

# **"And They Were Silent": Reflections on Legalism**

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It is not virtue which is the opposite of sin,  
but faith, just as it is not vice which is the  
essence of sin, but unbelief.

Emil Brunner

"Legalism" is widely used as a term of reproach. It is generally used to indicate moral systems or practices characterized by rigid and excessive attention to laws, rules, and regulations. In the following comments I will sketch what I take to be the basic structure of Christian legalism, the manner in which legalism shapes character, and Jesus' and Paul's encounters with legalism. I will then address the central theological and moral problems of Christian legalism. In conclusion, I will make pastoral observations regarding legalism.

## **As a Moral System**

As a moral system or ethic, legalism views the essence of the moral life in terms of laws, rules, and regulations. Being moral or ethical consists of knowing, applying, and following the correct law, rule, or regulation. As a religious ethic, legalism views the religious life in its entirety in terms of strict adherence to laws, rules, and regulations. Whether these are derived from natural law (known to human reason), an official teaching office (as in Roman Catholic moral theology), or from authoritative scripture (as in Protestant and fundamentalist ethics), the whole of the religious and moral life is governed by knowledge of the law and correct interpretation as to how it should be applied in given circumstances.

Further, legalism may take the form of both rigorist and laxist approaches to morality. Regarding the latter, one may hold that only that which is explicitly proscribed (or readily deduced on the basis of that which is explicitly proscribed) is morally illicit. In such approaches, the legalist, while devoutly and scrupulously complying with a core of moral imperatives and religious requirements, views the larger portion of life as morally neutral (adiaphorous) The laxist version of legalism demonstrates what has been referred to as the "liberalism of legalism," *i.e.*, that which is

not prohibited is permitted.<sup>1</sup> By contrast, rigorist versions of legalism know of no "neutral zone." All of life is juridicized, as moral laws and regulations are multiplied and expanded to cover virtually every conceivable circumstance. Theoretically, each law has countless applications and each application admits to infinite qualifications.<sup>2</sup>

For both laxist and rigorist approaches, however, the essence of religion and ethics resides in the correct observance of rules, regulations, and rituals.

### **Character**

Not surprisingly, attention to religion and morality from legalistic perspectives gives rise to a character-type fundamentally marked by basic attitudes and dispositions which distinguish the legalistic self. Some, in fact, would argue that the real problem with legalism is the legalistic mindset which accompanies legalistic moralities. Obviously, with its objective standards and moral seriousness, legalism may seem commendable--especially in times of moral dissolution. Legalism certainly promotes a concern with being right and correct in application and performance of the law. Because of its concentration on correct interpretation, application, and performance of the law, however, legalism inescapably promotes a preoccupation with minute details and subtle distinctions which obscure the original intent of the law. That is, the substance of moral and religious obligation is transmuted into scrupulous attention to a maze of laws and regulations.

Finally, the legalist aims at performing precisely what is required by the moral law--no less and no more. Herein arises an overriding concern for being correct in application and performance. The legalistic vision of the moral life, and moral growth in particular, is virtually static. Especially important in terms of its impact on the formation of character is the fact that legalism does not aim at making one good, much less compassionate. Legalism simply equates being *good* with being *right*. Thus the preoccupations of legalism may evoke a callousness and insensitivity to human concerns, since the focus of legalistic morality is not other persons but the law.<sup>3</sup>

It is helpful, before more fully examining the underlying structure of legalism, to look first at perspectives provided by 'Jesus and Paul. Both encountered forms of religious legalism among the Jews of their time, particularly as represented by the Pharisees.

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<sup>1</sup> For example, one occasionally encounters Christian legalists who maintain that abortion is not a moral issue on the grounds that there is no explicit prohibition of abortion in scripture.

<sup>2</sup> Cf. Paul Ricoeur, *The Symbolism of Evil* (Boston: Beacon, 1969, orig. 1967) 144. Ricoeur states that the atomization of law into a multitude of commandments leads inevitably to the expansion of the law into "an evil indefinite."

<sup>3</sup> Cf. Emil Brunner, *Man in Revolt* (Philadelphia: Westminster, first Eng. trans. 1939). "It [legalism] does not make the heart strong, like real faith; it makes the heart hard" (167).

## Jesus and Legalism

The gospels are replete with stories of Jesus' encounters with those who conceive of the religious and moral life primarily in terms of law (including various rules and regulations which detail the specific entailments of the law). In fact, many Pharisees in Jesus' time had expanded the Sinai covenant into more than six hundred prohibitions and requirements, including thirty-nine "main tasks" proscribed by the fourth commandment to "honor the sabbath."<sup>4</sup>

The gospels present a consistent picture of Jesus' encounters with this religious and moral attitude. In one of the most revealing of such encounters, Jesus asks the legalists of his own day, "Is it lawful on the sabbath to do good or to do harm, to save life or to kill?" (Mk 3:4). The gospel tells us poignantly, "and they were silent."

The silence of Jesus' opponents disclosed far more than their words. Jesus saw that persons may actually evade moral and religious responsibilities through their religious devotion and moral seriousness (Mk 7:10-13). Further, persons may become so preoccupied with correct and exact observance of laws and regulations that they completely lose sight of the original purpose and intent of the law (*e.g.*, sabbath regulations).

These insights lie behind Jesus' marked tendency for showing compassion toward the "sinner who sins," while severely criticizing those "whited sepulchers"--"sinners who do not sin"(Lk 2: 16, 17; 18:9-14). Persons who are aware of their own moral and spiritual frailty and who know themselves to be sinners are in a position to comprehend their total dependence upon God and gratefully to accept his love and mercy. By contrast, the "sinner who does not sin," secure in the confidence of his own knowledge, ability, and achievements, inevitably views his relationship with God (and others) on the basis of his own ability and performance. In actuality, the "sinner who does not sin" places his confidence in himself, not in the Creator's goodness and mercy.

Jesus' encounters with legalism illustrate two radically different ways of looking at reality. Ultimately, behind superficial similarities these two views reflect very different understandings of God. Jesus invites his hearers to respond to the Father who sustains them every moment by his covenant love. Legalism is confined within its own vision of a God constructed by the finite human

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<sup>4</sup> Cooking, for example, was subject to close regulation and continuing debate: "If a double-stove had been heated with stubble or straw, cooked food may be set on it; but if with peat or wood, cooked food may not be set on it until it has been swept out or covered with ashes. The School of Shammai say: Hot water but not cooked food may be set thereon. And the School of Hillel say: both hot water and cooked food. The School of Shammai say: They may be removed [on the sabbath] but not put back, And the School of Hillel say: They may also be put back" (*m. Shabb.* 3:1 [trans. H.

mind. In Matthew, Jesus thanks the Father that he hides his revelation from the "wise and understanding" and discloses himself only to those whom the Son chooses (Mt 11:25-30).

But it is in the Fourth Gospel that it becomes inescapably clear that the distance between the two worlds represented by Jesus and Jewish legalism (above/below, spirit/flesh, truth/appearance, light/darkness), is insurmountable from the human side. The two worlds intersect only in Jesus, the true Light. Those from "below" and in "darkness" do not possess criteria to weigh and assess-- much less to judge--the light. And it is precisely their presumed knowledge, even their knowledge of scripture (5:39), which renders those in darkness incapable of coming to Jesus. Blinded by their own wisdom (e.g., ch. 9), they are tragically unable to come in order that they may see (1:30, 46; 4:29). They remain in darkness because they prefer the artificial light of their own minds (theories and interpretations) to the true Light which comes from above.<sup>5</sup>

The gospels give little indication that the self-confinement of legalism may be broken from within, *i.e.*, that legalists may "think" their way out of their self-entrapment. Only a radical act of God can free them; they must be born from above (Jn 3:3,5).

For Jesus, the underlying problem is clearly the human heart's resistance to the claim of its Creator. Thus according to the gospels, the full intent of the law is captured in the two-fold command to love God with all one's heart, soul, and mind, and to love one's neighbor as oneself (e.g., Mt 22:36-40; Mk 12:28-31). Jesus here places the self at the juncture of two absolute and unlimited demands. For love requires more, not less, than law. The disciple owes the Father everything ("heart, soul, and mind"), and to the neighbor he owes the same degree of concern he has for himself. While such love may give rise to laws, it can never be reduced or confined merely to satisfying a set of legal requirements.<sup>6</sup>

The obligations of being a parent, for example, cannot be reduced to a fixed number of piano lessons, Little League games, or sleepless nights. It may in fact entail major sacrifices. If one were to pose the question in this fashion we would immediately recognize that the fault lies in the questioner and his concept of parenthood. While there may be guidelines and principles to aid

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Danby. *The Mishna* (Oxford: Oxford University Press, 1933) 102]. While such discussions may appear unedifying, they are hardly less so than many similar debates among contemporary legalists.

<sup>5</sup> The Fourth Gospel portrays the moral and religious blindness of the Jewish leaders with biting irony as they demonstrate concern for ceremonial laws while they seek the execution of the Messiah (see 18:28; cf. 19:31).

<sup>6</sup> Cf. Bernard Haring, *Free & Faithful in Christ*, vol. 1 (New York: Seabury, 1978): "Only if the believer turns his attention to the love of God and to all the many signs and gifts of God's love, can he be set free for his neighbour and become faithful in Christ. When this boundless love of God becomes his main orientation, he no longer looks for the

parents, being a parent cannot be reduced to specific requirements to be met, whether few or many. Love does not approach its tasks in terms of "how many?" or "how much?" (Mt 18:21, 22).<sup>7</sup>

Jesus tells his followers that their perfection must exceed that of the scribes and Pharisees. Their perfection must be that of the Father, *viz.*, radically selfless love for the neighbor, especially the "enemy-neighbor" (Mt 5:20, 43-48).

### **Paul and Legalism**

The apostle Paul, a Pharisee and a trained rabbi, offers profound insights into the function of law in the moral and religious life. Essentially, Paul argues that although the law given to Israel is in itself "holy and righteous and good" (Rom 7:12), it becomes used by the human heart in an evil manner. At one level, the law discloses God's will for human life. In doing this, the law also brings into awareness the self's failure to live up to God's intentions. Thus the law, while disclosing God's will, also evokes a consciousness of the reality and seriousness of human sin.

In Romans 7 Paul contends not merely that the law conveys an awareness of sin. Nor is his argument the fact that law awakens the desire to sin (vss. 7, 8). While it is an important psychological fact that prohibitions may awaken desires (Augustine's observation that "forbidden pears taste sweeter"), Paul's insight penetrates to a more profound level. He describes not only an experience of having sinful desire awakened, but of the religious self being *deceived*: "sin, finding opportunity in the commandment, deceived me . . ." (vs. 11). That is, the law not only awakens deep within the self a consciousness of sin but, more precisely, it arouses "covetousness (vss. 7, 8, Gk. *epithumia*, "desire," "passion"). The deception to which Paul refers lies in the fact that the self, conscious of its sinfulness, is deluded into seizing upon the law as a means for addressing its awakened passion for righteousness."<sup>8</sup>

Paul's moving cry, "Wretched man that I am" (7:24), arises from his insight into the dilemma of sinning either by breaking the law, or by keeping the law out of the sinful desire to be righteous. It is this latter form of sin to which Paul when he states, "I do not do the good I want"(vs.

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minimum response but aspires, rather, to 'let your goodness have no limits, just as the goodness of the heavenly Father knows no bounds' (Mt 5:48)" (250).

<sup>7</sup> Cf. Richard M. Gula, *Reason Informed by Faith*. Foundations of Catholic Morality (New York: Paulist, 1989): "Legalism stifles creativity, initiative\* and conversion. Where legalism abounds moral minimalism and spiritual laziness are not far behind. Asking 'How far can I go?' for example reflects such a posture" (250).

<sup>8</sup> Cf. Gunther Bornkamm, *Paul* (New York: Harper & Row, 1971, Ger. orig. 1969) 120-1.34. See also Paul W. Meyer, "Romans" in Harper's Bible Commentary (San Francisco: Harper & Row, 1988). Meyer states that sin's "deceit lies in its taking advantage of just those religious aspirations that make a person look to the law for life. By using the law precisely where it is honored and treasured and even obeyed, it destroys the integrity of a person's relation to God,

19), i.e., become righteous Paul is not saying that he fails to measure up to the law's requirements, much less that he suffers from a bad conscience. On the contrary, Paul's own experience was that of having been a good Pharisee, of having been blameless under the law (Phil 3:6; Gal 1:13; Acts 23:1) Paul realizes that the deceitfulness of sin permits persons to become cut off from God precisely on the basis of their desire for moral and religious rectitude and good consciences Paul saw that the self, secure in its performance of legal, moral, and religious requirements, unintentionally solidifies sin's jurisdiction over itself. The law, in spite of its goodness, cannot cancel the deceitful power of human sinfulness. The law invites the self to recognize and address specific sins, but it cannot address the deeper problems of the heart wherein resides the mystery of human sinfulness.

Accordingly, Paul recognizes that no one is justified by the law (Gal 2.16; 3: 11). One becomes a child of *God* not through law-keeping but by radical faith in God, a faith which involves wholly abandoning confidence in one's own knowledge and abilities--ultimately, in one's self. Thus in Philippians, when Paul refers to "forgetting what lies behind" (3:13), he is not referring to personal shortcomings or failures. Rather, it is precisely his accomplishments and grounds for confidence as a Jew that he counts as "refuse" (vss 4-6). By contrast, the perfection which Paul presses forward to "accomplish" is not performance of laws; it is conformity to the self-emptying of Christ (2:5-11). Christ, for Paul, does not bring a new law: he brings the possibility for a new self.

Accordingly, Paul can state not only that confidence in one's abilities and accomplishments must be abandoned. The sinful self must also surrender; it must "die" in order to be reconstituted by the Spirit of God. Those who die to the old self in baptism (Rom 6:6) receive the Spirit of Christ in their hearts (Gal 4:6; cf. Rom 8:1 1). They live no longer for themselves but for the sake of Christ whose love now controls them (2 Cor 5:14, 15). Indeed, they are now the righteousness of God (2 Cor 5:21); they are now enabled to live according to the law of Christ (1 Cor 9:21; Gal 6:2) Herein the law is established, in that its original significance is recovered (Rom 3.31). Now that the self-seeking self has relinquished its claim to righteousness--indeed, now that the self has been crucified with Christ--the love of one's neighbor becomes the fulfillment of the law (Rom 13:10; Gal 5: 14).<sup>9</sup>

Paul, like Jesus, understands that the self, estranged from its Creator, does not need

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corrodes trust and replaces it with a defensive posture no longer gratefully dependent upon God nor unreservedly accountable to him" (1149).

<sup>9</sup> Thus, for Paul, while baptism is necessary, it is not merely a requirement that can be met by the old self. Baptism is the self's renunciation of its ability to make itself righteous; it is the death of the old self that would attempt to be righteous on the basis of its ability to meet requirements, keep laws, and observe rules and regulations.

information, much less new laws and regulations. For both, what is needed is a new heart and mind--a new self "born from above" (Jn 3:3, 7, 8) and living by the power of God (Gal 2:20).

### **The Heart of the Problem**

The fundamental problem with legalism lies deep within the human heart, at the very dawn of moral consciousness.<sup>10</sup> While sin makes its appearance as the violation or infraction of a rule or law, this fact obscures the origin and essence of sin. A breaking of trust with the other, ultimately with the Creator, is the origin of sin. It is this primal sin which does not admit to degrees of "greater" or "lesser," that underlies and impels all subsequent sins. These "secondary sins" clearly do admit of evaluation and comparison in terms of being more or less malicious or harmful, greater or less flagrant violations, and so on.

The fact that sin makes its appearance in terms of such violations, and that they may be measured and evaluated in terms of degrees of "greater" or "lesser" compliance or non-compliance with specific laws, rules, and regulations invites us to view the moral and religious life wholly at this level. Legalism yields to this invitation and succumbs to its deception. Legalism views sin solely in light of secondary sin, and in so doing conceals its own origin and nature. Like a scab covering an infected wound, legalism conceals the primal sin of broken trust with God. Legalism, failing to grasp sin in its true depth, erects its elaborate systems over the rupture between the self and its Creator. Unknowingly, legalism operates solely within and under the conditions of the self's estrangement from God. By its very nature, legalism cannot grasp, much less correct, the primal sin.

Legalism thus offers a false independence and security, enticing one to place confidence in one's own knowledge and performance. As if by evil design, legalism spawns strategies which serve to draw the self more deeply into its estranged condition and to ensconce it there securely. Thus, for example, scrupulously correct and conscientious performance of rules and requirements reinforces confidence in the self's own moral and religious rectitude while at the same time distracting attention from the self's broken and estranged relationship with its Creator.

One additional and particularly destructive strategy of legalism helps to ensure legalism's control over its victims. That is, legalism demands an incessant scrutiny and criticism of others. This "blaming" activity is absolutely crucial to legalism and serves several purposes: it further

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<sup>10</sup> For a discussion of the experiential matrix of legalism from phenomenological, sociological, and psychological perspectives, see Michael R. Weed, "The Moralistic Experience: An Enquiry," *Restoration Quarterly*, 15:2 (1972) 65-83.

distracts energies from honest self-examination; it confers a sense of self-righteousness upon the blamer(s); and, it reinforces a sense of the correctness of the standards held.<sup>11</sup> Indeed, this activity is so central to legalism's existence that the religious life of the legalist is frequently devoted to monitoring and criticizing the behavior and beliefs of others. Finally, it should be remembered that behind its various religious and moral machinations, legalism has no place for transcendence. Religious legalism's references to transcendence are self-deceptive attempts to legitimate its own humanly constructed systems. Legalism's "transcendence" is domesticated and rationalized; it is a false transcendence. Legalism is thoroughly self-referential.<sup>12</sup> However much the attempt is made to work God into its system, legalism is ultimately rooted in confidence that the self, shielded from the fact of its estrangement from its Creator, achieves rectitude through its own knowledge and performance of moral laws and religious requirements. In the final analysis, the only righteousness which legalism aspires to is that which the self achieves for itself--self-righteousness.

### **Conclusion**

While this essay has given attention to legalism's religious expressions, it should be remembered that legalism is a common and widespread human phenomenon. Legalism is not confined to religious forms and certainly not to its development within any particular religious tradition. As we have seen, legalism is rooted deep in the human heart's stubborn unwillingness to surrender its claim over itself and to live in a relationship of obedient trust in its Creator. Legalism is a form of human life under the conditions of estrangement from God; it arises within and is confined to the circle of human sin.

Undoubtedly, legalism is an exceptionally virulent spiritual disease. Its particular tenacity lies in its ability to mask its evil origin with a deceptive attractiveness. For morally serious and spiritually sensitive persons, legalism initially presents itself as a reasonable and attractive answer to the human dilemma: conscientious obedience to objective moral laws and religious requirements. Herein, however, lies one of the sources of legalism's perverse

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<sup>11</sup> While learning to accept and to assess blame is an important step in becoming a mature person, when one becomes dependent upon the pleasures and satisfactions associated with judging others, blaming becomes a pathology. Common features associated with pathological blaming include: (1) a quasi-pleasurable interest in the other's wrong-doing; (2) moralistic attacks on the person or character of the "wrong-doer"; and (3) a sense of accomplishment derived from the whole blaming activity. For the legalist, blaming becomes a compulsion which frequently drives to unprincipled and dishonorable behaviors condemned by the legalist's own moral and religious principles, e.g., intentional misrepresentation, deceptive exaggeration, and outright dishonesty. For an insightful discussion of "blaming," see Herbert Fingarette, *The Self in Transformation* (New York: Harper & Row, 1965) 115-145.

<sup>12</sup> Brunner, *Man in Revolt* "The final motive therefore in legal morality is self-respect; responsibility to God and to one's neighbour has been distorted into the self-responsibility of the rational self towards itself" (158).

hold over human hearts and minds Legalism is able to encourage the self's nobler impulses and aspirations while at the same time drawing them into a deadly self-deception.

Devotion to clarifying, refining, and arranging moral and religious obligations diverts attention from the underlying claims which define human existence: love of God and love for neighbor. Legalism blunts, dilutes, and inevitably weakens the primal obligation; it is either fragmented into countless rules and regulations, or it is reduced to being only one among numerous equally binding requirements and regulations The latter are arranged into an overarching system whose particular stipulations, because concrete and specific, become the focus of continual qualification and refinement. Indeed, the religious life itself becomes an unending debate about fine points of interpretation. The result is the thoroughly juridicized life.

Two pastoral observations conclude this discussion. First, given the energies legalism invests in maintaining its intellectual and juridical system, and its parasitical need to criticize and blame others, one should be extremely cautious when entering into discussion with representatives of legalism. Not only is such discussion seldom instructive or edifying, it almost invariably serves to reinforce legalism. Since any attention, however unflattering, tends to fuel legalism's intensity, legalism may best be dealt with through intercessory prayer. Left to its own devices, legalism collapses under its excesses; or, in the absence of opponents, legalists turn on each other Ultimately, legalism fails because it cannot satisfy the human heart's deep hunger for reconciliation with its Creator.

Second, those who have experienced the evil of legalism are tempted to react against all forms of moral and religious obligations and duties. More precisely, those haunted by the specter of legalism are especially tempted to equate "anti-legalism" with "grace." While this is understandable, it is as spiritually immature and destructive as the legalistic systems to which it reacts.<sup>13</sup> It should be remembered that legalism is ultimately a minimalist ethic and an external religion; legalism always demands less, not more, than covenant love.

The radical claims of covenant love are not rooted in human abilities (e.g., "You must be perfect as your heavenly Father is perfect," "love one another as I have loved you," "love your enemies and pray for those who persecute you"); they are reflective of the incalculable and

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<sup>13</sup> Those responsible for the spiritual care and instruction of former legalists must be especially sensitive to this temptation. Nor is it unusual for many anti-legalists to display a harshness not dissimilar to that of so many legalists. Another spiritual malady occasionally encountered is that of refugees from legalism who in actuality have simply abandoned one version of legalism for another.

inexhaustible goodness of God shown in Jesus Christ. Covenant love demands more than legalism because the Father is giving and enabling more; he asks no less of us than he gives.<sup>14</sup>

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<sup>14</sup> Cf. Knud E. Logstrup, *The Ethical Demand* (Philadelphia: Fortress Press, 1971). "God demands only that which he himself gives. This is why in the proclamation of Jesus the demand sets no limits for itself. ...Therefore if we place limits upon the demand so that its requirements of us may be within reason, we do so--Christianity would say-- because we deny that life with all of its possibilities is a gift" (115).