



Legicide

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By Lloyd Gaston

The Old Testament of the Christian church has been different from the Holy Scriptures of Judaism almost from the beginning. The theology of the Christian church has been hostile to Judaism almost from the beginning. I believe that these two statements are intimately related. It is not my task to rehearse here the long history of Christian anti-Judaism. It is the awareness of this phenomenon and the desire to do something about it which is what has brought us together in the first place. We are rather looking for fundamental causes, and I believe that one of them is the problem of the Christian Old Testament. Not only has the church been blocked by its Old Testament from the real riches of Holy Scripture, but it has also allowed that Old Testament to distort its understanding of its own Apostolic Writings.

That in fact the text and canon of the Old Testament corresponds with the Hebrew Bible only for a part of the Christian churches is not important for the present discussion. To be sure, it does make a difference if the basic text is the Septuagint or the Vulgate rather than the Massoretic text. It also makes a difference if the canon includes other writings, the so-called Apocrypha and others, in addition to Torah, Prophets, and Writings. For our purposes, however, it is the very name "Old Testament" which is problematical, together with the necessity of having to relate the authority and significance of this Old Testament to something else called the New Testament.

Anti-Judaism in our discussion can perhaps be defined as any attempt to deny to Judaism central characteristics of its own self understanding. This would include at least: 1) the oneness of God, 2) the election of Israel at Sinai, and 3) Torah as the principle of relationship between God and Israel, however that might be halachically defined. I was tempted to add a fourth, the relationship between God, Israel, and the land, but this may be subsumed under the second and besides would have rendered my impossible task even more complex.¹ Something of the first may be reflected in the Fourth Gospel, but I do not believe this is really a central issue.² The second two, election and Torah, are addressed in Paul's questions: "Has God rejected his people?" (Romans 11:1) and "Do we then overthrow the law by this faith?" (Romans 3:31). I would understand a positive answer to either of these questions to represent fundamental Christianity-Judaism. Paul answers both with an

indignant "No," but the Synoptic Gospels and Acts, at least in their final form, say Yes, God has rejected Israel, thus beginning the fateful displacement theory which claims that the church has displaced Israel in the purposes of God. Christian anti-Judaism is the product of early Gentile Christianity and its need to establish its own legitimate relationship to God apart from the law. All of this became solidified and exacerbated in the later struggle over Scripture, when the church's self-understanding apart from the law led it to deny Torah also to Israel and to expropriate Israel's Scriptures for itself alone under the name "Old Testament." If I might state a thesis it would be this: from a very early period the church was guilty of legicide, which made the sharing of a common Scripture impossible and anti-Judaism inevitable.³ I would like to present not only a very sketchy outline of the problem but in light of the urgency of the present situation also at the end to make a few suggestions as to what can be done about it.

I

The early Gentile church was faced with a problem which had to be explicitly dealt with in the middle of the second century.⁴ Trypho puts it this way at the beginning of his dialogue with Justin: "But this is what we are most at a loss about: that you, professing to be pious and supposing yourselves better than others ... expect to obtain some good things from God, while you do not obey his commandments.... You, despising this covenant (circumcision) rashly, reject the consequence duties, and attempt to persuade yourselves that you know God, when, however, you perform none of those things which they do who fear God."⁵ A bit later we hear a similar question in the mouth of the philosopher Celsus: "When the Father sent Jesus had he forgotten what commands he gave to Moses? Or did he condemn his own laws and change his mind, and send his messenger for quite the opposite purpose?"⁶ It is likely that also Justin's Dialogue is addressed to a pagan philosopher, Marcus Pompeius, and not to Jews at all.⁷ The question may be a real Jewish question but the answer is directed to the Gentile world and to the church. That is, in spite of its format, Justin is not seeking to refute real Jewish objections, but his Dialogue likely reflects his lost arguments against Marcion and is intended to support the respectability of Christianity not against Judaism as such but in the eyes of a potentially interested third party. In the Greco-Roman world Judaism was flourishing, well-known, and respected, and it was over against the pagan world that the Christian Apologists had to make their case for a relationship to Israel and its respectable antiquity. Internally the church had to struggle with the wide-spread phenomenon of Gentile Christian Judaizing, as it sought to maintain the Septuagint as its Scriptures without following most of its commandments. In both cases, both in its own eyes and in the light of its potential audience, the church sought to assert its own legitimacy as a movement with a Gospel without a Torah but nevertheless with a claim to fulfillment of the original divine purposes. Contrary to the impression that might be received from Justin's Dialogue, Christian anti-Judaism did not arise out of a debate with Jews on the Christological interpretation of the Old Testament. It also did not arise because Christians looked at actual Judaism and found something lacking.

Christian anti-Judaism received its first foundational dogmatic statement in an attempt to solve an internal Christian problem concerning the relationship of the Christian gospel and Christian Scriptures.

D. Efraymson⁸ has made the very important discovery that Tertullian is much more anti-Jewish in his later massive writings against Marcion than he is in his earlier *Adversus Judaios*. This is a factor that calls for explanation. Marcion began, so to speak, from the rather sensible observation that Christians did not keep the Torah and that the Scriptures of Israel are really not about Jesus. He therefore concluded that there were two Gods, a righteous creator who entered into covenant with Israel and a previously unknown good God revealed for the first time in Jesus. I hope it is not too anachronistic to suggest that this could be translated into modern terms as the recognition of two separate religions, each with its own legitimacy. To be sure, Marcion thought the Christian religion far superior to the Jewish one, but nevertheless Judaism was left with its God, its law, its

Scripture, its Messiah and its ancient name.⁹ It is perhaps possible to say that had the position of Marcion won out there would not have become so ingrained in the Christian tradition that teaching of contempt whose ultimate consequences were played out in the Holocaust. But it is necessary to add also that the Christian church would not have survived in any remotely recognizable form. For Marcion, who produced the first version of what would become the canon of the Christian New Testament, was able to exclude the Septuagint only at the cost of a mutilation of the apostolic writings. His gospel was Luke and his apostle ten letters of Paul, but with the text in both cases "corrected", as he would put it, by the removal of all positive references to the Scriptures. Marcion also wrote a book only fragments of which survive, the *Antitheses*,¹⁰ in which statements of the old creator God are contrasted with those of the new redeemer God; although his proposals concerning Christian Scripture were ultimately rejected, his concept of antithesis has remained as a key hermeneutical principle for interpreting the apostolic writings.

Anti-Jewish motifs in the service of the church's attempt at self-understanding certainly existed before the time of Marcion, but they became institutionalized as a part of Christian doctrine, so to speak, in the attempt to save the Jewish Scriptures for the Christian church. Thus it is not so much to Trypho as to Marcion that Justin says that certain words "are contained in your Scriptures, or rather not yours but ours"¹¹ and that he says "The true spiritual Israel, and descendants of Judah, Jacob, Isaac and Abraham ... are we".¹² If some aspects of the commandments are not to the liking of the church, then the fault lies not with God, as Marcion thought, but with that exceptionally wicked and stiff-necked people whose penchant for carnal idolatry had to be kept in check, as Tertullian said. The God of Israel was preserved for the church at the cost of making him anti-Jewish. Justin and Irenaeus make extensive use of the concept of promise and fulfillment, not in the sense of understanding the fulfillment in the light of Scripture, but in order to justify keeping Scripture in the church because it foreshadows Christian realities. The prophets, understood as proto-Christians, foretold on the one hand events in the life of Jesus and the church and on the other hand Jewish stubbornness and rejection. The hermeneutical principle seems to have been that oracles of promise applied to the Christians and oracles of judgment to the Jews. Jesus must be shown to agree with the God of Israel against Marcion, and it is fulfillment of the oracles of judgment most emphasized in Tertullian's tiresome reading of Luke in Book IV of his *Adversus Marcionem*. There Jesus too, as well as God, had to become even more anti-Jewish in order that the unity of the testaments might be preserved. With respect to Paul, Tertullian agrees with Marcion when he says "we too claim that the primary epistle against Judaism is that addressed to the Galatians";¹³ he only disagrees in saying that that is in accordance with the intention of the God of the Bible from the beginning. Thus the Christian Old Testament was preserved for the church at the cost of stealing from Israel its Scriptures, its God, its name and election, and the principle of antithesis was written into central Christian affirmations. We turn once more to the question of the law.

One interesting early Christian document, the letter of Ptolemy to Flora,¹⁴ deals at length with Christian understanding of the law without the slightest hint that there might be Jews also interested in it. Using distinctions he claims to find in the teaching of Jesus,¹⁵ the author distinguishes in the text 1) the laws given by God, 2) those given by Moses because of Israel's hardness of heart, and 3) those added by "the Elders." The laws given by God are further divided into three parts: 1) those accepted ("fulfilled") by Jesus, 2) those abolished by Jesus, and 3) those whose allegorical ("spiritual") meaning was revealed by Jesus and whose literal meaning is obsolete.¹⁶ Although Ptolemy was a Gnostic in that he distinguished between the creator-lawgiver and the perfect God, his distinctions have been heard again and again in the history of the church. One final element needs to be added to complete the picture of the development of the Christian Old Testament: the development of the allegorical method of interpretation begun by Ptolemy and the Valentinians, expanded by Clement of Alexandria and perfected by Origen.¹⁷ After the works of Justin, Tertullian, Irenaeus, and Origen, the Christian Old Testament with its built in anti-Jewish components is complete, and the words "Old Testament" and "New Testament" become common designations at the beginning of the third century.¹⁸

The period of the establishment of the Christian Old Testament was an age which liked to think dualistically in terms of body versus soul, letter versus spirit, shadow versus reality, old versus new. When read with an ingenious use of allegory, much of the letter of the Old Testament could be transformed into a completely Christian document. By a selective reading of Torah texts the problem of the law could be neutralized. When the Bible was read more historically, as with Irenaeus, in terms of a kind of progressive revelation or a schema of promise and fulfillment, it was clear that the old was completely swallowed up, abrogated, and transformed once the new had arrived. All of these positions can be found also in the modern period, including a complete rejection like that of Marcion which was the catalyst for the development of the other positions. Common to all of them, however, with the exception of Marcion, was the complete severance of any connection of the Old Testament with contemporary Judaism. Also common to all of them was the use of Marcion's hermeneutic principle of antithesis. That also remains in the church of today.

II

The modern period at least of Protestant Biblical scholarship¹⁹ can in a certain sense be characterized as the gradual, unconscious emancipation of the Christian Old Testament. To be sure, the old ways of reading it are still very much with us. In liturgical use particularly of the Psalms the allegorical method flourishes beneath the surface. In terms of conscious hermeneutics, typology is usually advocated as an improvement over allegory because it allows Old Testament persons and events their own reality. But as this reality is always rigorously confined to the past and the significance of the prototype always absorbed in the supposed corresponding event in the New Testament, typology no more than allegory leaves any space for contemporary Judaism to read its own Scripture.²⁰ As this method is commonly used, it is not in order to understand an event of Christian significance in the light of Scripture to give it legitimacy thereby, but rather to find a foreshadowing of a Christian event already believed in order to legitimize the problematical Old Testament.²¹

The common concept of promise and fulfillment is similar but somewhat more promising, so to speak, especially when the mechanical correspondences of the past are dropped. The problem is that for most Christians who speak in this way the fulfillment takes precedence over the promise. The concept of *Aufhebung* may mean something to Hegelians, but when most Christians use the word fulfillment I confess that I am unsophisticated enough not to understand how that differs from simple abrogation. There are some signs of an awareness that a promise can have many partial fulfillments, in different times and to different communities, and that the promise transcends any one fulfillment.²² But this awareness cannot develop further as long as it is blocked by a concept of a New Testament.

The analogue in modern scholarship of the selective use of the Old Testament advocated by Ptolemy is found in de Wette's distinction between the good pre-exilic Hebraism and the bad post-exilic Judaism, and in Wellhausen's timely source theories which provided a quasi-scholarly basis for the elimination of Torah from the Christian Bible. As soon as much of the Torah, called by Wellhausen the P source, could be shown to be post-exilic in origin, then it became of no interest to Christian scholars, and the remainder no longer fell under the necessity of being part of a Christian theological antithesis. With the removal of the law, great portions of the Hebrew Bible were liberated from having to be a Christian Old Testament. Here Jewish and Christian scholars could and did engage in a common mutually fructifying task, for what is studied is not Old Testament but the literature and history of ancient Israel. The achievement of a century of such study is great, and it has had an important impact on the Christian church. That literature of ancient Israel has come alive for many Christians and occasionally has become the vehicle for proclamation without any reference to a New Testament in the worship of the church. When the sacred Scriptures of Judaism are not thought of as the Christian Old Testament, and when the question of the law has been placed to one side, then and only then can they speak powerfully to

Christians. Unconscious decanonization makes Scripture Scripture for the church.

This could be but should not be understood as a revival of the position of Marcion. When there was a conscious revival, as with Schleiermacher and Harnack, it was because while the Hebrew Bible was seen to have a connection with Judaism, Judaism was for them a distinctly inferior religion, and the Bible was to be rejected along with the Jews. But the ghost of Marcion can also make strange things happen to Christian scholars of the literature of ancient Israel. Almost every book by such scholars, even the best, concludes by a ritual reference to the New Testament in an appendix which effectively negates everything said in the body of the book. How for example can my teacher G. von Rad spoil his excellent *Old Testament Theology* by saying at the end "The New Testament took as its starting point the contrast between this new event (the coming of Christ) and the whole of Israel's previous experience; and this must always be the starting point for Christian interpretation of the Old Testament."²³ Fortunately von Rad does not in fact use this hermeneutical antithesis in the bulk of his work. The Scriptures of Judaism can be Scriptures for the church only when one does not think of them as Old Testament, that is as Scripture, at all. How can we get beyond this impasse?

Two Dutch theologians, A. van Ruler and K. Miscotte,²⁴ have in the last generation argued for the priority of what they still called Old Testament as the Scripture for the church. They were, however, not professional Biblical scholars, were more rhetorical than persuasive, and left too many questions unanswered. The problem of the canon of Holy Scripture and the literature of ancient Israel must be approached directly and from within the discipline. I believe that this has now begun in the very important concept called canonical criticism, with its necessary aftermath called comparative midrash.²⁵ By beginning with canon, this method makes the authority of the literature of ancient Israel explicit, and the Hebrew Bible is a starting point rather than the Christian Old Testament developing as a solution to a problem caused by a New Testament. Comparative midrash not only leaves room for variant interpretations of a common canon in different communities, but it also allows Christian midrash to be seen in continuity with the tradition rather than in opposition to it. I have reason to believe that James Sanders might agree that the very concept of a New Testament could put a barrier in the way of a Christian appropriation of these important concepts. In any case I leave further development of them to him and his colleagues and turn with relief to more familiar territory. Since I do not know what else to call it, I will follow Paul van Buren's suggestion and speak of the Apostolic Writings.

III

The real problem of the Christian Old Testament is to be seen in the deep-rooted automatic hermeneutical assumptions Christians bring to their interpretation of the Apostolic Writings. It is almost as if the church rejected Marcion's rejection of the Scriptures of Israel (and thereby created an Old Testament) only by agreeing to use Marcion's concept of antithesis as its basic hermeneutical guide. Before even looking at a specific text, the Christian interpreter assumes that Jesus must be understood in opposition to the Pharisees and that law lay at the heart of the conflict. Before even looking at a specific text, the Christian interpreters assume that Paul says what he says in opposition to Jewish opponents, whether it be Christian Jews like James or the Judaism of his own dark past, and that the law is the central issue. That is, we begin with the assumption that first century Jews, called in German *Spätjudentum*, are the antithesis of the gospel and on this basis reject their predecessors in Scripture and their successors in contemporary Judaism. It is this starting point which led not only to the problematic Christian Old Testament but also to the development of Christian anti-Judaism into antisemitism. I can give only a few examples.

One of the most important *Neutestamentler* to write about the Christian Old Testament is Rudolf Bultmann. To the earlier Christian tradition he adds a radicalization of the Lutheran law - gospel

dualism and an existential unhistorical understanding of the gospel which led him to say in 1933: "To the Christian faith the Old Testament is no longer revelation as it has been and still is for the Jews....The events which meant something for Israel, which were God's word, mean nothing more to us."²⁶ He does not however conclude that the Old Testament ought to be abandoned, because he needs it as the dark foil which illumines the gospel. Even if the Old Testament in itself could be said to contain gospel as well as law, as Christian Old Testament it had to be only law, because "existence under grace" could only be understood in terms of its necessary presupposition "existence under the law."²⁷ As Bultmann explained in 1949, as if nothing had happened in the intervening years, "If we interpret Old Testament history in this sense we are following Paul's interpretation of the law...:what faith means as the way of salvation is wholly understood only by those who know the false way of salvation which we find in the law....In the same way faith requires the backward glance into Old Testament history as a history of failure, and so of promise, in order to know that the situation of the justified man arises only on the basis of this miscarriage."²⁸ As compared to many of his contemporaries Bultmann was certainly no antisemite, but he was so obsessed with what he called *Spätjudentum* that he could not see real Jews at all. The Holocaust could have no effect on his theological thinking because for him Judaism had died long ago. Central for him was his understanding of Romans 10:4, "Christ is the end of the law," which he expands to mean "(Jewish) history has reached its end, since Christ is the end of the law."²⁹ Christian understanding of the Apostolic Writings in terms of antithesis can have much graver consequences than only a split between the Hebrew Scriptures and a Christian Old Testament.

For my second example I would like to refer to a contemporary Christian thinker who says he self-consciously writes theology in a post-Holocaust situation, Jürgen Moltmann. What he says when he is unself-conscious is then all the more significant. "Since Jesus was condemned and executed on the cross," he writes, "(his death was) provoked by the actions of his own life.... The conflict which ultimately led to his death was inherent from the first in his life because of opposition (to him). Thus his death on the cross cannot be understood without the conflict between his life on the one hand and the law and its representatives on the other. If this is true, then through his death the prevailing law calls him into question, as one who by his freedom in life and preaching had called into question this understanding of the law... His execution *must* be seen as a necessary consequence of his conflict with the law."³⁰ The "must" in that final sentence is very interesting. It is clearly not a logical or historical "must"; it is rather a theological a priori of such fundamental importance that it must be maintained against all the evidence. The synoptic gospels as we have them are anti-Israel and anti-Torah when compared with the synoptic traditions lying behind them, but even so there is nothing in them to support Moltmann's statements. Already Mark has difficulty connecting the two halves of his gospel, the story of Jesus' death with traditions of Jesus' teaching. If earlier we hear of arguments with Pharisees, there are no Pharisees in the Passion Narrative. We note how Moltmann disguises this by such circumlocutions as "representatives of the law" and "guardians of the law." "The historicity of a trial before the Beth-Din is most unlikely,³¹ but even as the gospels present such a trial it is in terms of an illegal judicial murder and a mockery of the law, certainly not its triumph. Scholars who follow Moltmann's a priori have a notoriously difficult time finding a single example where Jesus broke a commandment of God or encouraged others to do so, with the exception of a few obviously editorial comments.³² If Jesus' sayings are understood as halachah and if occasionally they are not in agreement with the Mishnah, nevertheless they represent in every case a recognized first century option. Even if Jesus is presented as sometimes agreeing with and sometimes arguing with Pharisees, it really goes too far to characterize them as "opponents," to say nothing of the Torah itself. Another scholar³³ thinks he has said something profound with the aphorism "Jesus taught in parables and Jesus was put to death," leaving the reader to draw the obvious conclusion. If it takes facetiousness to break the hold of the kind of logic, let me try one: Jesus never wrote a book; Jesus died young without tenure; therefore he was an early example of publish or perish. I seriously doubt if one can find any connecting link between Jesus' teaching and his death, but if such exists it is certainly not the law.

It is probably not necessary for me to document the fact that Paul's theology is usually presented in terms of antithesis. Already Marcion made the identification of Paul's opponents the key to his theology, and under the impetus of F. C. Baur modern scholarship has followed the same procedure.³⁴ Whatever Paul says, Christian Jewish opponents or the Judaism of his contemporaries or his own past must have said the opposite, and Paul's own statements must be the antithesis of this. As representative of this approach let me only cite E. Käsemann's aphorism: "The real opponent of the Apostle Paul is the pious Jew."³⁵ It is this understanding of Paul which lies behind Moltmann's discussion of the death of Jesus. Let me continue to cite him: "Jesus died by the law... because he was condemned as a 'blasphemer' by the guardians of the law and of faith. As they understood it, his death was the carrying out of the curse of the law... Since the law had brought Jesus to his death upon the cross, so the risen and exalted Jesus becomes 'the end of the law, that everyone who has faith may be justified'(Romans 10:4)."³⁶ The reference to the curse of the law is to a passage in Galatians 3:10-14, which I believe has been consistently misunderstood,³⁷ and which misunderstanding has proved fateful. Again, in a context which explicitly affirms solidarity with the Jewish people, Hans Küng can write: "the death of Jesus meant that the law had conquered. Put in question radically by Jesus, it retaliated and killed him. Its rightfulness has been proved again. Its power had prevailed. Its curse had struck. 'Anyone hanged on a tree is cursed by God.'... The law therefore killed him and Christians later drew the obvious conclusion."³⁸ The unstated logic behind all this is clear. The law killed Jesus; therefore Paul was justified in killing the law. Or to put it even more strongly, when Käsemann says the real opponent of the Apostle Paul is the pious Jew, what he really means is that the real opponent of the historical Jesus is the God of Sinai. Lest that sound all too extreme, let me cite Moltmann one an i time: "The history of Jesus which led to his crucifixion... was dominated by the conflict between God and the gods; that is, between the God whom Jesus preached as his Father, and the God of the law as he was understood by the guardians of the law."³⁹ We have now come full circle back to Marcion, even with his two gods, with the added twist that an interpretation of the New Testament which has so incorporated antithesis to the Torah into its most basic presuppositions needs an Old Testament for it to be antithetical to. Unless these issues can be resolved, the hopes held out by canonical criticism will never be realized and the gulf between the Scriptures of Israel and the Christian Old Testament will never be overcome.

IV

Finally, I would like to suggest in the most sketchy fashion certain alternative hermeneutical principles, or at least rules of thumb, which may help resolve the central Christian problem.⁴⁰

1. First, insofar as the historical-critical method means the radical criticism of the assumptions of the interpreter, and insofar as unconscious assumptions in this area have had bad consequences, the interpreter ought to be suspicious of all received wisdom concerning Christian views of Judaism.
2. Second, insofar as the Christian interpreter needs to speak of early Judaism, what is said must be based exclusively on Jewish sources, understood from the perspective of those sources. Any interpretation of the Apostolic Writings which is based on a distorted understanding of early Judaism is to be instantly rejected.
3. Third, wherever possible, the Apostolic Writings ought to be understood in continuity with the canonical Scriptures of Judaism and the tradition history of their post-Biblical development. Insofar as this cannot be done, then it is the Christian statement which becomes problematic and not the Biblical one.
4. Fourth, the hermeneutic principle of antithesis ought to be discarded immediately. The very word is commonly used to designate certain sayings in Matthew 5, and the concept is all pervasive in such presuppositions as old versus new, law versus gospel, Jesus versus Pharisees, Paul versus Judaism.⁴¹ That does not mean that one might not find quite different things in the Apostolic Writings and, say, the Mekilta, but this should be

- understood as a matter of comparative midrash and not as contrast.
5. Let me now suggest some very specific hermeneutical principles with respect to the interpretation first of Paul and then of Jesus.
 - a. It is best to assume that Paul was not guilty of a "fundamental misunderstanding"⁴² in his teaching about the law, nor did he share the modern Christian "view of Rabbinic religion as one of legalistic works-righteousness."⁴³ Insofar as Paul's statements are often quite different from those of the Rabbis this is to be explained not on the basis of an antithesis but because quite different situations are being addressed.
 - b. It is best to take seriously Paul's designation of himself as Apostle to the Gentiles, his solemn pledge to restrict his missionary activity to Gentiles and not to preach to Jews, and the fact that all his letters are explicitly addressed to Gentile Christian communities. This means that one would expect his letters to deal with specifically Gentile Christian concerns and problems.
 - c. It is best to be very cautious in reconstructing the position of Paul's opponents, lest they be made always to affirm what Paul denies and deny what Paul affirms and the whole procedure become circular. We ought to say no more about them than the text itself explicitly says and we ought not to combine references in different letters to posit a uniform antithetical opposition to Paul. The fact that in the one place where the opponents can most surely be identified as Christian Jews, 2 Corinthians, the law is never mentioned and it is not Judaism which is an issue, ought to give us pause.⁴⁴ In any case we should remember that Paul does not argue with opponents but with the understandings of the congregations addressed.
 6. With respect to Jesus the situation is more complex, because the synoptic gospels as we have them are addressed to Gentile Christians as the last stage of a long history of transmission, the beginnings of which have first century Judaism as their context. Nevertheless, some things can be said about the historical Jesus, and that will be the subject of a few hermeneutical principles.
 - a. It is best not to follow Käsemann's criterion of dissimilarity which he uses to say in effect that only those sayings of Jesus are most assuredly authentic which have nothing in common with the Judaism of his day.⁴⁵ I could think of no more effective way to create an artificially Aryan Jesus. On the contrary, we must say that any saying of Jesus which lets him speak as a typical first century Jew is apt to be more authentic than any which make him sound like a Christian.
 - b. It is best not to follow Jeremias in his approach to many of the parables that they are to be understood not as proclamations of the gospel of the grace of God but as weapons defending that gospel against the Pharisees.⁴⁶ This not only introduces antithesis where none is indicated but grossly distorts the Pharisees by making their views the opposite of Jesus.
 - c. It is best to understand Jesus as sympathetic to Israel as a whole and the Pharisees in particular, and they to him. The further back one goes in the Synoptic tradition the easier this is to do.
 - d. It is best to understand Jesus' relationship to both written and oral Torah in a positive sense. For this to happen, sympathetic study of later Jewish tradition is apt to be much more helpful than the tradition of interpretation in the church. If it is true, at least for the way the Mishnah deals with laws concerning sacrifice, that map is not territory⁴⁷, then there is no reason why the Gentile church cannot read Torah, including Mishnah, as a very important map.
 - e. Insofar as Jesus sometimes spoke as a prophet to the national situation of a people subject to Roman occupation and like many others had to issue a prophetic threat of national disaster, it is best to remember that a prophet who does not weep and pray with his whole being that such threats will not be realized is a false prophet. The church misuses such statements when they are understood as fulfilled predictions and when judgment and promise are separated, judgment for Jews and

- promises for the church.
- f. Insofar as Christian theologians feel the need to theologize about the circumstances of Jesus' death, it is best to do so on the basis of a critically reconstructed history of those events and not a theology which opposes law and gospel. They could then speak for a change of Jesus dying in solidarity with the national hopes of Israel, or more generally of his dying in solidarity with all martyrs of repressive regimes of all times.
 - g. Finally, in the light of the canon of Holy Scripture and the comparative midrash of Jesus and Paul, some aspects of the Apostolic Writings become problematic and relativized. That is the price that must be paid if the church is to abandon its anti-Jewish hermeneutics, but the reward is indeed a Scripture which can be affirmed by Christians and Jews as equally sacred to both, as heard in their different situations. In addition to access to an unencumbered canon of Scripture, Christians are also thereby enabled to read the Apostolic Writings more in accordance with their original intention, freed from an inappropriate antithetical schema imposed on them from outside. At the present time, however, this can only be called an affirmation of a hope and not a description of a reality. Hermeneutical principles such as those briefly suggested can only be tested in detailed exegesis, and Christian scholars of the Apostolic Writings convinced of their importance are not really qualified to participate in dialogue with Jews about our common Scripture until we go home and sit down to this monumental task.

NOTES

1. Especially in the light of the way Christian anti-Judaism tends to express itself in the present time, this would be a very important topic.
2. Cf. Most recent W. D. Davies, *The Territorial Dimension of Judaism* (Berkeley: University of California Press, 1982). Cf. Alan F. Segal, *Two Powers in Heaven* (Leiden: Brill, 1977) and "Ruler of This World," in Sanders, Baumgarten, Mendelson, eds., *Jewish and Christian Self-Definition, Volume II, Aspects of Judaism in the Graeco-Roman Period* (Philadelphia: Fortress, 1981), 245-268.
3. It should then be noted that while I am in sympathy with almost everything she says, I cannot agree with R. Ruether that it is "Christology" which is "at the heart of every Christian dualizing of the dialectic of human existence into Christian and anti-Judaic antitheses" *Faith and Fratricide* (New York: Seabury, 1974), 246). I find it rather to be the "law."
4. "Thus the old problem of the 'Law,' seemingly dealt with long since, became once more the centre of attention and a matter of painful and topical urgency," Hans von Campenhausen, *The Formation of the Christian Bible* (London: Black, 1972), 74.
5. *Dialogue with Trypho* 10.
6. Celsus in Origen, *Contra Celsum* VII, 18.
7. Cf. E. R. Goodenough, *The Theology of Justin Martyr* (Amsterdam: Philo, 1968; reprint of 1923 edition); N. Hyldahl, *Philosophie und Christentum* (Copenhagen: Munksgaard, 1966); and von Campenhausen (note 3), 94. We note that many of the arguments of this Dialogue also appear in the First Apology, 30-53.
8. David P. Efroymson, *Tertullian's Anti-Judaism and its Role in his Theology* (University Microfilms, Temple University PhD, 1976) and "The Patristic Connection" in A. T. Davies, ed., *Antisemitism and the Foundations of Christianity* (New York: Paulist, 1979), 98-117.
9. This often overlooked factor is emphasized by S. G. Wilson, "Marcion and the Jews," *Early Christian Roots of Antijudaism*, Vol. 2.
10. What is possible to reconstruct from them is found in A. von Harnack, *Marcion: Das Evangelium vom fremden Gott* (Leipzig: Heinrichs, 1924), 256*-313*. Harnack's oft quoted thesis is found on p. 217: "To reject the Old Testament in the second century was an error

which the main church rightly rejected; to retain it in the 16th century was a destiny which the Reformation was not yet able to avoid; but to preserve it as a canonical document in Protestantism after the 19th century is the consequence of a religious and ecclesiastical paralysis."

11. Dialogue 29:2.
12. Dialogue 11:5. Note that this is in the context of an anti-Marcionite argument that God is one and this God of the Christians is also the God of Abraham, Isaac, and Jacob (11:1).
13. *Adv. Marcionem* V, 2.
14. Ptolémée, *Lettre à Flora* (Paris: Cerf, 1966), convenient English translation in R. M. Grant, *Gnosticism; An Anthology* (London: Collins, 1961) 184-190.
15. Matt 19:8, 15:1ff. Compare the concept of deuterosis, the secondary bad laws of the Torah, in the pseudo-Clementines and Apostolic Constitutions.
16. Much more ominous is a special use of the law defined by Justin: he says that circumcision was commanded to serve as a kind of yellow star, to identify Jews and single them out for punishment, *Dialogue* 16:2f, 92:3.
17. A forerunner in this and other respects is the letter of Barnabas.
18. The earliest use of the terms to designate "books" is found in Clement of Alexandria; cf. von Campenhausen (note 3), 266.
19. I am aware that there are important exceptions to what is here presented so briefly as to be almost a caricature. Nevertheless the continuity that can be seen between the second and twentieth centuries is impressive enough to be highlighted.
20. G. von Rad, "Typological Interpretation of the Old Testament," in J. L. Mays, ed. *Essays on Old Testament Hermeneutics* (Richmond: John Knox, 1973), 17-39, avoids most of these pitfalls, but this may be an example of a good exegeterising above a questionable method.
21. With respect to Justin, "the aim is not so much to demonstrate the validity of faith in Christ from the Scripture as conversely to re-establish the threatened authority of Scripture in the light of Christ," von Campenhausen (note 3), 91. For the modern period, "it is generally supposed, it would seem, that Christ is a certain and known quantity, and the problem is that the whole place of the Old Testament has come to be doubted in the church," J. Barr, *Old and New in Interpretation* (London: SCM, 1966), 139. The whole chapter on "Typology and Allegory," pp. 103-148, is an important critique.
22. "All is in motion. Things are never used up, but their very fulfillment gives rise, all unexpected, to the promise of yet greater things," G. von Rad (note 20), 34.
23. *Old Testament Theology*, Volume 2 (New York: Harper, 1965), 329.
24. A. A. van Ruler, *The Christian Church and the Old Testament* (Grand Rapids. Eerdmans, 1971); R. H. Miskotte, *When the Gods are Silent* (New York: Harper, 1967).
25. Cf. the important work of James A. Sanders, especially *Torah and Canon* (Philadelphia: Fortress, 1972); "The Ethics of Election in Luke's Great Banquet Parable", *Essays in Old Testament Ethics*, eds. J. L. Crenshaw and J. T. Willis (New York: KTAV, 1974), 245-271; "From Isaiah 61 to Luke 4," *Christianity, Judaism and Other Greco-Roman Cults*, ed. Jacob Neusner (Leiden: Brill, 1975), Part I, 75-106; "Torah and Christ," *Interpretation* 29 (1975), 372-390; "Adaptable for Life: The Nature and Function of Canon," *Magnalia Dei*, eds. F. M. Cross, W. E. Lemke and P. D. Miller (Garden City: Doubleday, 1976); "Biblical Criticism and the Bible as Canon," *USQR* 32 (1977), 157-165; "Torah and Paul," *God's Christ and His People*, eds. W. Meeks and J. Jervell (Oslo: Universitetsforlaget, 1977), 132-140; "Hermeneutics in True and False Prophecy," *Canon and Authority*, eds. G. W. Coats and B. O. Long (Philadelphia: Fortress, 1977), 21-41; "Text and Canon: Old Testament and New," *Melanges Dominique Barthelemy*, eds. P. Casetti, O. Kell, and A. Schenker (Gottingen: Vandenhoeck and Ruprecht, 1981), 373-394; *Canon and Community* (Philadelphia: Fortress, 1984).
26. "The Significance of the Old Testament for the Christian Faith," in B. W. Anderson, ed., *The Old Testament and Christian Faith* (New York: Harper, 1963), 8-35, 31. Cf. von Campenhausen (note 3), 1, "For Christianity the Old Testament is no longer a canonical book in the same sense as it once was for the Jews."

27. Bultmann (note 26), 14.
28. R. Bultmann, "Prophecy and Fulfillment," *Essays Philosophical and Theological* (London: SCM, 1955), 182-208, 207 f.
29. R. Bultmann, *History and Eschatology* (New York: Harper, 1957), 43. Cf. M. Noth, *The History of Israel* (London: Black, 19602), 448, "Israel thereby (at the destruction of the second temple) ceased to exist and the history of Israel came to an end."
30. J. Moltmann, *The Crucified God* (London: SCM, 1974), 127, 131, 132.
31. See the important article by E. Rivkin, "Beth Din, Boule, Sanhedrin: A Tragedy of Errors," *HUCA* 46 (1975), 181-199.
32. Note how the evidence is strained to yield disproportionate conclusions in R. Banks, *Jesus and the Law in the Synoptic Tradition* (Cambridge: University Press, 1975).
33. C. W. F. Smith, *The Jesus of the Parables* (Philadelphia: Westminster, 1948), 17.
34. Note the survey by K. Berger, "Die impliziten Gegner," *Kirche; Festschrift für Günther Bornkamm zum 75. Geburtstag*, ed. D. Lührmann and G. Strecker (Tübingen: Mohr, 1980), 373-400.
35. E. Käsemann, "Paul and Israel," *New Testament Questions of Today* (Philadelphia, Fortress, 1969), 183-187, 184.
36. Moltmann (note 29), 133.
37. Cf. my "Paul and the Law in Galatians Two and Three," *Early Christian Roots of Anti-Judaism*, Volume 1 (note 8).
38. H. Küng, *On Being a Christian* (London: Collins, 1977), 339.
39. Moltmann (note 30), 127.
40. Perhaps it should be stated explicitly that none of these principles is intended to diminish in any way the significance of Jesus for Christians nor the authority for the church of the Christian midrash in the Apostolic Writings. The revision called for has to do with an inappropriate Christian theology of Judaism not an appropriate Christian theology of Christianity. The intention is not to attack but to strive for a truer and therefore more faithful understanding of the Apostolic Writings.
41. The naive attempt of the Christian to identify one's own cause with Paul or Jesus and thus to use them as weapons against current opponents of that cause almost always results in an antisemitic Paul or Jesus.
42. H. J. Schoeps, *Paul; The Theology of the Apostle in the Light of Jewish Religious History* (Philadelphia: Westminster, 1961), 213-218.
43. E. P. Sanders. *Paul and Palestinian Judaism* (Philadelphia: Fortress, 1977), 33-59.
44. It then goes without saying that 2 Cor 3 should not be used as a principle for Christian reading of Scripture nor as a denial of the legitimacy of Jewish reading of Scripture. But that is the subject of another paper.
45. "The Problem of the Historical Jesus," *Essays on New Testament Themes* (London: SCM, 1964), 15-47. Cf. earlier R. Bultmann, *The History of the Synoptic Tradition* (Oxford: Blackwell, 1968), 205. The other side of this criterion, on the other hand, that only those sayings which are dissimilar to the emphases of the early church are to be considered authentic, makes great sense.
46. "We come now to a second group of parables They are those which contain the Good News itself... (They are), apparently without exception, addressed, not to the poor, but to opponents... Their main object is not the presentation of the gospel; they are controversial weapons against the critics and foes of the gospel who are indignant that Jesus should declare that God cares about sinners," J. Jeremias, *The Parables of Jesus* (New York: Scribners, 1972), 124.
47. Cf. J. Neusner, "Map without Territory: Mishnah's System of Sacrifice and Sanctuary," *History of Religions* 19 (1979), 103-127.

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