“Covenantal Nomism” Vs. “Variegated Nomism”

By David Norfleet

Covenantal nomism? Variegated nomism? What type of animals are these? Well, after exhaustive research, the only thing I can unequivocally confirm is that they are unrelated to the “roaming gnome” that serves as an official mascot and spokesperson for Travelocity.

While some may not understand or even appreciate the above quip, it does reflect a certain truth about these two phrases. These phrases are “new.” They are new to our vocabularies as they were non-existent until approximately 50 years ago. Kent L. Yinger insightfully made this remark that concerns the creation of new theological and academic ideas, concerning debates that are largely unknown to a mainstream audience, but prevalent among theologians which applies equally well to the terminology around these discussions:

Pulpit and pew are usually thought to be about fifty years behind the Bible scholars.¹

Such is the case with covenantal nomism. The term originated in 1977 with the publication of Paul and Palestinian Judaism by E.P. Sanders. As a result of a growing dissatisfaction among scholars with the traditional portrayals of Second Temple Judaism, as seen against the backdrop of extra-biblical sources, Sanders made a fresh review of the available first century literature. This research, his interpretation of that data, and his postulation of an over-arching pattern resulted in what Sanders called covenantal nomism. Wayne A. Meeks from Yale University in reviewing Sanders’ work stated the following:

In the past three decades reasons have accumulated for a transformation of our whole picture of Judaism in first-century Palestine. Sanders has listened to those reasons; he has done his homework; and he undertakes here to shift the question about Paul’s relation to that Judaism into a fundamentally different perspective.²

As indicated within the quote, Sanders’ research not only resulted in a new perspective on Second Temple Judaism, but it ultimately challenged the Lutheran view of Paul and his epistles. This objection to the “traditional” view of Paul and Judaism has been loosely identified as the New Perspective on Paul. Sanders himself acknowledged the goals of his research and writing:

Another way of stating the matter is to explain that I am trying to accomplish at least six things. The chief aims are these:

---

¹ Yinger, 2.
² Sanders, back cover.
- to consider methodologically how to compare two (or more) related but different religions;

- to destroy the view of Rabbinic Judaism which is still prevalent in much, perhaps most, New Testament scholarship;

- to establish a different view of Rabbinic Judaism;

- to argue a case concerning Palestinian Judaism (that is, Judaism as reflected in material of Palestinian provenance) as a whole;

- to argue for a certain understanding of Paul;

- to carry out a comparison of Paul and Palestinian Judaism.”

Others have advanced the New Perspective on Paul, such as James D.G. Dunn and N.T. Wright. However, both of these individuals based their scholarship upon Sanders’ original caricature of Second Temple Judaism or covenantal nomism.

Covenantal nomism, however, is not without its critics. In 2001, a review of Sanders’ scholarship and theorized pattern of Palestinian Judaism was made in a two-volume set edited by D.A. Carson, Peter T. O’ Brien, and Mark A. Seifrid called *Justification and Variegated Nomism*. They labeled their response to Sanders’ covenantal nomism as variegated nomism. D.A. Carson, in a seminary lecture, stated one of the primary or fundamental errors of Sanders’ work was attempting to define Second Temple Judaism as a monolithic faith. This “reductionism” on Sanders’ part is contrasted with a more varied faith or “variegated” theology of the Jews in Palestine as seen in the literature of the day.4

Thus the battle lines were drawn. The armies gathered in the halls of academia. They are primarily composed of the rank and file of Reformed theology. With these two approaches to “nomism” or “law,” and man’s response to it the boundaries of this theological war were set.

**Covenantal Nomism**

Covenantal nomism arose from a sense of dissatisfaction with the prevalent views of Second Temple Judaism and Paul which they claim were formed largely from reading 4th and 5th century sources as well as the theology of Martin Luther and John Calvin.

Like most other things in life, changes in opinions, even opinions about the Bible and theology, usually begin with dissatisfaction with the status quo. This was certainly the case with the NPP (New Perspective on Paul – dsn). In particular, some

---

4 Carson, “New Perspective on Paul – Lecture One.”
Bible scholars were dissatisfied with the ways Judaism in the NT era was being portrayed.\(^5\)

At the heart of the NPP’s critique of both Protestant and Catholic interpretations of Paul is the charge that Reformation-era theologians read Paul via a medieval framework that obscured the categories of first-century Judaism, resulting in a complete misunderstanding of his teaching on justification.\(^6\)

You can hear this dissatisfaction in Sanders, and his feeling that Paul and ultimately Judaism had been lifted from their original historical context:

I think context is the crucial issue. In light of what are we reading this? I’m a person of very limited brain, and I’m going to read Paul in light of what I have studied and what I know—i.e., Palestine in the first century and especially first century Judaism. You could ask, ‘Can he be lifted out of that context?’ and I would start stumbling. I do not want to say that what I do is the end all and be all and that everyone who wants to read Paul must do it the way I do it. On the other hand, when I see a sentence that had a perfectly clear meaning in its original context taken out of that context and used some other way in a later context, then I kind of shudder. With the modern appropriation of Paul, I feel like I’m stuck. Readers have been appropriating him into their own contexts since at least the Epistle of James (which misunderstood him!). The epistle says [in argument with Paul], “Faith without works is dead.” But Paul was entirely in favor of good works. The works he had in mind, against which he was polemizing in Galatians and Romans, were those works that make you Jewish and distinguished you from Gentiles. So, the author of James takes it that Paul is against works, i.e., good deeds. Paul loved good deeds! He recommends them to people all the time. But if you take his statement, “righteousness by faith, not by works,” out of its context—the question whether or not Gentile converts need to be circumcised—if you take it out of that context and put it in another context, I always kind of shudder at this. But it makes me go through life shuddering! I shudder when James does it, I shudder when Luther does it, I shudder when a more modern person than Luther does it. But I take these to be my own limits rather than the fault of everybody else.\(^7\)

This dissatisfaction was largely aimed at the concepts of Jewish legalism or “merit-based” theology and Paul’s opposing belief that salvation comes only by “grace through faith.” This citation from Bruce Metzger, referenced by Kent L. Yinger, will serve as a reminder of the “traditional” view of Judaism in the New Testament era:

Pharisaism is the final result of that conception of religion which makes religion consist in conformity to the Law, and promises God’s grace only to doers of the law. It was the scrupulous adherence to legalistic traditions that created the Pharisaic

\(^5\) Yinger, 5.
\(^6\) Duncan.
\(^7\) Norton.
ethos…In Pharisaism this natural tendency [toward formalism] became so strong as to give rise to the modern use of the name Pharisee to describe a self-righteous formalist or hypocrite.\(^8\)

This quote from Mark Mattison is also useful in seeing the Apostle Paul’s role in this traditional treatment of Judaism:

The key questions involve Paul’s view(s) of the law and the meaning of the controversy in which Paul was engaged. Paul strongly argued that we are “justified by faith in Christ (or “the faith of Christ”) and not by doing the works of the law” (Gal. 2:16b). Since the time of Martin Luther, this has been understood as an indictment of legalistic efforts to merit favor before God. In fact Judaism in general has come to be construed as the very antithesis of Christianity. Judaism is earthly, carnal, proud; Christianity is heavenly, spiritual, humble. It is a tragic irony that all of Judaism has come to be viewed in terms of the worst vices of the sixteenth-century institutionalized church.\(^9\)

In the 1960’s, Sanders began his study of the Jewish “background” of the New Testament with a desire “to compare Judaism, understood on its own terms, with Paul, understood on his own terms.”\(^{10}\) In doing so he was following in the “foot-steps” of such scholars as G.F. Moore, Montefiore, Schoeps, and Sandmel who laid the groundwork for this understanding of Second Temple Judaism. In his efforts he dealt with a large body of historical source data from Tannaitic literature (rabbinic literature written from 10-220 C.E. which contains the Mishnah, Baraita, Tosefta, and Tannaitic Midrash), the Dead Sea Scrolls, the Apocrypha, and the Old Testament Pseudepigrapha. Within these documents Sanders was looking for a pattern of religion or the way it admits and retains its members, not “individual motifs” such as faith versus works; liberty versus law; or spiritual versus materialistic. He sets forth his understanding of this “pattern” as follows:

A pattern of religion, defined positively, is the description of how a religion is perceived by its adherents to function. ‘Perceived to function’ has the sense not of what an adherent does on a day-to-day basis, but how getting in and staying in are understood: the way in which a religion is understood to admit and retain members is considered to be the way it ‘functions.’\(^{11}\)

The pattern that Sanders discovered in his research he termed “covenantal nomism.” According to Sanders, covenantal nomism is the all-pervasive view which constitutes the essence of Judaism:

There does appear to be in Rabbinic Judaism a coherent and all-pervasive view of what constitutes the essence of Jewish religion and of how that religion ‘works,’ and we shall occasionally, for the sake of convenience, call this view ‘soteriology.’ The

\(^{8}\) Yinger, 6-7.
\(^{9}\) Mattison.
\(^{10}\) Sanders, xi.
\(^{11}\) Ibid., 17.
all-pervasive view can be summarized in the phrase ‘covenantal nomism.’ Briefly put, covenantal nomism is the view that one’s place in God’s plan is established on the basis of the covenant and that the covenant requires as the proper response of man his obedience to its commandments, while providing means of atonement for transgression.\textsuperscript{12}

Sanders himself summarized the tenets this pattern denominated as covenantal nomism thusly:

The ‘pattern’ or ‘structure’ of covenantal nomism is this: (1) God has chosen Israel and (2) gave the law. The law implies both (3) God’s promise to maintain the election and (4) the requirement to obey. (5) God rewards obedience and punishes transgression. (6) The law provides for means of atonement, and atonement results in (7) maintenance or re-establishment of the covenantal relationship. (8) All those who are maintained in the covenant by obedience, atonement and God’s mercy belong to the group which will be saved. An important interpretation of the first and last points is that election and ultimately salvation are considered to be by God’s mercy rather than human achievement.\textsuperscript{13}

One of the most commonly cited groups of literature that supposedly reveal and support the idea of the pattern of covenantal nomism within Second Temple Judaism are the Dead Sea Scrolls. Note this example cited by Sanders of IQS 11.12:

As for me,
if I stumble, the mercies of God (ḥasdēʾel)
shall be my eternal salvation.
If I stagger because of the sin of flesh,
my justification (mishpat) shall be
by the righteousness of God (tsidqatʾel) which endures for ever.\textsuperscript{14}

This quotation does contain many of the elements of covenantal nomism. The difficulty, however, in using the Qumran discoveries as evidence for a pattern of religion is that they were identified as a separatist group or, in other words, they did not see themselves as part of the pattern.\textsuperscript{15}

\textit{Concerns with Covenantal Nomism}

Thus, one front of this debate is set forth, but before proceeding I would be remiss not to mention a few concerns about Sanders’ approach and resulting theology. Some of these concerns will be mentioned or explored in more detail in further presentations and by no means should this list be considered exhaustive or a full exploration of each point.

\textsuperscript{12} Ibid., 75.
\textsuperscript{13} Ibid., 422.
\textsuperscript{14} Ibid., 308.
1. As with any doctrine, theological or otherwise, we must be wary of potential biases. Sanders, rightly so in my opinion, accurately observes this biased reading of traditional Lutheran and Calvinists back into the text.

We have here the retrojection of the Protestant-Catholic debate into ancient history, with Judaism taking the role of Catholicism and Christianity the role of Lutheranism.\textsuperscript{16}

Sanders, however, shows little awareness that this bias can work both ways. If your primary reason for investigating the literature is to exonerate Judaism from prejudicial Protestant assumptions, there is surely a tremendous pressure to validate that purpose as well.\textsuperscript{17} I think that can be seen in the “patternism” that Sanders employs. Even his staunchest critics agree that the covenantal nomism exists in some of the literature, but the question does it exist in all?\textsuperscript{18} That question in the minds of some scholars is unsatisfactorily, in their opinions, answered thus calling Sander's motives into question.

In addition to potential theological and academic biases, there have also been some allegations of racial biases as the “traditional” interpretation of Judaism is frequently viewed as being anti-Semitic. Simon Gathercole hints at this bias attributed to Sanders:

Sanders was particularly concerned about anti-Jewish tendencies in the old perspective and its portrayal of Judaism as inferior to Christianity.\textsuperscript{19}

While there may be some support and suspicion of this racial bias, Sanders himself denies that as any motivation for his work:

Once the question of polemics in connection with Rabbinic Judaism is raised, the reader may wonder whether or not the topic is anti-Semitism. It is not. A Jewish scholar of my acquaintance offered to tell me which of the older generation of scholars whose view I criticize were in fact anti-Semites, but I declined to find out. As I see it, the view which is here under attack is held because it is thought to correspond to the evidence, and I attack it because I think it does not. The history of relationship between scholarly representations of Judaism and anti-Semitism is quite complex, but the present is not a contribution to unraveling it.”\textsuperscript{20}

2. The second concern with covenantal nomism which I wish to comment upon has more to do with language and definitions than the theory itself. Many of the definitions used on both fronts of this debate are more Lutheran or Calvinistic than biblical, and that is a significant concern. However, rather than focus on the denominational definitions of certain words or phrases, I want to momentarily focus on Sanders’ use of the term

\textsuperscript{16} Sanders, 57.
\textsuperscript{17} Ibid., xii.
\textsuperscript{19} Gathercole.
\textsuperscript{20} Sanders, xiii.
“Israel” in the first postulate of his philosophical proof: “God has chosen Israel….”

Also, bearing on this argument is Yinger’s interpretation of Sanders’ proof:

Thus, election, or grace, not meritorious works, is the fundamental datum for salvation.

Their meaning of the term “Israel” I believe leads to several incorrect conclusions in addition to what it might imply in regards to salvation for the patriarchs or Gentiles (Sanders does comment on the Gentiles in fairness, but discusses their salvation in terms of the absence of commentary in Tannaitic literature) during the historical period paralleled by the Old Testament. One of the erroneous areas where their definition flounders is the lack of a distinction between national Israel and remnant Israel. In both Sanders’ proof and Yinger’s interpretation, national Israel is in view, but biblical salvation has always been in connection with the remnant. Remnant Theologians, while wrong in some of the conclusions they draw, point accurately to this distinction:

Israel can mean several things. First, it often denotes national Israel--the nation whose citizens are physical descendants of Jacob/Israel. Second, it can mean those physical descendants of Jacob who have not responded to the call of God (Romans 9:31; 11:7). Third, it can mean those Jews (the remnant) who have trusted in the promises of God.

It is not as though God's word had failed. For not all who are descended from Israel are Israel. Nor because they are his descendants are they all Abraham's children. (Romans 9:6-7; italics added)

Being a physical descendant of Abraham, while it does bring an advantage (Romans 3:1-2), does not mean one is automatically a spiritual descendant of Abraham (Romans 2:28-29; John 8:39; Matthew 3:9). “Not all who are descended from Israel are Israel.” A person can be part of national Israel, and yet not be part of remnant Israel. There is an Israel within Israel, a subset of physical-and-spiritual Jewish people (remnant Israel) among the group of physically Jewish people (national Israel).

These ideas are also explored in Mark A. Elliot’s work, The Survivors of Israel: A Reconsideration of Pre-Christians Judaism in which he questions:

…the doctrine, widely assumed to belong universally to Judaism, of the irrevocable national election of Israel.

---

21 Sanders, 422.
22 Yinger, 10.
23 Sanders, 206-212.
24 Gay.
25 Elliot, 28.
But, not only is remnant Israel ignored in large part, also Sanders speaks only in terms of a collective soteriology or “group salvation.” While the Bible does make plain there is a group composed of the saved (Hebrews 10:22-24), inclusion or salvation is individual, not collective (Acts 2:47). I think this is at the heart of the discussion in Ezekiel 18 and even Revelation 3:

20 The person who sins will die. The son will not bear the punishment for the father’s iniquity, nor will the father bear the punishment for the son’s iniquity; the righteousness of the righteous will be upon himself, and the wickedness of the wicked will be upon himself. 21 “But if the wicked man turns from all his sins which he has committed and observes all My statutes and practices justice and righteousness, he shall surely live; he shall not die. 22 All his transgressions which he has committed will not be remembered against him; because of his righteousness which he has practiced, he will live. 23 Do I have any pleasure in the death of the wicked,” declares the Lord God, “rather than that he should turn from his ways and live? 24 “But when a righteous man turns away from his righteousness, commits iniquity and does according to all the abominations that a wicked man does, will he live? All his righteous deeds which he has done will not be remembered for his treachery which he has committed and his sin which he has committed; for them he will die. 25 Yet you say, ‘The way of the Lord is not right.’ Hear now, O house of Israel! Is My way not right? Is it not your ways that are not right? 26 When a righteous man turns away from his righteousness, commits iniquity and dies because of it, for his iniquity which he has committed he will die. 27 Again, when a wicked man turns away from his wickedness which he has committed and practices justice and righteousness, he will save his life. 28 Because he considered and turned away from all his transgressions which he had committed, he shall surely live; he shall not die. 29 But the house of Israel says, ‘The way of the Lord is not right.’ Are My ways not right, O house of Israel? Is it not your ways that are not right? 30 “Therefore I will judge you, O house of Israel, each according to his conduct,” declares the Lord God. “Repent and turn away from all your transgressions, so that iniquity may not become a stumbling block to you. (Ezekiel 18:20-30)

4 But you have a few people in Sardis who have not soiled their garments; and they will walk with Me in white, for they are worthy. 5 He who overcomes will thus be clothed in white garments; and I will not erase his name from the book of life, and I will confess his name before My Father and before His angels. (Revelation 3:4-5)

Both of these texts speak in terms of individual soteriology rather national or even congregational terms.

3. The last concern I wish to express related to covenantal nomism is Sanders’ methodology as it pertains to his general exegesis of Scripture and his failure to include the New Testament text in his sampling of data.

26 Unless otherwise indicated, Scripture quotations are from the 1995 Updated New American Standard Version.
Dealing with the last concern first, Sanders chose not to include the New Testament text, especially Matthew, Mark, Luke, and John, as part of his research of the “holistic pattern of religion” knowingly and intentionally. This exclusion distorts the body evidence from which his conclusions are drawn. Sanders maintained that the New Testament is “polemical” and thus an unsafe guide.  

It is this attitude or decision that opens Sanders up to the charge of “parallelomania” or allowing all the parallel sources to define the text itself (rather than allowing the text to speak and interpret itself) or to be read exclusively against these backgrounds. This in turn has led to a weakened, if not wrong, exegesis of certain biblical texts (see, for example, Yinger’s handling of Luke 18:9-17 or Matthew 20:1-16).  

A theological construct is of no value, and in fact causes more harm, if it cannot adequately and properly divide the biblical text.

**Variegated Nomism**

Now we come to the second and opposing front in this battle over how to view Second Temple Judaism and Paul, and that is variegated nomism. The concept of variegated nomism is set forth in a two-volume set entitled *Justification and Variegated Nomism: A Fresh Appraisal of Paul and Second Temple Judaism*. The first volume focuses on a fresh examination of the literature of Second Temple Judaism while the second volume asks fundamental questions regarding the relationships between God and man, righteousness and salvation, eschatology and grace, and work, faith, and law. The resulting analysis by numerous authors was described as variegated nomism, in contrast to Sanders’ “too-restrictive” covenantal nomism.

This work in one sense appears fair-handed as it willingly concedes that covenantal nomism does appear within the literature of the period:

> Several of the scholars found that at least parts of their respective corpora could be usefully described as reflecting covenantal nomism. One conclusion to be drawn, then, is not that Sanders is wrong everywhere, but he is wrong when he tries to establish that his category is right everywhere.

Yet, in conceding this one point the editors and other contributors do not concede the battle:

27 Gallant.
28 Sandmel.
29 Yinger, 13-14.
First, deploying this one neat formula across literature so diverse engenders an assumption that there is more uniformity in the literature than there is. In Philo, for instance, there is no real notion of being “saved” in any of the traditional senses…

Secondly, and more importantly, Sanders has erected the structure of covenantal nomism as his alternative to merit theology. At one level, of course, he has a point. Earlier analyses of the literature of Second Temple Judaism often found merit theology everywhere, and Sanders, as we have seen, is right to warn against a simple arithmetical tit-for-tat notion of payback…Nevertheless, covenantal nomism as a category is not really an alternative to merit theology, and therefore it is no real response to it. Over against merit theology stands grace (whether the word itself is used or not). By putting over against merit theology not grace but covenant theology, Sanders has managed to have a structure that preserves grace in the ‘getting in’ while preserving work (and frequently some form or other of merit theology) in the ‘staying in.’ In other words, it is as if Sanders is saying, ‘See we don’t have merit theology here; we have covenantal nomism’ – but the covenantal nomism he constructs is so flexible that it includes and baptizes a great deal of merit theology.32

Perhaps, the greatest charge against the concept of the covenantal nomism is Carson’s charge that it is “too reductionistic, too monopolistic.”33 The reason this charge is deemed the weightiest is because “merit-base” theology seems to exist in the corpus of Second Temple Judaism as Simon Gathercole notes:

Now it is certainly the case that Protestant scholarship had previously exaggerated this fact, but it is not wrong either. Documents from around the time of Paul state that some Jews believed obedience to the law was rewarded on the final day with salvation: ‘The one who does righteousness stores up life for himself with the Lord’ (Psalms of Solomon, c. 50 B.C.). ‘Miracles, however, will appear at their own time to those who are saved by their works’ (2 Baruch, c. A.D. 100). There are a number of examples like this.34

**Concerns with Variegated Nomism**

As we close our discussion on this side of the battle, a reminder is necessary: variegated nomism does not represent a new pattern of religious thought as much as it is a defense of Reformed theology while “tweaking” the doctrine in view of recent scholarship. Though the editors attempt to “break fallow ground” leading to fresh exegesis of “crucial Pauline texts,” they fail to exegete the texts apart from a defense of traditional Reformed theology.35 We need to acknowledge and be reminded of this point, as we critique covenantal nomism. It is far too easy to use their arguments and thus become more Reformed than biblical.

---

32 Ibid., 544-545.
33 Ibid., 548.
34 Gathercole.
Conclusion

Covenantal nomism and variegated nomism are the two opposing interpretations of the corpus of Second Temple Judaism, and with their armies of supporters set the battle-lines for the proper interpretation of Paul. Most see in these two ideologies an “either-or” proposition, while in truth there are positive and negative attributes of each.

Possibly, the answer lies in not looking for a new “gnome” to interpret Paul or the New Testament in general or spending so much time in the literature of Second Temple Judaism that we fail to recognize the inspiration of Scripture and its ability to define itself, interpret itself, and ultimately instruct us in how God views those who are His (2 Timothy 3:16-17).
Bibliography


Internet Articles


