 110.

³⁹ See Räisänen (“Paul’s Break with Judaism,” 543-553, esp. 548) for a more sustained critique of Dunn. See Hübner (“Werke des Gesetzes,” 125-133) for an analysis of Dunn’s “New Perspective” article. For Dunn’s response to these two criticisms see *Jesus, Paul, and the Law*, 206-210. Dunn’s latest comments in the book cited above (209-212) show that he has not changed his mind: Paul’s real problem with “works of law” focused on a certain attitude toward these works in which they were used to separate Jews from Gentiles, even though Dunn says he is unhappy with the use of the word “attitude.”

5:8, ἡW*x! rv#a& lokk= h?#om tr^oT la# bWvl*). The text enumerates many specific commands for members of the community which in no way can be limited to part of the law (e. g. 1QS 5:25-26; 6:24-7:18).⁴⁰

2. Is "works of law" a subjective genitive.?

What we have been saying about ἔργα νόμου also rules out Gaston's proposal.⁴¹ For if Gaston's view of the subjective genitive is on target, we can translate Paul as saying "No one can be righteous by doing the evil deeds produced by the law." Against this is the evidence provided above that "works of law" refers to the *works* demanded by the *Mosaic* law, and the works demanded by the law of Moses *are not evil but good*. In addition, Gaston's claim that "works of law" designates the evil deeds produced by the law causes one to wonder why Paul insisted that "no one could be justified by works of law." Such an insistence becomes a tautology and therefore awkward in the flow of Paul's argument. Paul's Jewish Christian opponents in Galatians and Romans would not affirm that anyone would be righteous *by evil works*. Thus, if Gaston is correct, we are left wondering why Paul would affirm something with which no one would disagree.⁴² In fact, as we have explained above, Paul explains twice (Gal 3:10; Rom 3:20) why righteousness does not come by "works of law." It is not because such works are evil; it is because no one obeys the law perfectly. Paul can speak of the law's role in inciting sin (Rom 4:15; 7:5, 7-11), but the evidence that he has this in mind when referring to "works of law" is not compelling.

⁴⁰ Another similar expression in the Qumran literature is "works of righteousness" (1QH 1:26 ἡq*r*X+h^ y?@u&m^; 4:31 ἡq*r*x+ y?@u&m^). Cf. also 2 Apoc. Bar. 57:2. In the OT the Torah is the norm for all of life, not just ritual matters. Mussner ("Toraleben," 35) points out that Torah was indivisible in Judaism, strengthening the idea that no distinctions are contemplated in the phrase "works of law." And that the law continued to function as a general norm of conduct in the Second Temple Period is confirmed by E. J. Schnabel, *Law and Wisdom from Ben Sira to Paul: A Tradition Historical Enquiry into the Relations of Law, Wisdom, and Ethics* (WUNT 2.16; Tübingen: J. C. B. Mohr, 1985) 29-63, 97-99, 106-109, 113, 116, 120-121, 126-127, 135-136, 143-147, 154-158, 169-190.

⁴¹ So also Westerholm, *Israel's Law*, 116-117.

⁴² For a similar criticism see also Dunn, *Romans*, 154.

3. Is Paul opposing legalism?

We have argued thus far that when Paul says that righteousness does not come by “works of law” he has the whole law in view, and that the reason given for failing to obtain righteousness by the law’s works is that perfect obedience is lacking. This leads us to a question that is sharply controversial today, viz., when Paul speaks against obtaining righteousness by “works of law” is he countering some who believed that righteousness could be earned by doing good works? The crucial passage on this issue is Rom 3:27-4:5.

Before the issue of legalism is explored in Rom 3:27-4:5, we need to defend the idea that Rom 3:27-28 deals with the same issue as 4:1-5.⁴³ In Rom 3:27-28 Paul rules out boasting since (γάρ) justification is reckoned apart from “works of the law.” And that boasting in works is excluded is proved and exemplified in the case of Abraham in Romans 4. A close connection between Rom 3:27-28 and Romans 4 is demonstrated by Rom 4:2 where Paul says, “if Abraham was justified by works, he has a reason for boasting.” The parallel between Rom 3:27-28 and the case of Abraham becomes apparent, for three words from 3:27-28 reappear in 4:2: “works,” “boasting,” and “justify.”⁴⁴ The only notable difference is that in the latter verse ἔργα is used without the genitive νόμου. But we have already shown above that the difference between ἔργα and ἔργα νόμου is simply that the latter is more specific in designating the works commanded by the law.⁴⁵ There seems to be little doubt, then, that Rom 3:27-28 and 4:1-5 relate to the same issue.

The relationship between works, boasting, and obtaining righteousness has suggested to many scholars that Paul speaks against the tendency to boast and glory in one’s own deeds in trying

⁴³ So Cranfield, *Romans*, 224, 226; Käsemann, *Romans*, 106; Wilckens, *Römer*, 1:258; Hübner, *Law in Paul's Thought*, 118; . Klein, “Sündenverständnis,” 276; Murray, *Romans*, 127; C. T. Rhyne (*Faith Establishes the Law* [SBLDS 55; Chico, CA: Scholars, 1981] 78, 158, n. 81) sees the connection with boasting and 3:27 as a secondary motif; the important point for our purposes is that he agrees that there is a connection between 3:27 and chapter 4.

⁴⁴ For discussion of the difference between καύχησις in 3:27 καύχημα and in 4:2 see R. Bultmann, “καυχάομαι,” *TDNT*, 3:649, n. 35; Hübner, *Law in Paul's Thought*, 120; Cranfield, *Romans*, 165.

⁴⁵ For the connection between ἔργα νόμου and ἔργα see Westerholm, *Israel's Law*, 119; Moo, “Works of Law,” 94-97.

to obtain salvation.⁴⁶ On the other hand, an increasing number of scholars doubt that Paul is speaking against the attempt to earn salvation by one's good works when he rules out boasting in "works of law." Two main arguments are brought forward to support this newer exegesis of Rom 3:27-4:5. The first argument is that Paul is not speaking against boasting in meritorious achievement in this text but against Jewish pride in their elect status and national privilege.⁴⁷ Paul's focus on the inclusion of Gentiles in Rom 3:29-30 and 4:9-12, 14 shows the real target of his argument, according to these scholars, is not works-righteousness but a perception of special status or privilege being given to Jews vis-à-vis the Gentiles. The boasting rejected by Paul is "the attitude of the Jew who relied on a uniquely privileged position."⁴⁸

The second argument presented against those who see a critique of legalism in Rom 3:27-4:5 is that such an exegesis reads into the text something which is not there. Sanders says that Paul does not imply in Romans 4 that Abraham *attempted* to be righteous by works.⁴⁹ The text simply makes a factual argument to the effect that Abraham could not boast because he was not justified by works. There is no evident polemic against an Abraham who actually tried to be righteous by works. Rom 4:4 does exclude boasting in self-achievement, says Sanders, but there is nothing in the text to indicate that such boasting is incited by the law.

In a similar vein the scholars who stress inability to obey the law agree that Paul does not reject "works of law" because they lead to legalism.⁵⁰ Rather, the Mosaic law by definition could not

⁴⁶ So e.g. Käsemann, *Romans*, 102-103; Hübner, *Law in Paul's Thought*, 116, 119-120; Cranfield, *Romans*, 219, 228; Rhyne, *Faith Establishes the Law*, 67; R. H. Gundry, "Grace, Works, and Staying Saved in Paul," *Bib* 66 (1985) 14-16.

⁴⁷ E.g. Dunn, *Romans*, 185-188, 227. He says (186), "Once again it is not a question of *good works*, ... but of works as denoting covenant obligation and distinctiveness." So also Watson, *Sociological Approach*, 133-135, who remarks (140), "Faith is incompatible with works only because for Paul faith is bound up with the legitimacy of Gentile Christians who do not observe the law and are separated from the synagogue, whereas works stands for the way of life of the Jewish community." For a similar interpretation see Sanders, *Paul, the Law*, 33-36; Zeller, "Diskussion," 490; Räisänen, *Paul and the Law*, 170-172; J. Ziesler, *Romans* (TPINTC) 117, 123-125.

⁴⁸ Watson, *Sociological Approach*, 133.

⁴⁹ *Paul, the Law*, 33-35.

⁵⁰ Westerholm, *Israel's Law*, 120-121, 130-134; R. W. Thompson, "Paul's Double Critique of Jewish Boasting: A Study of Rom 3:27 in Its Context," *Bib* 67 (1986) 520-531; J. Lambrecht, "Why is Boasting Excluded? A Note on Rom 3:27 and 4:2," *ETL* 61 (1985) 365-369.

justify, and thus Paul polarizes law and faith. The argument is a salvation-historical one, not an existential one.⁵¹ Thus, J. Lambrecht contends that “it would seem that the boasting terminology in 2:17; 2:23; 3:27 and 4:2 is rather neutral; by itself it does not point to a morally perverse ‘Selbstruhm.’”⁵² After all, Paul commends the Jewish zeal to perform the law (Rom 10:2-3). The real objection Paul has with “works of law” is that no one could obey them sufficiently. Because of this inability, the law is not the way to salvation.

Despite the fact that the consensus is flowing in the opposite direction, it is probable that when Paul speaks against righteousness by “works of law” in the context of Rom 3:27-4:5, he is opposing legalism, i.e., the attempt to earn salvation by doing good works. We think the newer exegesis presented above of Rom 3:27-4:5 is unconvincing for the following reasons.

Is the link between “boasting” and “works of law” in Romans 3-4 merely a polemic against Jewish exclusivism, and is Paul simply excluding salvation by works without implying that anyone was attempting to be saved by such works? The most natural way of reading Rom 3:27-28 and Rom 4:1-5 is to see a polemic against attempting to earn salvation by doing good works. Boasting is excluded not through the “law of works,” but through the “law of faith” (διὰ νόμου πίστεως). V 28 provides a ground (γάρ) for the exclusion of boasting asserted in v 27.⁵³ Boasting is excluded because a person “is justified by faith apart from the works of the law.”⁵⁴ Since virtually all scholars agree that “works of law” refers to the law as a whole,⁵⁵ then we can conclude that Paul is speaking against those who would boast because they tried to obtain salvation

⁵¹ So Wilckens, *Römer*, 1:246-248.

⁵² “Boasting,” 366.

⁵³ Thompson (“Critique of Jewish Boasting,” 520-531) argues that Paul criticizes Jewish boasting for two reasons: 1) failure to obey the law even though they possess it; and 2) now salvation is by faith in Christ and not through the law. But Thompson fails to deal adequately with what the connection between justification and “works of law” means, and he also does not explain in any detail the logical relationship between 3:27 and 3:28 which is joined by a γάρ.

⁵⁴ We are not claiming that Paul is against all boasting, only that in this context he speaks against boasting in “works of law” or works. For an insightful examination of Paul’s perspective on boasting in 2 Corinthians see S. Hafemann, “‘Self-Commendation’ and Apostolic Legitimacy in 2 Corinthians: A Pauline Dialectic?” *NTS* 36 (1990) 74-87.

⁵⁵ See p. 225 above.

by doing the deeds commanded in the Mosaic law. Paul makes the same case in using the example of Abraham in Rom 4:1-5. Performance of the necessary works constitutes a proper basis for boasting (v 2). If Abraham gained righteousness in this way, God would have owed him wages as one who performed the necessary work. But in actuality this was not how Abraham obtained righteousness. It was his faith in God that was counted to him as righteousness (v 3), and as an ungodly person he received the divine gift of saving righteousness (v 5).⁵⁶

It is not being claimed here that the connotation of legalism can be read out of the phrase ἔργα νόμου, for we have claimed that the phrase simply designates the deeds or actions commanded by the law. But even though no conception of legalism can be read into the term ἔργα νόμου alone, when it is connected to obtaining righteousness (Gal 2:16³; Rom 3:20, 28) and receiving the Spirit (Gal 3:2, 5), then it seems sensible to conclude that Paul is ruling out the idea that one could obtain righteousness or receive the Spirit by doing what the law commands.⁵⁷

Sanders concedes that Paul rules out any salvation by doing good works in Romans 4, but he contends that Paul is merely making a factual argument here to the effect that no one can be righteous by works.⁵⁸ He sees no indication in the text that anyone attempted to obey the law as a means to gain salvation. But against Sanders, it is unlikely that the issue of boasting in works arises in a polemical context merely for theoretical reasons. Paul is not the kind of writer who makes theological statements which are unrelated to the situations in his churches. His letters are occasional documents in response to problems which arose in the churches over which he had apostolic oversight. Thus, he would not stress that righteousness could not come by works if no one struggled with that problem. It seems hard to escape the conclusion that some thought they could obtain salvation *by doing the law*. At the very least this was Paul's perception of his opponents. It is highly unlikely that Paul is simply making the intellectual point that no one can obey the law for justification, but there was no one (at least in Paul's view) who

⁵⁶ The example of Abraham shows the weakness of Wilckens' claim (*Römer*, 1:246-250) that Paul is only dealing with salvation-history in Rom 3:27ff, and not also criticizing legalism.

⁵⁷ So also Moo, "Works of Law," 99.

⁵⁸ See p. 233 above.

was trying to do so.⁵⁹ He excluded salvation by “works of law” precisely because some thought salvation could come by such law obedience, even though their sinfulness precluded such a possibility. For Paul the problem is that some sinners live under the illusion that they can impress God with their works, even though they are ungodly and the works are actually lacking.

The linchpin argument against the exegesis I am suggesting is the increasingly common objection that the issue is not boasting in “works” of any kind; rather, Paul only speaks against pride in Jewish nationalism or exclusivism. To assert this, though, seems to limit “works of law” to “boundary markers,” and we have already seen that Paul uses the term in a broad sense to refer to deeds people do, rather than only to “boundary markers.”

This argument also fails to convince because Jewish nationalism and exclusivism cannot be neatly separated from Jewish obedience to the law. Jewish nationalism was intimately and inextricably tied up with devotion to and observance of Torah.⁶⁰ The Qumran community considered itself to be the true Israel in contrast to the rest of Israel precisely because of its devotion to the law. It was not sufficient to be an ethnic Israelite; one also had to observe Torah. And that substantial and significant obedience to Torah was considered necessary by Jews has been convincingly argued by Thielman. The Jews of both the Old Testament and Second Temple Period explained God's judgments on the nation as chastisements for sin.⁶¹ The Jews of the Second Temple Period did not expect God's blessings solely for ethnic reasons. A purified people who were devoted to the law would be the recipients of salvation.⁶² Thus, it is not convincing to say that Jews would be tempted to feel superior to Gentiles solely because they were of a certain ethnic heritage, nor did the mere possession of the law make them feel superior. Instead, Jews typically thought their obedience to the law was superior to that of the Gentiles. It is precisely this attitude which Paul attempts

⁵⁹ For a convincing defense from this and other Pauline texts of the view that Paul resisted legalism see Gundry, “Grace,” 1-38; B. L. Martin, *Christ and the Law in Paul* (SuppNovT 62; Leiden: Brill, 1989) 93-96.

⁶⁰ Mussner (“Toraleben,” 35-37) rightly stresses that in Judaism the learning *and doing* of Torah were considered crucial, and thus mere possession of Torah would never have been considered sufficient.

⁶¹ *From Plight to Solution*, 28-45.

⁶² Cf. , e. g., *Psalms of Solomon* 17-18.

to puncture in Romans 2.⁶³ The nationalism of the Jews simply cannot be separated from a feeling of moral superiority rooted in their adherence to the law. Thus, the attempt to separate Jewish exclusivism from the performance of the law cannot be successful. The two inevitably go together, and that is why they are wedded so closely together in a number of texts in Paul (e.g., Rom 9:30-10:4; Phil 3:2-11).

But perhaps Watson has discovered the right solution. Paul's arguments are not as important as his reasons. He wants to legitimate the separation of his congregations from the Jewish synagogues, and so he speaks negatively of the Torah. Watson's provocative study is flawed because it too neatly separates theology from sociology.⁶⁴ It is too simplistic to conclude that social factors *alone* were the decisive reasons for Paul's viewpoint on the law and the Jew-Gentile issue. This is an example of reductionistic reasoning, for it seems more likely that both theological and social factors contributed to Paul's thinking. Despite Watson's disclaimer to the effect that he is not eliminating Paul the theologian,⁶⁵ Paul's theology is relegated to an insignificant level in his study. Pauline arguments for inclusion of Gentiles are simply rationalizations for what he wanted to prove in the first place, according to Watson.⁶⁶ This statement may have elements of truth in it, although N. T. Wright correctly observes that some rationalizations are valid arguments for conclusions "reached originally by a leap of

⁶³ One could respond by saying that Paul's argument in Romans 2 assumes that there were Jews who expected God's blessing on the basis of their ethnic heritage alone. While there may have been a few Jews who felt that way, this is not the case with Paul's audience in Romans 2. Here Paul is not attacking Jews who think ethnic heritage is sufficient for blessing. If they really believed ethnic heritage was sufficient, Paul's claim that their sin nullifies such an advantage over Gentiles would have no effect on them because such Jews would claim that ethnic heritage alone is decisive. Instead, Paul's aim in Romans 2 is to convince Jews that they do not obey the law, and thus they possess no advantage over sinful Gentiles. Presumably Paul thinks that if Jewish disobedience can be established, then the Jews would agree with him that they have no advantage over Gentiles.

⁶⁴ Barclay (*Obeying the Truth*, 237-242) makes the same observation, although he thinks that Paul does not speak against legalism, but is mainly concerned with the unity of Jews and Gentiles in the people of God. For another critique of Watson see Campbell, "A Reaction to Francis Watson," 457-467.

⁶⁵ *Sociological Approach*, 20.

⁶⁶ *Ibid.*, 201, n. 110.

imagination.”⁶⁷ And if sociological analysis is applied too simplistically Watson’s own thesis can be explained on the same basis. It is true that sociological reality is a factor in Paul’s thinking, but the influence of sociology does not eliminate the theological dimensions of Paul’s arguments. The inclusion of Gentiles into the people of God cannot be separated from Paul’s claim that righteousness does not come by observing the law. The two issues belong together and cannot be separated without doing violence to Paul’s writings.

4. *Is the Bultmann school correct in their understanding of "works of law"?*

From what we have said so far it is clear that we agree with the Bultmann school in seeing the attempt to gain salvation by doing the law as a problem which Paul opposes. Moreover, it is also correct in locating the fundamental human sin in idolatry. Nevertheless, it seems to us that some statements have been made about the attempt to keep the law in the Bultmann school which are misleading. For example, Bultmann himself says that even the effort to attain salvation by law is sin.⁶⁸ H. Hübner remarks that “even complete righteousness on the basis of works within the framework of the Torah does not mean righteousness in the sight of God.”⁶⁹ And, “*even the perfect man—once again were there such, but there is not such!—is a sinner.*”⁷⁰ H. Weder adds, “Paulus kritisiert die Werke selbst, den werktätigen, gesetzlichen Gottesbezug,” and, “Er argumentiert mit der Schwäche des Wirken selbst.”⁷¹ G. Klein observes, “Dass Gesetzeswerke *überhaupt*, unabhängig von der Frage nach ihrer Verwicklichung, keinen möglichen Rechtfertigungsgrund hergeben.”⁷²

What is wrong with these statements is that they abstract the motive for doing the law from Paul’s claim that no one can obey it perfectly. On the contrary Paul states that if someone could obey

⁶⁷ “Towards a Synthesis of Pauline Theology: 1 and 2 Thessalonians, Philippians, and Philemon” (paper presented at the Society of Biblical Literature, 1987) 10-18; the quotation is from p. 15.

⁶⁸ See p. 219 above.

⁶⁹ *Law in Paul’s Thought*, 119.

⁷⁰ *Ibid.*, 120 (italics his).

⁷¹ “Einsicht,” 23.

⁷² “Sündenverständnis,” 260. Cf. also his comments on 268-270, 272, 275-276.

the law perfectly, then that person would be righteous (Gal 3:10, 12, 21). Paul never suggests that even if a person keeps the law perfectly, the very fact that such a person tried to keep the law is itself sinful.⁷³ The crucial point to see is that *Paul criticizes sinners who cannot keep the law for thinking that they could be justified by doing the law*. We should not say abstractly that Paul considered the very attempt to be saved by doing the “works of law” as sin, but he did think such a path was a self-induced illusion for *sinners who could not obey the law*.⁷⁴

Klein disagrees with the interpretation we have proposed above, locating Paul’s fundamental argument with respect to the law in Gal 3:11-12 where doing the law and faith are considered to be inherently antithetical.⁷⁵ Paul’s assertion that no one can obey the law perfectly in Gal 3:10 is not the fundamental basis of Paul’s argument against the law, according to Klein. He supports this further by noting that Gal 3: 10b cannot be the basis of Paul’s critique against the law, for a comparison with Gal 5:3 shows that in 3:10b Paul is responding to opponents. Moreover, he thinks v 10 as a whole supports his thesis because 10a says that any existence under the law leads to a curse.

Klein’s exegesis of Gal 3:10-12 is flawed for four reasons. 1) All of Galatians 3 is directed against opponents, and thus it is irrelevant to detract from the centrality of 10b by making this point. 2) 10a should not be read in isolation from 10b as providing a critique of the law. 10b tells us why (γάρ) those “who are of works of law are under a curse.”⁷⁶ The reason is that no one observes or obeys everything given in the law. Paul does not criticize the doing of “works of law” because they are works. His thesis in v 10 is that

⁷³ Bultmann’s trans-subjective interpretation of Romans 7 should be rejected, for the fundamental problem outlined in that passage is the inability to do what the law commands; Paul is not criticizing the very attempt to obey the law. For a brief critique of Bultmann’s exegesis of Romans 7 see van Dülmen, *Theologie des Gesetzes*, 114, n. 134.

⁷⁴ Klein (“Sündenverständnis,” 273) rightly sees that the problem is not just empirical sin, but that acts of sin stem from the fact that people are imprisoned by sin. But this does not affect the thesis proposed here, for what I am claiming is that people cannot be justified by works because they cannot obey the law. This does not deny Paul’s view that people sin because they have a sin nature inherited from Adam (Rom 5:12-19).

⁷⁵ “Sündenverständnis,” 270-272.

⁷⁶ Cosgrove (*The Cross and the Spirit*, 52-58) sees Gal 3:11 as a paraphrase of Paul’s thesis in v 10, but he glides over 10b without giving it adequate treatment.

“works of law” lead to a curse because no one does everything the law requires. 3) It is more probable that Gal 3:11-12 should be read in the light of v 10 than *vice-versa*. V 10 stands as the introduction to this particular argument, informing the subsequent verses.⁷⁷ 4) Reading v 10 as the thesis verse for the succeeding argument is the most suitable interpretation in light of v 12, which says that the one who does the law will live. This is directly contradictory to Klein who says that the one who does the law will die anyway! If Paul is building on v 10, then what he says in v 12 is coherent. One must do the law to live, but no one does or can, and thus faith is the only path to blessing.

It is also probable that Paul does not exclude in an *a priori* sense human boasting in works. That is, if people could actually perform the required works, boasting would be legitimate and justified, not sinful. It is crucial to see that Paul’s discussion of boasting in works (Rom 3:27-4:8) occurs *after* he has established that all people are sinners (Rom 1:18-3:20). *What is wrong with boasting in works is that such boasting has no basis because no one can do the necessary works to justify boasting.*⁷⁸

Nor does Paul deny that righteousness would be obtained if the works were performed (Gal 3:12, 21). Klein disputes this last point, claiming that Paul rejects working *per se* because any attempt to gain reward by works, even if the works are accomplished, rules out grace.⁷⁹ He supports this by noting that Abraham’s works must have been significant since Rom 4:2 implies that he could boast before people (although not before God) because of them. But it is quite improbable that Paul is suggesting that Abraham could boast before people in this text.⁸⁰ And contrary to Klein the text presupposes as a foundation that Abraham was ungodly (v 5) and David a sinner (v 7). There is nothing intrinsically wrong in Paul’s view with working to obtain righteousness *if one can perform the required works*. Paul’s point is that Abraham was not justified that way. He was an ungodly person (v 5) who was reckoned righteous by faith (v 3).

⁷⁷ So also Lambrecht, “Gesetzesverständnis,” 112-120; Wilckens, *Römer*, 1:175, n. 476.

⁷⁸ To this extent we agree with Thompson, “Critique of Jewish Boasting,” 525-527; see also Lambrecht, “Boasting,” 365-369; Wilckens, *Römer*, 1:246-248. The problem is that these scholars minimize or deny that Paul is also opposing those who want to boast in their works.

⁷⁹ “Sündenverständnis,” 276-277.

⁸⁰ So Cranfield, *Romans*, 1:228; Lambrecht, “Boasting,” 366-368.

To sum up: The Bultmann school is correct insofar as it claims that Paul does oppose a legalistic works-righteousness. Our main objection against the Bultmann school is that inability to keep the law must be retained as the foundation stone for Paul's assertion that righteousness cannot be attained by "works of law." This is opposed to Bultmann's view that the very doing of the law is sinful.

5. Concluding comments on the problem of legalism

A major problem for anyone who says that Paul resisted legalism is that it seems to contradict the work of Sanders and other scholars who claim that Palestinian Judaism was not legalistic but a religion of grace. Several things can be said, however, on this matter.

1) To describe something as legalistic is a matter of perspective.⁸¹ Here the debate between Luther and Catholicism provides a helpful illustration.⁸² Luther charged the Catholic Church (he was responding particularly to the *via moderna*) with a deficient understanding of grace, saying that they had fallen prey to works righteousness. Yet Luther's opponents with legitimate reason could counter that in their theology no good work was done apart from grace.⁸³ Grace was the foundation for any good work. The *via moderna* against which Luther reacted, although different from Palestinian Judaism in numerous ways, was similar in that it appealed to covenantal relations between people and God as a foundation for its soteriology.

⁸¹ Even H. Räisänen ("Legalism and Salvation by Law," *Die paulinische Literatur und Theologie* [ed. S. Pedersen; Aarhus: Forlaget Aros, 1980] 80) concedes that Paul "understood the logic of his opponents' position in a different way than they themselves did." Cf. also J. M. Gundry Volf, *Paul and Perseverance: Staying in and Falling Away* (WUNT 2.37; Tübingen: J. C. B. Mohr, 1990) 207, n. 18.

⁸² For a similar point see K. T. Cooper, "Paul and Rabbinic Soteriology: A Review Article," *WTJ* 44 (1982) 127-129. Cooper notes that there is a parallel in many respects between medieval nominalism and Sanders' description of Jewish soteriology.

⁸³ For an examination of the doctrine of justification in the history of the church see A. E. McGrath, *Iustitia Dei: A History of the Christian Doctrine of Justification*, 2 vols. (Cambridge: Cambridge University Press, 1986). McGrath shows (1:37-187; 2:1-97, but esp. 1:76-78, 87-89, 112, 124-128, 166-172; 2:1-32) that the *via moderna* understood grace in covenantal terms and did not conceive of people earning salvation apart from grace. Luther, however, had a profoundly different estimation of the presence of grace in the theology of the *via moderna*.

One could research the Roman Catholic side in the debate thoroughly (as Sanders has examined Palestinian Judaism) and conclude that any idea of legalism or earning merit was foreign to Roman Catholicism. But such a study would exclude Luther's interpretation of the situation. What was described as grace by the *via moderna* was legalistic according to Luther. This conflict between Luther and Roman Catholicism is at least illustrative of the possible perspectival differences between Paul and other Jewish Christians. To Jewish Christians the theology they articulated was one based on grace, and not legalistic. And yet it is possible that Paul saw that same theology from another perspective. Thus, Sanders may be correct in explaining the Jewish perspective in terms of their own self-understanding, while Paul had a different perspective on the movement.

2) Perhaps this difference in perspective accounts for the fact that Sanders and Räisänen find it difficult to see Paul as a consistent thinker. Once their reconstruction of the perspective of Judaism is accepted as accurate, Paul's evaluation of Judaism appears to be either misleading or misinterpreted. Räisänen's point is that Paul ended up distorting Judaism by suggesting that salvation could be obtained by works.⁸⁴ This is an important thought, for he ends up agreeing ultimately with our view that Paul did oppose a theology of works-righteousness. However, Räisänen thinks Paul was contradictory, and his perspective on the law should be explained as a form of psychological rationalizing.⁸⁵ Wright correctly points out some of the weaknesses in Räisänen's claim of finding inconsistency in Paul.⁸⁶ Also, the preservation of Paul's letters by the churches implies that his arguments were related to actual views in the religious world of his readers.

3) It is becoming increasingly common to label the construction argued for here as anti-Semitic.⁸⁷ But it should be remembered that Paul himself was a Jew. He viewed his own theology as a fulfillment of the OT scriptures (Rom 1:2), and his critique of Judaism was in

⁸⁴ *Paul and the Law*, 188, 268 and "Paul's Call Experience," 82-83, 86, 92.

⁸⁵ *Paul and the Law*, 201, 231-236, 268-269.

⁸⁶ "Synthesis," 5-18.

⁸⁷ So, for example, R. R. Ruether, *Faith and Fratricide: The Theological Roots of Anti-Semitism* (New York: Seabury, 1974). For a recent admission that there is anti-Semitism in Pauline theology see J. C. Beker, "Romans 9-11 in the Context of the Early Church," *Princeton Seminary Bulletin Supp* (1990) 40-55.

line with that of the OT prophets, and in Paul's case this included a critique of his own past (Gal 1:13-14; Phil 3:2-11). We do not see an outsider attacking Judaism, but an intra Jewish debate on what the OT scriptures teach.

Furthermore, what Paul attacks is not Judaism *per se* but a fundamentally human problem. Human beings since they are sinners are naturally prone to worship the creature rather than the Creator (Rom 1:23). Human idolatry manifests itself in many ways, but one dimension of this idolatry is a perverted desire to boast in one's works before God, so that one can earn merit in his sight. The Bultmann school in dependence upon Luther has correctly identified this as a profound analysis of the human condition by Paul. If this is correct, then what Paul says is not anti-Semitic. What Paul attacks is not just a Jewish problem but a fundamental problem of human existence.⁸⁸ In fact, Paul's argument actually is directed to the Jews because they represented in his own mind the highest form of piety in his day as God's elect people. If even the nation upon whom God has set his favor struggles with legalism, then it follows that the rest of humanity does as well.

4) An article such as this lays itself open to the charge of reading Paul through the eyes of the Reformation instead of interpreting Paul historically. To sound such an alarm is a valuable warning, for it provokes all of us to examine fundamental assumptions and conventional exegeses of texts. Nevertheless, it is also theoretically possible that Luther was substantially correct in his exegesis of Paul. We should not forget that our culture also reads the biblical text in a certain historical context which affects how we read the text. For instance, the terrible mistreatment of Jews by Christians throughout church history, and the horrible memory of the Holocaust have rightly caused us to be more cautious when we make theological statements about Judaism. But it is also possible that past excesses have blinded us to the real criticisms Paul made in his letters, whether we agree with him or not. In the modern world criticisms made against other groups on religious grounds strike us as intolerant and prejudiced. There is a temptation, then,

⁸⁸ Bultmann ("Christ the End," 43-44, 47) makes this point eloquently. Some might respond that the attempt to earn merit before God is not a fundamental problem of human existence. Here the issue of perspective reappears; I am prepared to argue that the problem is common.

to read these documents so that they fit with our own philosophical and cultural biases. All of this is to say that the criticism of reading texts through certain lenses goes both ways. All interpreters come to the text with certain presuppositions. The goal is to understand Paul on his own terms.

To conclude: When Paul says that no one can receive the Spirit or obtain righteousness by “works of law,” his argument is directed against those who thought such righteousness could be merited by performing the law. Paul rules out righteousness by “works of law” because no one can obey the law perfectly. He does not oppose obeying the law in principle. What he opposes is the delusion of those who think they can earn merit before God by their obedience to the law, even though they fail to obey it.