

**THE
JUDEO-CHRISTIAN
TRADITION**

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THE JUDEO-CHRISTIAN TRADITION

A Guide for the Perplexed

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Tyler, Texas

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This book is dedicated to
the memory of

Alfred Edersheim

Orthodox Judaism's loss
was surely the Church's gain.

TABLE OF CONTENTS

Preface	ix
Introduction	1
1. Two Branches, One Bride...	5
2. Political Idolatry	20
POINT 1: SOVEREIGNTY	
3. The Sovereign Master	37
POINT 2: REPRESENTATION	
4. Interpretation and Representation.	47
5. A Separate People in Our Midst.	59
POINT 3: LAW	
6. The Talmud: A Closed Book, Even When Open. . .	73
7. "You Have Heard It Said".	84
8. Rabbi Moshe ben Maimon, "Maimonides".	106
POINT 4: SANCTIONS	
9. Undermining Justice.	133
POINT 5: CONTINUITY	
10. The Isolation or Erosion of Orthodox Judaism. . . .	145
Conclusion	159
APPENDIX: On Evangelizing Jews.	177
Bibliography	191
Scripture Index	193
Subject Index	197
About the Author	205

THE MARK OF THE OLD COVENANT

But glory, honour, and peace, to every man that worketh good, to the Jew first, and also to the Gentile: For there is no respect of persons with God. . . . Behold, thou art called a Jew, and retest in the law, and makest thy boast of God, And knowest his will, and approvest the things that are more excellent, being instructed out of the law; And art confident that thou thyself art a guide of the blind, a light of them which are in darkness, An instructor of the foolish, a teacher of babes, which hast the form of knowledge and of the truth in the law. Thou therefore which teachest another, teachest thou not thyself? thou that preachest a man should not steal, dost thou steal? Thou that sayest a man should not commit adultery, dost thou commit adultery? thou that abhorrest idols, dost thou commit sacrilege? Thou that makest thy boast of the law, through breaking the law dishonourest thou God? For the name of God is blasphemed among the Gentiles through you, as it is written. For circumcision verily profiteth, if thou keep the law: but if thou be a breaker of the law, thy circumcision is made uncircumcision. Therefore if the uncircumcision keep the righteousness of the law, shall not his uncircumcision be counted for circumcision? And shall not uncircumcision which is by nature, if it fulfil the law, judge thee, who by the letter and circumcision dost transgress the law? For he is not a Jew, which is one outwardly; neither is that circumcision, which is outward in the flesh: But he is a Jew, which is one inwardly; and circumcision is that of the heart, in the spirit, and not in the letter; whose praise is not of men, but of God (Remans 2:10, 17-29).

Is any man called being circumcised? let him not become uncircumcised. Is any called in uncircumcision? let him not be circumcised. Circumcision is nothing, and uncircumcision is nothing, but the keeping of the commandments of God (I Corinthians 7:18-19).

PREFACE

This Jesus bath God raised up, whereof we all are witnesses. Therefore being by the right hand of God exalted, and having received of the Father the promise of the Holy Ghost, he bath shed forth this, which ye now see and hear. For David is not ascended into the heavens: but he saith himself, The Lord said unto my Lord, Sit thou on my right hand, Until I make thy foes thy footstool. Therefore let all the house of Israel know assuredly, that God bath made that same Jesus, whom ye have crucified, both Lord and Christ (Acts 2:32-35).

What is this book about? It is about Bible-believing Christianity and Orthodox Judaism. It is about the Old Testament, the New Testament, and the Talmud. It is about the law of God. It is about the JudeO-Christian tradition, or lack thereof.

The book also is about Israel. It is first and foremost about what Paul calls the Israel *of God* the Christian Church. There is distressing tendency among premillennial dispensationalists to ignore — one might even say *deny* — *these* crucial New Testament verses: “But God forbid that I should glory, save in the cross of our Lord Jesus Christ, by whom the world is crucified unto me, and I unto the world. For in Christ Jesus neither circumcision availeth any thing, nor uncircumcision, but a new creature [creation]. And as many as walk according to this rule, peace be on them, and mercy, and upon the Israel of God” (Galatians 6:14-16). These verses interpret the Old Testament’s terminology and prophecies. My principle of biblical interpretation is this: “The Old Testament does not interpret the New; the New Testament

interprets the Old.”¹

This book is also about *Israel the branch* which was cut off at the first coming of Jesus Christ – the branch that Christian gentiles replaced as God’s only saved covenant people. “And if some of the branches be broken off, and thou, being a wild olive tree, wert grafted in among them, and with them partakest of the root and fatness of the olive tree, Boast not against the branches. But if thou boast, thou bearest not the root, but the root thee” (Remans 11: 17). Finally, at least to some degree, the book is about *Israel the nation* in the Middle East.

What this book is ultimately about is the salvation of men’s eternal souls and the way of life that is consistent with so great a salvation.

The Plan of Salvation

What is God’s plan of salvation? Is it the shedding of the blood of bulls and goats? No; and it never was.

Wherewith shall I come before the LORD, and bow myself before the high God? shall I come before him with burnt offerings, with calves of a year old? Will the LORD be pleased with thousands of rams, or with ten thousands of rivers of oil? shall I give my firstborn for my transgression, the fruit of my body for the sin of my soul? He hath shewed thee, O man, what is good; and what cloth the LORD require of thee, but to do justly, and to love mercy, and to walk humbly with thy God? (Micah 6:6-8).

Is it about working our way into heaven? No; and it never was. “Behold, his soul which is lifted up is not upright in him: but the just shall live by his faith” (Habakkuk 2:4).

Then what is the theological content of this faith that saves men’s souls? This raises the debate today between Christians and

1. It is one of the strangest facts of theological life today that the premillennial dispensationalists who are adamant that every civil law in the Old Testament must be repeated in the New Testament in order for it to be legally binding on Christians also insist that Old Testament terms and prophecies must not be modified in any way, no matter what a New Testament author says.

Jews, one which has been going on for almost 2,000 years. Jesus warned Nicodemus the Pharisee, a ruler of the Jews: "The Father loveth the Son, and hath given all things into his hand. He that believeth on the Son hath everlasting life: and he that believeth not the Son shall not see life; but the wrath of God abideth on him" (John 3:35-36). By saying this and similar things, Jesus gained the wrath of the Pharisees. For example:

No servant can serve two masters: for either he will hate the one, and love the other; or else he will hold to the one, and despise the other. Ye cannot serve God and mammon. And the Pharisees also, who were covetous, heard all these things: and they derided him. And he said unto them, Ye are they which justify yourselves before men; but God knoweth your hearts: for that which is highly esteemed among men is abomination in the sight of God. The law and the prophets were until John: since that time the kingdom of God is preached, and every man presseth into it. And it is easier for heaven and earth to pass, than one tittle of the law to fail (Luke 16:13-17).

Men who are covetous still deride Christ and those who follow Him. They hate the law of God.

And so, the debate between Pharisees and Christians extended down through history. (We shall consider in this book who the spiritual heirs of the Pharisees really are.) Nothing fundamental has changed. What is the law of God? Has anyone ever kept this law perfectly? Who best keeps this law today?² What is the character of the faith that enables men to keep this law? And when they fail, what is the means of escape from God's wrath? For they will surely fail to keep it:

If we say that we have no sin, we deceive ourselves, and the truth is not in us. If we confess our sins, he is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness. If we say that we have not sinned, we make him a liar, and his word is not in us. My little children, these things write I unto you, that

2. Greg L. Bahnsen, *By This Standard: The Authority of God's Law Today* (Tyler, Texas: Institute for Christian Economics, 1985).

ye sin not. And if any man sin, we have an advocate with the Father, Jesus Christ the righteous: And he is the propitiation for our sins: and not for ours only, but also for the sins of the whole world (I John 1:8-2:2).

Jesus died to atone (cover judicially) for the sins of the whole world. He died to redeem men from the eternal consequences of their sin, but He died also to restrain the wrath of God in history. He died for the world in order to enable God lawfully to grant the world *time*: time for personal repentance, time for the expansion of God's earthly kingdom, and time for people to work out their salvation (and damnation) in fear and trembling (Philippians 2:12).³

All people? All people! Especially the Jews. As the book shows, until the Jews are converted as a people to saving faith in Jesus Christ (Remans 11), *the end is not yet* (Matthew 24:6).

If you have made "rapture plans," it's time to put them back on the shelf until you first make evangelism plans for the Jews. First things first. "But every man in his own order: Christ the firstfruits; afterward they that are Christ's at his coming. Then cometh the end, when he shall have delivered up the kingdom to God, even the Father; when he shall have put down all rule and all authority and power. For he must reign, till he bath put all enemies under his feet. The last enemy that shall be destroyed is death (I Corinthians 15:23-26).

Then comes the rapture! Not *before*.⁴

summary

Now, for the sake of lazy reviewers, let me present the basic conclusions of this book:

1. Evangelism efforts by Christians to the Jews as Jews a covenan-

3. Gary North, *Dominion and Common Grace: The Biblical Bank of Progress* (Tyler, Texas: Institute for Christian Economics, 1987).

4. David Chilton, *Paradise Restored: A Biblical Theology of Dominion* (Ft. Worth, Texas: Dominion Press, 1985).

tally separate people are very important, not just for the sake of each individual soul, but for the enormous external blessings which God has promised when the Jews, as a people, accept Christianity as their New Covenant faith. The Jews, as a people, are uniquely tied into God's plans for blessing His church in the future.

2. Judaism and Christianity are implacably opposed religions. There can be no successful meshing of the two systems. Neither side wants such a meshing, and all "halfway house" attempts to achieve this will inevitably fail. The Jews must come to God on Jesus' terms, and on no other — just as all other people must.
3. There are good reasons on both sides why Orthodox Jews and orthodox Christians can and should co-operate socially and politically, *for the sake of the peace*, in battling the hydra-headed monster called secular humanism. Secular humanism is a common enemy of both religions.
4. There are good geopolitical reasons for a continuation of close ties between the United States and the State of Israel. These reasons, however, are not necessarily eschatological in nature. The eschatological significance of the State of Israel depends on what God intends for that political unit, as distinguished from ethnic Jews as a people. No man knows what God intends in this regard, although many Christians say that they know. I personally pray that God will use that nation positively in the expansion of God's earthly kingdom in my lifetime.

There are no doubt many readers who will say to themselves: "Well, I certainly don't need to read *this!* I know when something cannot possibly be true." Quite frankly, I am not after the support, or commitment of such readers. I am after those who are mature in their faith, and who are psychologically ready to examine the facts instead of either leaping to conclusions or holding on grimly to past conclusions that they have never really examined carefully.

This book has the facts. The question is: Do readers have the spiritual maturity?

INTRODUCTION

Here is another book on the Judeo-Christian tradition. ‘So what?’ you may ask. An accurate answer to this initially skeptical question can only be obtained by reading the book, or at least reading a review of it. I do not expect many reviews. (After two dozen books, I am beginning to get the picture.)

This book presents a covenantal evaluation. Why covenantal? Why not a historical evaluation, or theological, or even racial (if this book were hot off some backyard anti-Semitic press)? Why covenantal? What has covenant got to do with anything?

My answer is straightforward: everything!

To get the right answers in life, we need first to ask the right questions. For a long, long time, Christians and Jews have had the right questions right under their noses, but no one paid any attention. The questions concerning lawful government are organized in the Bible around a single theme: *the covenant*.

Most Christians and Jews have heard the word “covenant.” They regard themselves (and occasionally even each other) as covenant people. They are taught from their youth about God’s covenant with Israel, and how this covenant extends (or doesn’t) to the Christian Church. After all, Paul called Christians “the Israel of God” (Galatians 6: 16). Everyone talks about the covenant, but until late 1985, nobody did very much about it.

Is this too strong a statement? Maybe, but I have a weakness for strong statements. They catch people’s attention. Furthermore, sometimes they are accurate. The fact remains, if you go to a Christian or a Jew and ask him to outline the basic features of the

biblical covenant; he will not be able to do this rapidly or perhaps even believably. Ask two Jews (or two Christians) to describe the details of the covenant, and compare their answers. The answers will not fit very well.

Covenant Theology

For over four centuries, Calvinists have talked about the covenant. They are generally known as *covenant theologians*. The Puritans wrote seemingly endless numbers of very long books about the covenant. The problem is, nobody has ever been able to come up with “the” covenant model in the writings of Calvin, let alone all of his followers. The Calvinists have hung their theological hats on the covenant, yet they have never put down on paper precisely what it is, what it involves, and how it works — in the Bible or in Church history.

Then, in late 1985, Pastor Ray Sutton made an astounding discovery. He was thinking about various biblical symbols, and he raised the question of two New Testament covenant symbols, baptism and communion. Are they more than symbols? In what way? This raised the question of the Old Testament’s covenant symbols, circumcision and passover. What did they have in common? Obviously, the covenant. But what, precisely, is the covenant? Is the structure of the covenant the same in both Testaments (which are themselves called covenants)?

He began rereading some books by Calvinist theologian Meredith G. Kline. In several books (i.e., collections of essays), Kline mentions the structure of the Book of Deuteronomy. He argues that the book’s structure in fact parallels the ancient pagan world’s legal documents known as the suzerain (king-vassal) treaties.

That observation triggered something in Sutton’s mind. Kline discusses the outline of these treaties in several places. In some places, he says they have five sections; in other places, he indicates that they may have had six or even seven. It was all somewhat vague and disjointed. So Sutton sat down with Deuteronomy to see what the structure is. He found five parts.

Then he looked at other books of the Bible that are known to be divided into five parts: Psalms and Matthew. He believes that he found the same structure. Then he went to other books, including some Pauline epistles. He found it there, too. When he discussed his findings in a Wednesday evening Bible study, David Chilton instantly recognized the same structure in the Book of Revelation. He had been working on a manuscript on this New Testament book for well over a year, and he had it divided into four parts. Immediately he went back to his computer and shifted around the manuscript's sections electronically. The results of his restructuring can be read in his marvelous commentary on the Book of Revelation, *The Days of Vengeance*.¹ Here, then, is the five-point structure of the biblical covenant, as developed by Sutton in his path-breaking book, *That You May Prosper: Dominion By Covenant*.²

1. Transcendence of God
2. Hierarchy/authority/representation
3. Ethics/law/dominion
4. Oath/judgment/sanctions: blessings and cursings
5. Succession: inheritance and disinheritance

THEOS. Simple, isn't it? Yet it has implications beyond your wildest imagination. Here is the key that unlocks the structure of all human governments. Here is the structure that Christians can use to analyze Church, State, family, and numerous other non-covenantal but contractual institutions.

Here is the structure that allows us to analyze the American civil religion, and its familiar religious concept, the Judeo-Christian tradition.

Conclusion

So, let me end this introduction with another strong statement: if you read this introductory book on the Judeo-Christian tradition

1. Dominion Press, 1987.

2. Institute for Christian Economics, 1987.

from beginning to end, your mind will be changed. I am not sure *to what* your mind will be changed, but I assure you, it will be changed. Radically. Nothing like this little book has ever been written before. It will make some people hopping mad. It will be a source of a new outlook to others. But it will change their minds. Not because the book is brilliant; on the contrary, it is based on readily available documents. Not because I am a master of the available literature; I am not. It will change people's minds because it presents 1) a summary of primary source materials that not one reader in a thousand has read, despite these materials being publicly available documents, and 2) a perspective (the biblical covenant model) which alone can do justice to these primary sources. I did not invent either the sources or the perspective. I did, by God's grace, discover them independently of each other.

Now you have this same opportunity. But I warn you: this discovery process will be mind-blowing and gut-wrenching to some readers.

One last prediction. When you finish this book, you will say to yourself: "I've been conned. Hoodwinked. Misled." You may think that I have conned you, or you may conclude that a lot of other people have, but you will know that someone has attempted to mislead you. I am confident enough in the documentation in this book to say: "If you verify my footnotes, you will not blame me."

TWO BRANCHES, ONE BRIDE

I say then, Hath God cast away his people? God forbid. For I also am an Israelite, of the seed of Abraham, of the tribe of Benjamin. God hath not cast away his people which he foreknew. Wot ye not what the scripture saith of Elias? how he maketh intercession to God against Israel, saying, Lord, they have killed thy prophets, and digged down thine altars; and I am left alone, and they seek my life. But what saith the answer of God unto him? I have reserved to myself seven thousand men, who have not bowed the knee to the image of Baal. Even so then at this present time also there is a remnant according to the election of grace (Roman-s 11:1-5).

These words of Paul, the former Pharisee (Philippians 3:5), warn Christians not to imagine that God has ceased dealing with the Jews as a separate people. Paul made it clear that the eschatological hope of the church of Jesus Christ is tied closely to the conversion of the Jews as a people at some future point in history. The Israelite “branches” that were removed by God in order to make possible the “grafting in” of the gentiles will eventually be re-grafted in, thereby bringing the church of Jesus Christ as close to perfection as it will experience this side of the resurrection and final judgment. Paul makes this emphatic:

For if thou wert cut out of the olive tree which is wild by nature, and wert grafted contrary to nature into a good olive tree: how much more shall these, which be the natural branches, be grafted into their own olive tree? For I would not, brethren, that

ye should be ignorant of this mystery, lest ye should be wise in your own conceits; that blindness in part is happened to Israel, until the fulness of the Gentiles be come in. And so all Israel shall be saved: as it is written, There shall come out of Sion the Deliverer, and shall turn away ungodliness from Jacob: For this is my covenant unto them, when I shall take away their sins. As concerning the gospel, they are enemies for your sakes: but as touching the election, they are beloved for the fathers' sakes. For the gifts and calling of God are without repentance. For as ye in times past have not believed God, yet have now obtained mercy through their unbelief Even so have these also now not believed, that through your mercy they also may obtain mercy. For God hath concluded them all in unbelief, that he might have mercy upon all (Remans 11:24-32).

There will be a literal conversion to Christian faith of literal Jews in the literal future. These eschatological promises are not supposed to be "spiritualized" or allegorized away. Robert Haldane, the Scottish Presbyterian Bible commentator, wrote in 1839:

The temporary fall of the Jews was fraught with the richest blessings to the rest of the world. Their rejection of the Messiah was the occasion of the offering of the great sacrifice for sin, and of the Gospel being preached to all nations. In consequence of their rejecting the testimony of the Apostles, the remnant who believed fled from the persecution of their countrymen, and, being scattered abroad, went everywhere preaching the word. . . . Thus the diminishing of the Jews was the aggrandisement of the Gentiles; for, in the inscrutable counsels of Jehovah, His gift of salvation to them was connected with the degradation and downfall of His ancient people. But here the Apostle givea the assurance that the *fulness* of the Jews – their resurrection as a body, when they shall acknowledge Christ as the Messiah — will yet prove a far greater blessing to the Gentiles. It will be connected with a calling of the nations to' an extent beyond anything yet witnessed, and also with a great enlargement of their knowledge of the Gospel. ¹

1. Robert Haldane, *An Exposition of the Epistle to the Romans* (Mac Dill Air Force Base, Florida: MacDonald Pub. Co., [1839] 1958), pp. 632-33; verse 12.

This was also the teaching of the great Presbyterian theologian Charles Hedge in 1864. "The conversion of the Jews," he wrote, "will be attended with the most glorious consequences for the whole world."² This is what I was taught at Westminster Theological Seminary in John Murray's class on Remans 9-14.³ While Murray's postmillennialism was different from Cornelius Van Til's amillennialism, Van Til also believed that the Jews are still important in the overall historical plan of God, as he wrote in 1968: "And with the rejection of Christ by the Jew, his [the Jew's] mission in history dissipates as the waters of a river in a desert. But Christ will not allow the Jew thus to defeat himself in rejecting him. Through his Spirit Christ can and will create a new heart within him and give him true repentance toward him. Then, together with all Gentiles who truly repent, all Israel shall be saved."⁴

This is not a new view in Protestant Christianity regarding the future of the Jews.⁵ The Larger Catechism of the Westminster Confession of Faith (1647), the classic Puritan statement of orthodox faith, specified that Christians are to pray explicitly for the conversion of the Jews; no other group is so singled out. The reason given is eschatological:

In the second petition, (which is, *Thy kingdom come,*) acknowledging ourselves and all mankind to be by nature under the dominion of sin and Satan, we pray, that the kingdom of sin and Satan may be destroyed, the gospel propagated throughout the world, the Jews called, the fulness of the Gentiles brought in. . . (Answer 191).

This perspective on the future of Israel was basic to what Iain

2. Charles Hedge, *Comments on the Epistle to the Remans* (Grand Rapids, Michigan: Eerdmans, [1864] 1950), p. 365.

3. See John Murray, *The Epistle to the Remans*, 2 vols. (Grand Rapids, Michigan: Eerdmans, 1965), II, pp. 65-103.

4. Cornelius Van Til, *Christ and the Jews* (Philadelphia Presbyterian & Reformed, 1968), p. 2.

5. Gary DeMar, *The Debate Over Christian Reconstruction* (Ft. Worth, Texas: Dominion Press, 1988), Appendix B. "The Place of Israel in Historic Postmillennialism."

Murray has called the Puritan hope.⁶

Jews may ask themselves about Christians: “Why do they single us out for their evangelism?” The answer is — or should be — “Because when you people *as a people* at last come to faith in Jesus Christ as your promised Messiah and deliverer, it will culminate in the transformation of this world, bringing in the fullness of the blessings of the kingdom of God in history.” Paul writes: “Now if the fall of them be the riches of the world, and the diminishing of them the riches of the Gentiles; how much more their fulness?” (Remans 11:12). God never said this about any other covenanted ethnic group. It is the stated goal of orthodox Christianity to preach the gospel of salvation in Christ to the Jews, until not a trace of the traditional practices of Judaism remains.

Final Solutions

Non-Christian movements (e.g., the Nazis), as well as misguided Christian movements (e.g., Russian Orthodoxy), have in the past also sought the eradication of Judaism in history. They have attempted to destroy the religion by destroying its adherents. They have used terrorism, murder, and expropriation against Jews. This has been a dark blot on Western history. There is no biblical warrant for such persecution. The Jews have seldom if ever actively sought gentile proselytes. They have conducted themselves as “strangers in the gate,” to use an analogy based on the Old Testament. They have sought peace, which is an appropriate social goal for a self-conscious minority group that intends to avoid assimilation by the surrounding culture.

Nevertheless, Paul says clearly that God’s goal in history is the final assimilation of the Jews into the Church. This is the only “final solution” to Judaism specified in the New Testament: the soul-saving movement of the Holy Spirit which will work in a unique way in the hearts of an entire people. “For if the casting away of them be the reconciling of the world, what shall the receiving of

6. Iain H. Murray, *The Puritan Hope: A Study in Revival and the Interpretation of Prophecy* (London: Banner of Truth Trust, 1971), pp. 41-55, 59-76, 91-92, 98-99.

them be, but life from the dead?" (Remans 11: 15). The New Testament's "final solution" is not the death of the Jews, but rather their life; yet life for the Jews can only be accomplished through the Jews' voluntary, uncoerced abandonment of Judaism in history.

It also needs to be pointed out that when God's kingdom is manifested in history in its fulness, all religions other than Christianity will be publicly abandoned by a vast majority of their former adherents. The Holy Spirit will work His great eschatological work in the hearts of men. This will lead to the death of humanism, the religion of autonomous man. This is the New Testament's final solution in history, which will precede the final judgment, though by how long, no man knows.

The words "final solution" have been associated with Hitler's Third Reich. The phrase is used in history textbooks to describe the removal of Jews through extermination. But what people fail to understand is that the concept of the "final solution" is universal. Every religion and every social philosophy has a doctrine of final solution, some means of eliminating "unbelievers." Men believe in some sort of final solution to seemingly irreconcilable aspects of social life, whether the granting of full citizenship by "naturalization," or the destruction of enemies, or tyranny over enemies, or whatever. All men (except radical dualists: Zoroastrians, manichaeans, and pluralists) believe that there is some way to reconcile all differences; that is, men believe that mankind's differences are never ultimate and therefore are not permanent.⁷ Either reconciliation is seen to be ultimate or else final judgment is. Christianity promotes reconciliation in history as a preparation

7. The doctrine of political pluralism teaches that social peace is the ultimate goal for politics, and that all men, for the sake of maintaining social peace, must learn to submerge or ignore all their major differences. This relatively recent philosophy is accepted only by people who do not take any institutional goal very seriously except the goal of social peace through ethically neutral (i.e., ethically universal) politics. Historically, there have not been many of these people, and they have not maintained control over their political opponents indefinitely. For a discussion of this highly religious outlook, see Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economic-s, 1989).

for the final judgment beyond history. Nazism and Communism do the opposite: they promote the historical struggle as a way of life. The Aryan race (Nazism) or the Proletariat (Communism) will triumph over all enemies in history, and the means of this triumph is organized force. All enemies will either be converted or liquidated (Stalin's graphic term).⁸ The State brings its final solution in history. The State, therefore, is seen as God, for it brings the earthly equivalent of God's final judgment.

It is against such a view of a final solution in history that the gospel of Jesus Christ comes to fallen men. The gospel of Jesus Christ is *the gospel of reconciliation*: between God and man, and among all believers. "Therefore if any man be in Christ, he is a new creature [creation]: old things are passed away, behold, all things are become new. And all things are of God, who bath reconciled us to himself by Jesus Christ, and bath given to us the ministry of reconciliation; To wit, that God was in Christ, reconciling the world unto himself, not imputing their trespasses unto them; and bath committed unto us the word of reconciliation" (II Corinthians 5:17-19).

The Jews will eventually be reconciled to God through faith in Jesus Christ. Gentiles and Jews will therefore be reconciled to each other in Jesus Christ. This is God's "final solution" in history to the wall of separation between gentiles and Jews. "For there is no difference between the Jew and the Greek. for the same Lord over all is rich unto all that call upon him" (Remans 10:12).

Divorce Papers

There is a distinct theological basis for even the possibility of the future reconciliation of the Jews to Jesus Christ, their promised Messiah. It is the biblical doctrine of divorce.⁹

8. Paul Johnson, *Modern Times: The Work'@ the Twenties to the Eighties* (New York: Harper & Row, 1983), p. 269. The term referred originally to the 1928 destruction of the *kulaks* or independent farmers.

9. For a study of the biblical view of divorce, see Ray R. Sutton, *Second Chance: Biblical Blueprints for Divorce and Remarriage* (Ft. Worth: Dominion Press, 1987).

The Bible compares adultery and whoredom with apostasy. This is a universal theme in the Bible, but it is seen most clearly in the Book of Hosea. Hosea the prophet was told by God to marry a prostitute, who was the symbol of rebellious Israel. Again and again, Israel committed spiritual whoredom with gentile gods and gentile nations. Again and again, God “divorced” Israel by delivering the nation into the hands of foreign conquerors. He even led Judah into captivity under Babylon and then Medo-Persia. Each time, He would remarry Israel out of grace. But still Israel would depart again from the terms of God’s covenant.

Jesus came as the final prophet, the very Son of God, to call Israel to final repentance. He delivered God’s final covenant lawsuit against Israel, a final threat of divorce. The Jews as a covenanted nation refused to listen. Instead, they killed Jesus — divorce through execution. They submitted their own final divorce papers to God by killing the Bridegroom. To their shock and horror, the Bridegroom returned from the dead to issue the final divorce decree to Israel.

Jesus issued this divorce decree in private, after His resurrection, but prior to His ascension. He did this by announcing the annulment of the covenantal requirement of the mark of circumcision, and the substitution of a new mark, baptism. “Then the eleven disciples went away into Galilee, into a mountain where Jesus had appointed them. And when they saw him, they worshipped him: but some doubted. And Jesus came and spake unto them, saying, All power is given unto me in heaven and in earth. Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost: Teaching them to observe all things whatsoever I have commanded you: and, 10, I am with you alway, even unto the end of the world. Amen” (Matthew 28: 16-20). From that point on, Israel could not return as a nation to be God’s Bride.

Judgment Announced Publicly

Next, God divorced Israel publicly at the day of Pentecost,

after Christ's ascension. God did this by sending the Holy Spirit to confirm the New Covenant at Pentecost. This was the fulfillment of a prophecy of Joel, as Peter announced — one more piece of evidence that the Old Testament had prophesied the coming of the church, that the church was never intended by God to be part of some unprophesied "great parenthesis" in history:

But Peter, standing up with the eleven, lifted up his voice, and said unto them, Ye men of Judaea, and all ye that dwell at Jerusalem, be this known unto you, and hearken to my words: For these are not drunken, as ye suppose, seeing it is but the third hour of the day. But this is that which was spoken by the prophet Joel; And it shall come to pass in the last days, saith God, I will pour out of my Spirit upon all flesh: and your sons and your daughters shall prophesy, and your young men shall see visions, and your old men shall dream dreams: And on my servants and on my handmaidens I will pour out in those days of my Spirit; and they shall prophesy: And I will shew wonders in heaven above, and signs in the earth beneath; blood, and fire, and vapour of smoke: The sun shall be turned into darkness, - and the moon into blood, before that great and notable day of the Lord come: And it shall come to pass, that whosoever shall call on the name of the Lord shall be saved (Acts 2:14-21).

Did the sun literally turn dark? No. Did the moon turn into literal blood? No. Did it even resemble blood? No; it was 9 a.m., not evening. This was simply the Old Testament's familiar language of national judgment. The same kind of language was used by the prophets to describe God's judgment against Babylon (Isaiah 13:9-10), Edom (Isaiah 34:4), Samaria (Amos 8:9), and Egypt (Ezekiel 32:7-8).¹⁰ This last case is representative: "And when I shall put thee out, I will cover the heaven, and make the stars thereof dark; I will cover the sun with a cloud, and the moon shall not give her light. All the bright lights of heaven will I make dark over thee, and set darkness upon thy land, saith the Lord

10. David Chilton, *Paradise Restored: A Biblical Theology of Dominion* (Ft. Worth, Texas: Dominion Press, 1985), p. 99.

GOD" (Ezekiel 32:7-8). Such biblical language refers to the end of national administrations, not to the end of the physical world exclusively.

God told His Church that Israel was forever finished as a covenanted political nation, and that He would bring judgment on Her soon. This is the primary message of the Book of Revelation.¹¹ In A.D. 70, the Roman army invaded and destroyed the Temple. As many as a million Jews perished in Jerusalem during that final Passover.

Victim's Rights

The adultery law in the Old Testament had a unique feature: the victimized spouse set the penalty. The maximum penalty was execution: "And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbour's wife, the adulterer and the adulteress shall surely be put to death" (Leviticus 20: 10). However, the spouse could lawfully grant forgiveness, which is what God did over and **over** with Israel. The biblical principle of civil justice is *victim's rights*.¹² The victim sets the penalty, up to the maximum allowed by God's Bible-revealed law.

There is another fundamental biblical principle of justice: God's civil law does not respect persons. It applies to all people equally. This judicial principle is repeated again and again in Scripture:

Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; for the judgment is God's: and the cause that is too hard for you, bring it unto me, and I will hear it (Deuteronomy 1:17).

Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift: for a gift cloth blind the eyes of the wise, and

11. David Chilton, *The Days of Vengeance: An Exposition of the Book of Revelation* (Ft. Worth: Dominion Press, 1987).

12. Gary North, *Victim's Rights: The Biblical View of Civil Justice* (Tyler, Texas: Institute for Christian Economics, 1990).

pervert the words of the righteous (Deuteronomy 16:19).

Wherefore now let the fear of the LORD be upon you; take heed and do it: for there is no iniquity with the LORD our God, nor respect of persons, nor taking of gifts (II Chronicles 19:7).

These things also belong to the wise. It is not good to have respect of persons in judgment (Proverbs 24:23).

For there is no respect of persons with God (Remans 2: 11).

But he that doeth wrong shall receive for the wrong which he bath done: and there is no respect of persons (Colossians 3:25).

Divorce by Execution

Biblical divorce is achieved only through execution. This sometimes is to be accomplished through actual physical execution, and sometimes it is limited to legal-covenantal death. But the death of the sinful spouse is the basis of the divorce. The marriage vow, "Until death do us part," is legally binding.¹³

The victimized husband in Israel could lawfully insist on the death penalty against his adulterous wife. The civil magistrate was required by God to carry out the sentence. But if the adulterous wife had to die, so did her adulterous consort. God's law does not respect persons. Conversely, if the victimized husband decided to show mercy to his wife, he also had to show the same degree of mercy to her consort or consorts. God's law does not respect persons.

From the beginning of Israel's covenantal existence as a separate people in Abraham, God had promised to bring the gospel of salvation to the gentiles. Speaking of His seed, Jesus Christ, God had promised to Abraham "That the blessing of Abraham might come on the Gentiles through Jesus Christ; that we might receive the promise of the Spirit through faith. Brethren, I speak after the manner of men; Though it be but a man's covenant, yet if it be confirmed, no man disannulleth, or addeth thereto. Now to Abraham and his seed were the promises made. He saith not, And to

13. Sutton, *Second Chance*, chaps. 2,4,

seeds, as of many; but as of one, And to thy seed, which is Christ" (Galatians 3:14-17).

God from the beginning had decided to spare the gentile world during the New Covenant era in order that there might be time for the gospel to spread across the face of the earth. This was also true in the Old Covenant era. Each time under the Old Covenant when Israel had played the harlot with the sons of Cain, God refused to execute them for their seduction of His Bride. He therefore also spared the unfaithful Bride. That was His law: spare one, and you must spare the other.¹⁴

At the cross, Israel and the gentiles – represented covenantally by Rome – had attempted to end God's threat of divorce by execution against Israel by killing the Bridegroom, who had come to serve Israel the divorce papers. Israel had for the" last time played the harlot, but in order to spare the consort, God was legally required by His own law to spare the adulterous Bride. This is why God spared Israel from total destruction in history. This is why Jesus announced from the cross regarding Israel and Rome, represented by those in attendance: "Then said Jesus, Father, forgive them; for they know not what they do. And they parted his raiment, and cast lots" (Luke 23:34).

What God did was to divorce Israel publicly, but not execute her physically, at Pentecost. He declared Israel covenantally dead. Then, a generation later in 70 A. D., Rome decided to divorce Israel. Their "affair" and subsequent marriage turned sour. After that, Old Covenant Israel perished forever as a *national* covenantal entity, for the Temple fires were extinguished forever. Nevertheless, the Jews did not cease from the face of the earth. God preserved them as a separate people, for He preserved the gentiles, too. Spare one, and you must spare the other.

14. In the cases of gentile invaders that were not spared by God, such as Assyria, which fell to Babylon, or Babylon when it fell to **Medo-Persia**, their crime was the equivalent of rape, not adultery. When Israel tied out to God under periods of bondage, God honored the Old Covenant law of rape (Deut. 22:23-26) and executed the rapists while sparing the victim.

The Bigamy Question

God is not a bigamist. Once the divorce from Old Covenant Israel was legalized, and God married His Bride, the Church – both events taking place publicly at Pentecost – Old Covenant Israel could never again be God's wife. God's law of divorce and remarriage is emphatic on this point:

When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house. And when she is departed out of his house, she may go and be another man's wife. And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife; Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination before the LORD: and thou shalt not cause the land to sin, which the LORD thy God giveth thee for an inheritance (Deuteronomy 24:1-4).

Now and forevermore, it is illegal for God to take Israel back as His wife. Even if the entire Church were in heaven, this would be true.

Then how can there still be a promise for Israel to become God's bride? Only through the promise of *adoption*. "But as many as received him, to them gave he power to become the sons of God, even to them that believe on his name" (John 1:12). Adoption was the basis of marriage in the Old Covenant: a woman was adopted into her husband's family.¹⁵ God adopted Israel – the abandoned illegitimate child – before He married her (Ezekiel 16). The Jews can become God's Bride today and in the future in the same way that gentiles can: by joining the Church, the one and only Bride of God. This is the meaning of "re-grafting." There is no other way of salvation. There is no other marital arrangement.

There is only one Bride; God is not a bigamist. He took no gentile wife under the Old Covenant, and He will not accept a pale imitation of Old Covenant Israel – modern Judaism – as

15. Sutton, *Second Chance*, ch. 10.

His wife in the future. Gentiles could become part of God's Bride in the Old Covenant only by abandoning their national gods and accepting the God of the Israelites, as Shechem did, by circumcision (Genesis 34). Today, the same rule applies in the New Covenant era: Jews can become part of the Bride only by abandoning their Judaism by being baptized. God is not a bigamist.¹⁶

What This Book Is All About

This book outlines the difference between orthodox Christianity and Orthodox Judaism. It is necessary to do this because very few Christians have an accurate picture of what Orthodox Judaism teaches. For example, they are completely unaware of the fact that Hasidic Jews – the men who wear the black suits and black hats, and who wear curly locks of hair around their ears — believe in the reincarnation of souls after death.¹⁷ This is one of the most prominent doctrines of Hinduism, and also of the New Age movement: *karma*.¹⁸ Hasidic tradition teaches that a gentile convert to Judaism is actually a Jewish soul that got trapped in a gentile's body.¹⁹ Rabbi (Rebbe) Moshe Teitlebaum told his human flock that he had once been a sheep in Jacob's non-human flock.²⁰ This belief in the transmigration of souls from men to animals and back first appeared in Judaism in Kabbalistic literature in the late fourteenth

16. If you really believe this, and if you have been a dispensationalist, then it is time for you to abandon your faith in dispensationalism. Dispensationalism clearly teaches a "two brides" theory of the biblical covenants in the New Covenant age. Israel is regarded as a separate nation that will be brought into the covenant again as a *nation*, even to the extent of the re-introduction of animal sacrifices in Jerusalem. See the *Scofield Reference Bible* (New York: Oxford University Press, 1917), p. 890, note.

17. Lis Harris, *Holy Days: The World of a Hasidic Family* (New York: Summit Books, 1985), p. 112.

18. Constance Cumbey correctly identifies karma as a key New Age doctrine: Cumbey, *The Hidden Dangers of the Rainbow: The New Age Movement and Our Coming Age of Barbarism* (Shreveport, Louisiana: Huntington House, 1983), p. 33. In her worldview, all evil roads seem to lead to the New Age. I wonder if she will now write a book exposing Hasidic Judaism as a tool of the New Age movement, or vice versa.

19. Harris, *Holy Days*, p. 137.

20. *Ibid.*, p. 89.

century.²¹ While there may be only 250,000 Hasidic Jews alive today, with 200,000 living in the U. S., and half of these in Brooklyn,²² prior to World War II, they were the dominant force in European Judaism.²³

This book is also designed to promote the conversion of Jews to soul-saving faith in Jesus Christ. This presentation of the gospel cannot be effective if the Christian in any way de-emphasizes the total break with Judaism that Christian faith requires. I am in complete agreement with Robert L. Reymond when he writes:

A righteousness borne out of good works and the keeping of the law is futile (Galatians 2: 16). Even the highest and best of Jewish extra-Biblical tradition only makes void the true Word of God (Mark 7:13). Paul was convinced that by their rejection of Jesus the Christ, "his kinsmen according to the flesh" had called down upon themselves the wrath of God *eis telos* (I Thessalonians 2:14-16).²⁴ And he was equally convinced that the Jew must give up that very distinctive which separates him from other men, namely, his exalted idea of his own acceptability before God because of his racial relation to the Patriarchs and his obedience to the Torah, if he is ever to know genuine conversion to God through repentance and faith in Jesus Christ. It is indeed a strange twist of thinking, if not outright treason, for the Christian man in any way to aid or to abet the Jew in his retention of that distinctive, the holding on to which only solidifies him in his unbelief. And yet, in order that the blessing of Genesis 12:3 might be his, and in order that he might

21. Elijah Judah Schochet, *Animals in Jewish Tradition: Attitudes and Relationships* (New York: Ktav, 1984), p. 237. He discusses the development of the idea of reincarnation in Hasidic literature pp. 251-54.

22. Harris, *Holy Days*, pp. 11-12.

23. Edward Norden, "Behind 'Who Is a Jew': A Letter from Jerusalem," *Commentary* (April 1989), p. 22. There were perhaps a million and a quarter of them alive in 1900: Harris, *Holy Days*, p. 12.

24. "For ye, brethren, became followers of the churches of God which in Judaea are in Christ Jesus: for ye also have suffered like things of your own countrymen, even as they have of the Jews: Who both killed the Lord Jesus, and their own prophets, and have persecuted us; and they please not God, and are contrary to all men: Forbidding us to speak to the Gentiles that they might be saved, to fill up their sins alway: for the wrath is come upon them to the uttermost" (I Thessalonians 2:14-16).

escape the promised curse of the same verse, many an untrained Christian blindly encourages the Jew in his “Jewishness,” failing to realize that as long as the Jew continues to practice his Judaism, just so long will he continue to reject Him who is the hope of Israel.²⁵

25. Robert L. Reymond, “Editor’s Preface,” in Van Til, *Christ and the Jews*, pp. iv-v.

POLITICAL IDOLATRY

Preach the word; be instant in season, out of sea-son; reprove, rebuke, exhort with all longsuffering and doctrine. For the time will come when they will not endure sound doctrine; but after their own lusts shall they heap to themselves teachers, having itching ears; And they shall turn away their ears from the truth, and shall be turned unto fables (II Timothy 4:2-4).

This book grew out of an appendix in my book, *Tools of Dominion*.¹ I realized after I wrote it that few people would ever read an obscure appendix in a large Bible commentary on biblical economics. Yet what I had discovered in writing that book and the appendix deserves a wider audience. So, here is a slim book that gets right to the point.

What is the point? Simple: "There are fundamental and irrec-
oncilable differences between Orthodox Judaism and orthodox
Christianity." This may sound obvious to all concerned: Jews are
Jews, and Christians are Christians. But what I present here is
evidence of the extent to which the two religious systems do not
and cannot agree, especially in the area of civil law and its appro-
priate sanctions.

But if they do not agree, then what about the much-heralded
Judeo-Christian tradition? This was the question that I finally

1. Gary North, *Tools of Dominion: The Core Laws of Exodus* (Tyler, Texas: Institute for Christian Economics, 1990), Appendix B: "Maimonides' Code: Is It Biblical?"

asked myself after I had completed the bulk of the appendix. I found a preliminary answer in Arthur A. Cohen's 1971 book, *The Myth of the Judeo-Christian Tradition*. His answer is seen in the title: there is no Judeo-Christian tradition. There never was one. The whole concept is mythical. There was great rivalry and even conflict between the two religious systems for about 1,800 years, and then Western culture became humanist. Today, there is only a secular humanist tradition in the West, to which both Christians and Jews formally give allegiance, and they can do this only by abandoning their original religious principles. It took a dedicated, self-conscious Jew to say this in public. It is time for Christians to follow Cohen's lead.

Sources of the Myth

Then what is the source of this myth? Surely not Judaism, which labored under discriminatory civil laws for eighteen centuries. Surely not medieval Christianity, which constructed walled ghettos for Jews in the cities and locked the gates every evening. Surely not during the Protestant Reformation, where both Luther and Bucer wrote anti-Semitic books. Surely not under Russian orthodoxy and its "Pale of Settlement" where Russian Jews were confined in cultural isolation. "Beyond the Pale"* was where Jews were not allowed to go.³ Then where did the idea originate? Cohen offers a believable answer: in the theologically liberal higher criticism movement of the late-nineteenth century.

There is more to answering the question than merely pointing

2. *Pale* means a stake or boundary: a circle of stakes that wall in a space. The word *impale* is derived from *pale*.

3. Writes historian Paul Johnson: "What the Russians did was to engage in the first modern exercise in social engineering, treating human beings (in this case the Jews) as earth or concrete, to be shovelled around. Firstly they confined Jews to what was called the Pale of Settlement, which took its final form in 1812, and which consisted of twenty-five western provinces stretching from the Baltic to the Black Sea. Jews could not travel, let alone live, outside the Pale except with special legal authority. Next, a series of statutes, beginning in 1804, determined where the Jews could live inside the Pale and what they could do there." Paul Johnson, *A History of the Jews* (New York Harper & Row, 1987), p. 358.

out its intellectual origin. The more important question is this one: What were the theological and institutional foundations of the acceptance of this myth in the twentieth century? It was not commonly believed in the nineteenth century. How could there have been a Judeo-Christian tradition in a nation in which there was not a single rabbi until 1840? No one could be a rabbi who had not graduated from a recognized rabbinical school or who had been granted a license by a distinguished rabbi who possessed a license.⁴ There were not enough Jews in the U.S. to support a seminary. Another example: no Jew was allowed to pray a prayer before the House of Representatives until 1860, and this event provoked considerable negative criticism in the nation's newspapers. The editorials were not all critical, but many were.⁵ In our day, Buddhists have been invited to pray before Congress. This is a recent development. It also has had nothing to do with an alleged Judeo-Christian tradition.

An American Phenomenon

It should be understood early in this discussion that the phrase "Judeo-Christian heritage" is familiar mainly in the United States. There has been a readiness of American Christians to accept the existence of the supposed Judeo-Christian tradition. Jewish theologian and sociologist Will Herberg explains why: the Protestant pattern of American religion is dominant, and this pattern is religiously pluralistic. "It is the American Way of Life that is the shared possession of all Americans and that defines the American's

4. Jacob Rader Marcus, "The Handsome Young Priest in the Black Gown: The Personal World of Gershom Seixas," *Hebrew Union College Annual*, XL-XLI (1969-70), pp. 410-11.

5. Bertram W. Kom, "Rabbis, Prayers, and Legislatures," *ibid.*, vol. XXIII, Part II (1950-51), pp. 95-108. Part of the reason for this delay was that there had not been a Jewish congregation in Washington, D.C. until 1852, and they worshiped in homes until 1855. Those pastors asked to pray before Congress were usually local pastors (p. 109). The rabbi who gave the prayer was Dr. Morns J. Raphall of New York City.

shared convictions on those matters that count most.⁶ All three religious communities — Protestant, Catholic, and Jewish — are viewed as bringing to the American civil religion legitimate expressions of the “spiritual” aspect of this American way of life. “This underlying unity not only supplies the common content of the three communions;’ it also sets the limits within which their conflicts and tensions may operate and beyond which they cannot go.”⁷

Herberg strongly supports the American civil religion. But he knows that there is a problem in doing so. The problem is dualism: not just the separation of Church and State but the separation of religion and State. He understands that in order to affirm the American civil religion as an ultimate standard, the Jew, like the Christian, must implicitly deny his own theology. No one has expressed this dilemma any better in such a brief space:

But, if it is an authentic religion as civil religion, America’s civil religion is not, and cannot be seen as, authentic Christianity or Judaism, or even as a special cultural version of either or both. Because they serve a jealous God, these biblical faiths cannot allow any claim to ultimacy and absoluteness on the part of anything or any idea or any system short of God, even when what claims to be the ultimate locus of ideas, ideals, values, and allegiance is the very finest of human institutions; it is still human, man’s own construction, and not God himself. To see America’s civil religion as somehow standing above or beyond the biblical religions of Judaism and Christianity, and Islam too, as somehow including them and finding a place for them in its overarching unity, is idolatry, however innocently held and whatever may be the subjective intentions of the believers.⁸

Yet there can be no question about it: the American civil

6. Will Herberg, Protestant, *Catholic, Jew: An Essay in American Religious Sociology* (Garden City, New York Anchor, [1955] 1960), p. 231.

7. *Idem.*

8. Herberg, “America’s Civil Religion What Is It and Whence It Comes,” in Russell E. Richey and Donald G. Jones (eds.), *American Civil Religion* (New York Harper & Row, 1974), pp. 86-87.

religion *does* claim to be, for public and judicial purposes, “the ultimate locus of ideas, ideals, values.” Try to run for political office in the U.S. on any platform other than this, and see what happens. Try to teach anything different in a public school, and see what happens.

Herberg is correct: the issue is idolatry.

The American Civil Religion

The American civil religion is unique in human history. It is denominationally and theologically inclusivist, yet it was developed with the assent of the denominations. Herberg is correct his citing of church historian Sidney E. Mead on the existence of two religions in America: the Protestant denominational religion and the civil religion of democracy.⁹ Mead has highlighted this two-fold aspect of American religion. As he says, “under the system of official separation of church and state the denominations eventually found themselves as completely identified with nationalism and their country’s political and economic systems as had ever been known in Christendom.”¹⁰ Thus, in the view of most Americans, there is a Judeo-Christian tradition only insofar as nothing identifiably Christian or Jewish is allowed to surface politically or judicially outside the walls of church and synagogue. In short, the Judeo-Christian tradition plays a crucial role in providing a sense of religious legitimacy to a political system that is legally and officially secular.

This tradition of a theologically inclusivist (i.e., neutral and humanist) political order required a means of inculcating the historically unique worldview over time. Every covenant requires institutional continuity across generations.¹¹ What has been the accepted institutional means of achieving this covenantal goal in

9. *Ibid.*, p. 83.

10. Sidney E. Mead, *The Lively Experiment: The Shaping of Christianity in America* (New York Harper & Row, 1963), p. 157.

11. Ray R. Sutton, *That You May Prosper: Dominion By Covenant* (Tyler, Texas: Institute for Christian Economics, 1987), ch. 5.

the United States? Mead is quite open about it: the public school system. "If we ask, Why the rise of compulsory free public education? must it not be said that prominent among the reasons was a desire to make possible and to guarantee the dissemination and inculcation among the embryo citizens of the beliefs essential to the existence and well-being of the democratic society? And who can deny that these beliefs are religious? . . . Here are the roots of the dilemma posed by the acceptance of the practice of separation of church and state on the one hand, and the general acceptance of compulsory public education sponsored by the state on the other." ¹² He then says what should be obvious to any serious Protestant, Catholic, or Jew: "In this sense the public-school system of the United States *is* its established church." ¹³

To put it bluntly, as is my habit: *the Judeo-Christian tradition is a myth that is "of the humanists, by the humanists, and for the humanists."* It will be dropped by the humanists as a legitimizing ideology whenever Christians and Jews decide to seek political and judicial power in terms of their respective ethical systems. It will then serve no purpose for any of the three groups: Christians, Jews, and humanists.

Let us not be naive about the obvious preliminary step in the process of demythologizing the myth of the Judeo-Christian tradition: the creation of privately funded, religiously oriented schools. The worse the public schools get – and they will get much, much worse – the more likely parents will be willing to pull their children out. To do this is unquestionably an act of religious *disestablishment*. This is also the first step in the creation of a new voting bloc that will oppose the further use of taxpayers' funds to finance the humanists' number-one institution. In short, the war for private education is a war against the Judeo-Christian tradition. Few Christians realize this today, but it will become increasingly apparent to them over time.

That the Judeo-Christian tradition is mythical does not mean

12. Mead, *Lively Experiment*, p. 67.

13. *Ibid.*, p. 68.

that there can be no temporary ad hoc alliances between Orthodox Jews and orthodox Christians. Indeed, I believe that there must be such alliances. Our common enemies are today a far worse threat to each group than each group is to the other. The legalization of abortion, the growth of state regulation of private schools, the flourishing of the pornography industry, the interminable assault on the family by the popular media: all are common causes that need to be dealt with economically and politically by both groups. Add to this list the rising rate of gang violence in our cities and the appalling increase of the drug trade. Add also the "higher criticism" of the Bible.

But if all these threats were overcome, the bedrock theological opposition between the two camps would still remain. These differences should not be suppressed or glossed over. This is not to say that Christians need to dwell endlessly on the differences, but they do need to be aware of them. They are today naively unaware of them.

The Ignorance Factor

This extraordinary ignorance of Christians regarding Orthodox Judaism is characteristic even of professors in Christian institutions of higher education, including theological seminaries. There is probably not one in a hundred who has ever sat down to read a single page in the Babylonian Talmud. (I think fewer than this have done so.) They have never read the Mishnah. The Mekilta means nothing to them. Neither does the Midrash. They have never heard of Kabbalah or the Zohar. They cannot discuss the differences between Sephardic and Ashkenazic¹⁴ Jews, let alone Oriental Jews (who are not Orientals). They have not read even a one-volume conventional history of Judaism. They are unaware that Martin Luther wrote a scurrilous anti-Semitic book, and that it had been preceded by almost equally hostile anti-Semitic books by a leading Roman Catholic and Calvinist.

As far as I am aware, this little book is the first documented

14. "German" in Hebrew.

study written by an English-speaking, Bible-believing Christian which surveys the fundamental differences between Jewish **civil** law and biblical **civil** law. The fact of the matter is this: there is no book by a theologically oriented, Bible-believing Christian **which** deals with the Talmud. Nor is there any Christian book that discusses the judicial codification by the key Talmudic expositor, Moses Maimonides. Christian scholars have simply refused to confront the Talmud head-on; only an occasional anti-Semite is willing to do this. I was never introduced in any classroom, humanist or Christian, to the material that I survey in this book. It would have saved me a lot of time and trouble if some teacher had devoted a few hours of classroom time to inform us of the judicial teachings of the Judaism and the Talmud.

A Giant Conspiracy

Is this neglect part of a giant conspiracy? There is no question about it: yes. But this conspiracy is not a uniquely Jewish conspiracy. This academic neglect of fundamental religious differences is part of an agreed-upon presupposition by operationally secular academics that there is no significant relationship between religious law and Western civilization. Religious laws, meaning laws that appear in texts that are assumed to be divine by their adherents, are assumed to be the products of corrupt, diseased, or at best woefully deluded minds. It is therefore an article of faith among humanist scholars that only with the efforts of rational, self-consciously autonomous philosophers — operational atheists — beginning with the Greeks and continuing in pre-Christian Rome, that true justice became possible. This was a fundamental presupposition of Renaissance and Enlightenment rationalism. Thus, to the extent that religious law has been retrospectively granted any positive influence in Western history, humanists have explained this development in terms of the supposedly mediating effects of natural law theory. Only to the extent that medieval Western philosophers and legal scholars adopted Greek principles of reason — primarily Aristotelian logic — are they acknowledged in retrospect by humanist historians to have exercised long-term posi-

tive influences in the development of Western civilization.

Part of the covering of this conspiratorial rewriting of history has been the humanists' invention of the Judeo-Christian tradition. This intellectual construct, as Cohen calls it,¹⁵ has been used to hide the rampant secularism of the Renaissance. Consider the argument of Hungarian scholar Agnes Heller regarding the Renaissance. She begins her chapter on "Antiquity and the Judeo-Christian Tradition" with these comments: "The Renaissance – as we have already remarked — was in no sense a 'return to antiquity'. The thinking and the sensibility of the representative men of the Renaissance were rooted at least as firmly in the Judeo-Christian tradition as in the newly rediscovered outlook of the Greek and Latin world. Here it is enough simply to indicate the thematic content of Renaissance culture. Pictorial art drew its subjects first of all from the world of Christian myth, secondarily from Jewish mythology; the myths of antiquity retained only a tertiary importance throughout."¹⁶

Notice the inherently pejorative words "myth" and "mythology." They give the game away. Everything religious is mere mythology for the humanist: this belief is in fact the primary myth of humanism. Rosenstock-Huessy put it well when he wrote: "The natural inclination of men and nations to take flight into dreams of ancestral pride or the cobwebs of abstract philosophy always leads to excesses of agnosticism and mythology."¹⁷ We are now in the final stages of humanism's mythology.

Of course pictorial art was mostly Christian during the Italian Renaissance; its buyers were professedly Christian in their worldview. So were the censors and the officers of the Inquisition. The more important question is this one: What was the underlying

15. ". . . the Judeo-Christian tradition is a construct. . . ." Arthur A. Cohen, *The Myth of the Judeo-Christian Tradition* (New York Schocken, 1971), p. xii.

16. Agnes Heller, *Renaissance Man* (New York: Schocken [1967] 1978), p. 59. Notice that this is the same Jewish publishing company that published Cohen's *Myth of the Judeo-Christian Tradition*.

17. Eugen Rosenstock-Huessy, *Out of Revolution: Autobiography of Western Man* (Norwich, Vermont: Argo Books, [1938] 1969), p. 220.

philosophy of the intellectuals who pioneered the Renaissance? The answer, so well described by the nineteenth-century scholar Jacob Burckhardt, is simple: *classical paganism*. He wrote (from the perspective of his subjects, not his own views): "But culture, as soon as it freed itself from the fantastic bonds of the Middle Ages, could not at once and without help find its way to the understanding of the physical and intellectual world. It needed a guide, and found one in the ancient civilization, with its wealth of truth and knowledge in every spiritual interest. Both the form and the substance of this civilization were adopted with admiring gratitude; it became the chief part of the culture of the age." ¹⁸

Heller admits as much with respect to the field of politics, which is always the "queen of the sciences" for humanist civilizations: "It was political writing which was most consistently concerned with antiquity; here the prestige of Plutarch and Cicero was unshakable." ¹⁹ Had she been better informed or more honest, she would also have mentioned Renaissance magic, which was also a self-conscious revival of ancient paganism, at least among gentiles. ²⁰ The Jews who wanted to dabble in magic had the traditional Kabbalah, which is why gentile Renaissance pagans became

18. Jacob Burckhardt, *The Civilization of the Renaissance in Italy*, 2 vols. (New York: Harper Colophon, [1860] 1958), II, p. 182.

19. Heller, *Renaissance Man*, p. 59.

20. Frances A. Yates, *Giordano Bruno and the Hermetic Tradition* (New York: Vintage, [1964] 1969). I do not capitalize "gentile," although the King James translators did, and it is still common for writers to do so. I do not view the gentiles as a separate people in the ethnic or national way that Americans, Mexicans, Chinese, and Jews are. To capitalize the word would imply that gentiles are a separate people, meaning a separate people as contrasted to Jews, who alone are "not gentiles." Such ethnic separation no longer exists in principle "That at that time ye were without Christ, being aliens from the commonwealth of Israel, and strangers from the covenants of promise, having no hope, and without God in the world: But now in Christ Jesus ye who sometimes were far off are made nigh by the blood of Christ. For he is our peace, who hath made both one, and hath broken down the middle wall of partition between us" (Ephesians 2:12-13). Jews equate gentiles with heathen, yet they do not capitalize "heathen," for they correctly understand "heathenism" as a spiritual condition rather than an ethnic or national condition. I use "gentiles" in the sense of "not Jews," but not in the sense of a separate ethnic or national group.

interested in learning Hebrew: not in order to read the Old Testament prophets in their original language but to read the literature of pre-Renaissance Jewish occultism.²¹

What Heller and others like her want to do is hide the deeply religious origins of the modern world: pagan religious origins. They want us to believe that “The entire European intellectual tradition, right down to the present day, has two primary sources: it stems on the one hand from Greek (and Roman) antiquity, and on the other from the Judeo-Christian tradition.”²² But who *really* made Western culture possible? Not the Jews and Christians, certainly. No, it was the intellectuals. Heller cites the far-left American sociologist C. Wright Mills: “If you ask to what the intellectual belongs, you must answer that he belongs first of all to that minority which has carried on the big discourse of the rational mind, the big discourse that has been going on — or off and on — since western society began some two thousand years ago in the small communities of Athens and Jerusalem.”²³ She then concludes (*italics in original*): “*Renaissance culture was the first to bring these two sources together consciously.*”²⁴

This is all an intellectual sham, an intellectual conspiracy so successful that most of its contemporary academic promoters no longer recognize the nature of the deception. The humanists want to paint the history of Western civilization in terms of some version of Hegel’s dialectic. Supposedly, the inherently unified humanist tradition of Greco-Roman culture interacts with the equally unified culture of the Judeo-Christian tradition, and out of this conflict

21. On the influence of the Kabbalah on the gentile world, see Frances A. Yates, *The Occult Philosophy in the Elizabethan Age* (London: ARK, [1979] 1983); A. E. Waite, *The Brotherhood of the Rosy Cross* (New Hyde Park, New York: University Books, 1961 reprint); W. L. Gundersheimer, “Erasmus, Humanism and the Christian Kabbalah,” *Journal of the Warburg and Courtauld Institute*, XXVI (1963), pp. 38-52.

22. Heller, *Renaissance Man*, p. 64.

23. *Idem.* She cites Mills from his book, *Power, Politics and People* (New York Ballantine, 1965), pp. 612-13. Interesting: this Hungarian scholar cites a paperback book by an American leftist, a book on the heart and soul of humanism, from the Greeks to today power and politics..

24. *Idem.*

appears Western civilization. It was the Renaissance that made this possible. So goes the standard textbook account, written by the spiritual heirs of the Enlightenment.

This Hegelian account is itself a myth. There were not two cultures that were somehow fused by Renaissance humanism; there were instead three cultures. Renaissance culture revived and made public two traditions that had long been the implicit and explicit enemies of Christian culture: classical paganism and Jewish occultism. Christianity had already assimilated portions of the former tradition: classical humanism's judicial legacy²⁵ and intellectual legacy,²⁶ which had been temporarily fused into a seemingly coherent worldview by medieval scholars. This cultural fusion had actually begun much earlier, in late-classical antiquity. Rosenstock-Huessy's observation is shrewd: "And it is true that many pagans use Christianity as a veneer. Baptism was the cheap price at which many tribes originally hoped to buy and store up Roman civilization." ²⁷

There were not two cultures but three: Christianity, paganism, and Judaism. The Renaissance borrowed occult elements from both paganism and Judaism, fusing them with classical rationalism, and wrapping this illegitimate offspring in the swaddling clothes of Christian symbolism and terminology. We need to take seriously Rosenstock-Huessy's observation regarding the three traditions in world history: "Without seeing that mankind is divided into the component elements of paganism, Christianity, and Judaism, we can see and understand nothing of the world around us" ²⁸ Modern humanistic scholarship dares not admit this, for it

25. Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, Massachusetts: Harvard University Press, 1983).

26. R. R. Bolgar, *The Class-Id Heritage and Its Beneficiaries From the Carolingian Age to the End of the Renaissance* (New York: Harper Torchbooks, [1954] 1964).

27. Rosenstock-Huessy, *Out of Revolution*, p. 216.

28. *Ibid.*, p. 224. Rosenstock-Huessy will not be familiar to most readers, but his work, especially *Out of Revolution*, undergirds Berman's *Law and Revolution*, and was also important for Rushdoony's early work.

would point to the primary fact in history that humanists also dare not admit, namely, that the conflict of the ages is essentially and inescapably covenantal: the broken Adamic covenant, the broken Old Covenant, and the New Covenant. So they invent constructs that hide the covenanted nature of this conflict. They pretend that the West is more a fusion of two warring worldviews rather than a ceaseless conflict among three; this is a fundamental intellectual strategy in their conduct of this war against both Jews and gentiles. It has been remarkably successful.

The Renaissance was a self-conscious battle against Christianity and the Church in the name of classical antiquity. But this war had to be conducted in stealth: Christian “myths” were the necessary public camouflage for a war against Christian civilization. Robert Nisbet’s comments on Burckhardt’s view of Renaissance humanists are correct: “He pictures them as shallow, opinionated, rootless, alienated, hostile to all aspects of the establishment, especially the Church, and always willing to hire out for a term of service to the highest bidder, businessman or prince. Burckhardt’s resistance to all entreaties by publishers to write yet another book on the Italian Renaissance is easily explainable: he detested the period and its *dramatis personae* just as much as Burke and Tocqueville detested the Revolution and its *politiques*, its Marats and Robespierres.”²⁹

The Blindness of the Covenantal Heirs

The standard humanist textbook account of the Renaissance and the Judeo-Christian tradition is what is taught in Christian colleges. Seminaries say nothing; they avoid such “secular” topics as intellectual history. Church history is taught as a separate discipline, with endless books about long-forgotten denominational figures who started this or that temporary movement. Church history is never discussed as the account of a war for Christian

29. Robert Nisbet, *Conservatism: Dream and Reality* (Minneapolis: University of Minnesota Press, 1986), p. 82.

civilization — the kingdom of God in its earthly manifestation — because those who teach Church history do not believe that the kingdom of God offers the world an alternative civilization. They teach the non-kingdom of God in history: a king without sanctions until the final judgment. Anti-covenantal eschatologies and antinomianism have fused to produce hermetically sealed Church historiography. Church historians have seen themselves as pillar saints of the kingdom. They have accepted the intellectual legacy of medieval-Renaissance classroom, namely, that insofar as there has been Christian civilization in history, it has been essentially a baptized classical civilization. It has been natural law, not Bible-revealed law, that built Western civilization up until Newton; since then, it has been Newtonian law. So the legend goes.

The bulk of Christian classroom professors have long-since baptized the Darwinian and post-Darwinian time scale. But Darwinism is now dying, alongside of Newtonianism. What, then, will be the cultural legacy of quantum mechanics? What form of baptism (or circumcision) is appropriate for chaos?³⁰

If there were a Judeo-Christian tradition, you would have a vast body of documentation on art, literature, science, mathematics, music, customs, and law — above all, law — that testifies clearly to a shared cultural tradition that was equally the product of Christianity and Judaism over the last two millennia. But what do we find? Harvard University's legal historian Harold Berman tells us: ". . . neither Jewish thought nor Jewish law seems to have had any substantial influence on the legal systems of the West, at least so far as the surviving literature shows."³¹ The scholars in the other fields are equally silent, equally short on primary source documentation.

The Judeo-Christian tradition is in fact a humanist construct without a single volume's worth of primary source documentation. There is a reason for this "gap on the book shelf": a gap in history.

30. James Gleick, Chain: *Making a New Science* (New York Viking, 1987).

31. Berman, *Law and Revolution*, p. 589.

POINT 1

SOVEREIGNTY

THE SOVEREIGN MASTER

When Pilate therefore heard that saying, he brought Jesus forth, and sat down in the judgment seat in a place that is called the Pavement, but in the Hebrew, Gabbatha. And it was the preparation of the passover, and about the sixth hour: and he saith unto the Jews, Behold your King! But they cried out, Away with him, away with him, crucify him. Pilate saith unto them, Shall I crucify your King? The chief priests answered, We have no king but Caesar (John 19:13-15).

The Jews had a king, they said: Caesar. This king was simultaneously religious and political, for the political order of imperial Rome was considered sacred. Caesar was king of the civil covenant. And he was indeed their political sovereign.

But he was not their only king. They lived in God's kingdom, and God's kingdom encompassed Caesar's, Caesar was under God, though over them. They knew this, but they kept silent about it publicly. To have admitted publicly what their covenantal theology required them to believe would have been an act of revolution. They would have faced the same kind of persecution that the early Church faced for its public affirmation of obedience to Caesar on a strictly political basis; this was a denial of Roman religion, an act of sacrilege.¹ The leaders of Israel in Christ's day were not ready to take this step. When they were ready – in A.D. 70 and

1. R. J. Rushdoony, *The One and the Many: Studies in the Philosophy of Ore% and Ultimacy* (Fairfax, Virginia: Thobum Press, [197 1] 1978), ch. 6.

132 – they did so in terms of politics as well as religion, and were defeated militarily. In the first revolt, they lost their Temple. In the second, they lost their land. The Diaspora began.

A very similar theological dilemma faces modern Jews and modern Christians. It is the question of the sacred character of the state. Until three centuries ago, most Europeans believed in the divine right of kings. “Divine right” meant that there was no earthly appeal beyond the decision of the king. The king answered only to God. With England’s “Glorious Revolution” of 1688, Parliament usurped this title from the king. The eighteenth-century British legal historian, William Blackstone, enunciated this view of the divine right of Parliament: “Sir Edward Coke says: The power and jurisdiction of Parliament is so transcendent and absolute, that it cannot be confined, either for causes and persons, within any bounds. ” Blackstone continued in this vein: “It can, in short, do everything that is not naturally impossible; and therefore some have not scrupled to call its power, by a figure rather too bold, the omnipotence of Parliament. True it is, that what the Parliament cloth, no authority on earth can undo.”² Blackstone was wrong: beginning in 1775, the American colonies undid a lot of what Parliament had done.

This idea of the divine right of the political order is as popular a belief today as it was in Rome two millennia ago. What is different today is that the divine right of the state is argued in terms of the sovereignty of autonomous man. No longer do men claim that God has established the state; man has established it. Man’s will be done!

And so, Orthodox Jews and orthodox Christians once again find themselves trapped. To the extent that they live in peace together, they do so only as wards of the State. They still live under imperial rule. And woe to the group that announces publicly, “We have no king but Caesar!” They have thereby in principle delivered themselves into the hands of their greatest enemy, the messi-

2. Cited by A. V. Dicey, *Introduction to the Study of the Law of the Constitution* (8th ed.; Indianapolis, Indiana: Liberty Classics, [1915] 1982), p. 5.

anic state. That State will impose its sovereignty, its hierarchy, its laws, and its sanctions. It will then make itself their heir.

The Sovereign Power of Money

The Jewish leaders had already been trapped by Jesus in His graphic example of the coin. They had sought to trap him politically; their attempt failed.

Then went the Pharisees, and took counsel how they might entangle him in his talk. And they sent out unto him their disciples with the Herodians, saying, Master, we know that thou art true, and teachest the way of God in truth, neither carest thou for any man: for thou regardest not the person of men. Tell us therefore, What thinkest thou? Is it lawful to give tribute unto Caesar, or not? But Jesus perceived their wickedness, and said, Why tempt ye me, ye hypocrites? Shew me the tribute money. And they brought unto him a penny. And he saith unto them, Whose is this image and superscription? They say unto him, Caesar's. Then saith he unto them, Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's. When they had heard these words, they marvelled, and left him, and went their way (Matthew 22:15-22).

They knew He was correct. They had the tribute money, a *denarius* (translated as “penny”), a coin that was used for tax paying. As numismatist and theologian Ethelbert Stauffer comments: “The coin, in brief, is a symbol both of power and of the cult. It is a symbol of power. For it is the instrument of Roman imperial policy. . . of Roman currency policy . . . of Roman fiscal policy. . . .”³ It was a cultic symbol because the emperor's portrait was on it. Julius Caesar was the first to put his portrait on a Roman coin, just prior to his assassination. “But his coins survived, and their cultic character was emphasized by mythological ornament and inscriptions.”⁴

3. Ethelbert Stauffer, *Christ and the Caesars* (Philadelphia Westminster Press, 1955), p. 125.

4. *Ibid.*, p. 126.

The Jews fully understood this. It is significant that in Bar Kochba's revolt a century after this confrontation with Jesus, Bar Kochba had these Roman coins collected, had the hated portraits and inscriptions hammered out and replaced by images of the Hebrew temple, vessels, and Hebrew inscriptions.⁵ Thus, concludes Stauffer, "The *denarius* becomes a symbol of the metaphysical glorification of policy which runs through the whole of ancient imperial policy, and which also determined the Roman philosophy of domination from the time of Julius Caesar. Though perhaps the most modest sign, this *denarius* of Tiberius is the most official and universal sign of the apotheosis of power and the worship of the *homo imperiosus* in the time of Christ."⁶

And the Pharisees had one of these coins to bring to Jesus. They were admitting formally and publicly that they were under Rome's power, but also under Rome's protection. Their political king was Caesar.

The Jews' Other Kings

The Jewish leaders also knew that they were under God's kingship, but they chose for political reasons not to mention this fact to Pilate. They were Rome's middlemen, serving just as the Hebrew leaders had served under Pharaoh: as associate taskmasters, as "officers of the children of Israel" (Exodus 5:14). And like those earlier officers under Pharaoh, they hated God's Prophet, who offered them deliverance from bondage — not just political bondage, which they hoped and dreamed of, but bondage from sin, which was far lower on their list of priorities. They did just as their fathers had done in Egypt: *they blamed the Deliverer*. "And they met Moses and Aaron, who stood in the way, as they came forth from Pharaoh: And they said unto them, The LORD look upon you, and judge; because ye have made our savour to be abhorred in the eyes of Pharaoh, and in the eyes of his servants, to put a sword in their hand to slay us" (Exodus 5:20-21).

5. *Idem.*

6. *Ibid.*, pp. 126-27.

Most astounding of all, the Talmud accuses Jesus (Yeshu, the Nazarean)⁷ of being not only a sorcerer and an apostate, but also a man “connected with the government [or royalty, i.e., influential].”⁸

Yes, they had a king, Caesar, just as their fathers had had a king, Pharaoh. And that king brought judgment on them. In A.D. 70, they revolted. They did it again in the Bar Kochba revolt of 132-35. Why? Because they wanted an earthly king other than Caesar, and also other than Jesus the Messiah. They wanted political deliverance, not spiritual deliverance. They were lured into disaster by those who promised the political deliverance they dreamed of: by the zealots in A.D. 69-70 and by the false Messiah, Bar Kockba, the “son of the stars,” in 132-35. After that, the Romans dispersed them throughout the Empire, and, absent from the land, the Rabbis used this as an excuse to abandon the specified sanctions of Old Testament law.⁹ The Old Covenant, which they had broken first by calling for the crucifixion of Christ, and broken again by rejecting the testimony of the Church until A.D. 70, was now formally broken.

A World Without Kings?

We live in the first century in mankind's recorded history in which there are no kings, for all intents and purposes. The deposed “king” of Egypt, Farouk, said it best: “There are but five kings left on earth today: the King of England, and the kings of spades, hearts, diamonds, and clubs.” Men are told that they need no longer fear Caesar. We are told that they no longer face a choice: the worship of God or the worship of Caesar.

The key question is: Who tells them this? Humanists, the promoters of the third covenant. Their gospel is: “All nations under man.”

7. *Sanhedrin* 43a, Note 6.

8. *Idem*.

9. George Horowitz, *The Spirit of Jewish Law* (New York: Central Books Co., [1953] 1963), p. 93.

Because committed Christians and committed Jews have believed this lie, it has become easy for them to accept the claims of the humanists that “the people” alone are sovereign. We are the kings of our own political order. Why not come together in a civil covenant and exercise legitimate rule as equals? We thereby submit only to ourselves. But when we fail to acknowledge the sovereignty of the God of the Bible as the basis of all political authority, our cry is in principle still the same: “We have no king but Caesar.”

The sovereignty of man is the premise of the American civil religion, as well as the religion of democracy in Europe. This is the legal foundation Americans refer to as “the Judeo-Christian tradition.” But there is a problem with this view of civil religion: the covenantal nature of the civil order is hidden from the eyes of the faithful. The political order rests officially on the premise of the political sovereignty of man – not a subordinate political sovereignty delegated to man by an absolutely sovereign God, but a primary sovereignty delegated by man to his political representatives. We pretend that we anoint rulers by our own authority.¹⁰ But we nevertheless discover that we have great difficulty in displacing them. We “sovereigns” have once again become subordinate. We serve our “public servants,” who are never satisfied with our performance.

We have believed the humanists’ lie. There is in fact no escape from questions of kingship and covenant. There is no escape from civil covenants, no matter what we call them. Eighteenth-century social contract theory succeeded for a while in deflecting our perception of the covenantal foundation of the political process, and Marxism’s nineteenth-century economic reductionism did not improve men’s covenantal awareness. But as we approach the third millennium after Christ, the sands in Enlightenment humanism’s hour glass are running out. It matters little whether it is the right-wing Enlightenment (Adam Smith, Thomas Jefferson, and

10. Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereign in England and America* (New York: Norton, 1988).

the American Revolution)¹¹ or the left-wing Enlightenment (Adam Weishaupt, Robespierre, and the French Revolution): the end is in sight. Yet nothing on the political horizon seems capable of replacing the present order. This is because nothing on the religious horizon seems likely to replace the present order. Nevertheless, time is running out, for the present order's faith in its own future has disappeared, despite the weekly wonders of advancing technology.¹²

What king is to be served by the faithful covenant-keeper? Caesar or God? Until those who call themselves orthodox, whether Christians or Jews, get this question clear in their minds, they will continue to serve Caesar.

11. Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989), Part 3.

12. Robert Nisbet, *History of the Idea of Progress* (New York Basic Books, 1980), Epilog.

POINT 2

REPRESENTATION

INTERPRETATION AND REPRESENTATION

And when they [the Jews] had appointed him [Paul] a day, there came many to him, into his lodging; to whom, he expounded and testified the kingdom of God, persuading them concerning Jesus, both out of the law of Moses, and out of the prophets, from morning till evening. And some believed the things which were spoken, and some believed not. And when they agreed not among themselves, they departed, after that Paul had spoken one word, Well spake the Holy Ghost by Esaias the prophet unto our fathers, Saying, Go unto this people, and say, Hearing ye shall hear, and shall not understand; and seeing ye shall see, and not perceive: For the heart of this people is waxed gross, and their ears are dull of hearing, and their eyes have they closed; lest they should see with their eyes, and hear with their ears, and understand with their heart, and should be converted, and I should heal them. Be it known therefore unto you, that the salvation of God is sent unto the Gentiles, and that they will hear it (Acts 28:23-28).

Who speaks for God in history? This is the question, above all other questions, that divides religions.

Who speaks for the state in history? This is the question, above all other questions, that divides political systems.

They are in fact the same question, but in two different forms. It is the question of ultimate sovereignty: Who is God? But more to the point for practical purposes, it is the question of the locus of earthly sovereignty: Who most faithfully represents this ultimate

sovereignty in history? It is the question of *representation*.

Every system of thought needs a system of interpretation. This applies to political systems, economic systems, and all other kinds of systems. Men seek information about the way the world works. To discover this, they must somehow penetrate the “noise” of this world to the coherence — if any — beneath the observable surface. (And if there is no underlying coherence, then the interpreter must then interpret the facts accordingly — in terms of some coherent principle, of course.)

This means that men must seek the source of sovereignty, the voice of authority. *Something* makes the world go round (my apologies to flat-earthers and geocentrists). If we can begin to understand even the barest essentials of this something, we can gain wisdom, power, and a great deal of responsibility. Or, on the other hand, we can run for our lives. But at least we will be running from something we recognize and partially understand.

The point is, in order to become knowledgeable people, we must seek the truth. Whatever is the source of this truth is the sovereign of the system, or at least *our* system. While I do not wish to belabor the next point, I will nevertheless offer it for your careful consideration: “. . . in any culture *the source of law is the god of that society*.”¹ Put another way: “Similarly, only the power who is ultimate has the right to be the source of law.”² And when I say “law,” I mean *covenant law*: the law of God for man.

Both Jews and Christians say that the ultimate Sovereign, God, has spoken to man authoritatively in the Old Testament. But then the debate begins. Neither group believes that the Old Testament “speaks for itself.” Each believes that there is an even more authoritative commentary on the Old Testament. Christians say that this is the New Testament. Orthodox Jews say that this is the Talmud. In this conflict over the proper source of interpreta-

1. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey Craig Press, 1973), p. 4.

2. *Ibid.*, p. 34.

tion of the sovereign Old Testament is a hidden conflict over earthly authority.

The Principle of Interpretation

Commenting on anything requires a principle of interpretation. Principles of interpretation differ, and sometimes very sharply. This means that rival hermeneutical principles can and do become divisive. This is the price of open inquiry. It is a price that must be paid on both sides.

If we believe in the God of the Bible, then we must affirm that in His revealed Word, we have the universal principle of interpretation that God requires mankind to adopt. The Bible is self-attesting. There is no higher authority to which we can appeal. If there were, then this would be the new source of interpretation, the new voice of authority.

We must think God's thoughts after Him. But how? How should we interpret the Bible, itself the basis of all interpretation? The answer: *biblically!* Therein lies the problem. People do disagree about how the Bible is to be interpreted. This is especially true of Christians and Jews. The division between them is above all a disagreement over the proper interpretation of the Bible, including a disagreement over what constitutes the Bible.

There is no way to reconcile the following rival principles of biblical interpretation in Judaism and Christianity: 1) Jesus as the sole fulfillment of Old Testament messianic prophecies vs. Jesus as a false prophet and blasphemer, for which He was lawfully executed; 2) the New Testament as the sole authoritative commentary on the Old Testament vs. the New Testament as false prophecy; 3) Christians as the only true covenantal heirs of Abraham vs. Jews as the only true covenantal heirs of Abraham. It is the ancient debate, recently revived politically in the state of Israel, over the question, "Who is a Jew?"³ It is a debate over the truth of Paul's assertion: "For we are the circumcision, which worship

³ In Judaism, this question is really, "Who is the authentic rabbi?" The rabbi sanctions marriages and therefore the legitimacy of the children.

God in the spirit, and rejoice in Christ Jesus, and have no confidence in the flesh" (Phil. 3:3). Only theological liberals on both sides of the debate can sensibly play down these differences, since liberals do not accept the truth of either religion's set of hermeneutical principles.

Orthodoxy **and** Liberalism

This book deals with Orthodox Judaism and its relation with orthodox Christianity. Orthodox Christianity is no longer the dominant stream of Christianity in the West, just as Orthodox Judaism is no longer the dominant stream of Judaism outside of the state of Israel, and which is in sharp political conflict with secular Judaism inside that nation. Always in the background of the life of the orthodox Christian and the Orthodox Jew are the liberals "within the camp." The Orthodox Christian does not believe that liberal, mainstream Christianity is *really* Christianity, just as the Orthodox Jew does not believe that mainstream Judaism is *really* Judaism.⁴ Van Til is correct in his assessment of the theological unity of the liberal Jew and the liberal Christian:

When Jesus says that all power is given to him by the Father in view of his death and resurrection, and says that he will vanquish the last enemy which is death, the modern Jew and the modern Protestant consider this mythology. The modern Jew will gladly join the modern Protestant in speaking of Christ as a Messiah if only the messianic idea be demythologized by means of the self-sufficient ethical consciousness. The modern Protestant theologian is ready and eager to oblige the modern Jew.⁵

The implicit theological unity that modernism creates between

4. There is a problem here for Bible-tinning Christians. They normally do accept as valid the baptisms of converts out of mainstream churches. They would not accept Mormon baptism as valid. So, to some degree, they do accept mainstream churches as still Christian. For the Orthodox Jew, the determination of who is a Jew is established by examining the training of the rabbi who circumcised him or circumcised her father or husband.

5. Cornelius Van Til, *Christ and the Jews* (Philadelphia Presbyterian & Reformed, 1968), p. 97.

mainstream Christians and Jews — the many shades of Unitarianism — in no way reduces the explicit theological disunity between orthodox Christians and Orthodox Jews. The battle over the proper interpretation of the Old Testament still divides the orthodox Christian and the Orthodox Jew, even as it divides Jews from liberal Jews and Christians from liberal Christians. At best, the common “battle for the Text” of Torah-affirming Christians and Jews against the higher critics of the Bible within their respective camps has created pressure for a temporary cease-fire between the besieged camps of the Bible-affirmers. But a temporary cease-fire is not a permanent peace treaty. The war over interpretation is great because of the commitment of both sides to the divine origin of the Old Testament. Again, citing Van Til: “When a Christian worships Christ as the Son of God, he is, says the Jew, an idolater. And he sees his mission as that of bringing such an idol-worshiper back to the God of Abraham and of Moses. In seeking to fulfill his mission in relation to Christian idolaters the Jew must, of course, *oppose* the claims of Christ.”⁶

The battle over hermeneutics is inescapable. The question then must be raised: If Western civilization was Christian in the era of the exclusion of the Jews, and today is humanist to the exclusion of Torah-believing Christians and Jews, to what extent is it valid to speak of a Judeo-Christian tradition? This leads immediately to a second question: To what extent are the respective commitments to the divine origin of the Old Testament a unified commitment, and therefore the basis of the Judeo-Christian tradition in Western history? If the two hermeneutics are permanently divided, how can there be a unified tradition?

It is one of the oddest facts of modern Bible-affirming Christianity that the dispensationalist fundamentalists, who categorically deny the continuing authority of Old Testament law in New Testament times, see themselves as the “soul cousins” if not “soul brothers” of Orthodox Jews. They regard any deviation from the West’s support of the state of Israel as a theological deviation, not

6. *Ibid.*, p.1.

just bad foreign policy.⁷ Yet the only possible basis of a supposed Judeo-Christian tradition would be a mutual commitment to Old Testament legal norms. Nevertheless, dispensationalist leaders make statements such as this:

At the heart of the problem of legalism is pride, a pride that refuses to admit spiritual bankruptcy. That is why the doctrines of grace stir up so much animosity. Donald Grey Barnhouse, a giant of a man in free grace, wrote: "It was a tragic hour when the Reformation churches wrote the Ten Commandments into their creeds and catechisms and sought to bring Gentile believers into bondage to Jewish law, which was never intended either for the Gentile nations or for the church."⁸ He was right, too.⁹

Thus, to the extent that there has been a Judeo-Christian tradition in the West, the *consistent, well-informed* dispensationalist is forced by his theology to deny that such a tradition is judicially valid. It has to be seen as the product of a spurious, deviant form of Christianity.

The question that the defender of Old Testament judicial standards must then ask himself is this: Has there been a sufficient unanimity between orthodox Christians and Orthodox Jews over the interpretation and application of Old Testament legal norms to have constituted a Judeo-Christian tradition? This is the question that I am attempting to answer in this book.

Before dealing with this issue, let me ask a question: Is there a Moslem-Christian tradition? The Moslems claim to believe in both the Old and the New Testaments as God-inspired. If the Christian answers that the Koran (which he has not read) deviates from both the Old and New Testaments, no matter what the Moslem says he believes about the Bible – which in fact is the case – then what about the Mishnah and the Talmud?

7. See, for example, Hal Lindsey, *The Road to Holocaust* (New York: Bantam, 1989).

8. He cites Barnhouse, *God's Freedom*, p. 134.

9. S. Lewis Johnson, "The Paralysis of Legalism," *Bibliotheca Sacra*, Vol. 120 (April/June, 1963), p. 109.

Conflict Over Hermeneutics

The conflict between Bible-believing Christians and Orthodox Jews today has not changed in principle since A.D. 30. It is a conflict over the proper interpretation of the Old Testament. Jesus said to the Jewish leaders: "Do not think that I will accuse you to the Father: there is one that accuseth you, even Moses, in whom ye trust. For had ye believed Moses, ye would have believed me: for he wrote of me. But if ye believe not his writings, how shall ye believe my words?" (John 5:45-47). Because contemporary Christians cannot seem to make up their minds about contemporary Jews – whether they are demonic international conspirators or economic and academic supermen who somehow have the favor of God — they have been ineffective witnesses to Christ when in the presence of Jews. Once Christians recognize what Judaism offers to its adherents – the Talmud, or the mystical-magical Kabbalah,¹⁰ or the steady erosion of modern secularization – they will better understand the words of Robert L. Reymond: "The Christian should love the Jew, certainly. But the sooner the Christian realizes that the Jew is as hopelessly lost and as hopelessly blind, if not more so (Rem. 11:6-11), than the Gentile, and that to win the Jew to Christ he must crush any and every hope for salvation which is related in any way to the fact that he is a Jew and a 'son of Torah,' the sooner the Christian will honor his Lord by his witness to the Jew and the more effective will his witness become."¹¹ There is no valid message of salvation in the Talmud. This was Peter's message to Israel:

Be it known unto you all, and to all the people of Israel, that by the name of Jesus Christ of Nazareth, whom ye crucified, whom God raised from the dead, even by him cloth this man stand here, before you whole. This is the stone which was set at nought of you

10. Gershom G. Scholem, *On the Kabbalah and Its Symbolism* (New York Schocken, [1960] 1965); Jacob Z. Lauterbach, "The Belief in the Power of the Word," *Hebrew Unwn College Aml*, XIV (1949). See also Joshua Trachtenberg, *Jewish Magic and Superstition* (New York Atheneum, [1939] 1970).

11. Robert L. Reymond, "Editor's Preface," to Van Til, *Christ and the Jews*, p. v.

builders, which is become the head of the comer. Neither is there salvation in any other: for there is none other name under heaven given among men, whereby we must be saved (Acts 4:10-13).

Orthodox Judaism is at war with the Old Testament. This is the primary thesis of this book. But, unlike Reform Judaism, which is infected with the same biblical higher criticism that has undermined mainstream Christianity, Orthodox Judaism claims to accept the Old Testament as the inspired Word of God. How, then, can anyone rightfully say that Orthodox Judaism is at war with the Old Testament? Only by accepting Jesus' words literally:

I am come in my Father's name, and ye receive me not: if another shall come in his own name, him ye will receive. How can ye believe, which receive honour one of another, and seek not the honour that cometh from God only? Do not think that I will accuse you to the Father: there is one that accuseth you, even Moses, in whom ye trust. For had ye believed Moses, ye would have believed me: for he wrote of me. But if ye believe not his writings, how shall ye believe my words? (John 5:43-47).

The thesis of this book is simple: the Jews of Jesus' day, like their spiritual heirs, did not believe Moses' writings.

The Common Crisis of the Orthodoxies

Modern Christians and Jews no longer take law or religion seriously enough, especially law. The two religions are no longer viewed by their adherents as being inherently judicial in nature. Thus, the two religions have changed radically, yet this change has been disguised by the self-conscious triumphant humanism of modern culture. Both Jews and Christians have enthusiastically sent their children into tax-financed secular schools, and their common enemies have transformed the worldview of their children. The covenantal heirs no longer recognize the extent of the former division between the Christian and Jewish legal traditions because they no longer are aware of the legal revolution that has captured the West over the last century. This revolution, legal scholar Harold Berman argues, now threatens our freedom as no

other revolution ever has: the rise of secular, bureaucratic, administrative law. 12

Berman makes another important observation: law has broken down in the West because religion has been privatized. "The traditional symbols of community in the West, the traditional images and metaphors, have been above all religious and legal. In the twentieth century, however, for the first time, religion has become largely a private affair, while law has become largely a matter of practical expediency. The connection between the religious metaphor and the legal metaphor has been broken. Neither expresses any longer the community's vision of its future and its past; neither commands any longer its passionate loyalty."¹³

What Judeo-Christian Tradition?

If Christians and Jews do not agree about the nature of covenant law and the proper approach to and interpretation of biblical legal texts, even when they officially appeal to the same written legal sources, what becomes of the Judeo-Christian tradition? There would have to be a common legal tradition in order to create such a tradition, yet this common legal tradition does not exist. Arthur A. Cohen, in his provocatively titled book, *The Myth of the Judeo-Christian Tradition*, which was published by a respected publishing house that specializes in scholarly Jewish studies, denies that this tradition ever existed. It is an intellectual fabrication, he argues.

Cohen has identified the origins of this myth: the Enlightenment and, later, German liberal Protestant scholarship of the late-nineteenth century.¹⁴ Protestant "higher critics" of the Old Testament were implacably hostile to Old Testament law, so they attempted to disengage the New Testament from the Old. The Jew of the Old Testament was described as being "in bondage to a

12. Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, Massachusetts: Harvard University Press, 1983) pp. 33-41.

13. *Ibid.*, p. vi.

14. Arthur A. Cohen, *The Myth of the Judeo-Christian Tradition* (New York: Schocken, 1971), pp. xviii, 196-200.

hopeless legalism. On the one hand the genius of the Hebrew Bible is commended; on the other hand Christianity is set in superior condescension to the traditions of Judaism which survive, like ruins, the advent of Jesus Christ, the new architect of mankind. . . . The Judaism which survives the onslaught of Protestant Higher Criticism is buried under a mountain of historicist formulations, while a pure, virtuous Kantian Christianity — freed from Jewish accretion — is defined. Once more, almost in recapitulation of the Gnostic tendencies of the early Church (though turned this time to a different task), a ‘Christo-Jewish’ tradition was defined.”¹⁵

This implicit antinomianism of the higher critics was indeed quite similar to the anti-Old Testament perspective of the gnostics. Gnosticism and antinomianism are two sides of the same counterfeit coin. Denying mankind’s access in history to a permanent higher law above existing humanist culture, critics of the existing culture face a grim choice: either their absorption into the prevailing culture or their removal from influence, i.e., either assimilation or confinement to a cultural ghetto.¹⁶ The prevailing culture is seen as a the equivalent of ethical quicksand; one should not seek to walk through it in the pilgrimage of life. But if men dwell in a self-imposed cultural ghetto, they will be tempted to create a psychological zone of internal retreat in their quest for meaning and significance as they wait for death or eschatological deliverance. What else can they do? They see no way to transform the world, for they have no point of ethical or judicial contact with the world. They do not regard biblical law as a tool of dominion, as a lengthy lever capable of moving the general civilization in the

15. *Ibid.*, p. 199.

16. This dualism between the individual and society is a manifestation of autonomous man’s philosophical dualism between the one and the many. If autonomous man is part of the one (unity), he in principle loses himself, his personality, and his individuality. But if he maintains his independence (autonomy), he loses any point of contact with any other individual. To use one of Cornelius Van Til’s analogies, he is like a bead with no hole that seeks attachment to an infinitely long string. Philosophically speaking, without God’s higher law and without man as the created image of God, individuals have no logical point of contact with each other.

direction of God's permanent standards. On the contrary, they see themselves on the short end of this lever: it is the general culture that threatens to move them by law, not the other way around. Their antinomianism – their lack of faith in permanent biblical standards and the empowering of the Holy Spirit¹⁷ – inevitably produces cultural impotence. This is the legacy of Gnosticism, and it is still influential in modern Christianity.¹⁸

If there were a Judeo-Christian tradition, there would be a common legal order. What this brief book will prove is that there has not been, and cannot be, any common legal order uniting Bible-believing Christians and Talmud-believing Jews, which is why there were Jewish ghettos in European cities and separate Jewish rural communities, especially in Russia. Jews insisted on these separate communities because they insisted on being ruled by their own courts, and Christian rulers gave them their request. Jews recognized clearly that if they subordinated themselves under the civil laws of Christian states they would lose their covenantal autonomy. In the nineteenth century, they steadily abandoned this view, but only after the gentiles' civil orders ceased being Christian and became secular humanist.

If there were a Judeo-Christian tradition, there would be evidence of a shared legal tradition, especially in the formative years of the Western legal tradition: the eleventh through thirteenth centuries. Berman summarizes: “. . . neither Jewish thought nor Jewish law seems to have had any substantial influence on the legal systems of the West, at least so far as the surviving literature shows.”¹⁹ One reason for this, he speculates (I think correctly), is what he calls the casuistry of the Talmud. I would call it the dialecticism: “. . . the intense casuistry of the Talmud may have helped to make it seem alien to Western legal thought, which

17. Greg L. Bahnsen, *By This Standard: The Authority of God's Law Today* (Tyler, Texas: Institute for Christian Economics, 1985), pp. 185-86.

18. Philip J. Lee, *Against the Protestant Gnostics* (New York Oxford University Press, 1987), Pt. III.

19. Berman, *Law and Revolution*, p. 589.

stressed the systematization of legal principles.”²⁰

We need to examine some of the legal sources of the Jewish legal tradition in order to determine to what extent there has been or can be a Judeo-Christian tradition. Christian scholars have seldom done this in the past, and the result has been a major intellectual gap and therefore major blind spot in the thinking of modern Bible-believing Christians. But blind spots are not perceived by those who suffer from them unless they are shown to the victims. This book, I trust, will make this blind spot visible.²¹

20. *Idem.*

21. The physical blind spot in each eye exists because of the structure of the eye. Discover it for yourself. Get a piece of blank paper, and put an X in the middle of the paper and a dot about two inches to the left. Close your right eye. Keeping your left eye-focused on the X, move the paper slowly toward your eye. At some point, the dot will disappear from view. Your brain will continue to “cover” for your eye’s failure by filling the visual gap with the color of the paper. The dot is too specific, so it disappears. In short, we are all partially blind, but we do not see this.

A SEPARATE PEOPLE IN OUR MIDST

A heathen who busies himself with the study of the Law deserves death. He should occupy himself with the (study) of the seven commandments only. So too, a heathen who keeps a day of rest, even if it be on a weekday, if he has set it apart as his Sabbath, is deserving of death. It is needless to state that he merits death if he makes a new festival for himself. The general principle is: none is permitted to introduce innovations into religion or devise new commandments. The heathen has the choice between becoming a true proselyte by accepting all the commandments, and adhering to his own religion, neither adding to it nor subtracting anything from it. If therefore he occupies himself with the study of the Law, or observes a day of rest, or makes any innovation, he is flogged, or otherwise punished and advised that he is deserving of death, but he is not put to death.

Moses Maimonides (1180)¹

Who represents God in history? This is the inevitable covenantal question of hierarchy. Who lawfully speaks for God? There is no escape from this problem. The sovereign gods of this world all require spokesmen. The *Volk*, the People, the proletariat, the forces of history, the subconscious, or the God of the Bible: all speak indirectly through their respective representatives.

1. Moses Maimonides, *The Book of Judges*, Book 14 of *The Code of Maimonides*, 14 vols. (New Haven, Connecticut Yale University Press, 1949), "Laws Concerning Kings and Wars," X:9, p. 237.

Any person or group possessing this God-delegated right can claim to speak for God in history. Who, then, is authorized by God to speak in His name, Christians or Jews? Possessing legal access to God's revealed law is a mark of authority in the biblical civil hierarchy. He who does not possess this lawful authority cannot claim access to the sword in the final manifestation of God's kingdom in history. It is clear what the Jews believe about the hierarchy of this world. Only they possess lawful access to the Torah. How do we know this? The Talmud tells us so. But gentiles have no legal right to read the Talmud, according to the Talmud (*Sanhedrin* 59a). They must take the Jews' word for it. More to the point, they must take the word of Orthodox Jews, for it is they alone who still maintain that the whole Talmud is an inspired book.

I am not making fun of the Jews. On the contrary, I am presenting their implicit and even explicit view of the question of spokespersonship and representation. Any group which claims to represent God or the forces of history must adopt some variant of this argument. The Jews have just made it more obvious. They tell us that we are all deserving of death whenever we look into God's law, authorized access to which is a mark of covenantal supremacy.

Social Peace

The typical non-Jew would imagine that Jews throughout history would have rejoiced whenever gentiles read the Old Testament in search of God's permanent moral and civil standards of righteousness. After all, this would tend to bridge the cultural and judicial gap between Jews and non-Jews. This, however, was precisely the problem in the minds of the rabbis for at least 1,700 years. The rabbis did not want this gap bridged; at most, they wanted external peace and quiet for Jews, meaning they wanted social order in the midst of gentile culture (see below, pp. 125-28). Sufficient social order within the gentile world is supposedly achieved through their adherence to the seven commandments specifically

given to the heathen, meaning gentiles. Six of these laws were first given to Adam, according to Jewish law: the prohibitions against idolatry, blasphemy, murder, adultery, and robbery, plus the command to establish courts of justice. A seventh law was also supposedly given to Noah: the prohibition against eating the limb of a living animal.² Beyond this minimal list of seven laws, the gentiles – “Noahides” or “Noahites,” the descendants of Noah³ – are not supposed to go in their inquiry into the ethical requirements of Old Testament law, which belongs exclusively to the Jews.

In making this assertion, the medieval Jewish scholar Moses Maimonides was faithfully following the teaching of the Talmud. He was taking Rabbi **Johanan** at his word: “R. [Rabbi – G.N.]* **Johanan** said: A heathen who studies the Torah deserves death, for it is written, *Moses commanded us a law for an inheritance; it is our inheritance, not theirs.*”⁵ Resh Lakish (third century, A. D.) said that a gentile who observes the Sabbath deserves death.⁶ Why should God have forbidden the gentiles to study His law? The Talmud offers this answer:

R. Abbahu thereupon said: The Writ says, *He stood and measured the earth; he beheld and drove asunder the nations*, [which may be taken to imply that] God beheld the seven commandments which were accepted by all the descendants of Noah, but since they did not observe them, He rose up and declared them to be outside the protection of the civil law of Israel [with reference to damage done to cattle by cattle].⁷

Lest this position seem utterly outrageous to Christian readers, I need to point out that a similar view of the sufficiency of Noah’s

2. *Ibid.*, IX: 1, pp. 230-31.

3. *Ibid.*, 1X2, p. 231.

4. When you see brackets inside a direct quotation from the Talmud, they appeared in the Soncino press edition. I will note any brackets of my own with my initials.

5. Babylonian Talmud, *Sanhedrin* 59a. I am using the Soncino Press edition.

6. *Sanhedrin* 59b.

7. *Baba Kamma* 38a. Bracketed comments are by the editor.

covenant for non-Israelite civil law has been offered by Calvinist theologian John Murray and also by neo-dispensational theologians H. Wayne House and Thomas D. Ice. In fact, all three of them conclude that there is only one biblically required sanction in Noah's covenant, capital punishment for murder. This, they believe, is the only biblical law that God has required all men to obey throughout mankind's post-flood history.⁸ The Talmud at least adds an additional six laws that God specifically established through Adam and Noah that gentiles are supposed to honor throughout history.

How Little Most People Know About Judaism

Maimonides' opinion regarding the immorality of non-Jews who read the Old Testament would probably come as a shock to most Christians, assuming they had ever heard of Maimonides and his *Mishneh Torah*. It might even come as a shock to most contemporary Jews. The average Bible-believing Christian in the United States knows very little about post-New Testament Judaism. He may be vaguely aware that American Judaism is divided into three theological wings: Reform (liberal), Conservative, and Orthodox. He may also be aware that European Judaism has two great ethnic branches: the Sephardim⁹ (those whose ancestors once lived in Spain, Portugal, or the Eastern Mediterranean) and the Ashkenazic Jews¹⁰ (those who came west from Russia and Poland), who were the Yiddish-speaking Jews in the late 1800's and early 1900's, prior to their linguistic assimilation into Ameri-

8. John Murray, *Principles of Conduct: Aspects of Biblical Ethics* (Grand Rapids, Michigan: Eerdmans, 1957), pp. 118-19; House and Ice, *Dominion Theology: Curse or Blessing?* (Portland, Oregon: Multnomah, 1988), p. 130.

9. Heinrich Graetz, *History of the Jews*, 6 vols. (Philadelphia: Jewish Publication Society of America, 1894), IV, chaps 10-14. The problem with Graetz's history is that it is so heavily biographical. The gentile reader recognizes no one. For the Sephardim in America, see Stephen Birmingham, *The Grandees: America's Sephardic Elite* (New York Harper & Row, 1971).

10. Bernard D. Weinryb, *The Jews of Poland: A Social and Economic History of the Jewish Community in Poland from 1100 to 1880* (Philadelphia Jewish Publication Society

can culture. But as to how these Jewish groups overlap,¹¹ or which group dominates Judaism either in the U.S. or in the state of Israel today,¹² the average Christian has no idea. Few Christians have heard that there is a third branch, Oriental or Yemenite Judaism (North African), members of which have long complained that they are discriminated against politically in the state of Israel.

Christians are unaware that the medieval Jewish body of literature known as the Kabbalah ("tradition") is not only mystical but closely tied to numerology and occultism.¹³ They do not know that the mystical-magical tradition of the Kabbalah had its roots in the Talmud.¹⁴ They have never read anything about the history of Zionism, either pro¹⁵ or con.¹⁶

of America, 1972). For the Ashkenazi in America, see Eric E. Hirshler (ed.), *Jews from Germany in the United States* (New York Farrar, Strauss & Cudahy, 1955); Irving Howe, *World of Our Fathers* (New York Simon & Schuster, [1976] 1983); Irving Howe and Kenneth Libo, *How We Lived: A Documentary History of Immigrant Jews in America, 1880-1930* (New York Richard Marek, 1979); Stephen Birmingham, "Our Crowd": *The Great Jewish Families of New York* (New York: Harper & Row, 1967).

11. Thomas Sowell, *Ethnic America: A History* (New York: Basic Books, 1981), ch. 4: "The Jews."

12. I refer to the "state of Israel" rather than "Israel" out of respect for the terminology of Orthodox Jews, who sharply distinguish the two.

13. "Kabbalah," in Lewis Spence (ed.), *An Encyclopedia of Occultism* (New Hyde Park, New York: University Books, [1920] 1960). An example of popular (though underground) magical literature based on the Kabbalah, which has been reprinted generation after generation, is *The Sixth and Seventh Books of Moses*. See also Arthur Edward Waite, *The Holy Kabbalah: A Study of the Secret Tradition of Israel* (New Hyde Park, New York University Books, 1960 reprint); Denis Saurat, *Literature and Occult Tradition*, trans. Dorothy Bolton (Port Washington, New York: Kennikat, [1930] 1966), Pt. III, ch. 2. The pioneering modern Jewish studies of the Kabbalah are by Gershom G. Scholem: *Major Trends in Jewish Mysticism* (3rd ed; New York Schocken, 1961) and *On the Kabbalah and Its Symbolism* (New York: Schocken, [1960] 1965). The primary source of Kabbalah is *The Zohar*, 5 vols. (London: Soncino Press, 1934).

14. Gershom G. Scholem, *Jewish Gnosticism, Merkabah Mysticism, and Talmudic Tradition* (2nd ed.; New York: Bloch, 1965).

15. Walter Laqueur, *A History of Zionism* (New York Holt, Rinehart & Winston, 1972); Ronald Sanders, *The High Walls of Jerusalem: A History of the Balfour Declaration and the Birth of British Mandate for Palestine* (New York Holt, Rinehart & Winston, 1983).

16. Gary V. Smith (ed.), *Zionism: The Dream and the Reality, A Jewish Critique* (New

It is not just Christians who are ignorant of Jewish history, however. American historians generally have ignored the Jews and know little about their history. The entry under "Jews" in the one-volume index to the other 12 volumes of the *Cambridge Modern History* is miniscule: just a handful of references. The same is true of the standard textbooks in European history. Except for Hitler's Germany in the 1930's, there are very few references. This is not because modern historians are involved in a self-conscious conspiracy to black out all references to Jews. It is in part because Jews were physically isolated for so long in European history that they had no impact on events, except as occasional victims of oppression. Also, because they existed almost exclusively as a religious people, Jews are assumed by modern historians to have been incapable of effecting events positively until they began to be assimilated into Western humanist culture. There seems to be no reason to study them prior to the 1880's, when they arrived in America and started working in the cities, especially New York City, and even more important, started voting. (For the humanist, voting is the closest equivalent he knows to taking Holy Communion.)¹⁷ This however, raises the question: Where is the documentary evidence of a Judeo-Christian tradition?

To the extent that the Bible-believing Christian thinks about Reform Jews generally, he assumes that they are something like Unitarians: politically liberal, skeptical about the Bible, and essentially humanistic. (Orthodox Jews also view Reform Jews in much the same way.) Christians, however, tend to think of almost all Jews in this way, which turns out to be a statistically correct political assumption; American Jews are consistently liberal in

York: Barnes & Noble, 1974); Rabbi Elmer Berger, *The Jewish Dilemma: The Case Against Zionist Nationalism* (New York: Devin-Adair, 1945). The major published English-speaking critic of Zionism is Alfred M. Lilienthal: *What Price Israel?* (Chicago: Regnery, 1953); *There Goes the Middle East* (New York Devin-Adair, 1957); *The Zionist Connection: What Price Peace?* (New York: Dodd, Mead, 1978).

17. I am only half joking. Political philosopher Sheldon Wolin speaks of political participation in language that borders on the religious: *Politics and Vision: Continuity and Innovation in Western Political Thought* (Boston Little, Brown, 1960).

their voting behavior.¹⁸ Conservative Jews are seen by Christians as being somewhere in between Reform and Orthodox: they do not eat pork, but they wear normal clothes; other than this, Christians know little about them.

The Orthodox Jew, in contrast, is assumed by the Bible-believing Christian to be rather like the Christian: he has minority status within the larger Jewish community, he tends to be more conservative politically, pro-family in outlook, and probably anti-abortion. He is in conflict with the Reform Jews, just as the Bible-believing Christian is at war with the liberal defenders of biblical higher criticism. Thus, the Orthodox Jew is assumed to be a kind of Old Testament Christian who wears black clothing and a beard — a quaint, Amish-like figure¹⁹ — and who avoids pork. This perception is incorrect. The Orthodox Jew is in fact a self-conscious, self-professed spiritual heir of the Pharisees. His book is the Talmud, the written version of Judaism's oral law, far more than it is the Old Testament.

The “Star of David”

Very few people know much about the history of Judaism, including those who identify themselves as Jews. This may seem like an outrageous statement. You can test its accuracy by asking the average gentile or average Jew what the most important symbol of modern Judaism is. He probably will say either the scroll of the Torah or “the star of David,” also known as the

18. “. . . Jews in this country have the economic status of white Anglo-Saxon Episcopalians but vote more like low-income Hispanics.” Milton Himmelfarb, cited by Irving Kristol, “Liberalism & American Jews,” *Commentary* (Oct. 1988), p. 19; cf. Peter Steinfels, “American Jews Stand Firmly to the Left,” *New York Times* (Jan. 8, 1989). Steinfels reports that recent polls reveal that four times as many Jews belong to the Democratic Party as belong to the Republican Party, compared to about equal numbers of other white voting groups. Almost two to one, Jews believe in the legal right to abortion.

19. This link is featured in a scene in a movie about a mid-nineteenth century Jew, *The Frisco Kid*, and in a scene in a movie about a modern Amish family, *Witness*. It is presumably a coincidence that both movies feature Harrison Ford, of *Raiders of the Lost Ark* fame.

Mogen David or Magen David. After all, it appears on the state of Israel's national flag. Ask him where the latter symbol originated, and you will get a blank stare. He has no idea.

The fact is, the so-called star of David is a universal pagan symbol, long pre-dating Judaism. It was adopted by Zionists in the late nineteenth century. Before then, it was used as a decoration by Jews, Muslims, and Christians. It was long called the Seal of Solomon. How many Jews, let alone Christians, have ever been informed of the following information, presented by Jewish scholar and art historian Joseph Gutmann?

The Magen David is a hexagram or six-pointed star. It appears as early as the Bronze Age and is at home in cultures and civilizations widely removed in time and geographic area. Mesopotamia, India, Greece, and Etruria are among the places where it has been found – but without any discoverable meaning. Possibly it was an ornament or had magical connotations. Only occasionally before the 1890's is it found in a Jewish context; the oldest Jewish example is from seventh-century B.C. E. [B. C.] Sidon, a seal belonging to one Joshua ben Asayahu. In the synagogue at Capernaum, Galilee, a synagogue which may date from the fourth century C.E. [A.D.], the Magen David is found alongside the pentagram and the swastika, but there is no reason to assume that the Magen David or the other signs on the synagogue stone frieze served any but decorative purposes.

In the Middle Ages, the Magen David appears quite frequently in the decorations of European and Islamic Hebrew manuscripts and even on some synagogues, but appears to have no distinct Jewish symbolic connotation; it is also found on the seals of the Christian kings of Navarre, on mediaeval church objects, and on cathedrals. As a matter of fact, what is today called Magen David was generally known as the Seal of Solomon in the Middle Ages, especially in Jewish, Christian and Islamic magical texts. In the medieval Islamic world the hexagram was popular and was widely used. Generally known, especially in Arab sources, as the Seal of Solomon, it gradually became linked with a magic ring or seal believed to give King Solomon control over demons. An early Jewish source in the Babylonian Talmud (*Gittin* 68a-b) already

mentions it.

The hexagram and pentagram, it should be pointed out, both carried the designation "Seal of Solomon" and were employed in both Christianity and Islam as symbols with magical or amuletic power. On the parchment of many medieval *mezuzot* (capsules placed on the doorposts of every Jewish home) the hexagram and pentagram (Seal of Solomon) were written out and also served as a talisman or had magical powers to ward off evil spirits.²⁰

The point is, few Jews or gentiles are aware of any of this. That the flag of the state of Israel bears an ancient pagan symbol is not a well-known fact either to those who respect it or who resent it. In short, the vast majority of Christians and many Jews know very little about the history of Judaism. Jews and Christians are aware that their respective religious practices are quite different, yet not many of them know why, and to what extent, their religions differ. People speak of "the Judeo-Christian tradition," yet they are not quite sure what this tradition is, or if it even exists.²¹

Rival Religions

I agree with the astoundingly prolific Orthodox Jew, Jacob Neusner, whose studies on Jewish law are as close to definitive as the writings of any one person can be.²² He writes: "Judaism and Christianity are completely different religions, not different versions of one religion (that of the 'Old Testament,' or 'the written Torah,' as Jews call it). The two faiths stand for different people talking about different things to different people."²³ He argues that the key differences center on the two rival programs: salvation

20. Joseph Gutmann, *The Jewish Sanctuary* (Leiden: E. J. Brill, 1983), p. 21. This study is Section XXIII: Judaism, of the *Iconography of Religions*, produced by the Institute of Religious Iconography of the State University Gronigen, Netherlands.

21. Arthur A. Cohen, *The Myth of the Judeo-Christian Tradition* (New York Schocken, 1971). J. H. Hexter, *The Judeo-Christian Tradition* (New York Harper & Row, 1966).

22. Jacob Neusner, *History of the Mishna Laws*, 5 parts, 43 volumes (Leiden, Netherlands: E. J. Brill). He has written many other books.

23. Jacob Neusner, "Two Faiths Talking about Different Things," *The World & Z* (Nov. 1987), p. 679.

(Christianity) vs. sanctification (Phariseeism). It is therefore also a debate over the issue of eschatology: God's kingdom manifested in world history. Christianity is inherently universalistic; Judaism is inherently particularistic. Neusner writes:

Salvation, in the nature of things, concerned the whole of humanity; sanctification, equally characteristic of its category, spoke of a single nation, Israel. To save, the messiah saves Israel amid all nations, because salvation characteristically entails the eschatological dimension and so encompasses all history. No salvation, after all, can last only for a little while or leave space for time beyond itself. To sanctify, by contrast, the sage sanctifies Israel in particular. Sanctification categorically requires the designation of what is holy against what is not holy. To sanctify is to set apart. No sanctification can encompass everyone or leave no room for someone in particular to be holy. One need not be "holier than thou," but the *holy* requires the contrary category, the not *holy*. So, once more, how can two religious communities understand one another when one raises the issue of the sanctification of Israel, and the other the salvation of the world?²⁴

Christianity, by adopting a view of salvation that necessarily encompasses all the nations of the earth, broke forever with rabbinic Judaism. This was the meaning of Jesus' analogy of new wine. "Neither do men put new wine into old bottles: else the bottles break, and the wine runneth out, and the bottles perish: but they put new wine into new bottles, and both are preserved" (Matthew 9:17). Neusner is correct: Christianity is universalistic in scope and vision; Judaism is particularistic.

Neusner also contrasts sanctification with salvation. This is fundamentally incorrect. He misses what should be obvious: *the Bible presents salvation as a process that necessarily involves both progressive personal sanctification and progressive institutional sanctification as history unfolds.*²⁵ Biblical salvation is a comprehensive process.²⁶ This is

24. *Ibid.*, p. 683.

25. Gary North, *Dominion and Common Graze: The Biblical Basis of Progress* (Tyler, Texas: Institute for Christian Economics, 1987).

26. Gary North, *Is the World Running Down? Crisis in the Christian Worldview* (Tyler,

a major aspect of its universalism. Christianity's doctrine of salvation (soteriology) is inescapably tied to its doctrine of progressive sanctification. This was especially true of Anglo-American Protestant missionary activity until the late nineteenth century.²⁷ Neuner is not alone in this error, however. The institutional-historical aspect of salvation has also been generally ignored by most Bible-believing Christian theologians in the twentieth century. They have not recognized the extent to which biblical soteriology, ethics, and eschatology are intertwined. By failing to grasp this fact, both rabbinic Judaism and modern fundamentalism have adopted ghetto mentalities.²⁸

If the debate between Jews and Christians with regard to the nature of covenantal society is inherently an ethical debate — ethics' sources and applications in history — then the key book in the history of Judaism is the Talmud. Christians need to be aware of it, but very few are. It is not sufficient to go to the Old Testament to learn about Judaism. Judaism and Christianity both claim to go to the Old Testament; so does Islam. These three religions — not to mention their factions, sects, splinter groups, and offshoots — offer radically different interpretations of the Old Testament. We must therefore look briefly at the Talmud in order to get the sense of the theological and historical differences separating Orthodox Judaism and biblical Christianity.

Texas: Institute for Christian Economics, 1988), Appendix C: "Comprehensive Redemption: A Theology for Social Action."

27. J. A. De Jong, *As the Waters Cover the Sea: Millennial Expectations in the rise of Anglo-American missions, 1640-1810* (Kampen, Netherlands: J. H. Kok, 1970).

28. Modern intellectual evangelicalism has generally adopted the prevailing humanist worldview. It has adopted a "we, too" view of social theory. See James Davison Hunter, *Evangelicalism: The Coming Generation* (University of Chicago Press, 1987).

POINT 3

LAW

THE TALMUD: A CLOSED BOOK, EVEN WHEN OPEN

For ye have heard of my conversation in time past in the Jews' religion, how that beyond measure I persecuted the church of God, and wasted it: And profited in the Jews' religion above many my equals in mine own nation, being more exceedingly zealous of the traditions of my fathers (Galatians 1:13-14).

Most Christians have never heard of the Talmud. I have never met a Christian who claims to have read all of it, meaning all 34 fat volumes. It was a closed book for English-speaking people until the 1950's. In effect, it still is.¹ The Christian (and probably the non-Orthodox Jew) who may have heard of it but who has never read in it probably believes that it is a large Bible commentary on the Old Testament. This assumption is incorrect.

The problem Christians face is that there is no work of serious yet forthright scholarship on the Talmud that is written by a Trinitarian, Bible-believing Christian. Alfred Edersheim, the mid-

1. Israel Shenker refers to David Weiss' leisurely reading of it on vacations, without Weiss' normal line-by-line analysis, "as though it were an open book." Shenker, "A Life in the Talmud," *New York Times Magazine* (Sept. 11, 1977). Professor Robert L. Wilken of the University of Virginia calls the Soncino edition of the Talmud a closed book In-right (May 16, 1988). A more readable translation, but probably with modifications, by Rabbi Adin Steinsaltz, is scheduled for publication, beginning in 1990. *Time* (Jan. 18, 1988) reports that 84% of Israeli Jews surveyed said that they had never read any of it.

nineteenth-century convert from Judaism who taught at Oxford and who wrote *The Life and Times of Jesus the Messiah*, and *Old Testament History*, could have written such a work, but he chose not to, although his *History of the Jewish Nation* does include a 21-page section on Jewish law in the Talmud and Mishnah.² (Under the section, “Jewish Theology,” he admitted: “In attempting to arrange the doctrinal views of the Rabbins, we are bewildered by a mass of erroneous, blasphemous, and even contradictory statements.”³ I would add: *especially* we find contradictory statements, for dialecticism⁴ is the reasoning process of the Talmud. Solomon Schechter’s restrained comment in 1901 is accurate: “This indifference to logic and insensibility to theological consistency seems to be a vice from which not even the later successors of the Rabbis – the commentators of the Talmud – emancipated themselves entirely.”⁵ Or more impishly, “Whatever the faults of the Rabbis were, consistency was not one of them.”⁶) Even today, there are remarkably few serious works on the Talmud in English written by Jews, and none of them that I have read even mentions the disturbing material that I will briefly refer to in this book.

What Is the Talmud?

The Babylonian Talmud is an immense compilation.⁷ It has been well described by Jews as “the sea of the Talmud.” (Sargasso

2. Alfred Edersheim, *History of the Jewish Nation After the Destruction of Jerusalem Under Titus* (Grand Rapids, Michigan: Baker Book House, [1856] n.d.), pp. 361-81. Edersheim was ordained at age 21 in the Scottish Presbyterian Church, and was later ordained an Anglican. He wrote this book at age 30.

3. *Ibid.*, p. 424.

4. Dialecticism is to human logic what Manichaeism is to cosmology the assertion of the eternal struggle of opposites.

5. Solomon Schechter, *Aspects of Rabbinic Theology* (New York Schocken, [1901] 1961), p. 15.

6. *Ibid.*, p. 46. Schechter was a leader in the Conservative movement of Judaism: Joseph Gaer and Rabbi Alfred Wolf, *Our Jewish Heritage* (Hollywood, California Wilshire Book Co., 1957), p. 24.

7. The Jerusalem Talmud is much smaller and has never had impact on Judaism comparable to the Babylonian Talmud.

Sea is closer to it.) Jews have called it “the Great Labyrinth” and “Sphinx-like,”⁸ which is getting even closer, given the occult roots of the labyrinth and its connection with the Sphinx.⁹ R. Travers Herford, the Unitarian master (yet concealer) of the Talmud, described it as “a great wilderness.”¹⁰ Few Christians have ever seen a set; almost no one reads it today, Christians or Jews. An unabridged version of the Talmud became available in English only in the early 1950’s — about two generations after the vast majority of English-speaking Jews had ceased to pay any attention to it. Remember, it is 34 volumes long, plus a large index volume. Prior to the mid-twentieth century, it had been a hidden book to the English-speaking gentile world. As England’s chief rabbi, J. H. Hertz mentions in his Foreword, “All the censored passages reappear in the Text or in the Notes.”¹¹ Earlier editions, most notably Michael Rodkinson’s (1903), had been voluntarily censored by their editors.

The Talmud is a compilation of the oral teachings of the rabbis from perhaps 200 years before Christ until the end of the second century, A.D. (Mishnah), plus an additional three hundred years of commentary (Gemara). The total is almost seven (possibly eight) centuries.¹² Those who adhere to the Talmud claim that this oral tradition extends back to Moses. They cite Exodus 24 as proof “And Moses came and told the people all the words of the LORD, and all the judgments” (3a). Then we read, “And Moses wrote all the words of the LORD” (4a). But he did not write the

8. Jacob Schachter, “Talmudical Introductions Down to the Time of Chajes,” in Z. H. Chajes, *The Student’s Guide Through the Talmud* (London: East and West Library, 1952), p. xvi.

9. Gary North, *Moses and Pharaoh: Dominion Religion vs. Power Religion* (Tyler, Texas: Institute for Christian Economics, 1985), Appendix C: “The Labyrinth and the Garden.”

10. R. Travers Herford, *Christianity in Talmud and Midrash* (London: Williams and Norgate, 1903), p. 1.

11. “Foreword,” *Baba Kamma, The Babylonian Talmud* (London: Soncino Press, 1935), p. xxvii.

12. Schachter, “Talmudical Introductions,” in Chajes, *Student’s Guide*, p. xvi (footnote).

judgments, they say; instead, the judgments became the oral law, taught from rabbi to rabbi down through the ages. An Orthodox Jewish rabbi believes that he can trace his line of teachers back to Moses.

What eventually became the authoritative version of this oral tradition was compiled by several Jewish authorities, but especially by Rabbi Judah, "the Prince," "the patriarch," HaNasi,¹³ or just "Rabbi" (135-210 A.D.). He completed what later became known as the Mishnah sometime around 189.¹⁴ The word "completed" is somewhat misleading. Completed what? Some Jews have insisted that it was not written down in his day because it was considered by the Jews as a crime to do so. Writes the Jewish historian Graetz: "(Christendom had taken possession of the Holy Scriptures as its own spiritual property, and considered itself as the chosen part of Israel. According to the views of the times, Judaism was now possessed of no distinguishing feature, except the Oral Law."¹⁵ There is obviously some debate about this, however. Hermann Strack, a highly respected gentile German scholar of the Talmud, writes: "Just how much of it was written by Rabbi himself is a subject of debate."¹⁶ He uses the verb "written," but he is judicious about referring directly to the writing down of the Mishnah, for that would mean coming to a conclusion, and Prof. Strack avoids conclusions like the plague.¹⁷ He says that portions of the Mishnah had been written down both by Rabbi

13. The Nasi or prince was the head of the Sanhedrin. George Horowitz, *The Spirit of Jewish Law* (New York: Central Book Co., [1953] 1963), p. 628.

14. Heinrich Graetz, *History of the Jews*, 6 vols. (Philadelphia Jewish Publication Society of America, [1893] 1945), II, p. 460.

15. *Ibid.*, II, p. 608.

16. Hermann Strack, *Introduction to the Talmud and Midrash* (New York Atheneum, [1931] 1983), p. 20. This book was first published in English by the Jewish Publication Society of America.

17. Anyone trying to read Strack's book will find how useless it is as an introduction. Only the most skilled Talmudic scholar could follow its reams of names without dates or summaries of their thought (ch. XIII), bibliography without evaluation (ch. XIV), and its lack of conclusions about anything. Here was a man who compiled a mountain of notes, and in five editions achieved little more than pasting this mass of

Akiba and his pupil Rabbi Meir in the early second century A.D., but not everything had been written down: "Great stress was laid on memorizing and retaining in memory the enormous material; witness the remark of Dosthai ben Jannai in the name of Meir: 'When a scholar forgets a single word of his Mishna, they account it to him as if he forfeited his life.'" ¹⁸ He says that there had been earlier codifications than Akiba's. Graetz did not exaggerate when he wrote that "Concurrently with the Bible, the Mishna was the principal source of intellectual activity and research; it sometimes even succeeded in entirely supplanting the Scripture, and in asserting its claim to sole authority. It was the intellectual bond which held together the scattered members of the Jewish nation." ¹⁹ I can think of another criticism of Judaism even more devastating than Graetz's: the Jews later chose the Talmud over the Mishnah, which at least had been vastly shorter.

Pharisees vs. Sadducees

The Pharisees were the Jewish rabbis who embraced the oral tradition as equal to the Old Testament; the Sadducees were priests who accepted the oral law's traditions but rejected the Pharisees' claim that the oral law is equally as binding as Scripture.²⁰ The Jewish historian and former priest Josephus, who was alive at the fall of Jerusalem in A.D. 70, summarized the differ-

notes together. There is hardly a glimmer of insight in any of it. This is Germanic scholarship at its worst: massive scholarly paraphernalia, little substance, and no conclusions. He labored mightily all his life, and brought forth a mouse. If you think I am exaggerating, you owe it to yourself to sit down and read it. I warn you: you won't make it through the first four chapters – not if you have any sense. You will never make it past the chapter on the Mishna. I prefer to play the role of the little boy who announced that the emperor had no clothes. Prof. Strack had no ideas. That a man's life could be wasted on such a project as futile as this one is pathetic. Hermann Strack is the one of the few scholars about whose book I can honestly say: "It is less useful than biblical higher criticism."

18. *Ibid.*, p. 22.

19. Graetz, *History*, II, p. 462.

20. Jacob Z. Lauterbach, "The Sadducees and Pharisees" (1913); reprinted in Lauterbach, *Rabbinic Essays* (Cincinnati, Ohio Hebrew Union College Press, 1951);

ences between the two, and his summary makes it clear why Jesus rejected both groups:

What I would now explain is this, that the Pharisees have delivered to the people a great many observances by succession from their fathers, which are not written in the law of Moses; and for that reason it is that the Sadducees reject them, and say that we are to esteem those observances to be obligatory which are in the written word, but are not to observe what are derived from the tradition of our forefathers. . . .²¹

. . . the Pharisees are those who are esteemed most skillful in the exact explication of their laws, and introduce the first sect. They ascribe all to fate [or providence,] and to God, and yet allow, that to act what is right, or the contrary, is principally in the power of men, although fate does co-operate in every action. They say that all souls are incorruptible; but that the souls of good men are only removed into other bodies, — but that the souls of bad men are subject to eternal punishment. But the Sadducees are those who compose the second order, and take away fate entirely, and suppose that God is not concerned in our doing or not doing what is evil; and they say, that to act what is good, or what is evil, is at men's own choice, and that the one or the other belongs so to every one, that they may act as they please. They also take away the belief of the immortal duration of the soul, and the punishments and rewards in Hades.**

The Sadducees' influence faded rapidly after the destruction of the Temple in A.D. 70. Herbert Danby, whose English translation of the Mishnah is still considered authoritative by the schol-

J. H. Hertz, "Foreword," *The Babylonian Talmud, Seder Nezikin* (London: Soncino Press, 1935), p. xiv. Unitarian scholar R. Travers Herford has written several sympathetic accounts of the tradition of the Pharisees, most notably *The Pharisees* (London: George Allen & Unwin, 1924); *The Ethics of the Talmud: Sayings of the Fathers* (New York: Schocken, [1945] 1962).

21. Josephus, *Antiquities of the Jews*, Bk. XIII, Ch. X, Sect. 6. William Whiston translation, 1737.

22. Josephus, *Wars of the Jews*, Bk. II, Ch. VIII, Sect. 14.

arly world, both Jewish²³ and gentile, commented on the undisputed triumph of the Pharisees after the fall of Jerusalem (which lives on as Orthodox Judaism): "Until the destruction of the Second Temple in A.D. 70 they had counted as one only among the schools of thought which played a part in Jewish national and religious life; after the Destruction they took the position, naturally and almost 'immediately,' of sole and undisputed leaders of such Jewish life as survived. Judaism as it has continued since is, if not their creation, at least a faith and a religious institution largely of their fashioning; and the Mishnah is the authoritative record of their labour. Thus it comes about that while Judaism and Christianity alike venerate the Old Testament as canonical Scripture, the Mishnah marks the passage to Judaism as definitely as the New Testament marks the passage to Christianity."²⁴ Neusner is correct when he observes that "the rabbis of late antiquity rewrote in their own image and likeness the entire Scripture and history of Israel, dropping whole eras as though they had never been, ignoring vast bodies of old Jewish writing, inventing whole new books for the canon of Judaism. . . ."²⁵

The supremacy of the Mishnah after A.D. 70 meant the triumph of the Pharisees.²⁶ Similarly, in the modern era, the waning of the Mishnah in Judaism has meant the waning of the Pharisees' spiritual heirs, Orthodox Jews.

Again, the Mishnah is the written version of the Jews' oral

23. I do not understand why it is polite to say "Jewish" and frequently impolite to say "Jew." The suffix "ish" means "sort of." Surely, Christians would take offense if they were referred to as "Christianish." I should think that a Jew, if asked by someone, "Are you Jewish," would reply, "No. I'm a Jew." Anyway, an Orthodox Jew might respond this way. An Orthodox Jew regards Reform Jews as Jewish, i.e., sort of Jews.

24. Herbert Danby, "Introduction," *The Mishnah* (New York: Oxford University Press, [1933] 1987), p. xiii.

25. Jacob Neusner, "Two Faiths Talking about Different Things," *World & I* (Nov. 1987), p. 690.

26. The standard Jewish work on the Pharisees is Rabbi Louis Finkelstein's study, *The Pharisees*, 2 vols. (3rd ed.; Philadelphia Jewish Publication Society of America, 1963).

tradition, while the rabbis' comments on it are called Gemara. The Talmud contains both Mishnah and Gemara. The rabbinical comments comprise the bulk of the Talmud. Danby's standard translation of the Mishnah is one long volume. The Soncino Press edition of the Talmud is 34 volumes, plus the index.

The Torah

When Jews speak of "Torah,"²⁷ they do not always mean the Old Testament or even the Pentateuch. Sometimes they mean something much broader. Christians are generally unaware of this broader usage, which leads them to believe that Orthodox Jews are somehow Christians without Christ, or Unitarians who believe in miracles and angels, i.e., people who believe in the Old Testament by itself. They think of Orthodox Jews as undeveloped Christians, theological first cousins who were publicly disinherited in A.D. 70. They have missed the point of Jesus' absolute challenge to the Pharisees.

Orthodox Judaism constitutes a rival religion that developed alongside the early Church. The Pharisees insisted that the oral law is equal to the written law, as surely as Christians insist that the New Testament is as authoritative as the Old Testament, the Muslims insist that the Koran is as authoritative as the Old Testament, and the Mormons insist that the Book of Mormon is as authoritative as the Old Testament. Each group really means that its unique post-Old Testament document is *more* authoritative now than the Old Testament is. No major religion since the fall of Jerusalem has taken the Old Testament as its sole or even primary authoritative document. Only the Karaite sect of Judaism has pretended to.²⁸

27. 'Direction, instruction, doctrine, law': *Oxford English Dictionary*.

28. The tiny **Karaite** sect, begun in the mid-eighth century, openly opposed the oral law until the nineteenth century, when Reform Judaism began to take hold of Judaism. The **Karaites** never became influential. For this entire period, Rabbi Chajes' mid-nineteenth-century assessment is representative of the preceding seventeen centuries of Judaism: "Allegiance to the authority of the said rabbinic tradition is binding upon all sons of Israel, since these explanations and interpretations have *come down*

The rabbinic Torah is very different from the Old Testament. Danby comments: "It includes the Written Law, the laws explicitly recorded in the Five Books of Moses; it includes also 'the traditions of the elders' or the Oral Law, namely, such beliefs and religious practices as piety and custom had in the course of centuries, consciously or unconsciously, grafted on to or developed out of the Written Law; and it includes yet a third, less tangible element, a spirit of development, whereby Written Law and Oral Law, in spite of seeming differences, are brought into a unity and interpreted and reinterpreted to meet the needs of changed conditions."²⁹ In short, there are three elements that comprise the Torah: the Old Testament, the oral law, and casuistry.³⁰

The two primary questions that I am raising in this book are these: 1) Is traditional Judaism's casuistry even remotely biblical? 2) Is it the product of an anti-Old Testament perspective?

Dialecticism vs. Casuistry

The Talmud is just about useless as a source for writing a Bible commentary, not simply because it is such a difficult set of books to use by Jews or gentiles, but also because the large number of comments by the rabbis are so often very brief, and so often contradictory to each other. A self-conscious dialecticism underlies the Talmud: endless debate without authoritative or logical reconciliation. Dialecticism is one aspect of Judaism's tradition of deliberate secrecy, a tradition adopted by Maimonides in the style of his *Guide of the Perplexed*.³¹

to us by word of mouth from generation to generation, right from the time of Moses. They have been transmitted to us precise, correct, and unadulterated, and he who does not give his adherence to the unwritten law and the rabbinic tradition has no right to share the heritage of Israel; he belongs to the Sadducees or the Karaites who severed connection to us long ago." Chajes, *Student's Guide Through the Talmud*, p. 4.

29. Danby, 'Introduction,' *Mishnah*, pp. xiii-xiv,

30. For a detailed discussion of these additions to the written law of the Old Testament, see R. Travers Herford, *Talmud and Apocrypha* (London: Soncino, 1933), pp. 66-69. Herford was a Unitarian scholar; Soncino Press is the Jewish publishing house that published the official and unabridged English-language Talmud.

31. ". . . Maimonides deliberately contradicts himself, and if a man declares both

A good example of this Talmudic dialecticism is the debate over whether gentiles should be allowed to read the Torah (the five books of Moses). Consider the saying of Rabbi Johanan, on which Maimonides' assertion cited at the beginning of this appendix is based: "R. [Rabbi] Johanan said: A heathen who studies the Torah deserves death, for it is written, *Moses commanded us a law for an inheritance*; it is *our* inheritance, not theirs." Johanan was one of the most prestigious of the rabbis, a disciple of Hillel (late first century B. C.).³² Yet in the same paragraph is recorded the saying of Rabbi Meir, an equally prestigious authority, both jurist and preacher, from the second century A. D.: ". . . even a heathen who studies the Torah is as a High Priest!" So, which is it? Maimonides sided with Johanan, but he could as easily have sided with Meir. This is the main problem in assessing the ethical pronouncements of the Talmud. There is seldom any effective resolution of conflicting viewpoints. This is the characteristic feature of the Talmud: a mountain of brief, sometimes outlandish statements, without any coherent resolution. Paul, a former Pharisee (Philippians 3:5), warned Titus regarding such speculation: "But avoid foolish questions, and genealogies, and contentions, and strivings about the law; for they are unprofitable and vain" (Titus 3:9). Thirty-four fat volumes of this material is wearying to the soul.

The rabbis were often incredibly obscure, in stark contrast to the clear statements of the biblical texts. This was a major point of conflict between Sadducees and Pharisees before the destruction of Jerusalem: the Sadducees believed that the texts of the Torah are clear.³³ Writes Lauterbach of the Sadducees: "They would not devise ingenious methods to explain away a written law or give it a new meaning not warranted by the plain sense of the words."³⁴

that *a is b* and that *a is not b*, he cannot be said to declare anything." Leo Strauss, "How to Read The Guide of the Perplexed," in Moses Maimonides, *The Guide of the Perplexed*, 2 vols., trans. Shlomo Pines (University of Chicago Press, 1963), I, p. xv.

32. *Sanhedrin* 59a.

33. Lauterbach, "Sadducees and Pharisees," *Rabbinical Essays*, p. 31.

34. *Ibid.*, p. 32. The Sadducees were not "proto-Christians," however. They did

The Pharisees disagreed with the Sadducees on this method of interpretation, and the Talmud is the book of the Pharisees. Its comments are often contrary to the biblical text. For example, what are we to make of this comment, obviously an application of Leviticus 18:23, the prohibition on bestiality? “R. [Rabbi] Shimi b. [son of] Hiyya stated: A woman who had intercourse with a beast is eligible to marry a priest.”³⁵ The footnote by the modern Soncino Press commentator makes it even worse: “Even a High Priest.”

Major university libraries will generally have a complete set of the Soncino Press Babylonian Talmud. Because very few English-speaking Christians or Jews have ever even seen a set of the Talmud, let alone read in it, they owe it to themselves to locate a set, open at random in any volume, and carefully read five consecutive pages. Just five pages; that will be sufficient. As they read, they will repeatedly ask themselves this question: “What in the world is this all about?” Then will come a second question: “How can anyone make sense of this?” Most of all, this question: “What has any of this got to do with the Old Testament?”

We will discover the answer in the next chapter: “Very little.”

not believe in the resurrection of the dead, for example, which is why Paul successfully divided the crowd of hostile Jews by claiming that he was being persecuted simply because he accepted the idea of the resurrection (Acts 23:6-10).

35. Babylonian Talmud, *Yebamoth* 59b.

“YOU HAVE HEARD IT SAID”

Whosoever therefore shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of heaven: but whosoever shun do and teach them, the same shall be called great in the kingdom of heaven. For I say unto you, That except your righteousness shall exceed the righteousness of the scribes and Pharisees, ye shall in no case enter into the kingdom of heaven (Matthew 5:19-20).

Orthodox Judaism is not simply “Old Testament theology without Jesus.” It is the religion of “You have heard it said.” This was Jesus’ repeated response to the erroneous oral teachings of the Pharisees. We can use the same technique today as we examine the Talmud.

What you are about to read on the next few pages will forever change your opinion about Orthodox Judaism, unless you are an Orthodox Jew. I want you to read the footnotes, although I cannot imagine that you might skip them. What is revealed here is today publicly available information. For over 1,400 years – in the final version, from 500 A.D. until 1952 – this information was jealously guarded by the rabbis; no unconverted gentile was allowed to gain access to it. When you read just a few pieces of it, you will understand why. But since 1952, the complete Talmud has been available in an unexpurgated English version.’ It sits on university

1. That it had formerly been expurgated is revealed by the editor’s admission: “All the censored passages reappear in the Text or in the Notes.” J. H. Hertz,

shelves, sometimes in the reference section, unused and gathering dust. Orthodox Jewish leaders in England and the U.S. finally decided to adopt the tactic called "hide in plain sight." They apparently concluded that non-Jews would not devote the time and effort necessary to find out what is inside these 34 large volumes. They even provided a comprehensive index. On the whole, they have been correct in their assumptions regarding the non-interest of Christians. This is why you are about to read something that very few Christians have ever even suspected, let alone have ever read.

Approximately three minutes from now – maybe less – when you are finished with the first three examples, you will think to yourself, "Why wasn't I told about this earlier? Why has this code of silence been honored among Christian scholars?" But it is more than a code of silence; for many generations, -Christian scholars have not been doing their homework. They have systematically ignored the fundamental documents of the religion that the New Testament says is the most crucial rival for the future of God's kingdom in history (Remans 11).

I would like to think that if you took this chapter to a seminary professor or Church history professor at a Christian college – or even a secular college — and had him read it, he would be honest and say, "I never heard of any of this." That would be an honest man. If he says, "Well, *everyone* knows about this," you are dealing either with a blow-hard who has been caught or else a man so buried in his primary source documents that he imagines that the rest of the world is subsidized the same way he is. The proper response is this: "Well, then, where have you written about this material? What books can you direct me to that cover the same material?" I guarantee you, he will not know.

Mainly, however, after you have finished reading the first three examples, you will think to yourself "This is beyond belief" This is why I have included direct citations from the original

sources in the footnotes. You can check it out for yourself.

Laymen and church leaders are equally ignorant. Because of this, they do not understand the nature of the conflict between Orthodox Jews and Christians, which stretches back across the entire history of the Church. History books, both secular and Christian, ignore the Talmud. For the most part, they also ignore the Jews. To deal honestly with the history of Judaism, historians need to be aware of the Talmud and its impact. This is why historians refuse to deal honestly with Judaism. They are unwilling even to open a copy of the Talmud, let alone read it cover to cover. These days, neither are most Jews.

Three Teachings of the Talmud

The approach I have chosen here is to adopt Jesus' use of the technique, "You have heard it said." What He was attacking in each case was either a false tradition of the Pharisees or a false interpretation they imposed on an Old Testament text. The same technique of confrontation is applicable today. I could say:

"You have heard it said that gentiles who oppose Israel spend eternity in the nether world being boiled in semen, while Christians spend eternity with Jesus in boiling excrement,² but I say unto you that the New Testament teaches of a far worse eternity for covenant-breakers."

2. Babylonian Talmud, *Gittin* 56b-57a. The text tells a story of a sorcerer, Onkelos son of Kolonikos: "He then went and raised Balaam by incantations. He asked him: Who is in repute in the other world? He replied: Israel. What then, he said, about joining them? He replied: *Thou shalt not seek their peace nor their prosperity all thy days for ever.* He then asked: What is your punishment? He replied: With boiling hot semen. He then went and raised by incantations the sinners of Israel. He asked them: Who is in repute in the other world? They replied: Israel. What about joining them? They replied: Seek their welfare, seek not their harm. Whoever touches them touches the apple of his eye. He said: What is your punishment? They replied: With boiling hot excrement, since a Master has said: Whoever mocks at the words of the Sages is punished with boiling hot excrement."

What has all this got to do with Christ and Christians? Everything. The entry for "Jesus" in *The Jewish Encyclopedia* says that the name of Balaam refers to Jesus, who was "the prototype of Jesus." It specifically cites this passage in the Talmud, *Gittin* 56a-57b, and it equates "the sinners of Israel" with Jesus. It says of Onkelos, "He

Or: "You have heard it said that Adam had intercourse with every beast of the field before cohabiting with Eve,³ but I tell you that bestiality is a great sin before God."

Or: "You have heard it said that a homosexual who seduces a boy under the age of nine need have no guilt, while others have argued that age three is the minimum,⁴ but I say unto you that anyone who does this should be executed, as required by biblical law."

Read the footnotes! This is only the beginning, but it should be sufficient. You now recognize that the Talmud is not a conventional commentary on the Old Testament, although with certain key New Testament concepts missing. On the contrary, the Talmud's contents are only peripherally related to the Old Testament. The Talmud is a giant exercise in finding ways to escape the Old Testament texts. The Pharisees were in rebellion against God's law, all in the name of God's law. This was Jesus' assertion from the beginning:

Woe unto you, scribes and Pharisees, hypocrites! for ye com-

asked Jesus: 'Who is esteemed in that world?' Jesus said: 'Israel.' 'Shall one join them? Jesus said to him: 'Further their well-being; do nothing to their detriment; whoever touches them touches even the apple of His eye.'" *Jewish Encyclopedia*, 12 vols. (New York: Funk & Wagnalls, 1904), VII, p. 172.

3. "R. [Rabbi] Eleazar further stated: What is meant by the Scriptural text, *This is now bone of my bones, and flesh of my flesh?* This teaches that Adam had intercourse with every beast and animal but found no satisfaction until he cohabited with Eve." Babylonian Talmud, *Yebamoth* 63a. Eleazar was an important scholar of the oral law in the years immediately following the fall of Jerusalem in A.D. 70.

4. "Rab said Pederasty with a child below nine years of age is not deemed as pederasty with a child above that. Samuel said: Pederasty with a child below three years is not treated as with a child above that." Babylonian Talmud, *Sanhedrin* 54b. The modern commentator's note explains: "Rab makes nine years the minimum; but if one committed sodomy with a child of lesser age, no guilt is incurred. Samuel makes three the minimum." Rab is the nickname of Rabbi Abba Arika (175?-247 A.D.), the founder of the Jewish academy in the Persian city of Sura [Sora], one of the three great Jewish academies in Persia. Samuel was Mm-Samuel (180-257 A.D.), Rab's contemporary and fellow teacher at Sura, a master of Jewish civil law. See Heinrich Graetz, *History of the Jews*, 6 vols. (Philadelphia: Jewish Publication Society of America, [1893] 1945), II, pp. 512-22.

pass sea and land to make one proselyte, and when he is made, ye make him twofold more the child of hell than yourselves. Woe unto you, ye blind guides, which say, Whosoever shall swear by the temple, it is nothing; but whosoever shall swear by the gold of the temple, he is a debtor! Ye fools and blind: for whether is greater, the gold, or the temple that sanctifieth the gold? And, Whosoever shall swear by the altar, it is nothing; but whosoever sweareth by the gift that is upon it, he is guilty. Ye fools and blind: for whether is greater, the gift, or the altar that sanctifieth the gift? Whoso therefore shall swear by the altar, sweareth by it, and by all things thereon. And whoso shall swear by the temple, sweareth by it, and by him that dwelleth therein. And he that shall swear by heaven, sweareth by the throne of God, and by him that sitteth thereon. Woe unto you, scribes and Pharisees, hypocrites! for ye pay tithes of mint and anise and cummin, and have omitted the weightier matters of the law, judgment, mercy, and faith: these ought ye to have done, and not to leave the other undone. Ye blind guides, which strain at a gnat, and swallow a camel. Woe unto you, scribes and Pharisees, hypocrites! for ye make clean the outside of the cup and of the platter, but within they are full of extortion and excess. Thou blind Pharisee, cleanse first that which is within the cup and platter, that the outside of them may be clean also. Woe unto you, scribes and Pharisees, hypocrites! for ye are like unto whited sepulchres, which indeed appear beautiful outward, but are within full of dead men's bones, and of all uncleanness (Matthew 23:15-27).

What the average Christian does not suspect is that modern Orthodox Jews are the self-conscious and self-proclaimed spiritual heirs of the Pharisees. This is what distinguishes them in their own eyes from Conservative Jews and Reform Jews.

Departing From the Old Testament's Texts

This tradition of departing from the biblical text was maintained by medieval Jewish commentators. S. M. Lehrman is quite forthright about this: "To the rabbis, it was a trivial criticism that at times their explanations were somewhat remote from the actual literary meaning (*peshat*) of the text they sought to illuminate.

Surely, the thing that mattered most was to make the Scriptures a living book with a message for all times."⁵ If this really is what matters most, then the Talmud failed. Men cannot depart from the original meaning of the text without killing the Torah.⁶

David Weiss, formerly an Orthodox Jew but now a professor at the Conservative Jewish Theological Seminary,⁷ is a master of the Talmud, the model for the character David Malter in Chaim Potok's novel, *The Promise*. He has devoted his academic career to a detailed study of the various versions of the Talmud in an attempt to piece together the true text. This discipline is what Christians call "lower criticism" when applied to biblical texts. Here is how Weiss describes the effective use of the Talmud: "With one hand you acknowledge God's existence. At the same time, you want to have some maneuverability. Studying critically is contending with God's writ — acknowledging it but using criticism to alter it. Man is powerless vis-a-vis God and powerful vis-a-vis His Torah. *There* he can assert his independence by offering an interpretation different from the one God intended."⁸

It was this approach to Old Testament law that Jesus publicly challenged. This is the heart and soul of Phariseism. The rabbinic compilers of Jewish 'oral law or "Unwritten Torah" (Mishnah) understood what they were doing: substituting the speculations of men for the "low maneuverability" biblical texts. The compilers of the rabbis' comments on the Mishnah (Gemara) also understood what they were doing. The Talmud is the product of their

5. S. M. Lehrman, *The World of the Midrash* (London: Thomas Yoseloff, 1961), p. 11.

6. What makes the Bible unique among all books is its permanent ethical applicability within a world of historical change. This is because it is the Word of God. It applies perpetually because it is valid eternally. No other document in man's history has possessed or can possess this characteristic.

7. "Like the Orthodox, the Conservatives accept the Torah; but, unlike the Orthodox, they do not necessarily accept it as of divine origin." Joseph Gaer and Rabbi Alfred Wolf, *Our Jewish Heritage* (Hollywood, California Wilshire Book Co., 1957), p. 25.

8. Israel Shenker, "A Life in the Talmud," *New York Times Magazine* (Sept. 11, 1977).

compiling of Mishnah and Gemara. The fundamental premise of the Talmud is incorrect: that it is more meritorious to read the Mishnah and Talmud than to read the Old Testament. "Our rabbis taught: They who occupy themselves with the Bible [alone] are but of indifferent merit; with Mishnah, are indeed meritorious, and are rewarded for it; with Gemara — there can be nothing more meritorious; yet run always to the Mishnah more than to the Gemara. Now, this is self-contradictory."⁹ This, by the way, is an example of the dialecticism that is basic to the Talmud.

Dialecticism and Dualism

Dialecticism is that approach to human knowledge which insists that all truths are inherently opposed to each other, so we need to advance our knowledge by overcoming the inherent contradictions in every truth. This intellectual process, of course, leads to added contradictions that must also be overcome. Hegelian reasoning is the most prominent form of dialecticism in Western philosophy, although Cornelius Van Til spent a good portion of his lengthy intellectual career showing that there is an inescapable dialectical element in all humanist thought.¹⁰

Whenever we discover dialecticism in epistemology — "What can man know, and how can he know it?" — we can begin our search for traces of ethical dualism, the idea that there is one set of ethical standards for the elite, and another set for those on the outside, the "uninitiated." Exodus 12:49 denies the legitimacy of judicial dualism: "One law shall be to him that is homeborn, and unto the stranger that sojourneth among you." The Old Testament placed everyone in Israel under the same law. God required all the people to assemble one year in seven and listen to a public reading of the whole law: "Gather the people together, men, and women, and children, and thy stranger that is within thy gates,

9. *Baba Mezia* 33a.

10. John Frame, "The Problem of Theological Paradox," in Gary North (ed.), *Foundations of Christian Scholarship: Essays in the Van Til Perspective* (Vallecito, California: Ross House Books, 1976), ch. 12.

that they may hear, and that they may learn, and fear the LORD your God, and observe to do all the words of this law: And that their children, which have not known any thing, may hear, and learn to fear the LORD your God, as long as ye live in the land whither ye go over Jordan to possess it" (Deuteronomy 31:12-13). All people were expected to be able to understand and specifics and the principles of God's law, "the letter and the spirit." All residents were equal under God's law.

This judicial principle of equality before the law is basic to the Bible's *lex talionis* principle of "eye for eye." Rabbinic Judaism denies it. For example, a gentile who so much as strikes a Jew is worthy of death. "R. Hanina said: If a heathen smites a Jew, he is worthy of death, for it is written, *And he looked this way and that way, and when he saw that there was no man, he slew the Egyptian*. R. Hanina also said: He who smites an Israelite on the jaw, is as though he had thus assaulted the Divine Presence; for it is written, *One who smiteth man [i.e. an Israelite] attacketh the Holy One.*"¹¹

This view of the inherent inequality of all men before God's law is a denial of God's command not to respect persons:

Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; for the judgment is God's: and the cause that is too hard for you, bring it unto me, and I will hear it (Deuteronomy 1:17).

Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift: for a gift blind the eyes of the wise, and pervert the words of the righteous (Deuteronomy 16:19).

To distinguish different proper penalties for striking Jews as opposed to striking gentiles elevates the Jews to a position of an international elite. This is in accord with Talmudic reasoning. The Talmud offers this doctrine of God's common grace to all men: "*All the families of the earth, even the other families who live on the earth are blessed only for Israel's sake. All the nations of the earth, even the ships that go down from Gaul to Spain are blessed only*

11. *Sanhedrin* 58b.

for Israel's sake."¹²

A Most Peculiar Book

Orthodox Jews believe that the Talmud is an inspired book. They do not treat it as "folklore." They treat it as authoritative.

The Old Testament forbade Molech worship. "And thou shalt not let any of thy seed pass through the fire to Molech, neither shalt thou profane the name of thy God: I am the LORD" (Leviticus 18:2 1). This is repeated in Leviticus 20:2-5. What does the Talmud say about this practice?

MISHNAH. HE WHO GIVES OF HIS SEED TO MOLECH INCURS NO PUNISHMENT UNLESS HE DELIVERS IT TO MOLECH AND CAUSES IT TO PASS THROUGH THE FIRE. IF HE GAVE IT TO MOLECH BUT DID NOT CAUSE IT TO PASS THROUGH THE FIRE, OR THE REVERSE, HE INCURS NO PENALTY, UNLESS HE DOES BOTH.

GEMARA. The Mishnah teaches idolatry and giving to Molech. R. Abin said: Our Mishnah is in accordance with the view that Molech worship is not idolatry. . . . R. Simeon said: If to Molech, he is liable; if to another idol, he is not.¹³

R. Aha the son of Raba said: If one caused all his seed to pass through [the fire] to Molech, he is exempt from punishment, because it is written, of *thy seed* implying, but not all thy seed.¹⁴

This approach to ethics and civil law has become known as "Talmudic reasoning."

Much of the Talmud's space is devoted to diet.¹⁵ For example, it says that eating dates renders a person ineligible to render a legal decision. "Rab said: If one has eaten dates, he should not give a

12. *Yebamoth* 63a.

13. *Sanhedrin* 64a.

14. *Sanhedrin* 64b.

15. The New Testament substitutes the Lord's Supper for the dietary laws of the Old Testament. Both of these meal requirements have served as screening devices. The New Testament annuls the Old Testament's dietary laws: Acts 10; I Corinthians 8.

legal decision. An objection was raised. Dates are wholesome morning and evening, in the afternoon they are bad, at noon they are incomparable. . . .¹⁶ To cure swollen glands, eat the dust from the shadow of a privy. "To make the flesh close he should bring dust from the shadow of a privy and knead it with honey and eat. This is effective. "¹⁷ Bladder stones are dealt with as follows: "For stone in the bladder let him take three drops of tar and three drops of leek juice and three drops of clear wine and pour it on the membrum of a man or on the corresponding place in a woman. Alternatively he can take the ear of a bottle and hang it on the membrum of a man or on the breasts of a woman. Or again he can take a purple thread which has been spun by a woman of ill repute or the daughter of a woman of ill repute and hang it on the membrum of a man or the breasts of a woman. Or again he can take a louse from a man and a woman and hang it on the membrum of a man and the corresponding place in a woman; and when he makes water he should do so on dry thorns near the socket of the door, and he should preserve the stone that issues, as it is good for all fevers. "¹⁸

It offers very specific explanations of the origins of specific diseases. Consider the causes of epilepsy: "And do not stand naked in front of a lamp, for it was taught: He who stands naked in front of a lamp will be an epileptic, and he who cohabits by the light of a lamp will have epileptic children. "¹⁹ It offers comments on such seemingly trivial topics as the proper disposal of fingernails, and the consequences of ignoring this advice. "Three things were said in reference to nails: One who buries them is righteous; one who burns them is pious and one who throws them away is a villain! What is the reason? Lest a pregnant woman should step over them and miscarry."²⁰

16. *Kethuboth* 11a.

17. *Gittin* 69a.

18. *Gittin* 69b.

19. *Peshaim* 112b.

20. *Mo'ed Katan* 18a.

The Old Testament's teaching on how people should deal with sin is very clear: "He that covereth his sins shall not prosper: but whoso confesseth and forsaketh them shall have mercy" (Proverbs 28: 13). "Wash you, make you clean; put away the evil of your doings from before mine eyes; cease to do evil" (Isaiah 1:16). There is no second strategy. The Talmud suggests a second strategy: "For R. Il'ai says, If one sees that his [evil] *yezer* is gaining sway over him, let him go away where he is not known; let him put on sordid clothes, don a sordid wrap and do the sordid deed that his heart desires rather than profane the name of Heaven openly."²¹

The wages of sins not recorded in the Book of Judges: "That wicked wretch [Sisers] had sevenfold intercourse [with Jacl] at that time, as it says, *At her feet he sunk, he fell, he lay*; etc."²²

A way to get even with your enemies: "In R. Judah's opinion the snake's poison is lodged in its fangs; therefore, one who causes it to bite [by placing its fangs against the victim's flesh] is decapitated, whilst the snake itself is exempt. But in the view of the Sages the snake emits the poison of its own accord; therefore the snake is stoned, whilst he who caused it to bite is exempt."²³

Binding, you may bind: "Raba said: If one bound his neighbor and he died of starvation, he is not liable to execution. . . . Raba also said: If he bound him before a lion, he is not liable. . . ."²⁴

Their view of women: "ENGAGE NOT IN TOO MUCH CONVERSATION WITH WOMEN. THEY SAID THIS WITH REGARD TO ONE'S OWN WIFE, HOW MUCH MORE [DOES THE RULE APPLY] WITH REGARD TO ANOTHER MAN'S WIFE."²⁵ Maimonides' comments do not make the passage any more acceptable: "It is a known thing that for the most part conversation with women has to do with sexual

21. *Mo'ed Katan* 17a.

22. *Nazir* 23b.

23. *Sanhedrin* 78a.

24. *Sanhedrin* 77a.

25. *Aboth*, Chap. I. This is the famous *Pierke Aboth*, or 'Sayings of the Fathers.'

matters."²⁶ This view is consistent with the Talmud's general view of women: "The world cannot do without either males or females. Yet happy is he whose children are males, and alas for him whose children are females. "²⁷ At least one section of the Talmud questions the wisdom of instructing women in the law: "How then do we know that others are not commanded to teach her? — Because it is written, '*And ye shun teach them your sons*' — but not your daughters."²⁸

The Question of Circumcision

Most important of all is circumcision, the Talmud says.

It was taught: Rabbi said, Great is circumcision, for none so ardently busied himself with [God's] precepts as our Father Abraham, yet he was called perfect only in virtue of circumcision, as it is written, *Walk before me and be thou perfect*, and it is written, *And I will make my covenant between me and thee*. Another version [of Rabbi's teaching] is this: Great is circumcision, for it counter-balances all the [other] precepts of the Torah, as it is written, *For after the tenor of these words I have made a covenant with thee and with Israel*. Another version is: Great is circumcision, since but for it heaven and earth would not endure, as it is written, [*Thus saith the Lord,*] *But for my covenant by day and night, I would not have appointed the ordinances of Heaven and earth.*²⁹

Contrast these words with Paul's: "But as God hath distributed to every man, as the Lord hath called every one, so let him walk. And so ordain I in all churches. Is any man called being circumcised? let him not become uncircumcised. Is any called in uncircumcision? let him not be circumcised. Circumcision is nothing, and uncircumcision is nothing, but the keeping of the commandments of God" (I Corinthians 7:17-19). He warned all men

²⁶ Cited by Judah Goldin, *The Living Talmud* (University of Chicago Press, 1957), p. 55.

²⁷ *Baba Bathra* 16b.

²⁸ *Kiddushin* 29b.

²⁹ *Nedarim* 32a.

that the issue of life and death is obedience to the God who imposed the requirement of circumcision on the Jews.

For circumcision verily profiteth, if thou keep the law: but if thou be a breaker of the law, thy circumcision is made uncircumcision. Therefore if the uncircumcision keep the righteousness of the law, shall not his uncircumcision be counted for circumcision? And shall not uncircumcision which is by nature, if it fulfil the law, judge thee, who by the letter and circumcision dost transgress the law? For he is not a Jew, which is one outwardly; neither is that circumcision, which is outward in the flesh But he is a Jew, which is one inwardly; and circumcision is that of the heart, in the spirit, and not in the letter; whose praise is not of men, but of God (Remans 2:25-29).

This is why he could write of Christians: "For we are the circumcision, which worship God in the spirit, and rejoice in Christ Jesus, and have no confidence in the flesh" (Philippians 3:3).

It should not be surprising that there has been a conflict of views for almost two millennia between Talmudic Jews and Christians. The two religions are very different. Jesus summarized these irreconcilable differences with His words, "you have heard it said . . . but I say unto you."³⁰ Paul, a former Pharisee (Philippians 3:5), was even more blunt:

For there are many unruly and vain talkers and deceivers, specially they of the circumcision: Whose mouths must be stopped, who subvert whole houses, teaching things which they ought not, for filthy lucre's sake. One of themselves, even a prophet of their own, said, The Cretians are alway liars, evil beasts, slow bellies. This witness is true. Wherefore rebuke them sharply, that they may be sound in the faith; Not giving heed to Jewish fables, and commandments of men, that turn from the truth. Unto the pure all things are pure: but unto them that are defiled and unbelieving is nothing pure; but even their mind and conscience is defiled.

³⁰ I have relied in this section on the summaries and photocopies of 163 passages in the English-language Talmud which was published in *Christian Nws* (July 25, 1988 and August 1, 1988), a conservative Lutheran tabloid P. O. Box 168, New Haven, Missouri.

They profess that they know God; but in works they deny him, being abominable, and disobedient, and unto every good work reprobate (Titus 1:10- 16).

Printing Makes a Difference

When a gentile reads the Talmud or Talmud-related writings, he necessarily enters into Talmud-forbidden ground. If study by gentiles of the written Torah itself is forbidden by Talmudic law, then surely the once-secret Jewish oral tradition of the Torah is prohibited. But when the Talmud is made available in vernacular languages by those who are still believers in its sacred character, as has been done in this century, the traditional criticisms against gentiles who read it necessarily fade. Perhaps even more obviously to those who have struggled through as few as three consecutive pages of the Talmud, by making available a comprehensive index, its defenders in principle thereby "opened the book." Its English-language translators, editors, and publisher have moved the Talmud from the world of religion exclusively to the world of open scholarship. This has clearly modified the ancient rules.

Of course, this has always been the dilemma of Talmudic Judaism. Maimonides faced it when he wrote *A Guide of the Perplexed* (1190). Leo Strauss is correct: the *Guide* is devoted to "the difficulties of the Law" or to "the secrets of the law": "Yet the Law whose secrets Maimonides intends to explain forbids that they be explained in public, or to the public; they may only be explained in private and only to such individuals as possess both theoretical and political wisdom as well as the capacity of both understanding and using allusive speech; for only 'the chapter headings' of the secret teaching may be transmitted even to those who belong to the natural elite. Since every explanation given in writing, at any rate in a book, is a public explanation, Maimonides seems to be compelled by his intention to transgress the Law."³¹ Maimonides was quite forthright about this need for secrecy:

31. Leo Strauss, "How to Read The Guide of the Perplexed," in Moses Maimonides, *The Guide of the Perplexed*, 2 vols., trans. Shlomo Pines (University of Chicago Press, 1963), I, p. xiv. Strauss argues that Maimonides overcame this restriction by

For my purpose is that the truths be glimpsed and then again be concealed, so as not to oppose that divine purpose which one cannot possibly oppose and which has concealed from the vulgar among the people those truths especially requisite for His apprehension. As He has said: *The secret of the Lord is with them that fear Him* [Ps. 25:14]. Know that with regard to natural matters as well, it is impossible to give a clear exposition when teaching some of their principles as they are. For you know the saying of [the Sages], *may their memory be blessed: The Account of the Beginning ought not to be taught in the presence of two men* [Babylonian Talmud, *Hagigah* 1 lb]. Now if someone explained all those matters in a book, he in effect would be *teaching* them to thousands of men. Hence these matters too occur in parables in the books of prophecy. The Sages, *may their memory be blessed*, following the train of these books, likewise have spoken of them in riddles and parables, for there is a close connection between these matters and the divine science, and they too are secrets of that divine science .32

In speaking about very obscure matters it is necessary to conceal some parts and disclose others. Sometimes in the case of certain dicta this necessity requires that the discussion proceed on the basis of a certain premise, whereas in another place necessity requires that the discussion proceed on the basis of another premise contradicting the first one. In such cases the vulgar must in no way be aware of the contradiction; the author accordingly uses some device to conceal it by all means.³³

There may be Orthodox Jews who will criticize me for going to the Talmud and extracting these embarrassing passages for the

adopting literary techniques that made the Guide itself a secret writing p. vx. It was Maimonides' emphasis on secrecy and rigorous writing that influenced the Jewish political theorist Strauss and his followers, of whom Pines is one. Political philosopher and former U.S. Senator John P. East insisted that Strauss "cast himself in the role of a modern Maimonides"; this can be seen in Strauss' book, *Persecution in the Art of Writing* (Westport, Connecticut Greenwood, [1952] 1973). Cf. John P. East, "Leo Strauss and American Conservatism," *Modern Age*, XXI (Winter 1977), p. 7; Archie P. Jones, "Apologists of Classical Tyranny An Introductory Critique of Straussianism," *Journal of Christian Reconstruction*, V (Summer 1978), pp. 112-14.

32. Maimonides, *Guia* 23b-4a, pp. 6-7.

33. *Guide* 10b, p. 18.

purpose of public disclosure and debate. They may say that I am misinterpreting these passages because I am not familiar with another oral teaching tradition that somehow explains away these passages. This would imply that there is a still more secret tradition. Even if this criticism is correct – that a consistent, universally agreed-upon secondary secret oral teaching does exist which explains the primary oral (now translated and printed) once-secret tradition – and even if this additional secret oral teaching does offer interpretations that somehow make these passages in the Talmud appear morally acceptable, all of which I sincerely doubt, Orthodox Jews must then face the reality of any appeal to yet another oral tradition. A tradition of secondary oral explanations and glosses on a 1500-year-old written version (the Talmud) of an authoritative ancient oral tradition is not going to be regarded by outsiders (or even Orthodox Jewish insiders, I suspect) as equally authoritative. What is printed eventually becomes authoritative, especially in the field of civil and criminal law. Lawyers and casuists appeal to known written sources. The Talmud stands as written.

Orthodox Judaism by 1952 had at long last provided the English-speaking public with an officially sanctioned, expensively published version of the Talmud: seemingly unexpurgated, fully annotated, and professionally edited. Until the era of the Industrial Revolution, the Talmud was regarded by all Jews except a handful of Karaites as the sacred oral tradition of Judaism. Orthodox Jews should therefore not object when a gentile reads the Talmud, cites it verbatim, and criticizes it whenever he can demonstrate that it is obviously at odds with non-Talmudic morality. What else did they expect when they published it? They should refrain from criticizing gentiles who are critical of the Talmud's ethics unless they are prepared to discuss these issues in public without appealing to the escape hatch of an even more authoritative secret oral tradition which cannot lawfully be revealed.

Debating Ethical Standards

Why should Orthodox Jews be surprised or even upset when

non-Jews react strongly against the Talmud's teaching, for example, that it is legitimate for a man to have sexual relations with a little girl, just so long as she is under the age of three? The Mishnah says: "WHEN A GROWN-UP MAN HAS HAD SEXUAL INTERCOURSE WITH A LITTLE GIRL, OR WHEN A SMALL BOY HAS HAD INTERCOURSE WITH A GROWN-UP WOMAN, OR [when a girl was accidentally] INJURED BY A PIECE OF WOOD [IN ALL CASES] THEIR KETHUBAH IS TWO HUNDRED [ZUZ]; SO ACCORDING TO R. MEIR."³⁴ Then the Gemara explains: "It means this: When a grown-up man has intercourse with a little girl it is nothing, for when the girl is less than this [annotation: "Lit., 'here', that is, less than three years old"] it is as if one puts a finger into the eye; . . ."³⁵ Should Orthodox Jews really expect Christians to accept the moral validity of such a teaching? Surely the vast majority of Jews today would reject it if they knew about it, which they do not.

As I said earlier, it might be argued that the rabbis were not really arguing for such a seemingly grotesque ethical principle, that it was all some sort of hypothetical debate. This particular debate in the Talmud concerned the kethubah. The kethubah was a deed given by a husband to his bride which specified that if he divorced her, she would receive a monetary payment. The minimum payment was 200 zuz for virgins, but only 100 zuz for non-virgins.³⁶ A defender of the Talmud might argue that what the Mishnah really teaches is the perfectly reasonable principle that very young girls who are subjected to the kinds of intercourse described in the text are to be considered as virgins. While it would be possible to argue that this law's ethical concern focuses only on the innocence of the girl under three year old who is used sexually abused, and that the words "it is nothing" refer only to

³⁴ *Kethuboth* 11a.

³⁵ *Kethuboth* 11 b.

³⁶ Cf. "Ketubbah," in *The Principles of Jewish Law*, edited by Menachem Elon (Jerusalem: Keter, [1975?]), col. 387. The zuz was the smallest Jewish coin.

her, and not to her abuser, then the question inevitably arises: What about the girl aged three years and older? Why treat a four-year-old sexually abused girl as a willing fornicator for the purposes of establishing her kethubah price? Furthermore, why treat as a virgin an adult woman who deliberately has had sexual relations with a small boy who is "less than nine years of age,"³⁷ as the annotator says?

Christians do not ask such questions today. Therefore, Jews do not answer them. The fact is, virtually all modern Christian scholars — at least those who publish — are completely unfamiliar with the passages in the Talmud that I have cited in this essay, and Jews do not try to defend such passages; they remain discreetly silent. There has been a kind of implicit cease-fire agreement regarding the ethical details of the Talmud, and a willingness on both sides to limit all discussions of the ethics of traditional Judaism and especially the Talmud to general ethical principles that have been derived from the less controversial passages. So, over the years, the Talmud has fallen into the shadows. Hardly anyone reads it any more. Yet it is only here that we find a detailed account of what Paul calls "the traditions of my fathers" (Galatians 1:14).

Concealment and Initiation

Jews for many centuries hid the Talmud from the eyes of gentiles. They correctly surmised that Christian leaders would be shocked and outraged if they thought that such teachings were the basis of the autonomous civil legal order that Jews enjoyed through most of medieval history. From time to time, the authorities ordered the confiscation and burning of copies of the Talmud. Rabbi Trattner provides a list of about two dozen of these edicts, from 1240 to 1757.³⁸ But he misleads his Christian audience (his publisher, Thomas Nelson, published and still publishes predomi-

³⁷ *Kethuboth* 1 la.

³⁸ Ernest R. Trattner, *Understanding the Talmud* (New York: Thomas Nelson & Sons, 1955), pp. 200-1.

nantly Christian books) when he offers these three reasons why Christian magistrates have been so hostile to the Talmud in the past:

1. Since it forms the main teaching of the Jewish religion, it has been regarded as the supreme obstacle in preventing Jews from being converted to Christianity.
2. Since the *Talmud* interprets the Old Testament by reshaping ancient Biblical laws to meet the needs of post-Biblical times, it has been charged with the falsification of Scripture.
3. Since the *Talmud* is a non-Christian production, it has been accused of harboring an evil and irreverent attitude towards Christ and the Church.³⁹

Would he say that teaching that Jesus Christ and His followers will be boiled in hot semen and hot excrement for eternity constitutes a reverent attitude? Are Christians supposed to believe that this is a reverent "attitude toward Christ and the Church"?

He goes on: "For many centuries the *Talmud* was regarded as mysterious and a source of blasphemous statements against Christianity. This suspicion was not only grossly untrue but it was magnified and distorted by ignorance of the *Talmud*. The inability of Christian scholars to read the *Talmud* made matters worse."⁴⁰ An uncensored (as far as we gentiles know) version of the Talmud is now in English. Those few of us who bother to consult it still do not find that these ancient suspicions have been calmed. They have in fact been confirmed.

I do not think that Michael Rodkinson was being any more honest than Rabbi Trattner when he wrote these words in the Preface to his expurgated version of the Talmud: "The Talmud is free from the narrowness and bigotry with which it is usually charged, and if phrases used out of their context, and in a sense the very reverse from that which their author intended, are quoted against it, we may be sure that those phrases never existed in the original Talmud, but are the later additions of its enemies and

³⁹. *Ibid.*, p.198.

⁴⁰. *M-m.*

such as never studied it."⁴¹ Then came the Soncino edition.

It is my belief that mandatory training in the oral law served covenant-breaking Judaism for at least two millennia as a means of initiating its religious leaders into what was basically a secret society. By requiring its brightest adolescent males to go through long hours of memorization and discussion of such material, year after year, if they wanted to become rabbis, Judaism for almost two millennia sidetracked its best and brightest young men into some very peculiar ethical avenues — peculiar at least to the outlook of Christians.

By departing from the letter of the Mosaic law, time after time, the rabbis abandoned the spirit of Mosaic law as well. This is why Jesus began so many of His public lessons with the phrase, "You have heard it said . . . but I say unto you." He was waging war with the both the spirit and the letter of Talmudic law, for it violates both the spirit and the letter of biblical law.

This is not to say that Talmudic laws are all corrupt or that the *responsa* (post-Talmudic case law decisions) based on the Talmud are all corrupt. The Jews at least attempted very early to create a unique, distinctly Jewish, systematic body of laws. By viewing their world in terms of law, they involved themselves and their culture in the task of casuistry: applying fixed laws to specific circumstances. They began this process nearly a millennium before the Christians did, and the Christian law codes (Theodosian's, Justinian's) after the sixth century fell into disuse in the West as feudal society steadily replaced Christian Roman rule.

The huge body of materials that their judges had to master required feats of memory that are astounding to gentiles of this day. Few of us can imagine the ability of the contemporary Talmud scholar David Weiss, who memorized 200 pages of the Talmud at age five, and who earned money by answering such questions as this one: "If I put a pin through word X on page Y,

41. Michael L. Rodkinson, "Editor's Preface," *New Edition of the Babylonian Talmud* (Boston: New Talmud Pub. Co., 1903), I, p. xi.

what words would it pierce on the pages beneath?"⁴² Yet there have been many Jews with David Weiss' training and abilities over the centuries. The production of such prodigies has been a Jewish academic specialty for at least two millennia.

Intellectual Discipline

Because they had to master "a book," and an immense one, Jewish scholars had to discipline themselves intellectually. They set the example for their followers. Because rabbis were frequently involved in business trades, this led to a unique attribute of Jewish culture. Writes Paul Johnson: "Rabbinical Judaism is essentially a method whereby ancient laws are adapted to modern and differing conditions by a process of rationalization. The Jews were the first great rationalizers in world history. This had all kinds of consequences as we shall see, but one of its earliest, in a worldly sense, was to turn Jews into methodical, problem-solving businessmen. A great deal of Jewish legal scholarship in the Dark and Middle Ages was devoted to making business dealings fair, honest and efficient."⁴³ But what if they had concentrated their efforts exclusively on the task of explaining the Old Testament without any of the excess baggage of fables, occultism, and judicial interpretations specifically designed to allow criminals to escape the full consequences of their actions? Think of the commentaries they would have produced! Christians could have learned from them (and they from Christians) the things I am spending my life trying to research from scratch. The modern world would be a very different and far more productive place. But they could not do it and still remain Jews, for Jesus had made their dilemma plain:

42. Israel Shenker, "A Life in the Talmud," *New York Times Magazine* (Sept. 11, 1977).

43. Paul Johnson, *A History of the Jews* (New York Harper & Row, 1987), p. 172. Quite properly, he cites Irving Agus' remarkable two-volume study of medieval *responsa* or legal decisions *Urban Civilization in Pre-Crusade Europe* (New York: Yeshiva University Press, 1968), a book I stumbled across in the library in the late 1960's, and recommended to R. J. Rushdoony. He used it in his *Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), p. 788.

"For had ye believed Moses, ye would have believed me: for he wrote of me. But if ye believe not his writings, how shall ye believe my words?" (John 5:46-47). The Mishnah and the Talmud are not what we Christians might have hoped for, and what some Christians have mistakenly believed that they are: commentaries on the Old Testament, but with no mention of the Trinity.

It is also my contention that the unprecedented economic, intellectual, and cultural strides made by Jews in the West could begin, and did begin, only when their young men at last were allowed to become rabbis and leaders within the community without being required to go through this initiatory process. But a price has been extracted by Western society for this advancement. The price has been the steady secularization of the vast majority of Jews, just as Orthodox rabbis have warned their upwardly mobile brethren from the early decades of the nineteenth century until today. Most Western Jews today have become little more than Karaites without the Pentateuch, or even like Unitarians, though with better business connections.

To understand the extent of this later transformation in Jewish life, it is necessary to look at what preceded it. The best way to discover the lost worldview of Orthodox Judaism is to survey the works of the greatest of all medieval Jewish scholars, Moses Maimonides.

**RABBI MOSHE
BEN MAIMON, “MAIMONIDES”**

The Mishneh Torah also becomes an Archimedean fulcrum in the sense that he [Maimonides] regularly mentions it and refers correspondents and inquirers to it. The repeated references convey the impression that he wanted to establish it as a standard manual, a ready, steady, and uniform reference book for practically all issues.

Isadore Twersky (1980) ¹

Few gentile scholars have ever heard of the *Mishneh Torah*, but all medieval historians and specialists in the history of Western philosophy know of Maimonides. Moshe, the son of Maimon, better known as Maimonides (1134-1204), is by far the most famous Jew in medieval history. He was the Rambam (Rabbi Moshe ben Maimon: RMBM). He lived in Spain and later in Cairo, where he served as the Sultan’s physician. He became world-famous as a physician. Copies of at least ten of his medical treatises still survive.² He is best known for his theological-philosophical treatise, *The Guide of the Perplexed* (a better translation than “guide to the perplexed”), completed in 1190. His native tongue was Arabic. He was familiar with the Arabic translations of Aristotle, and he became a major conduit of the flow of Aristote-

1. Isadore Twersky, *Introduction to the Code of Maimonides (Mishneh Torah)* (New Haven, Connecticut Yale University Press, 1980), p. 18.

2. Paul Johnson, *A History of the Jews* (New York: Harper & Row, 1987), p. 186.

lian philosophy into the Jewish community in Europe, as well as into the Christian community.

Maimonides was a medieval man. He did not escape the worldview of his era. Consider his views on slavery. He insisted that slaves should not be taught the Bible. "It is forbidden for a man to teach his slave the Scriptures. If he does teach him, however, the slave does not become free thereby."³ He correctly recognized that the slave might conclude that if he converted to biblical faith, the owner could no longer morally keep him in permanent bondage. This same fear occurred to Christian commentators, too. The post-Temple biblical requirement of the abolition of all forms of permanent slavery was an idea long ignored or unrecognized by all Bible commentators.⁴

The standard view of Bible commentators from the fall of Jerusalem until the early nineteenth century was that slavery is biblically justified because of the curse placed on Canaan by Noah, and this curse was essentially racial in nature, the so-called "curse of Ham." There had indeed been a curse: Noah did curse Canaan, the son of Ham, but this curse was covenantal, not racial, and it was generally fulfilled by the conquest of the land of Canaan by the Israelites, and the subjection of the remnant as slaves. Winthrop Jordan has identified the source of the idea of "Ham's curse" as black skin: the idea first appeared in the Talmud and the Midrash.⁵ The myth that the "curse of the children of Ham" refers exclusively to blacks was universally adopted by Jews, Christians, and

3. Moses Maimonides, *The Book of Acquisition*, Book 12 of *The Code of Maimonides* (New Haven, Connecticut Yale University Press, [1 180] 1951), "Laws Concerning Slaves," Chapter VIII, Section 18, p. 278. Hereafter, I identify chapters by Roman numerals and sections by Arabic numerals.

4. Gary North, *Tools of Dominion: The Case Laws of Exodus* (Tyler, Texas: Institute for Christian Economics, 1990), pp. 138-47.

5. Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 2550-1812* (Chapel Hill: University of North Carolina Press, 1968), p. 18. He cites the *Babylonian Talmud* (Soncino Press edition), tractate *Sanhedrin*, vol. II, p. 745; *Midrash Rabbah* (Soncino Press edition), vol. I, p. 293. Reprinted by Bloch Pub. Co., New York.

Muslims in the Middle Ages.⁶ There is no universal principle of “natural law” or “natural right” which leads inevitably to the acceptance of slavery, yet from the Greeks until the late eighteenth century, slavery was regarded by virtually all Western social philosophers as an inescapable application of natural law theory.

This should warn us against imposing the “self-evident truths” of our own era onto the texts of the Bible. Such an approach to the Bible eventually backfires, as God progressively brings His kingdom’s judicial principles to bear on history.

The Code of Maimonides

To say that Maimonides was a medieval man is to say too little. He was also a man of the pre-medieval world of rabbinic Judaism. What very few non-Jewish scholars are aware of is that Maimonides did far more than write *Guide of the Perplexed*. He also became the chief classifier of an immense body of Jewish law, which included the Talmud (“study” or “learning”). He wrote a fourteen-volume codification which systematically arranged the teachings of the Jewish rabbis on every aspect of Talmudic law. It was called the *Mishneh Torah* (1180), also known as Maimonides’ *Code*.⁷ (It is less well known as “The Strong Hand.”)⁸ It has for centuries remained the definitive summary of the commands of Talmudic law.

6. David Brion Davis, *Slavery and Human Progress* (New York: Oxford University Press, 1984), p. 87. Davis is incorrect when he writes that the doctrine originated in the Middle Ages. Its origin extends back at least as far as the Talmud.

7. Paul Johnson mentions it, but does not cite it directly.

8. Jacob Schachter, “Talmudical Introductions Down to the Time of Chajes,” in Z. H. Chajes, *The Student’s Guide Through the Talmud* (London: East and West Library, 1952), p. 3 (footnote). Rabbi Daniel Lapin pointed out to me that its fourteen volumes or sections correspond to the fourteen joints in the human hand. This is believable, given Maimonides’ use of other physiological analogies as aids to memorization. For example, following the Talmud (*Makkot* 23 b), Maimonides referred to the 613 laws of Judaism as follows: 248 are positive, “their mnemonic is the number of bones in the human body; 365 precepts are negative, and their mnemonic is the number of days in the solar year.” Cited in Twersky, *Introduction to the Code*, p. 30.

The words *mishneh Torah* mean "repetition of the Torah" or law. It is the phrase by which Jews have traditionally identified the Book of Deuteronomy. Deuteronomy restated the Mosaic law for the sake of the children of the generation that had died in the wilderness. Their days of wandering were about to end; they would now face the problems of running God's earthly commonwealth. The rabbis believed that these laws would serve as the starting point of all discussion of the legal rules for ordering the lives of all Jews throughout history. Lerner writes: "Maimonides' *Code* has a similar character; in it he restates the laws of the Torah and of the Talmud without limiting himself to those laws that are applicable to life in the Diaspora. Maimonides' *Mishneh Torah*, like Moses', is concerned with the practical needs of an actual state, that is, the Jewish state prior to the Diaspora and after the coming of the Messiah."⁹ The influence of this work on medieval and subsequent Judaism was very great, beginning almost from the day he wrote it.

Jewish legal scholar George Horowitz writes: "The restatement of Maimonides, the *Mishneh Torah* is still the most orderly and logical classification of the Halakah [Jewish law – G. N.] in existence." ¹⁰ He is not alone in his assessment of Maimonides' Code. Maimonides specialist Isadore Twersky says that "The *Mishneh Torah*, which was to change the entire landscape of Rabbinic literature, also pushed back the frontiers of Maimonides' sphere of influence and made his fame global as well as imperishable. It transformed him, in the course of a few decades, from the 'light of the East' to 'the light of the [entire] exile.' He almost literally became a major Jewish luminary. . . . In one broad generalization, we may say that the *Mishneh Torah* became a prism through which reflection and analysis of virtually all subsequent Talmud study had to pass. There is hardly a book in the broad field of

9. Ralph Lemer, "Moses Maimonides," in Leo Strauss and Joseph Cropsey (eds.), *History of Political Philosophy* (Chicago: Rand McNally, 1963), p. 193.

10. George Horowitz, *The Spirit of Jewish Law* (New York: Central Book Co., [1953] 1963), p. 16.

Rabbinic literature that does not relate in some way to the *Mishneh Torah*.”¹¹ Furthermore, “The *Mishneh Torah* is reputedly second only to the Bible in the number of commentaries and studies it has elicited.”¹²

An incomplete list of 220 major commentaries on the *Mishneh Torah* was made in 1893.¹³ Michael Guttman has written: “The *Mishneh Torah* became the center of the whole halachic literature. It acquired the place of a new code of general esteem and acknowledgment, like the Mishna a thousand years before, and the greatest halakhic scholars entered into competition with each other in composing commentaries to Maimonides and settling the difficulties, which the lack of indicating sources left to them.”¹⁴ His fame throughout Europe spread even faster than copies of the *Code* did.¹⁵

Why should the Code have had such an impact? For one thing, because copies of any book as massive as the Talmud were scarce in the era before modern printing. Maimonides’ fourteen relatively compact volumes were minuscule when compared to the gigantic Talmud. Furthermore, the *Code* is structured by judicial topics; the Talmud’s structure is highly complex and intimidating. But it does share a major defect with the Talmud: its sparse or absent arguments and explanations for controversial assertions. In reading the *Code*, we must remember that Maimonides distinguished between a code and a commentary: “In a monolithic code, only the correct subject matter is recorded, without any questions, without answers, and without any proofs, in the way which Rabbi Judah adopted when he composed the Mishnah.” A commentary,

11. Twersky, *Introduction to the Code*, pp. 19-20; cf. 516-18.

12. *Ibid.*, p. 526. Nevertheless, for generations Talmudists refused to mention the *Mishneh Torah* by name p. 527. This may have been because it enabled laymen to check the decisions of the judges: Johnson, *History*, p. 191.

13. Alexander Marx, Shales in *Jewish History and Booklore* (New York, 1969), pp. 38-41; cited by Johnson, *Hi-dory*, p. 191.

14. Michael Guttman, “The Decisions of Maimonides in His Commentary on the Mishna,” *Hebrew Union College Annual*, II (1925), p. 229.

15. Alexander Mare, “The Correspondence Between the Rabbis of Southern France and Maimonides About Astrology,” *ibid.*, III (1926), pp. 325-26.

he said, records opinions, debates, and identifies sources and persons.¹⁶

As was also true in my verbatim citations from the Talmud in Chapter 7, I am forced hereto cite many passages of the *Mishneh Torah* verbatim. Without these direct citations, most readers would not believe that Maimonides could possibly have expressed the views which he did in fact express. Jews and gentiles alike deserve to be told the truth. Because his comments were so brief, there is little possibility that I am quoting him out of context. There is generally no context surrounding his comments. He offered a few sentences and moved on. Any reader who has even the slightest doubt that I am conveying accurately what Maimonides said should go to the texts and read them.¹⁷

Maimonides' Use of the Old Testament

Maimonides, like the Talmud, systematically ignored or openly rejected the explicit wording of many of the Old Testament case laws. For example, consider the law governing the treatment of Hebrew bondservants. "And if a man smite the eye of his servant, or the eye of his maid, that it perish; he shall let him go free for his eye's sake" (Exodus 21 :26). Notice that it says explicitly, "or the eye of his maid." Irrelevant, concluded Maimonides, who insisted that the phrase, "she shall not go out as the menservants do" (Exodus 21 :7) somehow thwarts the plain meaning of this law: "A Hebrew bondwoman does not become free if her master causes her the loss of a projecting limb, as it is said, *she shall not go out as the menservants do* (Exod. 21 :7)."¹⁸ This, as I hope to show in this chapter, is typical of Maimonides' use of the Old Testament.

Even more startling is his view of the penalty for injuring

16. Letter to Rabbi Phinehas ben Meshullam, judge in Alexandria: reproduced in Twersky, *Introduction to the Code*, p. 33.

17. I take great care to get these citations correctly. Because it is so easy to copy a text inaccurately, in writing all of my books, I have a secretary read the passage to me from the original source, word for word, punctuation mark by punctuation mark, while I correct the manuscript's citation on the computer screen.

18. Maimonides, *Acquisition*, "Laws Concerning Slaves," IV:6, p. 261.

another person's servant. He insisted that there is no penalty. But there is a penalty for injuring another man's animal. "One's slave is regarded as his own person, but his animal is regarded as his inanimate property. Thus, if one places a burning coal on the breast of another's slave so that he dies, or if one pushes a slave into the sea or into a fire from which he can escape but he does not escape and dies, the injurer is exempt from paying compensation. If, however, one does the same to another's animal, it is regarded as if he had placed a burning coal on another's clothing and burned it, in which case he is liable for payment. The same rule applies in all similar cases."¹⁹ God's law supposedly is more concerned with the protection of animals than the protection of men. I cannot imagine what other general principle of jurisprudence could be drawn from Maimonides' exposition of this case law.

He added strange qualifications to the Old Testament texts. Consider the case of a man who injures another. Biblical law and Talmudic law both impose economic penalties on the injuncting victors of such private conflicts. This is basic Old Testament law: "And if men strive together, and one smite another with a stone, or with his fist, and he die not, but keepeth his bed: If he rise again, and walk abroad upon his staff, then shall he that smote him be quit: only he shall pay for the loss of his time, and shall cause him to be thoroughly healed" (Exodus 21:18-19). Maimonides wrote, following Jewish legal tradition: "If one wounds another, he must pay compensation to him for five effects of the injury, namely, damages, pain, medical treatment, enforced idleness, and humiliation. These five effects are all payable from the injurer's best property, as is the law for all who do wrongful damage."²⁰ There is nothing judicially objectionable here. As Maimonides put it, "The Sages have penalized strong-armed fools by

19. Maimonides, *The Book of Torts*, Book 11 of *The Cods of Maimonides*, 14 vols. (New Haven, Connecticut: Yale University Press, 1954), "Laws Concerning Wounding and Damaging," III:22, p. 176.

20. *Ibid.*, "Laws Concerning Wounding and Damaging," I:1, p. 160.

ruling that the injured person should be held trustworthy. . . .²¹ But then he made this strange and unexplained exception: if a person deliberately frightens someone, but does not touch him, he bears no legal liability, only moral liability. Even if he shouts in a person's ear and deafens him, there is no legal liability. Only if he touches the person is there legal liability.²²

Theft and Restitution

Following the Talmud, he offered a strange qualification of another law of legal liability. Exodus 21:1 reads: "If a man shall steal an ox, or a sheep, and kill it, or sell it; he shall restore five oxen for an ox, and four sheep for a sheep." Maimonides ignored this. He said that the extent of the thief's liability is determined by whether he picks up the animal, or merely drags it. If a thief "butchers or sells on the owner's premises (an animal stolen there), he need not pay fourfold or fivefold. But if he lifts the object up, he is liable for theft even before he removes it from the owner's premises. Thus, if one steals a lamb from a fold and it dies on the owner's premises while he is pulling it away, he is exempt. But if he picks it up, or takes it off the owner's premises and it then dies, he is liable."²³ What possible economic difference to the victim does it make whether a thief drags away a stolen animal or picks it up? Maimonides did not say.

A victim's loss, and therefore his legal right to restitution, does not depend on the level of net benefits to the thief in committing the crime. Maimonides did not admit the existence of this biblical judicial principle. Consider the case of a man who places his animal in another man's corn field. It eats some of this corn. The Bible says that the owner of the beast owes the victimized neighbor the equivalent of whatever has been destroyed. "If a man shall cause a field or vineyard to be eaten, and shall put in his beast, and shall feed in another man's field; of the best of his own field,

21. *Ibid.*, V:4, p. 177.

22. *Ibid.*, II:7, pp. 165-66.

23. *Ibid.* "Laws Concerning Theft," II: 16, p. 67.

and of the best of his own vineyard, shall he make restitution" (Exodus 22:5). Maimonides made this peculiar exception: "If an animal eats foodstuffs harmful to it, such as wheat, the owner is exempt because it has not benefited."²⁴ This a wholly new principle of jurisprudence: the victim must patiently bear his economic loss just because his neighbor's animal did not profit biologically from its invasion of the victim's property. This is an interpretation of a specific Old Testament case law that needs a great deal of explaining in order to clarify the underlying principle of justice. Typically, Maimonides provided no further discussion; he just set forth this requirement of Jewish law, and went on.

Borrowed Animals

Exodus 22:14 reads: "And if a man borrow ought of his neighbour, and it be hurt, or die, the owner thereof being not with it, he shall surely make it good." The law says clearly that the borrower is responsible. There are no exceptions. The owner cannot be expected to know whether or not the beast was mistreated by the borrower when it died. Maimonides ignored this. He argued that this law of restitution applies only when a borrowed work animal dies of natural causes while it is resting. If it dies during normal work activities, the borrower is exempt.²⁵

Exodus 22:15 reads: "But if the owner thereof be with it, he shall not make it good: if it be an hired thing, it came for his hire." Incredibly, Maimonides argued that if a man asks another man for a drink of water and also asks to borrow his work animal, no matter what happens to the animal, he owes the lender nothing. Why? Because this is a case of "the owner thereof be with it" (Exodus 22: 15). "Whether the commodatary borrowed the services of the owner or hired them, whether he borrowed the services

24. *Ibid.*, "Laws Concerning Damage by Chattels," III:3, p. 12.

25. "If, however, the animal died while plowing, he is quit." Maimonides, *The Book of Civil Laws*, Book 13 of% *Code of Maimonides* (New Haven, Connecticut Yale University Press, 1949), "Laws Concerning Borrowing and Depositing," I: 1, p. 52. He did say that if the beast died while threshing grain, the borrower is liable.

for the same work, or for other work, or for anything in the world . . . it is a case of borrowing with the owner and the commodatary is quit. If, however, he borrowed the animal first, and then the owner gave him water to drink, it is not a case of borrowing with the owner. And so it is in all similar cases."²⁶ This sort of reasoning places barriers of extreme legalism in between neighbors. Legal technicalities can overwhelm personal relationships.

Talmud VS. Torah

Maimonides' Code does represent both the letter and spirit of the Talmud. This is not simply my opinion. Orthodox Jews have long believed that the *Code* is faithful to the Talmud. The translator of his introduction to the Talmud, which Maimonides wrote at the age of 23, is adamant on this point: "Although he utilized the fruits of his time's researches, every statement of Maimonides is securely grounded and borne from the Torah literature. It is extremely important to bear this in mind. The Torah is the means by which the Rambam saw and explained every thing."²⁷

Horowitz begins his detailed, readable, and nearly indispensable study of Jewish law with this assertion: "Though there are in the laws of Moses not a few specific and literal commands which give emphatic expression to the spirit of that legislation, it is the gradual changes against the letter of Scripture which came about in the course of centuries, that offer the most striking manifestation of the true, the humane spirit of Jewish law."²⁸ But is this really true? Was the "humaneness" of the Jewish legal order truly in-

26. *Ibid.*, II:1, p. 55.

27. Zvi L. Lampel, *Maimonides' Introduction to the Talmud* (New York: Judaica Press, 1975), p. 9.

28. Horowitz, *Spirit of Jewish Law*, pp. 1-2. This reflects a view quite similar to that expressed by Lauterbach in his criticism of Sadduceism because of its having become "blind slaves of the law without regard for its spirit. It divorced the law from life, in that it made the two absolutely independent of each other." Jacob Z. Lauterbach, "The Sadducees and Pharisees" (1913); reprinted in Lauterbach, *Rabbinic Essays* (Cincinnati, Ohio: Hebrew Union College Press, 1951), p. 38.

creased when the rabbis departed from the letter of Old Testament law? I argue that the self-conscious departure on the part of both Christians and Jews from the revealed law of God has decreased the West's humaneness.

The question I am raising in this chapter is this: Does the *Code* represent the spirit of the Old Testament? As we have seen and shall see, it clearly does not represent the letter of the Old Testament. But were Maimonides and the Talmudic scholars whose conclusions he summarized and classified able to retain and make practical the spirit of the Mosaic law? My answer is simple: no. But I must prove my case. To provide evidence of my assertion regarding Jewish law, I have decided to provide a kind of lawyer's brief against Moses Maimonides – specifically, against his views of restitution to gentile victims by Jewish criminals.

The Double Standard

Maimonides insisted that biblical law's general requirement that the thief make two-fold restitution to his victim (Exodus 22:7) applies only in the case of Jews who steal from Jews. It does not apply if a Jew steals from a heathen (gentile). Incredibly, it also does not apply in the case of sacrilege: stealing an animal from a Jewish household if the animal has been set aside for sacrifice to God; the thief is exempted from making two-fold, four-fold, or five-fold restitution: "For Scripture says, *And it be stolen from the house of the man* (Exodus 22:6), but not from the house of the sanctuary."²⁹ Maimonides taught that the Old Testament's standard of double restitution for theft does not apply when a Jew steals either from a heathen or from sacred property. This means that it is less of a crime to steal from God than to steal from man — a strange system of ethics on which to build an explicitly theocentric civilization.

A convicted Jew need not pay double restitution to a gentile, either: "If one steals from a heathen, or if one steals sacred property, he need pay only its capital value, for Scripture says, *Shall*

29. Maimonides, *Torts*, "Laws Concerning Theft," II: 1, p. 64.

pay double to his neighbor (Exod. 22:8) – to his neighbor, but not to the sanctuary; to his neighbor, but not to a heathen. "3°

This is an ethical and judicial system based on a double standard. The Talmud is clear on this point: "Where a suit arises between an Israelite and a heathen, if you can justify the former according to the laws of Israel, justify him and say: 'This is our law'; so also if you can justify him by the laws of the heathens justify him and say [to the other party:] 'This is your law'; but if this can not be done, we use subterfuges to circumvent him."³¹ In short, the Jewish lawyer must do whatever he can to keep his guilty Jewish client from being convicted. (In this sense, Jewish jurisprudence serves as the model for all modern jurisprudence: the lawyer's primary task supposedly is to use the law in order to see his client go free, guilty or not.)

A dual standard of justice applies to lost property:

R. Bibi b. Giddal said that R. Simeon the Pious stated: The robbery of a heathen is prohibited, though an article lost by him is permissible. . . . His lost article is permissible, for R. Hama b. Guria said that Rab stated: Whence can we learn that the lost article of a heathen is permissible? Because it says: *And with all lost thing of thy brother's*: it is to your brother that you make restoration, but you need not make restoration to a heathen.³²

Come and hear: If one finds therein [Soncino Press editor's footnote, "In a city inhabited by Jews and heathens"] a lost object, then if the majority are Israelites it has to be announced, but if the majority are heathens it has not to be announced .33

[The Mishnah is always in capital letters in the Talmud – G.N.]
 WHERE AN OX BELONGING TO AN ISRAELITE HAS
 GORED AN OX BELONGING TO A CANAANITE, THERE
 IS NO LIABILITY. WHEREAS WHERE AN OX BELONG-

30. *Idem.*

31. *Baba Kamma* 113a.

32. *Baba Kamma* 113b.

33. *Baba Mezia* 24a.

ING TO A CANAANITE GOES AN OX BELONGING TO AN ISRAELITE . . . THE COMPENSATION IS TO BE MADE IN FULL.”³⁴

Clearly, Maimonides’ rule would drastically increase hostilities between Jews and gentiles: “The lost property of a heathen may be kept, for Scripture says, *Lost thing of thy brother’s* (Deuteronomy 22:3). Furthermore, if one returns it, he commits a transgression, for he is supporting the wicked of the world.”³⁵ In other words, returning lost property to a gentile is primarily a form of economic subsidy, not primarily an honoring of the principle of owner’s rights.

He did add this qualification: “But if one returns it in order to sanctify God’s name, thereby causing persons to praise the Israelites and realize that they are honest, he is deemed praiseworthy. In cases involving a profanation of God’s name, it is forbidden to keep a heathen’s lost property, and it must be returned.”³⁶ In other words, *in order to maintain the appearance of honesty*, the property should be returned.

The practical problem for the Jews was this: eventually these rules would become known to the gentile community, which would learn the truth about all those Jews who follow Maimonides’ Talmudic precepts. Gentiles would learn that Jews regarded themselves as being governed by a very different concept of honesty from what the Bible itself establishes. At that point, the rule of expediency would be recognized for what it is, and would therefore backfire, bringing reproach on the Jewish community. This is not the way to increase social peace between rival religious groups within a community.

If the town is equally inhabited by Jews and gentiles, he said, the Jew has to advertise that he has found lost property .³⁷ But if

34. *Baba Kamma* 37b. Cf. 38a. Reproductions of these passages appear in *Christian News* (Aug. 1, 1988).

35. Maimonides, *Torts*, “Laws Concerning Robbery and Lost Property,” XI:3, p. 128.

36. *Idem*.

37. *Ibid.*, XI:6, p.129.

the town is less than half populated by Jews, and the lost property is found where heathen generally congregate, or in a highway, the Jew is blameless in keeping it, since "whatever he finds belongs to him, even if an Israelite comes along and identifies it."³⁸ Maimonides warned his fellow Jews that if the owner is a Jew, and he claims the property, the Jew who wishes to follow "the good and upright path and do more than the strict letter of the law requires" should return it to him.³⁹ Nevertheless, he is not required by law to do this.

Maimonides did not limit his principle of discrimination against victims to Jews' dealings with gentiles; he stood foursquare with the general judicial principle of "finders, keepers; losers, weepers." The following rule is literally a corker. "If one finds a cask of wine in a town containing a majority of heathen, any benefit from the wine is forbidden, but the cask may be retained as lost property." Leave the cork in the cask. Presumably, Maimonides was worried about some sort of ritual pollution problem associated with gentile food. This fear is removed as soon as another Jew asserts ownership of the lost cask: ". . . if an Israelite comes and identifies it, the finder may drink the wine."⁴⁰ What a system! As soon as a Jew identifies himself as the legal owner, he loses legal ownership. This is not the best way to reduce personal hostilities within the Jewish community.

Maimonides does provide one rule that makes sense, toward the end of Chapter XI: "If one follows the good and upright path and does more than the strict letter of the law requires, he will return lost property in all cases, even if it is not in keeping with his dignity."⁴¹ But this *is* the strict letter of the law: Exodus 23:4-5: "If thou meet thine enemy's ox or his ass going astray, thou shalt surely bring it back to him again. If thou see the ass of him that hateth thee lying under his burden, and wouldest forbear to help

38. *Ibid.*, XI:7, p. 129.

39. *Idem.*

40. *Ibid.*, XI:8, p. 129.

41. *Ibid.*, XI:17, p. 131.

him, thou shalt surely help with him." Any form of "dignity" that is not in keeping with this law is a form of pride, and should be eliminated, or at least suppressed through self-discipline. Obeying the law regarding lost property is a good place to begin the process.

The Goring Ox

Consider the case law of Exodus governing the goring ox that kills a man: "If an ox gore a man or a woman, that they die: then the ox shall be surely stoned, and his flesh shall not be eaten; but the owner of the ox shall be quit. But if the ox were wont to push with his horn in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or a woman; the ox shall be stoned, and his owner also shall be put to death. If there be laid on him a sum of money, then he shall give for the ransom of his life whatsoever is laid upon him" (Exodus 21:28-30). The language is clear: the owner is fully responsible because the beast is fully responsible. This is consistent with the universal biblical principle of protecting man against the unauthorized shedding of blood: "And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man" (Genesis 9:5).

Maimonides made this exception regarding a guilty domesticated beast: *the beast is not responsible if it kills a heathen*, meaning a *gentile*. "If an ox kills a person anywhere, whether an adult or a minor, a slave or a freeman, it incurs death by stoning whether it is innocuous or forewarned. However, if it kills a heathen, it is exempt in accordance with heathen law."⁴²

Maimonides was far more concerned with the judicial rights of murderous beasts than of innocent men. He did not want to impose needlessly harsh penalties on a killer beast. Following the Talmud, he concluded that it would take considerable evidence to convict an owner of a killer beast. To be identified as a notorious beast, any domesticated animal must first kill three heathen (gen-

42. *Ibid.*, "Laws Concerning Damage by Chattels," X 1, p. 36.

tiles), plus one Israelite; or kill three fatally ill Israelites, plus one in good health; or kill three people at one time, or kill three animals at one time.⁴³

Maimonides added a whole series of exemptions in order to protect owners of murderous animals, which he discussed in Chapter X of the first treatise on torts, "Laws Concerning Damage by Chattels":

11. No owner need pay ransom unless his animal kills outside his premises. But if it kills on his premises, then although it is liable for stoning, the owner is exempt from paying ransom. Thus if one enters a privately owned courtyard without the owner's permission — even if he enters to collect wages or a debt from the owner — and the householder's ox gores him and he dies, the ox must be stoned, but the owner is exempt from paying ransom since the victim had no right to enter another's premises without the owner's consent.
12. If one stands at the entrance and calls to the householder, and the householder answers, "Yes," and he then enters and is gored by the householder's ox and dies, the owner is exempt, for "Yes" means no more than "Stay where you are until I speak to you."⁴⁴

He even exempted the owner of a notorious ox that has gored a pregnant woman whose child is born prematurely. "For Scripture imposes liability to pay the value of such infants on humans only."⁴⁵ Because the ox did it, and is not a human, its owner is exempt; the transfer of liability upward to the owner is cut short, because the ox cannot be held responsible for killing a pregnant woman's unborn child. He did admit that if the ox gores a pregnant bondwoman, and the unborn child dies, the owner is financially liable, "for this is as if the ox gored a she-ass about to foal."⁴⁶ Oxen *are* responsible for damaging other animals, so this responsi-

43. *Ibid.*, X:3, p. 36.

44. *Ibid.*, XI 1-12, pp. 38-39.

45. *Ibid.*, XI:3, p. 40.

46. *Ibid.*, XI:4, p. 40.

bility is lawfully transferred upward to owners, unlike the previous case. I see no way to escape the logic of this position: a pregnant bondswoman is the therefore judicial equivalent of a she-ass, according to Jewish law.

In contrast to his lenient attitude toward murderous animals that kill unborn children, Maimonides was very hard on the “animal associates” of a condemned ox. “If its trial has been concluded and it then becomes mixed with other oxen — even with a thousand others — all must be stoned and buried and are forbidden for use, as is the rule concerning any animal condemned to be stoned.”⁴⁷ Owners of friendly oxen were forewarned by Maimonides: *don't let your law-abiding beasts fall in with bad company!*⁴⁸ The implication is that an animal's judicial guilt is transferred to fellow beasts by the mere possibility of physical contact. This is a radical extension to animals of a false view of the Old Testament's laws of ritual pollution among Jews.⁴⁹

The Mishnah affirmed another double standard: Jewish-owned oxen vs. gentile-owned oxen. “If an ox of an Israelite gored the ox of a gentile, the owner is not culpable. But if the ox of a gentile gored the ox of an Israelite, whether it was accounted harmless or an attested danger, the owner must pay full damages.”⁵⁰ Almost a millennium later, Maimonides reaffirmed this Talmudic principle: he exempted the Israelite owner from being

47. *Ibid.*, X:10, p. 41.

48. What Maimonides and the rabbis failed to understand is this: the guilt of a murderous animal is *covenantal*, not metaphysical. The evil that the animal has committed is not passed to other animals by mere physical contact or proximity. The evil act of the animal was rebellion against the fear of man that God places in every animal's heart (Gen. 9:2). It had trespassed the moral boundaries that God placed in its heart. Maimonides was more concerned about the boundary between the convicted animal and other animals than with the boundary inside the animal between it and mankind, and the physical boundary between the animal and his last three human victims.

49. Pollution in the Bible is ethical. Ritual pollution forced the Hebrews to separate themselves from the gentiles. The pollution laws reinforced *covenantal* separation. The annulment of such laws enabled the Church to enter into pagan societies as a culture-transforming institution.

50. *Baba Kamma IV3, The M-shah*, edited by Herbert Danby (New York: Oxford University Press, [1933] 1987), p. 337.

required to pay damages, whether or not he was forewarned about his beast, if his ox gores an ox belonging to a heathen. He added reasons for the Mishnah's discriminatory law. The "heathen do not hold one responsible for damage caused by one's animals, and their own law is applied to them." This is truly preposterous, and he offers no evidence. On the other hand, the heathen is fully liable, whether or not he was forewarned, if his ox gores the ox of an Israelite. Why? Because "should they not be held liable for damage caused by their animals, they would not take care of them and thus would inflict loss on other people's property."⁵¹ This is a classic example of different laws for different residents, in open violation of Exodus 12:49: "One law shall be to him that is homeborn, and unto the stranger that sojourneth among you."

Maimonides argued that if the ox was unowned at the time of the goring, and is subsequently appropriated by someone else, before the plaintiff can seize it, the new owner is not liable for previous damages.⁵² This would leave the victim without recourse, and it would leave the animal immune from judgment, for it would not serve as payment — ox for ox — for the damages it caused. (Rabbi Judah had early argued that "A wild ox, or an ox belonging to the Temple, or an ox belonging to a proselyte who died are exempt from death, since they have no owner.")⁵³

Even more incredibly, Maimonides argued that if the existing owner renounces ownership after the goring takes place, but before the trial, "he is exempt, for there is no liability unless the ox has an owner both at the time it causes the damage and at the time the case is tried in court."⁵⁴ This would destroy personal legal liability in the most serious cases. The owner would be allowed to separate himself retroactively from the social responsibilities of

51. Maimonides, *Torts*, "Laws Concerning Damage by Chattels," VIII:5, p. 29.

52. *Idem*.

53. *Baba Kamma IV:7, Mishnah*, p. 337. The Talmud also specifies that the ox had to have gored on three previous occasions for the owner to become personally liable: Shalom Albeck, "TORTS. The Principal Categories of Torts," in *The Principles of Jewish Law*, edited by Menachem Elon (Jerusalem: Keter, 1975?), col. 322.

54. Maimonides, *Torts*, "Laws Concerning Damage by Chattels," VIII:4, p. 29.

ownership, as if ownership of a physical object were all that is involved in ownership, and not also the legal immunities and legal responsibilities that are inescapably bound up with possession of the object. Maimonides did not say that the victim could not demand that the beast be destroyed or sold in order to compensate him. He did say that if the owner sells the animal, the victim can collect compensation from the animal, and the buyer must reclaim damages from the defendant.⁵⁵

Maimonides also added that the testimony of certain witnesses is invalid: slaves, shepherds, children, and women. "One must not think that because only slaves, shepherds, or similar persons are generally found in horse stables, cattle stalls, or sheep pens, these should be heard if they testify that one animal has caused damage to another, or that children or women should be relied on if they testify that one person has wounded another or if they testify about other types of damage."⁵⁶

The Origin of the Ghetto

In response to such judicial standards, gentiles in the late medieval period over-reacted by forcing Jews into urban ghettos that were surrounded by high walls and locked at night. They did not want to live as geographical neighbors to people who held such a double standard.⁵⁷ They chose instead to allow Jews to be governed by their own courts in most matters that involved disputes between Jews.⁵⁸ Of course, when it came to Christian rulers (and presumably also private citizens) who defaulted on loans, the Jews may also have occasionally appreciated the walls that pro-

55. *Ibid.*, VIII:6, p. 29.

56. *Ibid.*, VIII:13, p. 31.

57. The social and political results of this policy were evil: forced urbanization, the creation of a permanently alienated political element within the towns, and the eventual subsidizing of nineteenth-century Jewish radicalism, which was far more common in urban settings than in rural ones.

58. Louis Finkelstein, *Jewish Self-Government in the Middle Ages* (Westport, Connecticut Greenwood Press, [1924] 1972).

ted them from excessive contact with gentiles.⁵⁹ (It is also interesting that in the twelfth century, the walled-in Jewish community of Constantinople also had its own wall that separated the 2,000 Talmudic Jews from the 500 anti-Talmudic, "Torah-only" Karaites.)⁶⁰

Forced social division is inevitably the curse of a double legal standard in a single society. Neither group trusts the other; both groups seek to exploit the other, or at least tolerate those within their midst who do. This is why the Bible says, "One law shall be to him that is homeborn, and unto the stranger that sojourneth among you" (Exodus 12:49). This case law appears in the section on the laws regarding strangers and the Passover; it was given to Israel immediately after the exodus itself. This indicates how emphatically God demands that men observe it: even their oppressors, the Egyptians, are entitled to equal treatment before the law.

"For the Sake of the Peace"

The rabbis were not fools, of course. They modified this judicial double standard for practical purposes, namely, "for the sake of the peace." Horowitz explains: "Halakot [law] and customs which discriminated against Gentiles and which might, therefore, appear unjust in the eyes of the world, were not to be enforced or practiced though perhaps 'legally' valid, because it might reflect unfavorably on the Jewish people, its morals and its religion. 'For the Sake of Peace' was in effect an equitable principle which modified the strict law, with regard to treatment of Gentiles."⁶¹ This was a belated recognition of the need for a unified legal

59. In 1306, Philip IV of France evicted the Jews, repudiated his debts to them, and confiscated their property. England drove them out in 1290, after having taxed them heavily and soaked up their capital with forced loans that were then repudiated. In 1370, they were driven from the low countries. Herbert Heaton, *Economic History of Europe* (New York Harper & Row, 1948), p. 184.

60. This was recorded by Benjamin of Tudela in his *Book of Travels* (1168); cited in Johnson, *History of the Jews*, p. 169.

61. Horowitz, *Spirit of Jewish Law*, p. 100.

standard in civil justice and economic dealings. He offers several examples, including this one: "The Talmud seemed definitely to countenance the over-reaching of heathens by Jews in business transactions (*Bava Kamma* 113b). But later authorities held otherwise. 'It is forbidden,' says Maimonides, 'to defraud or deceive any person in business – Jew and non-Jew are to be treated alike. . . . It is wrong to deceive any person in words even without causing him any pecuniary loss (M. *T. Sale*, XVIII, i)."⁶² Centuries later with respect to an error of a Gentile in overpaying eighteen ducats, R. Benjamin b. Mattathiah declared, 'For the sake of sanctifying the Holy Name a Jew should correct and make good the mistake of the Gentile.'⁶³

Maimonides put it this way: "The lost property of a heathen may be kept, for Scripture says, *Lost thing of thy brother's* (Deuteronomy 22:3). Furthermore, if one returns it, he commits a transgression, for he is supporting the wicked of the world. But if one returns it in order to sanctify God's name, thereby causing persons to praise the Israelites and realize that they are honest, he is deemed praiseworthy."⁶⁴ It is revealing that he cited Deuteronomy 22:3, which refers to the lost property of one's brother, but he made no mention of Exodus 23:4-5, which explicitly deals with the lost property of enemies: "If thou meet thine enemy's ox or his ass going astray, thou shalt surely bring it back to him again. If thou see the ass of him that hateth thee lying under his burden, and wouldest forbear to help him, thou shalt surely help with him."

Obviously, when the legal system allows a Jew to discriminate ethically and judicially in terms of religion, and when it also repeatedly requires Jews to ignore this principle of judicial dualism, it becomes almost impossible for the individual Jew to know what to do in specific cases. He is to be guided by his conscience, of course, but a conscience informed by which principle, the princi-

62. See Maimonides, *Acquisition*, "Laws Concerning Sales," XVIII: 1, pp. 63-64.

63. Horowitz, *Spirit of Jewish Law*, p. 101.

64. Maimonides, *Torts*, "Laws Concerning Robbery and Lost Property," XI:3, p. 128.

ple of discrimination or the principle of preserving the peace?

This is the fundamental problem for all casuists: the application of fixed laws to specific circumstances. Horowitz is aware of the problem, at least with respect to biblical law, a problem for which the rabbis have offered no solution: "Thus, paradoxical as it may seem the Rabbis believed that it was their right and duty to make changes in the Biblical law if imperatively required, while maintaining, nevertheless, that the commands of the Torah were unchangeable and might not be added to or diminished."⁶⁵ This is also true with respect to Talmudic law. The key question is this: Which principle of application is dominant in any given case, preserving the peace or allowing a Jewish thief to escape the restitution penalty specified by the Torah? The individual Jew is left without clear ethical guidelines. The rabbis will decide after the fact whether an act is immoral, illegal, or just good business, but that knowledge is of little help to the Jewish decision-maker at the "moment of truth." The predictability of the law and its sanctions — indispensable to social order and also to freedom⁶⁶ — is thereby drastically reduced.

Nowhere is the double standard more visible than in Maimonides' handling of the crime of murder. He stated categorically in Section 1 of Chapter I of "Laws Concerning Murder and the Preservation of Life" that "If one slays a human being, he transgresses a negative commandment, for Scripture says, Thou *shalt not murder* (Exod. 20:13). If one murders wilfully in the presence of witnesses, he is put to death by the sword, for when Scripture says, *He shall surely be punished* (Exod. 21:20), we have learned from tradition that this means death by the sword."⁶⁷ Well and good. But then comes the double standard: "If an Israelite kills a resident alien, he does not suffer capital punishment at the hands of the court, because Scripture says, *And if a man come presumptuously upon*

65. Horowitz, *Spirit of Jewish Law*, p. 94.

66. F. A. Hayek, *The Constitution of Liberty* (University of Chicago Press, 1960).

67. Maimonides, Torts, "Laws Concerning Murder and the Preservation of Life," I:1, p. 195.

his neighbor (Exod. 21:12). Needless to say, one is not put to death if he kills a heathen.”⁶⁸ I do not think any additional comment is needed at this point.

The Accusation of Anti-Semitism

There is no doubt in my mind that opening the Talmud does not really open it. Opening Maimonides' Code, however, does begin to get the Talmud's conclusions into the open, though not its various modes of reasoning. When Jewish scholars co-operated a generation ago in making available an English-language translation of the *Code*, they performed a service analogous to the translating of the Talmud. But this service, being intellectual in nature, opened the formerly linguistically locked gates. Inquirers today are free to enter the gateway and snoop around at their leisure. They may not do justice to everything they find. Or, from a different critic's perspective, they may do greater justice than some would prefer. But this is the cost of intellectual progress. Debates arise, and they sometimes continue for centuries without resolution. This is especially true of religious debates.

The more I read in Maimonides' *Code*, the more I detect a tendency on his part to give the benefit of the doubt to the thief or the cheat, and therefore to sacrifice the interests of the innocent victim. Consider this example: stealing an animal from a fellow Israelite who has set it aside for a priest. "If one steals heave offering from a (lay) Israelite who has designated it (to be given to a priest), he is not obliged to pay double, for the owner's only right in it is the pleasure of giving it to whom he pleases, and such a right has no monetary value.”⁶⁹ I should think that any self-respecting Jew would hope that Maimonides was not a faithful compiler and summarizer of traditional rabbinic opinion, for the sake of the reputation of the rabbis, but his defenders insist that

68. *Ibid.*, II:11, p. 201.

69. Moses Maimonides, *The Book of Torts*, vol. 11 of *The Code of Maimonides* (New Haven, Connecticut Yale University Press, 1954), "Laws Concerning Theft," II:5, p. 64.

he was, and there have been few traditional Jewish detractors of Maimonides who have been visible to gentiles, from his day to the present.

I interacted repeatedly with Maimonides' Code in the footnotes of the text of my economic commentary on the case laws of Exodus, *Tools of Dominion*. Sometimes he got things correctly, and many times he did not. It was my task in this chapter to deal with the ways that he got things wrong rather than right, as well as the reasons why. I suppose I would have a much more difficult task in writing a chapter analyzing Rabbi S. R. Hirsch's commentary on Exodus. I find so often that he got things right.⁷⁰ How was this possible, when he, like most Orthodox Jews of his day and earlier, must have relied heavily on Maimonides — not Maimonides the Aristotelian philosopher, who was regarded with suspicion by Jewish scholars from the beginning, but Maimonides the Talmudist?

So, I find that I am critical of many of Maimonides' economic and judicial opinions, and through him, of the Talmud. But how does a gentile scholar say this politely yet effectively, and also avoid the counter-charge of anti-Semitism? I suppose he does this in the same way that a Jewish scholar would discuss Martin Luther's notoriously anti-Semitic book on the Jews,⁷¹ yet remain free of "anti-gentilism." All I can say is this: what we have here is more than a failure to communicate. It is more than a difference

70. Again and again as I wrote the commentary, I found myself turning to Hirsch and citing him. James Jordan has been working on his study of the dietary laws during the period that I have been working on the case laws. He also has noticed this phenomenon: Hirsch frequently makes sense, while the observations in Maimonides' Cods often seem archaic, superstitious, and irrational. Hirsch sticks to the biblical text far more closely than Maimonides does. Yet he also cites the Talmud, and the conclusions he draws from these citations seem sensible, whereas Maimonides, if he is in fact being faithful to the Talmud (and I find that he seems to be faithful in the cases that I have studied), frequently makes the Talmud seem unreliable. I leave it to Orthodox Jewish scholars to sort out the discrepancies between these two giants of Jewish thought. I have run out of time to pursue the matter.

71. on *the Jews and Their Lies* (1543), published over the years in cheap, poorly printed paperback editions for the anti-Semitic masses, as well as in an expensive

over semantics or semitics. *It is a fundamental debate over biblical hermeneutics*, and both Orthodox Judaism and orthodox Christianity teach that this ultimate division cannot be overcome in principle. It divides Christians from Jews, and has from the first century, whether A.D. or C.E. Arthur Cohen is correct: "I suggest in part, therefore, that the Judeo-Christian tradition is a construct, an artificial gloss of reason over the swarm of fideist passion. . . . What is omitted is the sinew and bone of actuality, for where Jews and Christians divide, divide irreparably, divide finally . . . is that for Jews the Messiah is to come and for Christians he has already come. That is irreparable."⁷²

From the day that the English-language translation of Maimonides' *Code* was completed, the terms of this division came to the surface of the academic waters, and have drifted along ever since. That this debate has not previously broken out stems mainly from the fact that the two sides that presumably care one way or the other about the underlying religious issues and therefore the hermeneutical questions — Orthodox Jews and orthodox Christians — have not debated publicly, primarily because the Christians have never heard of the *Mishneh Torah*. Very few have read any of the Talmud, either. Maimonides' *Code* is an unknown book that comments on a closed book.

hardback collectors' edition by Revisionist Press, 1982. It appears as volume 47 of *Luther's Works* (Philadelphia Fortress, 1971), pp. 137-306. Luther was not alone in his hostility to Judaism. Two years prior to the publication of his book, his arch-rival, Catholic theologian John Eck, published *Refutation of a Jew-Book*, and two years before this, Calvinist Martin Bucer published *On the Jews*. Luther, however, was typically extreme. He recommended seven steps to be taken by the civil government: 1) bum down every synagogue until not a cinder remains; 2) raze the homes of all Jews; 3) confiscate and destroy their books and the Talmud; 4) forbid rabbis to teach on the threat of execution; 5) revoke all safe-conduct passes on the highways; 6) forbid them to loan money at interest; and 7) require them to work at manual labor. *Luther's Works*, vol. 47, pp. 268-72. For a study of European life for Jews in the sixteenth century, see Selma Stem, *Josel of Rosheim* (Philadelphia: Jewish Publication Society, 1965).

72. Arthur A. Cohen, *The Myth of the Judeo-Christian Tradition* (New York Schocken, 1971), p. xii.

POINT 4

SANCTIONS

UNDERMINING JUSTICE

Woe unto you, scribes and Pharisees, hypocrites! for ye pay tithes of mint and anise and cummin, and have omitted the weightier matters of the law, judgment, mercy, and faith: these ought ye to have done, and not to leave the other undone. Ye blind guides, which strain at a gnat, and swallow a camel. Woe unto you, scribes and Pharisees, hypocrites! for ye make clean the outside of the cup and of the platter, but within they are full of extortion and excess (Matthew 23:23-25).

George Horowitz asserts that the spirit of Jewish law has been humane because the rabbis have departed from the letter of Mosaic law.¹ (Implicitly or explicitly, this is the same defense offered by Christian theologians when they also depart from the letter of the Mosaic law without specific New Testament authorizations.) One problem with Horowitz's argument is that Maimonides' interpretations are frequently opposed to the spirit of biblical justice precisely because he ignored the letter of biblical law.

For example, Maimonides discussed the case of a thief who stole an animal or a vessel, and who then immediately slaughtered the animal or deliberately broke the vessel – perhaps to conceal the evidence of the crime? – and later is convicted of the theft. What if, in the meantime, the market value of the stolen object has doubled? Does the thief pay double restitution based on the value of the item at the time of the theft or based on its market value at

¹. George Horowitz, *The Spirit of Jewish Law* (New York Central Book Co., [1953] 1963), pp. 1-2.

the time of the trial? If he has profited from the transaction, Maimonides said, he must pay restitution based on the stolen object's value at the time of the trial. But what if the thief accidentally lost the animal or accidentally broke the vessel? Maimonides stated, though without presenting any justifying argument, that the negligent thief owes restitution only on the value of the object at the time of the theft.²

Such a legal principle would undermine biblical civil justice. First, how is the court to determine whether the loss was accidental? The thief obviously has a financial incentive to lie, since the burden of his repayment will be lighter. Second, what of the victim's added economic loss? Who protects the victim's interests? Why should his loss as a result of the time delay between the theft and the trial not be fully compensated by the thief, irrespective of the latter's quality of stewardship over the stolen goods? What Maimonides should have concluded was that the thief must provide multiple restitution a victim based on the *replacement cost at the time of his conviction* for the crime. If the animal were still alive, he would be required to return that animal, and the animal would obviously be worth today's market value. Thus, the replacement value for a slaughtered animal is also to be worth today's market value, and so is the equivalent proportional restitution payment. This is obvious, this is fair, and Maimonides ignored it. He departed from both the letter of biblical law and its spirit.

He concluded all this by stating that two-fold restitution is not required from any thief who is convicted of stealing bonds, land, or slaves, "because Scripture has imposed the liability for double payment only on movable things that have an intrinsic value, for it says, *On an ox or an ass or a sheep or a garment* (Exod. 22:8)." But aren't slaves movable? Physically, yes, but not legally, he said. "Now slaves are legally regarded the same as land, for Scripture

2. ". . . if, however, the animal dies or the vessel is lost, he need pay only double its value at the time of the theft." Moses Maimonides, *The Book of Torts*, Book 11 of *The Code of Maimonides* (New Haven, Connecticut Yale University Press, 1954), "Laws Concerning Theft," I:14, p. 63.

says of them, *Andy you shall bequeath them. to your sons* (Lev. 25:46). . . . “But aren’t bonds as valuable as movable stolen goods? No; “bonds have no intrinsic value.”³

Committing Crimes Rationally

Furthermore, if a person is subject to flogging for a crime involving the theft of money, Maimonides insisted that he need not make any monetary penalty payment whatsoever to the victim, “because one is not subjected to both flogging and paying.”⁴ Why would a thief be subject to flogging in the first place? Possibly because he had stolen for a second or third time. We would imagine that the victim would receive compensation in the form of a monetary penalty payment, and the civil authorities would also flog the thief as a warning. Not in Maimonides’ system. But he did make this clarification: the criminal must become subject to the monetary penalty and the flogging at the same time; if he commits two separate offenses, he can be required to suffer both penalties.⁵

What, then, is the economically rational conclusion for thieves? *Steal roomy, not goods*, and be sure you commit a trespass at the same time that will involve flogging if you are convicted.⁶ Habitual

3. *Ibid.*, II:2, p. 64. Yet he admits elsewhere that “if one bums a creditor’s bonds, he must pay the full debt recorded in the bond – for although the bond is not intrinsically money, he has caused the loss of money. . . .” *Ibid.*, “Laws Concerning Wounding and Damage,” VII:9, p. 185.

4. *Ibid.*, III: 1, p. 67. He made this one exception: injuring someone, who then becomes eligible for compensation: *ibid.*, “Laws Concerning Wounding and Damaging,” IV:9, p. 173.

5. In the case of robbery – stealing openly by threatening the victim – he said that the restitution payment is mandatory, so there can be no flogging, because “any prohibition the transgression of which may be repaired by restitution does not entail flogging.” *Ibid.*, “Laws Concerning Robbery and Lost Property,” I: 1, p. 90. If we are to accept this explanation at face value, then why did he ever bring up the parallel issue of crimes that require monetary penalties in relation to flogging? Shouldn’t the requirement of restitution always eliminate the possibility of flogging? There is an inconsistency here.

6. Maimonides did not say what kind of crime would bring a person under both penalties simultaneously. This makes it difficult to know what he had in mind.

thieves should steal only money, if the automatic added penalty is a flogging.

Along this same line is his insistence that thefts committed on the Sabbath are exempt from the requirement of restitution, since working on the Sabbath was a capital offense in the Old Testament, and he insisted that "if one commits a transgression entailing capital punishment and also a monetary penalty, he need not pay even if he has acted through error."⁷ But the two crimes must occur at the same time.⁸ "If one steals an animal and butchers it on the Sabbath or kills it as a heathen sacrifice, even through error, he need not pay fourfold or fivefold, as we have explained."⁹ "If one borrows a cow and then butchers it on the Sabbath in an act of theft, he is exempt even from paying double, because the breach of the Sabbath and the theft are done at the same time, and where there is no payment for theft, there can be no penalty for butchering or selling."¹⁰ Who then protects the innocent victim from doubly perverse thieves, who are Sabbath-breakers, too? The more corrupt the criminal, the more judicially vulnerable becomes the innocent victim in Maimonides' system.

We see this especially in his treatment of the thief who is sold into slavery to compensate his victim. Biblical law requires that a thief be sold into slavery if he does not have enough money or assets to compensate his victim: ". . . if he have nothing, then he shall be sold for his theft" (Exodus 22:3 b). Scripture protects the victim, not the thief Maimonides said that if the thief steals a second time, and from a different victim, he may be sold into slavery again, as many times as he steals from a new victim, even a hundred times. "But if he steals a second time from the first person, he may not be sold again, rather whatever he has stolen is counted as a debt against him."¹¹ A truly vicious criminal who

7. *Ibid.*, "Laws Concerning Theft," III:1, p. 67.

8. *Ibid.*, III:1, p. 68.

9. *Ibid.*, III:2, p. 68.

10. *Ibid.*, III:4, pp. 68-69.

11. *Ibid.*, III:15, p. 71.

repeatedly steals from a truly victimized citizen does not suffer the required biblical penalty, said Maimonides. Once again, the interests of the victim are sacrificed for the benefit of the criminal.

He wrote that a thief who improves a stolen good, such as fattening a stolen animal, needs to make double restitution only of the value of the item at the time of the theft. He gets to keep any of the improvements. If the owner had abandoned hope of ever having his goods returned to him, the thief even gets to keep any resulting productivity, such as the offspring of a stolen female animal. Thus, the longer the anguish of the innocent, and the greater his loss of hope, the more likely the thief will profit from his crime.¹²

There should be no double restitution penalty imposed on those who use false weights and measures, Maimonides insisted. It is unquestionably theft, as he recognized. Why no penalty payment? He never said. "Although one who measures or weighs falsely steals thereby, he need not pay double but need only pay for the deficiency in measure or weight. Nor is flogging inflicted for breach of this prohibition, since there is a liability to pay."¹³ Here is another loophole for thieves: *judicially risk-free theft*. If a man steals and is not caught, he keeps what he has stolen; if he gets caught, he is required to give back only what he stole. Worse: it is risk-free for a form of theft which is extremely difficult for the victims to detect, false weights and measures. In short, the more self-conscious the criminal, and the more vulnerable his intended victims, the less the penalty.

The crime of robbery – theft by force¹⁴ – is clearly worse than theft by stealth. The robber steals the object, and he also inflicts fear. True to form, Maimonides exempted the robber from the requirement of making double restitution, which is required from the thief: "If one commits robbery, he must return the very object

12. *Ibid.*, I:11, 12, pp. 61-62.

13. *Ibid.*, VII:2, p. 80.

14. Who is deemed a robber? One who takes another's property by force." *Ibid.*, "Laws Concerning Robbery and Lost Property," I:3, p. 90.

he robbed, for Scripture says, *He shun restore that which he took by robbery* (Lev. 5:23). If, however, the object is lost or altered, he must pay its value. But he is liable for the repayment of its capital value only, whether he confesses of his own accord or whether witnesses testify that he took it by robbery.”¹⁵ Furthermore, “If the owner has abandoned hope of recovery but the property is unchanged, the robber acquires title to any improvement that takes place after hope is abandoned, and he need pay only its value as of the time of the robbery. This rule is on the authority of the Scribes, enacted for the benefit of penitents.”¹⁶ If the owner has given up hope of ever recovering it, he forfeits both the earnings the property might have produced for him and any improvements made by the robber.¹⁷ In short, *the worse the crime, the less the penalty; the greater the suffering by the victim, the less the compensation due to him.*

Kidnapping

If any crime sends fear into the hearts of parents, it is this one. God’s law makes the penalty clear: “And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death” (Exodus 21:16). But the rabbis could not tolerate this law, so they created a system of judicial requirements that made it virtually impossible to convict anyone. Horowitz writes: “The crime consisted of four elements: carrying off, detention, enslavement, and selling, which must occur in the order named.”⁸ The prisoner must be taken completely from his home. He must be detained on the offender’s premises. “If the victim is detained anywhere else, even though he be locked up and completely under the abductor’s control, the crime is not made out.”¹⁹ He must be made a slave by means of “any service or use however slight which

15. *Ibid.*, I:5, p. 91.

16. *Ibid.*, II:2, p. 94.

17. Maimonides cites the anonymous sages to prove that the victim is entitled to the increased market value of the stolen object, if this increase has not come as a result of improvements made by the robber: *ibid.*, II: 16, p. 97.

18. Horowitz, *Spirit of Jewish Law*, p. 196.

19. *Ibid.*, p. 197.

the victim was compelled to render or submit to, e.g. to be leaned on or to be used as a screen against the draft even while he was asleep or unconscious. “2° He must then be sold as a slave, and to strangers rather than kinsmen. He cites *Sanhedrin* 85b. On this basis, none of the sons of Jacob could have been convicted of kidnapping Joseph, for they did not take Joseph from his home, nor did they use him as a slave.

The term “Talmudic reasoning” is attached to logic like that employed by Maimonides — the splitting of hairs in order to make impossible any judicial sanctions against an offender. Maimonides wrote: “If one abducts another and uses him and sells him, but the kidnapped person is still on his own premises and has not been taken onto the premises of the kidnapper, the kidnapper is exempt. If one abducts another and takes him onto his premises and uses him but does not sell him, or sells him before using him, or uses him and sells him to one of the kidnapped person’s relatives – for example, if he sells him to his father or his brother — the kidnapper is exempt, for Scripture says, *Stealing any of his brethren . . . and sell him*, implying that he must separate him from his brethren and kinsfolk by the sale. Similarly, if one abducts a person who is asleep, uses him asleep, and sells him while he is still asleep, the kidnapper is exempt.”²¹

Horowitz’s concluding remarks are appropriate: “That the Rabbis considered the death penalty too severe for this wrong to society and the individual, seems quite plain from the foregoing rules. But they were bound by the express command of Scripture; hence they devised such requirements as made conviction virtually impossible. There is no record, moreover, that a regular court ever convicted a person of Manstealing. “2° Lest this claim be thought unrepresentative because of a presumed lack of data, bear in mind that the Jewish rabbis from all over the world saved records of their court decisions since the tenth century. Something in the

20. *Idem*.

21. Maimonides, *Torts*, “Laws Concerning Theft,” IX:3, p. 86.

22. Horowitz, *Spirit*, pp. 197-98.

range of 3,000 volumes of these records, with at least 300,000 judgments, have been compiled.²³ While these records until recently were unindexed (they are now being put on computer in Israel),²⁴ and therefore were usable only by highly trained specialists who possessed astounding memories, the basic conclusions are known. Thus, Horowitz's statement is probably representative of the history of Jewish decisions regarding kidnapping not one conviction.

Michael Guttman made a similar assessment: "The general principle upon which the Mishnah has to be valued juridically is the endeavor to restrict death punishment to a minimum. The Talmud could not flatly annul the death penalty since a Pentateuchal law could not be abrogated; therefore the requirements pertaining to the giving of evidence and the proof of premeditation were made so severe that a death verdict was almost impossible."²⁵

Covenantal Sanctions

One reason for this reticence to impose the penalties established in the Old Testament was that the Jews believed that every Jewish court had to have at least one judge who had been appointed by the laying on of hands (*semikah*) by a preceding judge. Like the rabbi who supposedly could trace his teachers back to Moses, so was the judge. But there was a problem. This laying on of hands could take place only in the Holy Land. "A court not thus qualified," writes Horowitz, "had no jurisdiction to impose the punishments prescribed in the Torah."²⁶

After the Bar Kochba revolt ended in 135, the Romans scattered the Jews throughout the Empire; the Diaspora began in earnest. This loss of residence was used as an excuse by the rabbis

23. Menachem Elon, "Introduction," in Elon (ed.), *Principles of Jewish Law* (Jerusalem: Keter, [1975?]), col. 13.

24. "Computer Digests the Talmud to Help Rabbis," *New York Times* (Nov. 24, 1984).

25. Michael Guttman, "The Term 'Foreigner' Historically Considered," *Hebrew Union College Annual*, 111 (1926), p. 17.

26. Horowitz, *Spirit of Jewish Law*, p. 93.

to abandon the required sanctions of the Old Covenant:

The Rabbis were compelled, therefore, in order to preserve the Torah and to maintain law and order, to enlarge the authority of Rabbinical tribunals. This they accomplished by emphasizing the distinction between Biblical penalties and Rabbinical penalties. Rabbinical courts after the second century had no authority to impose Biblical punishments since they lacked *semikah*; but as regards penalties created by Rabbinical legislation, the Rabbis had of necessity, the widest powers of enforcement. They instituted, accordingly, a whole series of sanctions and penalties: excommunication, fines, physical punishment, use of the "secular arm" in imitation of the Church, etc. ²⁷

Thus ended, formally, the Old Covenant. It had ended judicially in God's eyes in A.D. 70, but now there could be no mistaking what had happened. *Judaism officially became rabbinic rather than Mosaic.* To "preserve the Torah," the rabbis decided to abandon it. That Rabbi Akiba, one of the early compilers of the oral law, had joined with Bar Kochba and died in this revolt,²⁸ was fitting; the defeat of Bar Kochba was to make possible the triumph of the Talmud over the Old Testament and its required sanctions.

Without sanctions, there can be no Covenant.²⁹ Without God's specified sanctions, there can be no covenant under Him, except as a broken covenant. This is the dilemma of Judaism. The specified sanctions in the Old Testament are no longer applicable, Orthodox Jews believe, because they are outside the land. The

27. *Idem.* So serious was being outside the land that one rabbi cited in the Talmud taught that those Jews buried outside the land will not be resurrected. "R. Eleazar stated: The dead outside the Land will not be resurrected; for it is said in Scripture, *And I will set glory in the land of the living*, [implying] the dead of the land in which I have my *desire* will be resurrected, but the dead [of the land] in which I have no desire will not be resurrected." *Kethuboth* 111a.

28. Supposedly he died on the very day of the birth of Judah haNasi, the compiler of the Mishnah: J. H. Hertz, Foreword, *Babylonian Talmud, Baba Kamma* (London Soncino Press, 1935), p. xv.

29. Ray R. Sutton, *That You May Prosper: Dominion By Covenant* (Tyler, Texas: Institute for Christian Economics, 1987), ch. 4.

specified sanctions of animal sacrifices are also gone. The Temple was destroyed in A.D. 70. Yet without these sanctions — against criminals and against animal representatives — there cannot be Old Covenant religion. There can only be a broken covenant.

Jews do not admit that they have lived under a broken covenant since the fall of Jerusalem. To do so would be to abandon Judaism. And yet, in terms of their civic religion, they have already abandoned Judaism. They have made their covenantal pact, not under Jesus Christ as Lord of the universe, but under self-proclaimed autonomous man as lord of the evolutionary process. Even Orthodox Jews, as the self-proclaimed heirs of the Pharisees, have sold their birthright for a mess of pottage, or, given the nature of humanism's promises, a pot of message. The result has been the twin pressures of the steady erosion of Orthodox Judaism or else the steady isolation of Orthodox Judaism.

POINT 5

CONTINUITY

THE ISOLATION OR EROSION OF ORTHODOX JUDAISM

Beware lest any man spoil you through philosophy and vain deceit, after the tradition of men, after the rudiments of the world, and not after Christ (Colossians 2:8).

The heart and soul of Orthodox Judaism is its evolutionary ethical character, not its explicit theology. So radical is this process theology that Orthodox Jews believe that God Himself is continually engaged in a study of His own law, in association with the souls of deceased Jews. This goes on in the Academy on High – a concept so preposterous that modern Jewish scholars downplay it, describe it as merely a metaphor, and refuse to consider the possibility that Jews once took the Talmud and the Old Testament as literally inspired. (Liberalism of ancient texts and ancient religious beliefs is simply not permitted to the founders of still-existing Western religions by those who still want the prestige, communal stability, and tenured security provided by the skeptical heirs of these still-literalistic religions.) The uninitiated — a very important word — cannot easily understand this commitment to process. Rabbi Louis Finkelstein was the head of the Jewish Theological Society of America. In his 1961 introduction to the reprint of Solomon Schechter's *Aspects of Rabbinic Theology* (1901), he writes:

The view that inquiry into the nature and requirements of Torah is more than a human need, being a cosmic process, is even more difficult to communicate to the uninitiated. Doubtless that is

why Schechter did not include in his book any discussion of the fundamental Rabbinic concept of the Academy on High. The belief that study of the Torah is one of the Deity's main concerns, and that God Himself is each day expanding the scope and insight of Torah, engaging in this labor in association with the souls of the saints who have departed mortal life, is a theological metaphor; but for the Rabbinic scholars the metaphor represented reality – the profoundest of all realities.

That the Torah is at once perfect and perpetually incomplete; that like the Universe itself it was created to be a process, rather than a system – a method of inquiry into the right, rather than a codified collection of answers; that to discover possible situations with which it might deal and to analyze their moral implications in the light of its teachings is to share the labor of Divinity – these are inherent elements of Rabbinic thought, dominating the manner of life it recommends.]

Judaism is a religion that historically has spent very little time on systematic theology and philosophy. “Inherent logical unity can be forced on Judaism only at the cost of distortion,” writes Finkelstein.² It is a religion that spends very little time on theology and philosophy. Maimonides in this sense was a self-conscious exception to this tradition. This is one reason why Orthodox Jewish scholars have been nervous about Maimonides from the beginning: *Guide of the Perplexed* has always been perceived as just too philosophical for comfort, too Aristotelian for reliability, however tight a grip his *Strong Hand* has maintained on their thinking.³ This, despite the fact that he warned the reader, “I adjure – by God, may he be exalted! — every reader of this Treatise of mine not to comment upon a single word of it and not to explain to another anything in it save that which has been explained and commented

1. Louis Finkelstein, “Introduction to New Edition,” Solomon Schechter, *Aspects of Rabbinic Theology* (New York Schocken, 1961), pp. xix-xx.

2. *Ibid.*, p. xiii.

3. For example, Maimonides insisted that “this divine science cannot become actual except after a study of natural science.” Maimonides, *The Guide of the Perplexed*, 2 vols. (University of Chicago Press, 1963), 5% I, p. 9.

upon in the words of the famous Sages of our Law who preceded me."4

Judaism is overwhelmingly a religion defined by a system of evolving rules of conduct. Again, Christians have not understood this, for they mistakenly equate Judaism with the fixed rules of the Old Testament. Danby is correct in his evaluation: "The Mishnah is not a finally authoritative corpus of the beliefs and practices of Judaism: it is of the nature of Judaism that it can have no such thing. 'The Law', which alone is Jewish doctrine, has in it an inherent principle of development which, while holding fast to the foundations laid down in the Mosaic legislation, makes it intolerant of dogmatic definition or set credal forms."5

Evolving Ethics and Cultural Suicide

It is this anti-dogmatism and anti-credalism that is the incapable fact of Judaism's history, which today threatens to overwhelm mainstream Judaism, just as a very similar theological relativism has very nearly overwhelmed mainstream Christianity. But Christianity has always had an institutional advantage over Orthodox Judaism: it is both credal and judicial, both dogmatic and ethical. Its doctrine of the covenant proclaims fixed biblical laws at its third point.⁶ The revival of Christian casuistry that is presently taking place⁷ proclaims self-consciously the authoritative character of the Old Testament's ethical principles and, as my economic commentary on the Bible indicates, the contemporary applicability of the letter of Old Testament law as well.

The evolutionary judicial character of Judaism has led to the near-destruction of Orthodoxy's influence in Western Judaism. The dual social forces of Western capitalism and secularism estab-

4. *Guide* 9a; p. 15.

5. Herbert Danby, "Introduction," *The Mishnah* (New York: Oxford University Press, [1933] 1987), pp. xv-xvi.

6. Ray R. Sutton, *That You May Prosper: Dominion By Covenant* (Tyler, Texas: Institute for Christian Economics, 1987), ch. 3.

7. I refer here to Christian Reconstruction or theonomy.

lished institutional and philosophical foundations that have steadily undermined Talmudic religion and culture. The more ethically evolutionary any particular worldview has been, the more rapidly it has succumbed to this powerful pair of social forces. Judaism was especially vulnerable.

The factor that most threatened Orthodox Judaism was industrial society's growing toleration. In the mid-nineteenth century, when Jews in Western Europe and the United States began to enter the new industrial capitalist world, they found that the older discriminatory legal barriers had been progressively weakened by the new forces of economic competition. An individual's economic productivity in an open ("impersonal")⁸ competitive market is judged apart from considerations of his religious affiliation. To the extent that non-market forms of racial or religious discrimination persist, those who discriminate against economically efficient employees or suppliers (or – much more rare – buyers) must pay a price for their actions: reduced income because of reduced efficiency.⁹ The free market penalizes economically all those who discriminate on any basis except price and quality of output. Price competition has always been fundamental to the spread of free market capitalism,¹⁰ and Jews became masters of competitive pricing.¹¹ Jews began to move out of the ghetto. The ghetto's walls, both literal and figurative, came tumbling down.

Jewish legal scholar Menachem Elon has argued that it was

8. On the proper and improper use of the term "impersonal" to describe market economies, see Gary North, *The Dominion Covenant: Genesis* (2nd ed.; Tyler, Texas: Institute for Christian Economics, 1987), pp. 9-11.

9. "The least prejudiced sellers will come to dominate the market in much the same way as people who are least afraid of heights come to dominate occupations that require working at heights They demand a smaller premium." Richard A. Posner, *Economic Analysis of Law* (Boston: Little, Brown, 1986), p. 616.

10. Max Weber, *General Economic History*, trans. Frank H. Knight (New York: Collier, [1920] 1966), p. 230.

11. The common phrase, "he Jewed me down," points to this phenomenon of the Jew as a price-cutter. If one were to say, "he Jewed me up," it would make no sense. The Jew as the price-cutting haggler is universally recognizable, but not the Jew as the price-gouger. He is resented by people in their capacity as producers and retail

the Jews' system of separate civil courts that was crucial to the maintenance of the autonomy of Jews as a people. When judicial emancipation began in eighteenth-century Western Europe, this autonomous character of Judaism began to erode. Jews were increasingly entitled to civil justice in secular civil courts, and they took advantage of this revolutionary development. Jewish commercial law and other areas of "secular world" law began to atrophy. This secularism began to undermine the foundations of Orthodox Judaism¹² – a term which itself was the product of the process of change.¹³ Rabbi Samson Raphael Hirsch asked the key question which most Jews have refused to face: "What would you have achieved if you became *free* Jews, and you ceased to be *Jews*?"¹⁴ Nevertheless, his own efforts to integrate the techniques and findings of modern science and philosophy with Judaism eventually led to a reduced resistance of Orthodox Judaism to secularism, as surely as Aquinas' analogous efforts had done for Christianity seven centuries earlier.

The Faustian Bargain

From the New Testament period to the present, the lure of pagan philosophy has proven irresistible to Jews, as it has also for Christians. Out of Greek philosophy came Hellenism, and Hellenism's influence on early rabbinic Judaism was very great.¹⁵ Never-

sellors, not as consumers. Gentiles are always looking for the elusive "Jewish brother-in-law deal."

It is not random that the four ethnic groups that are thought of as price-cutters have had decidedly biblical backgrounds: the Dutch ("Dutch treat" dates are those in which the girl pays), the Scots, the Armenians, and the Jews.

12. Menachem Elon, "Introduction," in Elon (ed.), *The Principles of Jewish Law* (Jerusalem: Keter, 1975), col. 35.

13. It was Rabbi Samson R. Hirsch who accepted the term "Orthodox" which had been used as an epithet by secular Jews in the mid-nineteenth century. I. Grunfeld, Samson Raphael Hirsch – The Man and His Mission," in *Judaism Eternal: Selected Essays from the Writings of Samson Raphael Hirsch* (London: Soncino Press, 1956), p. xlvii.

14. *Ibid.*, p. xxxix.

15. Martin Hengel, *Judaism and Hellenism: Studies in their Encounter in Palestine during the Early Hellenic Period*, 2 vols. (Philadelphia Fortress Press, 1974).

theless, the impact of pagan philosophy in Judaism was less direct in the Middle Ages, probably due to the isolation of Jews from the surrounding gentile Christian culture. It is not surprising that the path of Greek philosophy into late medieval Judaism, and then into Christianity, was by way of Islam, especially through Maimonides. Aristotle came to Paris through Cairo and Spain.

For centuries, Talmudic Judaism resisted the rational categories of pagan wisdom, despite *The Guide of the Perplexed*. But with S. R. Hirsch in the mid-nineteenth century, the epistemological barriers began to break down.¹⁶ This process of cultural and intellectual assimilation accelerated rapidly in twentieth-century America, especially after the Second World War. The most prestigious American universities opened their doors to all those who could compete academically, and Jews surely could compete. They at last gained equal access to the professional schools — law, medicine, architecture — as well as to the Ph. D.-granting graduate schools. The price they were asked to pay, however, was very high. Too high. The universities offered a Faustian bargain to Jews (and also to Bible-believing Christians): “You may go as high as your brains can carry you, just so long as you leave your religion off campus.” Most academically oriented Jews could not resist this offer.¹⁷ Inter-marriage with the gentiles whom they met on campus was also nearly inevitable. Cohen’s remarks are on target: “The Jew, in joining the West, no longer joined a Christian West, for he did not join a church wedded to a society. . . . The Jew joined an already de-Christianizing West, and as part of the bargain he agreed — foolishly — to de-Judaize.”¹⁸ What Nazi Germany’s poli-

16. I. Grunfeld, “Samson Raphael Hirsch – The Man and His Mission,” in *Judaism Eternal*.

17. A very effective presentation of this post-1940 transformation of Judaism is found in the Chaim Potok’s novel and the movie based on it, *The Chosen*. In the early 1960’s, Potok served as editor of the Jewish Publication Society of America’s translation of the Hebrew Bible. Potok, “The Bible’s Inspired Art,” *New York Times Magazine* (C)ct. 3, 1982), p. 63.

18. Arthur A. Cohen, *The Myth of the Judeo-Christian Tradition* (New York Schocken, 1971), p. 186.

tics had not achieved in the 1930's, Prussia's earlier export of the academic state certification system did achieve: the suppression of traditional religion through the enthusiastic co-operation of the suppressed. Secular education is the humanist world's hoped-for "final solution" for both orthodox Christianity and Orthodox Judaism.

In the twentieth century, the tide has rapidly flowed against Talmudic Judaism; first the Nazis and then secularism uprooted Orthodox Judaism. Higher criticism of the Bible has produced the same bitter fruit of skepticism and liberalism in Jewish circles that it has produced in Christian circles.¹⁹ There was not only bitter fruit but also forbidden fruit to be eaten. By the millions, they have feasted on this forbidden fruit. Schechter was correct: biblical higher criticism was in fact the "higher anti-Semitism," for it obliterated the official foundation of the Jewish experience.²⁰ But this was a case of the hermeneutical chickens coming home to roost, for Judaism had long undermined this original foundation through its ever-evolving traditionalism.

Traditional Judaism's ethical rules began to change, and there-

19. The Jewish scholar most responsible for the introduction of higher criticism into Jewish curricula was the extraordinary linguist, Julian Morgenstern, who also served as president of Hebrew Union College in Cincinnati, Ohio, after 1921. Born in 1881, he was still writing scholarly essays in the mid- 1960's in the *Hebrew Union College Annual*. ("The *Hasidim* - Who Were They?" *HUCA*, XXXVIII, 1967.) Indicative of his extent of his life's work was his four-part study, "The Book of the Covenant." Part I appeared in the 1928 issue; Part II appeared in 1930; Part III in 1931-32; and Part IV in 1962. He was elected president of the American Oriental Society in 1928-29 and president of the Society of Biblical Literature in 1941. "Morgenstern assumed a position of pre-eminence as a philosopher and theoretician of Reform Judaism. . . . Modern developments, he showed convincingly, are only the latest manifestations of the adjustments that have taken place over and over whenever Judaism has come into contact with a superior culture." Morris Lieberman, "Julian Morgenstern - Scholar, Teacher and Leader," *Hebrew Union College Annual*, XXXII (1962), p. 6. Morgenstern was a dedicated humanist and internationalist. Cf. Morgenstern, "Nationalism, Universalist, and World Religion," in Charles Frederick Walker (ed.), *World Fellowship, Addresses and Messages by Leading Statesmen of All Faiths, Races and Countries* (New York Liveright, 1935). This was his address to the second Parliament of Religions, held in Chicago in 1933.

20. Cohen, *Myth of Judeo-Christian Tradition*, p. xviii.

fore the whole religion had to change. Reform Judaism launched a successful intellectual attack on Orthodox Judaism in the early decades of the nineteenth century, leading to the steady isolation of the defenders of old Pharisee tradition, and in the twentieth century, secular Judaism and Conservative Judaism have become the dominant traditions. Orthodox Judaism today retains very little influence outside of the state of Israel. Reform Judaism and conservative Judaism are overwhelmingly dominant in the West. Secular Jews seem to be the norm today, as far as gentiles can discern. (The most memorable description I have ever read regarding the outlook of secular Jews regarding Judaism is Lis Harris' description of her family, "fires whose home team was the Jews.")²¹ Anti-credalism giveth, and anti-credalism taketh away.

The Crisis of Modern Judaism

The crisis of modern Judaism is today the crisis of humanism. Rushdoony identified the underlying problem a generation ago: "Judaism grew out of the rejection of Jesus Christ and steadily became humanism, and the Talmud is essentially the exposition of humanism under the facade of Scripture. There is thus actually no true theism, or worship of the absolute God, apart from orthodox Christianity."²² Thus, when humanism offered Jews the visible blessings of increasing their participation in secular culture, very few Jews resisted. They already shared too many of the presuppositions of the humanists: dialecticism, evolutionary ethics, the open-endedness of scholarly debate, and the need for an educated elite for social advancement.

We all need to remember that the first full-scale move to emancipate the Jews politically came during the French Revolution. This was an aspect of the French religion of democracy; it was also part of the revolutionaries' war against the church. It was an aspect of French political messianism, to use J. L. Talmon's

21. Lis Hams, *Holy Days: The World of a Hasidic Family* (New York: Summit Books, 1985), p. 17.

22. *Newsletter* #18 (March 1, 1967).

felicitous phrase.²³ It was also - again citing Talmon - part of the origins of totalitarian democracy.²⁴ How could the Jews be left outside the democratic process? Their messianic exclusivist could not be allowed to resist the all-encompassing process of absorption into the universal classification of "citizen." Rosenstock-Huessy is on target: "The national messianism of the French had to outbid the messianism embodied by the Jews themselves. The French could not bear that any nation should be more messianic than their own."²⁵

The sweeping victory of revolutionary ideas in Western Europe under Napoleon and after made the emancipation of the Jews inevitable. But there was the quid pro quo: "The process of the *assimilation* of the Jews followed upon their *emancipation*: it was their grateful answer to the emancipation. . . . The emancipation of the Jews was a stroke of the pen on the part of the respective legislators; the assimilation of the Jews was their attempt to answer this opening of the doors of Europe. Most of them simply entered the doors of modern Europe. . . ."²⁶ It was this which made the Jews the allies of liberalism,²⁷ an alliance which still persists in the U.S.²⁸

Orthodox Jews have been more successful than their Conservative and Reform peers in maintaining their distance from modern humanism, but they have also maintained their distance from the other branches of Judaism. This self-conscious separatism has led to the political and cultural isolation of Orthodox Jews. To the extent that they have been successful, they have had to turn their

23. J. L. Talmon, *Political Messianism: The Romantic Phase* (New York Praeger, 1961).

24. Talmon, *Origins of Totalitarian Democracy* (New York: Praeger, 1960).

25. Eugen Rosenstock-Huessy, *Out of Revolution: Autobiography of Western Man* (Norwich, Connecticut Argo Books, [1938] 1969), p. 217.

26. *Ibid.*, p. 218.

27. *Ibid.*, pp. 218-19.

28. Irving Kristol, "Liberalism & American Jews," *Commentary* (Oct. 1988). Cf. Milton Himmelfarb, "American Jews: Diehard Conservatives," *ibid.* (April 1969). He means conservative in the sense of refusing to change.

backs on the lure of both cultural assimilation and the secular separatism of political Zionism.²⁹

The Orthodox Jew, like the orthodox Christian, has no choice: he must see that his children are educated in schools financed and staffed by those of his own faith. There is no other way to resist the acids of humanism. But if both groups do this, they will learn, step by step, that the Judeo-Christian tradition is a myth. Why? Because they will learn that the legacy of the American civil religion, if pursued consistently, leads ultimately to what Will Herberg suspected that it might: to idolatry. It leads to the worship of man.

Cultural Circumcision

The Jew is separated from the general culture by the dietary laws. This is his immunization from the rival covenants: Christ's and paganisms. If he can maintain this separation, he cannot easily marry those of another covenant, nor can he intermingle easily.

The barrier works both ways, however. He cannot exercise dominion in history. This is why he waits until the Messiah comes, to impose His power on earth. It is only by imposing power from above that Orthodox Jews can rule, for they cannot eat with gentiles. They cannot assimilate gentiles into Judaism, nor do they want to. On the other hand, they cannot not be assimilated by gentiles, for they cannot share a meal with them. So, the Jew who is faithful to the dietary standards of rabbinical Judaism is isolated. He can interact with gentiles, even be friends with gentiles, but he cannot become part of the gentile world.

Here is the dilemma of Orthodox Judaism. Here is why its only hope is in the appearance in history of the Messiah. Only the Messiah can bring in the kingdom – a uniquely Jewish kingdom. It cannot be brought in by politics, cultural conquest, or economic power. The Jews, in short, are politically circumcised: *cut off* from

29. Edward Norden, "Behind 'Who Is a Jew': A Letter from Jerusalem," *Commentary* (April 1989).

judicial authority to the extent that they adhere to the terms of their covenant. They can have no legitimate hope in political salvation, which is theologically healthy, but they also can have no legitimate hope in cultural dominion. At best, they can pray for and work for a holding action: social peace until the Messiah comes. This circumscribes their temporal horizon. They can hope only in a future discontinuity. There is no relationship between political and social action now and the triumph of their covenant in history. For this reason, Orthodox Jews in the United States were initially divided about the importance and meaning of the state of Israel in 1948, and even today they look at that nation as a political phenomenon rather than a kingdom phenomenon. They have thereby adopted the mythology of humanism: the myth of kingdom-less politics.

The essence of the coming of the Messiah is kingdom discontinuity. This reduces the Jew's incentive to transform this world in preparation for the Messiah. What the faithful Jew does in time and on earth will not hasten the appearance of the Messiah. Thus, the earthly manifestation of the kingdom of God is far in the future, or, if there are signs of it in the present, it is temporally truncated by the expectation of the great discontinuity. Expectations are high regarding the Messiah; they are inescapably low regarding the comparative accomplishments of Judaism before the Messiah comes.

CONCLUSION

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Then stood there up one in the council, a Pharisee, named Gamaliel, a doctor of the law, had in reputation among all the people, and commanded to put the apostles forth a little space; And said unto them, Ye men of Israel, take heed to yourselves what ye intend to do as touching these men. For before these days rose up Theudas, boasting himself to be somebody; to whom a number of men, about four hundred, joined themselves: who was slain; and all, as many as obeyed him, were scattered, and brought to nought. After this man rose up Judas of Galilee in the days of the taxing, and drew away much people after him: he also perished; and all, even as many as obeyed him, were dispersed. And now I say unto you, Refrain from these men, and let them alone: for if this counsel or this work be of men, it will come to nought: But if it be of God, ye cannot overthrow it; lest haply ye be found even to fight against God. And to him they agreed: and when they had called the apostles, and beaten them, they commanded that they should not speak in the name of Jesus, and let them go (Acts 5:34-40).

It is not clear why Gamaliel gave this advice to the Sanhedrin. Later, one synagogue had Stephen stoned to death (Acts 7). Gamaliel's former student, Saul of Tarsus (Acts 22:3), ignored this advice in his subsequent persecutions of the Church (Acts 8). But at least initially, the Sanhedrin took Gamaliel's advice. They beat the apostles and then let them go.

I think we can point to one Talmudic doctrine that would, in retrospect, seem to justify Gamaliel's position: *for t/w sake of the peace*. He saw that there was no use in using persecution against the new Christian Church. If the Church was of God, such persecu-

tion would backfire. If it was not of God, persecution would be unnecessary. Besides, what good does it do to create martyrs (the Greek word for witnesses)?

For the Sake of the Peace

I have done my best to honor Orthodox Judaism. When Orthodox Jews tell me that they honor the Talmud, I accept this statement as true. I do not attempt to argue that they really don't accept it as true, that they really and truly take it only metaphorically, that "no rational person could believe such things in today's world." In short, I do not treat them as theological liberals treat me and those like me. If a man says that he believes something, and if he is a member of a group that has repeatedly been persecuted for adhering to certain ideas, then I assume that he is telling me the truth. He really does believe what he says he believes.

What the Orthodox Jews says that he believes is the Talmud. He also says that he believes in the Torah, what I call the Old Testament. I think that the Talmud is unfaithful to the Old Testament. The Orthodox Jew – or any Jew, for that matter – thinks that the New Testament is unfaithful to the Old Testament. What we have here is not a failure to communicate. This is not a debate over semantics. This is a debate over biblical hermeneutics, as formidable a disagreement as men can have in life, for its consequences extend to eternity.

Orthodox Jews and orthodox Christians disagree about many things, especially the theological integrity of their respective systems. The Talmud has some graphic things to say about Jesus and His followers. The New Testament has some graphic things to say about the Jews of that day: whited sepulchers, blind guides, gnat-strainers, hypocrites, thieves, and dogs. Paul wrote: "Beware of dogs, beware of evil workers, beware of the concision" (Philippians 3:2). The dog in those days was not a domesticated beast or "man's best friend." Dogs roamed in packs and devoured the weak.

What good does it do to cover this up? None. What good does

it do to de-emphasize it? A great deal. Why? For the sake of the peace.

Both sides should be aware of the unbridgeable barrier between them. Both sides should also be aware of the equally unbridgeable barrier between them and the Caesars of this world. It has been the Caesars of this world, not the Christians, who have been the great enemy of the Jews. It is the Caesars who have been the great threat to the Christians, not the Jews.

Orthodox Jews and orthodox Christians are the traditional enemies of the Caesars of this world, because the Caesars are tied to time rather than eternity. Their efforts have meaning only in terms of time. But Jews and Christians are tied to eternity, and live or die in terms of this commitment. They are therefore the ultimate traitors to the time-bound systems of this world. This is why persecution always comes, especially after some crisis has called into question the survival of a particular world system. In this sense, both Jews and Christians are "a separate people among us" in the eyes of the humanists. What Rosenstock-Huessy wrote of this world's leaders is equally true in every era: "The ruler who gives his name to an hour of history must be absorbed completely in that hour. He must dive into its waves and be lost in it more than any other man. For it is the ruler's business to mark the epoch, to appear on the stamps or coins of his country. Rulership, because it personifies an epoch, always finds itself in a polarity to the workings of Eternity."¹ What he wrote of the Jews applies equally well to orthodox Christians in history:

The pagan leader is the servant of time. The Jew can never "believe" in time. Since every Jewish leader or prophet thinks of Eternity or of innumerable generations, the star of Judah always shines most brilliantly in times when there are no pagan heroes. When a nation is despoiled of its governing class, when a national failure has brought a darkness without comfort or illumination, the nation is struck by the fact that the Jews are not leaderless in the

1. Eugen Rosenstock-Huessy, *Out of Revolution: Autobiography of Western Man* (Norwich, Connecticut: Argo, [1938] 1969), p. 222.

absence of a king or emperor. Anti-Semitism always becomes especially violent in times of a lost war. The Jews must be guilty: this is the word that is quickly passed round. For are they not as ready to shoulder hard times without a complaint as they were to profit in the good? The star of Judah shines bright, and pogroms break out, whenever the Gentiles have just buried their Nebuchadnezzar or their Tiberius with disintegration.²

As this becomes increasingly clear to both orthodox Christians and Orthodox Jews, I think the response of both groups will be to de-emphasize the words of mutual condemnation found in the Talmud and the New Testament. This is not to say that either group will deny the truth of its respective holy book, but it is to say that there is a time to emphasize differences and a time to emphasize similarities. To put it graphically, if you are in a foxhole with someone of a rival covenant, and the enemy's shock troops are coming over the ridge, your immediate concern is not the precision of your partner's theology; it is whether he can shoot straight and whether he can spare a few rounds of ammo.

I can see the enemy coming. Hand me that 30-round clip, Yitzhak, and we'll discuss the fine points of our theology later.

The Future of the Judeo-Christian Tradition

It is fruitless to trace the history of this alleged phenomenon. It never existed. By the time that Jews became a force in history, the humanist worldview predominated in the West. In fact, it was the toleration of Jews by Enlightenment society that allowed them to become a force in modern history. This toleration was narrowly formulated, however. All that the Jews were asked to do in order to reap the blessings of social and political participation was to give up the Talmud, and the vast majority of those who survived World War II had done so by 1948.

This is not to say that there were never any common-ground interpretations of the Old Testament between Christians and Jews.

² *Ibid.*, pp. 222-23.

Occasionally there was. Take the case of permanent chattel slavery. (I mentioned this in Chapter 8.) The Talmud first offered the world the theory that the so-called “curse of Ham” was racial: Negroes are supposedly these “sons of Ham.”³ This became the universal belief of Christians and Muslims in the Middle Ages.⁴ This is not an aspect of the alleged Judeo-Christian that anyone is proud of today. When the anti-slavery movement appeared in the late eighteenth century – it was pioneered by the Quakers⁵ – it was initially resisted by virtually all churches and synagogues. Only after the American Civil War did all Jews and Christians at last publicly accept the viewpoint that slavery had been a great evil. This change in opinion had nothing to do with any alleged Judeo-Christian tradition. It was in fact a denial of that tradition.

The Judeo-Christian tradition is an historical myth. But it need not be a future myth. There still remains the possibility that Orthodox Jews and orthodox Christians can wage effective war against the secular humanists who have invaded the ranks of the faithful, and whose political representatives collect vast sums of money from us in taxes that are then used to finance a worldview that we oppose. The Judeo-Christian tradition can exist, for the sake of the peace.

It must begin with the recovery of respect for Old Testament law. This is what the debate between Christians and Jews has always been about: the proper interpretation of the Old Testament. For the sake of the peace, Orthodox Jews can work with orthodox Christians, and vice versa. The Christians can stop their antinomian attacks on the law. The Jews can stop avoiding the specifics of biblical law by appealing to obscure passages in the

3. Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968), p. 18. See Chapter 8, Note 5. He cites the *Babylonian Talmud* (Soncino Press edition), tractate *Sanhedrin*, vol. II, p. 745; *Midrash Rabbah* (Soncino Press edition), vol. I, p. 293. Reprinted by Bloch Pub. Co., New York.

4. David Brion Davis, *Slavery and Human Progress* (New York: Oxford University Press, 1984), p. 87.

5. *Ibid.*, p. 108.

Talmud rather than dealing carefully with the actual biblical texts. To prove that such expositions of the text can and have been done by Jews, I recommend the efforts of U. Cassuto and Samson R. Hirsch. If, however, Christians spend their lives in headlong antinomian flight from the law of God, vainly misquoting Paul — “We’re under grace, not law”⁶ — and Jews run to the Talmud every time they feel the pressure of Exodus 12:49 — “One law shall be to him that is homeborn, and unto the stranger that sojourneth among you” — then the Judeo-Christian tradition will remain a myth.

Honesty is truly the best policy, for the sake of the peace. We must search out the Pentateuch to discover the God-given, God-required standards of honesty. Honesty produces its appropriate rewards, irrespective of race, color, or creed. There is a cause-and-effect relationship between honesty and success. This is an aspect of God’s common-grace order — an order shared by all people. Jesus said: “But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you; That ye may be the children of your Father which is in heaven: for he maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust” (Matthew 5:44-45). Deny this in word and deed, and you subject society to never-ending internal conflicts.

Judaism and Christianity use rival principles of biblical interpretation, but there is nevertheless a common-grace order which does lead men in the direction of God’s truth, assuming they do not actively resist His testimony. While there can never be a fusing of these two religions, they can live in social peace if their adherents choose to. For the sake of the peace, they can hammer out a cultural cease-fire based on shared judicial standards of the Pentateuch. But if they abandon God’s law, for whatever seemingly convenient reason, they will either be continually at each other’s throats, or else they will have the humanists’ boots on their throats.

6. For a positive antidote to such antinomian thinking, written by a dispensational fundamentalist, see John MacArthur, Jr., *The Gospel According to Jesus* (Grand Rapids, Michigan: Zondervan Aeademie, 1988).

If the radical discontinuity between the specifics of the Mosaic law and the post-Temple re-interpretations of it is not healed, then the self-conscious enemies of God will inevitably capture the seats of power. We cannot beat something with nothing. They will inevitably set the agenda. This is why the day that this common work of searching the Old Testament scriptures begins is the day that both religions in principle issue a declaration of war against the liberals in their respective camps and the rulers of this age. Liberalism has been at war with the laws of Moses from the very beginning. Adam and Eve were the world's first liberals. They thought God's law was unnecessarily restrictive on man's capacity for personal development. Eve was the first "higher critic" of the Bible, rejecting the historicity of "Adam document." Adam had told her what God had told him. She therefore re-interpreted God's law, as revealed by Adam. What has gutted both Christianity and Judaism is that the liberals' antinomian cause has been taken up by the orthodox troops within the respective camps. They may oppose God's law in the name of tradition or new revelation, but the end result is the same: the liberals inherit the earth.

The mutual affirmation of the infallibility of the Old Testament is where the Judeo-Christian tradition must begin. Why wouldn't Orthodox Jews find useful Oswald T. Allis' defense of the Pentateuch against the higher critics?' They just do not know about his work because of the gulf between the two camps. Also important is the willingness of orthodox Christians and Orthodox Jews to affirm the continuing validity of the principles of the Old Testament's judicial law structure. The long-term hostility to God's revealed law in both camps has been the basis of the 200-year "Babylonian captivity" of both Christians and Jews under the rule of secular humanists. Wherever and whenever the majority of Jews and Christians publicly reject the revealed law of God, or ignore it in an embarrassed silence, there can be no Judeo-Christian tradition.

7. Oswald T. Allis, *The Five Book-s of Moses* (Phillipsburg, New Jersey: Presbyterian & Reformed, [1945]).

An Alliance, not a Covenant

By the time that Jews entered the mainstream of Western culture, Christians had long since abandoned faith in the continuing validity of the specifics of God's Old Covenant law. Thus, it was the pagans who invented the myth of the Judeo-Christian tradition, as Cohen has argued.⁸

How can this myth become a reality? There are reasons why there has been great resentment on both sides. If Christians were more familiar with the Talmud, they might take even greater offense at the Jews, especially if both sides fail to understand the enormous threat of the common humanist enemy. Anti-Semites from time to time remind Christians of what the Talmud teaches. If this public exposure of Talmudic texts is used only to fan the flames of hatred, then it is an exercise in futility. On the other hand, if this exposure is designed to lay the cards on the table in order to establish the basis of a cease-fire, then it should do no harm. An ad hoc co-operation based on misinformation will not survive the test of time. Our common enemies are too well organized.

An effective ad hoc alliance is not a covenant. There can be no God-authorized covenants among those who do not accept the same God.⁹ But there can be legitimate alliances against a common enemy. "And there came one that had escaped, and told Abram the Hebrew; for he dwelt in the plain of Mamre the Amorite, brother of Eshcol, and brother of Aner: and these were confederate [allied] with Abram" (Genesis 14: 13). What has passed in the past as a Judeo-Christian alliance has in fact been a clever cover for the triumph of political and cultural humanism. What we need is an alliance based on whatever is mutually shared from the Old Testament, and perhaps even parts of the New Testament

8. Arthur A. Cohen, *The Myth of the Judeo-Christian Tradition* (New York: Schocken, 1971).

9. Gary North, *Healer of the Nations: Biblical Blueprints for International Relations* (Ft. Worth, Texas: Dominion Press, 1987), ch. 9.

and the Talmud. 10

Any **Judeo-Christian** tradition that denies the continuing judicial validity of the civil laws of the Pentateuch **is mythical**, a deceptive cover for those pursuing a radically different agenda, one unfavorable to both Orthodox Judaism and orthodox **Christianity**.

Jealousy

Writing of the Jews, Paul announced: “**I** say then, Have they stumbled that they should **fall**? God forbid: but [rather] through their fall salvation is come unto the Gentiles, for to provoke them to jealousy. Now **if** the fall of them be the riches of the world, and the diminishing of them the riches of the Gentiles; how much more their **fulness**?” (Remans 11:11-12).

What have the Christians done historically to provoke the jealousy of the Jews? Not very much. There are very few Christians today in positions of civil authority, and when they do exercise **it**, they do so as defenders of the religion of political pluralism, not the **religion** of Christianity. There are very few Christians in recent centuries who have exercised dominion productively **in** terms of the gospel of Christ. There are very few **Bible-affirming** Christians today who have made **major** contributions to contemporary culture. C. S. Lewis **in** literature **is** one name that comes to mind. In the last century, Pasteur and Lister were Christians who made major contributions to this world, but very **few** Christians today know that these men were Christians. Why not? Because Christians do not write the textbooks used by their own children. Humanists do. Then the bulk of Christian parents **dutifully** send their children **into** tax-supported public schools in order to learn “their” history. This has gone on for well over a century.

Orthodox Jews have not done much better. While **Jews** are dominant in almost every academic and professional field (except,

10. For instance, Aaron Levine argues that the Talmud supports the **free** enterprise economy. If he is correct – and Meir Tamari is somewhat skeptical – then Christians can become beneficiaries of the Jews’ adherence to this **tradition**. See Levine, *Free Enterprise and Jewish Law: Aspects of Jewish Business Ethics* (New York Ktav, 1980).

odly enough, politics, and also the military) — science, medicine, law, the arts, popular entertainment, finance — these leaders are very seldom Orthodox Jews. While the world hesitates between the competing economic views put forth by Jews — Karl Marx, Eduard Bernstein, or Paul Samuelson vs. Ludwig von Mises, F. A. Hayek, Murray Rothbard, or Milton Friedman — these are not the views of Orthodox Jews. There are a few Orthodox Jews who are also economists — Israel Kirzner, Aaron Levine, and Meir Tamari — but only Kirzner is academically prominent. Also, his professional writing does not reflect his Talmudic presuppositions. The hermetically sealed world of orthodoxy has not influenced the professional work of those few who have “crossed over” into academia.¹¹ This is equally true of orthodox Christians: they have entered the academic marketplace using humanist paraphernalia.

Do I exaggerate? Name one Orthodox Jewish medical school or one openly Trinitarian medical school.¹² A mark of such a school would be a provision that any faculty member or student who refuses to sign and re-sign an annual anti-abortion statement is immediately fired or expelled. Why? Because of Exodus 21:22-23: “If men strive, and hurt a woman with child, so that her fruit depart from her, and yet no mischief follow: he shall be surely punished, according as the woman’s husband will lay upon him; and he shall pay as the judges determine. And if any mischief follow, then thou shalt give life for life.” If this is true of an accident during a fight, how much more for a self-conscious abortion. Try getting such an expulsion clause pasta state accreditation committee of the American Medical Association! The medical schools and the AMA have long-since abandoned the anti-abortion clause in the traditional oath of Hippocrates. We are today the servants of our mortal enemies. We submit to their “toleration” or else forfeit our professional careers. The leeks and onions of Egypt still have

11. Recent exceptions in **economics** are books — unknown books, professionally speaking — by Levine and Tamari.

12. There is **Loma Linda** Medical School in California. It is run by Seventh Day Adventists. It is the medical school that Jews and Christians should attend.

a broad market.

If the words of Paul are to be honored, Christians as self-conscious Christians must begin to offer an alternative to the disintegrating culture of our day. If we achieve nothing worth becoming jealous about, we will fail in the task of evangelizing the Jews. And the Church has been given this special task by Paul, for the Jews are still special in God's sight.

The State of Israel

Orthodox Jews have long been ambivalent about this political experiment. This was especially true prior to 1948. Norden writes: "Some of the anti-Zionist rabbis split hairs – they intimated that although the new state could never do the messiah's job, it might, if it became truly Jewish, prepare the way for him." But then a non-Kosher fly appeared in the ointment:

Satan appeared in the person of David Ben-Gurion, Zionist hero and Israel's first Prime Minister. Here was a Jew who put all his considerable energy into the forging of a New Jew, one without skullcap or earlocks, a Jew who would use Hebrew in the street, who would eat whatever he liked, who would know much of the Bible by heart but none of the Talmud, who would read Plato in the original and do yoga, who would be a farmer, a cop, a scientist, a soldier in his own nation-state. BG was a hard-nosed kind of visionary. Unlike Martin Buber up at the Hebrew University, he was blessed with a biography and an ideology preempting sentimentality about the black coats. He knew they were not picturesque and heartwarming.³

These are the words of a decidedly non-Orthodox Jew, but nonetheless an accurate summary of the choice faced by anti-Zionist Jews in 1948. The war launched against Israel by the Arabs is what silenced the Orthodox critics of the state of Israel, as is depicted memorably in the movie, 7" *Chosen*. Up until that time, Rebbe Saunders' outrage against "Ben-Gurion and his hench-

13. Edward Norden, "Behind 'Who Is a Jew': A Letter from Jerusalem," *Commentary* (April 1989), p. 22.

men” was representative.

What should the Christian’s view of the state of Israel be? It should be analogous to the views of those ambivalent rabbis: the State of Israel may prepare the way for the eschatological event of the conversion of the Jews. We cannot say for sure. We cannot rule it out, certainly. But to say more than this is to confuse secular concerns with theology, to adopt a particular foreign policy for the wrong reason.

What Western nations need to do is to pursue foreign policies based on the quest for peace. Foreign policy has very limited tools at its disposal. Its job is not to meddle in the internal affairs of other nations if those nations do not threaten the survival of the country. Between the extremes of war and peace, there is not much that foreign policy can or should do. As in inter-religious relations, the general principle of foreign policy is: *for the sake of the peace.*

It should not be the goal of any nation to tell the state of Israel how to run its internal affairs, unless that country is persuaded that the Israeli government is threatening its security in some way. At the same time, it should not be any nation’s goal to subsidize evil through foreign aid payments. The primary goal of the West should be to stay out of the internal affairs of the nations of the Middle East except where the actions of some nation clearly affect the peace of the West. For example, had Iraq declared war on Israel in response to the surprise attack by the Israeli Air Force on Iraq’s nuclear power facility in 1981, when Iraq was in a war with Iran, it would not have been the responsibility of the U.S. government to send the Marines into Israel to fight Iraqi troops. On the other hand, if the U.S. ship *Liberty* really was a spy ship relaying information to the U.S. military regarding Israeli war efforts against Egypt during the six-day war in 1967, it was wise for the U.S. government to do exactly what it did do in response to Israel’s sinking of that ship: nothing. The Israelis probably suspected that the information would go from Washington to Moscow to Cairo. The American government probably was doing

just this, and so decided to suppress all information about the incident. Israel then formally apologized.

Most important, Christians need to begin a full-scale program of evangelizing all residents of the state of Israel. There are few efforts in this regard at present. American fundamentalists treat the Jews of Israel as if they were not in need of the gospel as the Arabs of Israel are. Israeli Jews need this message of redemption as much as African natives do, and everyone else does. (Such evangelism should never involve cash payments to converts for “making a decision for Christ. ” While I am unaware of any Christian group that has done this, the Israeli government used this alleged practice as a justification for passing the 1977 law which threatens a five-year prison term for Christians or anyone else who pay Jews to convert.)¹⁴

One thing is certain: the state of Israel has been an ally of the United States. The United States has developed a deserved reputation as an ally that cannot be trusted. Mainland China learned this in 1949;¹⁵ Cuba Learned in 1959;¹⁶ South Vietnam learned in 1975;¹⁷ Nicaragua learned in 1979.¹⁸ When will the foreign policy “experts” of the United States begin to avoid the havoc which their policy of “abandon ship when Communist rebels object sufficiently” has created? In 1978, I reprinted sociologist Peter Berger’s *New York Times* essay, “The ‘Boat People’: Symbol of U.S. Failure.” Berger wrote about the little boats in the China Sea filled with

14. If this law is ever used to prohibit such things as offering tuition vouchers to send a convert’s children to a Christian day school, then it will become clear that the law is being misused against the Israeli constitution, which permits freedom of worship.

15. Anthony Kubek, *How the Far East Was Lost: American Policy and the Creation of Communist China, 1941-1949*(Chicago: Regnery, 1963).

16. Earl E. T. Smith, *The Fourth Floor: An Account of/u Castro Communist Revolution* (New York Random House, 1962). Smith was U.S. Ambassador to Cuba in 1959.

17. Hilaire du Berrier, *Background to Betrayal: The Tragedy of Vietnam* (Los Angeles: Western Islands, 1965). The author saw what was coming a decade before it happened. The author has told me that the paperback version was tempered with by an editor, and that the hardback is more accurate, but I have never located a copy.

18. Anastasio Somoza, *Nicaragua Betrayed* (Los Angeles: Western Islands, 1980)

refugees from Vietnam. He laid it on the line: "These boats bear a message. It is a simple and ugly message: *Here is what happens to those who put their trust in the United States of America.*"¹⁹

For this reason, I am not one to recommend abandoning the state of Israel. We do not need another flotilla of boats with this message stitched into their sails: "Made in the USA."

Covenant Law

There is no escape from the ultimate conflict between Christianity and all other religions, including Judaism. There are rival covenants at stake. Paul made it clear regarding the future of all rival covenants and religions: "Then cometh the end, when he shall have delivered up the kingdom to God, even the Father; when he shall have put down all rule and all authority and power. For he must reign, till he hath put all enemies under his feet. The last enemy that shall be destroyed is death" (I Corinthians 15:24-26).

All covenants have five features: 1) a source of sovereignty, 2) a hierarchical system of representative law enforcement, 3) a system of laws, 4) a system of bringing sanctions, and 5) a system of ratification over time (covenant renewal).²⁰ There are only three covenantal institutions: family, church, and state.²¹ There is no escape from the need to establish law and order in any of these lawful institutions. The question is: Whose law? The question is: Whose order?

What all Christians and Jews need to recognize is that God requires obedience to His law. Christians have for centuries dealt with this problem by denying the continuing validity of God's covenant law-order. This has led them straight into the clutches of the modern pagans, the humanists. After all, you cannot expect

19. Peter Berger, "The 'Boat People': Symbol of U.S. Failure," *Journal of Christian Reconstruction*, V (Summer 1978), p. 12. Reprinted from the *New York Times* (Feb. 14, 1978).

20. Ray R. Sutton, *That You May Prosper: Dominion By Covenant* (Tyler, Texas: Institute for Christian Economics, 1987), chaps. 1-5.

21. *Ibid.*, chaps. 8-13.

to beat something with nothing. If there is no uniquely Christian body of law, then there is no effective way for Christians either to criticize or to reform the present world order. They have been steadily absorbed culturally by the surrounding pagan humanist culture.

Covenant-breaking Orthodox Jews have dealt with the problem in a different way: to create a separate legal tradition that officially claims continuity with the Old Covenant, but which in fact is a monumental counterfeit. Since the late eighteenth century, more and more Jews have abandoned this counterfeit covenant law-order, as they have become steadily assimilated into the surrounding pagan humanist culture. They have abandoned the creeds of Orthodoxy for other creeds – creeds far closer to humanism, but which still go by the label Judaism. This phenomenon has been called non-Jewish Judaism; it is adhered to by non-Jewish Jews.²²

It is my prayer that Christians will become faithful once again to the full-orbed New Covenant, as witnessed by their adherence to His revealed law. I also pray that pagan humanists of all varieties will also affirm the legitimacy of this covenant and abandon their own. But, finally, I pray that the Jews of all varieties may abandon their false covenants — Orthodox Jews the counterfeit Old Covenant of the Talmud; Conservative and Reform Jews the counterfeit covenant of the Rights of Autonomous Man. May the latter cease to mouth such babble as this: “The main division theologically between people today is between those who have adapted to the secular age and those who have rejected it.”²³ The answer is Jesus Christ,

Who is the image of the invisible God, the firstborn of every creature For by him were all things created, that are in heaven, and that are in earth, visible and invisible, whether they be thrones, or dominions, or principalities, or powers: all things were created

22. Isaac Deutscher, *The Non-Jewish Jew and other essays* (New York Hill & Wang, 1968).

23. “Giving Judaism a Humanist Face,” *Insight* (May 4, 1987). The article features the ministry of Rabbi Sherwin T. Wine.

by him, and for him: And he is before all things, and by him all things consist. And he is the head of the body, the church: who is the beginning, the firstborn from the dead; that in all things he might have the preeminence. For it pleased the Father that in him should all fulness dwell; And, having made peace through the blood of his cross, by him to reconcile all things unto himself; by him, I say, whether they be things in earth, or things in heaven. And you, that were sometime alienated and enemies in your mind by wicked works, yet now bath he reconciled In the body of his flesh through death, to present you holy and unblamable and unproveable in his sight (Colossians 1:15-23).

The Messiah has come. Do not pray for His return if you deny that He has come. When He returns again, it will be to enforce the eternal sanctions of His covenant. There will be no escape then. "For there is no respect of persons with God. For as many as have sinned without law shall also perish without law: and as many as have sinned in the law shall be judged by the law; (For not the hearers of the law are just before God, but the doers of the law shall be justified" (Remans 2:11-13). The law is comprehensive; you are allowed not one mistake. "For whosoever shall keep the whole law, and yet offend in one point, he is guilty of all" (James 2:10). But there is hope: "For the wages of sin is death; but the gift of God is eternal life through Jesus Christ our Lord" (Remans 6:23). And again: "But God commendeth his love toward us, in that, while we were yet sinners, Christ died for us. Much more then, being now justified by his blood, we shall be saved from wrath through him. For if, when we were enemies, we were reconciled to God by the death of his Son, much more, being reconciled, we shall be saved by his life" (Remans 5:8-10).

Covenant: Make One, Break One

This is God's promise of covenantal hope to both Jew and gentile. You can appropriate this promise today. "For he saith, I have heard thee in a time accepted, and in the day of salvation have I succoured thee: behold, now is the accepted time; behold, now is the day of salvation" (II Corinthians 6:2). We can restore

man's lost covenantal unity. This promise is to all mankind: "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus" (Galatians 3:28). "Where there is neither Greek nor Jew, circumcision nor uncircumcision, Barbarian, Scythian, bond nor free: but Christ is all, and in all" (Colossians 3:11).

All it will take is for you to break the terms of your present covenant. You must become a traitor to your faith, as Rahab did so long ago: "Now therefore, I pray you, swear unto me by the LORD, since I have shewed you kindness, that ye will also shew kindness unto my father's house, and give me a true token: And that ye will save alive my father, and my mother, and my brethren, and my sisters, and all that they have, and deliver our lives from death" (Joshua 2:12-13). There is no other way. God takes His covenant seriously. The cost is high, as Jesus Christ declared:

Whosoever therefore shall confess me before men, him will I confess also before my Father which is in heaven. But whosoever shall deny me before men, him will I also deny before my Father which is in heaven. Think not that I am come to send peace on earth: I came not to send peace, but a sword. For I am come to set a man at variance against his father, and the daughter against her mother, and the daughter in law against her mother in law. And a man's foes shall be they of his own household. He that loveth father or mother more than me is not worthy of me: and he that loveth son or daughter more than me is not worthy of me. And he that taketh not his cross, and followeth after me, is not worthy of me. He that findeth his life shall lose it: and he that loseth his life for my sake shall find it (Matthew 10:34-39).

APPENDIX

ON EVANGELIZING JEWS

The accusation has been made by Mr. Hal Lindsey that Christians who do not share Mr. Lindsey's views on eschatology – that is, pre-tribulational, dispensational, premillennialism – hold to a theology which leads inherently and inescapably to anti-Semitism. He presents this utterly bizarre thesis in his provocatively titled book, *The Road to Holocaust*.¹ I do not share Mr. Lindsey's views on eschatology, nor has the Church of Jesus Christ throughout most of its history. (Mr. Lindsey's views on eschatology appeared in Church history no earlier than 1830.) Is the Church therefore implicit anti-Semitic? Is my theology inherently anti-Semitic, as he says?

Some Jews say yes. Why? Because the Church believes that Christians should tell Jews that they, like everyone else in history, need to believe in Jesus Christ as their Savior in order to receive eternal life. Jesus died for the sins of men, and anyone who does not accept this sacrifice as his substitute payment to God will go to hell and spend eternity in torment. "And death and hell were cast into the lake of fire. This is the second death. And whosoever was not found written in the book of life was cast into the lake of fire" (Revelation 20:14- 15). Jesus said: "He that believeth on the Son bath everlasting life: and he that believeth not the Son shall not see life; but the wrath of God abideth on him" (John 3:36). Jesus Christ is our sacrifice – the only sacrifice acceptable to God.

1. Lindsey, *The Road to Holocaust* (New York: Bantam Books, 1989).

Paul wrote to the church at Rome:

For scarcely for a righteous man will one die: yet peradventure for a good man some would even dare to die. But God commendeth his love toward us, in that, while we were yet sinners, Christ died for us. Much more then, being now justified by his blood, we shall be saved from wrath through him. For if, when we were enemies, we were reconciled to God by the death of his Son, much more, being reconciled, we shall be saved by his life. And not only so, but we also joy in God through our Lord Jesus Christ, by whom we have now received the atonement (Remans 5:7-11).

Some Jews and Jewish organizations regard this view of the atonement as inherently anti-Semitic. In fact, when the Willowbank Declaration appeared in late April, 1989 (see below), a representative of the American Jewish Committee stated that it was "a blueprint for spiritual genocide."²

Now, if preaching the gospel of Jesus Christ to Jews is an inherently anti-Semitic, spiritually genocidal act, then there is no escape for Christians: we must indeed become spiritually genocidal anti-Semites, as *improperly defined*. But how can it be anti-Semitic to present the claims of Jesus Christ, born a Jew in Israel, and then ask that person to accept Jesus as His personal Savior? We are inviting him to become part of the true Israel! Paul wrote: "For we are the circumcision, which worship God in the spirit, and rejoice in Christ Jesus, and have no confidence in the flesh" (Philippians 3:3). Paul made it very clear: the Church of Jesus Christ is the true Israel: "For in Christ Jesus neither circumcision availeth any thing, nor uncircumcision, but a new creature. And as many as walk according to this rule, peace be on them, and mercy, and upon the Israel of God" (Galatians 6:15-16).

Jews deny this view of the Church. But this is nothing new; they always have denied it. It was the basis of the spiritual war between Christians and Jews from the beginning of the Church. Even to hint that this ancient debate over who the true Jews are, or what the true Israel is, has anything to do with modern anti-

2. Reported in *World* magazine (May 20, 1989).

Semitism or the holocaust is misleading; it is simply rhetoric. It will not stand the test of open debate.

Christians must reject any definition of anti-Semitism as invalid which says that to preach the gospel to a Jew is anti-Semitic. To accept such a definition, and then spend our lives trying to “avoid becoming anti-Semitic,” so defined, would be to deny our Savior. We have been warned about this kind of irresponsibility:

But and if ye suffer for righteousness' sake, happy are ye: and be not afraid of their terror, neither be troubled; But sanctify the Lord God in your hearts: and be ready always to give an answer to every man that asketh you a reason of the hope that is in you with meekness and fear: Having a good conscience; that, whereas they speak evil of you, as of evildoers, they may be ashamed that falsely accuse your good conversation in Christ. For it is better, if the will of God be so, that ye suffer for well doing, than for evil doing (I Peter 3: 14-17).

For this reason, I am reprinting the Willowbank Declaration. It was signed on April 29, 1989, by a number of evangelical Christians, including Vernon C. Grounds, J. I. Packer, Arthur Glasser, and Kenneth Kantzer. It was a statement of the World Evangelical Fellowship of Wheaton, Illinois. Attendees came from around the world to attend the conference, held in Willowbank, Bermuda (April 26-29). The statement addresses the problem of the evangelization of the Jews. I am in agreement with all 27 statements. If you believe that the Willowbank Statement statement is inherently anti-Semitic, then there is no way that I can successfully prove my innocence to your accusation — not in your court, anyway. You have the sentence of “guilty” written on a paper in your pocket before we even begin the trial.

The ultimate decision of guilt or innocence will be made in God's court on judgment day. This is the court that Christians have been told by Jesus Christ to fear. “And fear not them which kill the body, but are not able to kill the soul: but rather fear him which is able to destroy both soul and body in hell” (Matthew 10:28).

* * * * *

THE WILLOWBANK DECLARATION ON THE CHRISTIAN GOSPEL AND THE JEWISH PEOPLE

"The Gospel is the power of God for salvation, to everyone who believes, to the Jew first and also to the Greek." (Romans 1:16)

"Brethren, my heart's desire and prayer to God for Israel is that they may be saved." (Romans 10:1)

PREAMBLE

Every Christian must acknowledge an immense debt of gratitude to the Jewish people. The Gospel is the good news that Jesus is the Christ, the long-promised Jewish Messiah, who by his life, death and resurrection saves from sin and all its consequences. Those who worship Jesus as their Divine Lord and Saviour have thus received God's most precious gift through the Jewish people. Therefore they have compelling reason to show love to that people in every possible way.

Concerned about humanity everywhere, we are resolved to uphold the right of Jewish people to a just and peaceful existence everywhere, both in the land of Israel and in their communities throughout the world. We repudiate past persecutions of Jews by those identified as Christians, and we pledge ourselves to resist every form of anti-Semitism. As the supreme way of demonstrating love, we seek to encourage the Jewish people, along with all other peoples, to receive God's gift of life through Jesus the Messiah, and accordingly the growing number of Jewish Christians brings us great joy.

In making this Declaration we stand in a long and revered Christian tradition, which in 1980 was highlighted by a landmark statement, "Christian Witness to the Jewish People," issued by the Lausanne Committee for World Evangelization. Now, at this Willowbank Consultation on the Gospel and the Jewish People, sponsored by the World Evangelical Fellowship and supported by the Lausanne Committee, we reaffirm our commitment to the Jewish people and our desire to share the Gospel with them.

This Declaration is made in response to growing doubts and widespread confusion among Christians about the need for, and the propriety of, endeavors to share faith in Jesus Christ with Jewish people. Several factors unite to produce the uncertain state of mind that the Declaration seeks to resolve.

The holocaust, perpetrated as it was by leaders and citizens of a supposedly Christian nation, has led to a sense in some quarters that Christian credibility among Jews has been totally destroyed. Accordingly, some have shrunk back from addressing the Jewish people with the Gospel.

Some who see the creation of the state of Israel as a direct fulfillment of biblical prophecy have concluded that the Christian task at this time is to “comfort Israel” by supporting this new political entity, rather than to challenge Jews by direct evangelism.

Some church leaders have retreated from embracing the task of evangelizing Jews as a responsibility of Christian mission. Rather, a new theology is being embraced which holds that God’s covenant with Israel through Abraham establishes all Jews in God’s favor for all times, and so makes faith in Jesus Christ for salvation needless so far as they are concerned.

On this basis, it is argued that dialogue with Jews in order to understand each other better, and cooperation in the quest for socio-economic shalom, is all that Christian mission requires in relation to the Jewish people. Continued attempts to do what the Church has done from the first, in seeking to win Jews to Jesus as Messiah, are widely opposed and decried, by Christian as well as Jewish leaders.

Attempts to bring Jews to faith in Jesus are frequently denounced as proselytizing. This term is often used to imply dishonest and coercive modes of inducement, appeal to unworthy motives, and disregard of the question of truth even though it is truth that is being disseminated.

In recent years, “messianic” Jewish believers in Jesus, who as

Christians celebrate and maximize their Jewish identity, have emerged as active evangelists to the Jewish community. Jewish leaders often accused them of deception on the grounds that one cannot be both a Jew and a Christian. While these criticisms may reflect Judaism's current effort to define itself as a distinct religion in opposition to Christianity, they have led to much bewilderment and some misunderstanding and mistrust.

The Declaration responds to this complex situation and seeks to set directions for the future according to the Scriptures.

THE DECLARATION

I. THE DEMAND OF THE GOSPEL

ARTICLE II.

WE AFFIRM THAT the redeeming love of God has been fully and finally revealed in Jesus Christ.

WE DENY THAT those without faith in Christ know the full reality of God's love and of **the gift** that he gives.

ARTICLE 1.2.

WE AFFIRM THAT the God-given types, prophecies and visions of salvation and shalom in the Hebrew Scriptures find their present and future fulfillment in and through Jesus Christ, the Son of God, who by incarnation became a Jew and was shown to be the Son of God and Messiah by his resurrection.

WE DENY THAT it is right to look for a Messiah who has not yet appeared in world history.

ARTICLE 13.

WE AFFIRM THAT Jesus Christ is the second person of the one God, who became a man, lived a perfect life, shed his blood on the cross as an atoning sacrifice for human sins, rose bodily from the dead, now reigns as **Lord**, and will return visibly to this earth, all to fulfill the purpose of bringing sinners to share eternally in his

fellowship and glory.

WE DENY THAT those who think of Jesus Christ in lesser terms than these have faith in him in any adequate sense.

ARTICLE 1.4.

WE AFFIRM THAT all human beings are sinful by nature and practice, and stand condemned, helpless and hopeless, before God, until the grace of Christ touches their lives and brings them to God's pardon and peace.

WE DENY THAT any Jew or Gentile finds true peace with God through performing works of law.

ARTICLE 15.

WE AFFIRM THAT God's forgiveness of the penitent rests on the satisfaction rendered to his justice by the substitutionary sacrifice of Jesus Christ on the cross.

WE DENY THAT any person can enjoy God's favor apart from the mediation of Jesus Christ, the sin-bearer.

ARTICLE 1.6.

WE AFFIRM THAT those who turn to Jesus Christ find him to be a sufficient Saviour and Deliverer from all the evil of sin: from its guilt, shame, power, and perversity; from blind defiance of God, debasement of moral character, and the dehumanizing and destructive self-assertion that sin breeds.

WE DENY THAT the salvation found in Christ may be supplemented in any way.

ARTICLE 1.7.

WE AFFIRM THAT faith in Jesus Christ is humanity's only way to come to know the Creator as Father, according to Christ's own Word: "I am the Way and the Truth and the Life; no one comes to the Father except through me" (John 14:6).

WE DENY THAT any non-Christian faith, as such, will mediate eternal life with God.

II. THE CHURCH OF JEWS AND GENTILES

ARTICLE 11.8.

WE AFFIRM THAT through the mediation of Jesus Christ, God has made a new covenant with Jewish and Gentile believers, pardoning their sins, writing his law on their hearts by his Spirit, so that they obey him, giving the Holy Spirit to indwell them, and bringing each one to know him by faith in a relationship of trustful gratitude for salvation.

WE DENY THAT the blessings of the New Covenant belong to any except believers in Jesus Christ.

ARTICLE II.9.

WE AFFIRM THAT the profession of continuing Jewish identity, for which Hebrew Christians have in the past suffered at the hands of both their fellow-Jews and Gentile church leaders, was consistent with the Christian Scriptures and with the nature of the church as one body in Jesus Christ in which Jews and non-Jews are united.

WE DENY THAT it is necessary for Jewish Christians to repudiate their Jewish heritage.

ARTICLE II.10.

WE AFFIRM THAT Gentile believers, who at present constitute the great bulk of the Christian church, are included in the historically continuous community of believing people on earth which Paul pictures as God's olive tree (Rem. 11:13-24).

WE DENY THAT Christian faith is necessarily non-Jewish and that Gentiles who believe in Christ may ignore their solidarity with believing Jews, or formulate their new identity in Christ without reference to Jewishness, or decline to receive the Hebrew Scrip-

tures as part of their own instruction from God, or refuse to see themselves as having their roots in Jewish history.

ARTICLE 11.11.

WE AFFIRM THAT Jewish people who come to faith in Messiah have liberty before God to observe or not observe traditional Jewish customs and ceremonies that are consistent with the Christian Scriptures and do not hinder fellowship with the rest of the Body of Christ.

WE DENY THAT any inconsistency or deception is involved by Jewish Christians representing themselves as “Messianic” or “completed” or “fulfilled” Jews.

III. GOD’S PLAN FOR THE JEWISH PEOPLE

ARTICLE 111.12.

WE AFFIRM THAT Jewish people have an ongoing part in God’s plan.

WE DENY THAT indifference to the future of the Jewish people on the part of Christians can ever be justified.

ARTICLE 111.13.

WE AFFIRM THAT in prior to the coming of Christ it was Israel’s unique privilege to enjoy a corporate covenantal relationship with God, following upon the national redemption from slavery, and involving God’s gift of law and of a theocratic culture; God’s promise of blessing to faithful obedience; and God’s provision of atonement for transgression. We affirm that within this covenant relationship, God’s pardon and acceptance of the penitent which was linked to the offering of prescribed sacrifices rested upon the foreordained sacrifice of Jesus Christ.

WE DENY THAT covenantal privilege alone can ever bring salvation to impenitent unbelievers.

ARTICLE III.14.

WE AFFIRM THAT much of Judaism, in its various forms, throughout contemporary Israel and today's Diaspora, is a development out of, rather than as an authentic embodiment of, the faith, love and hope that the Hebrew Scriptures teach.

WE DENY THAT modern Judaism with its explicit negation of the divine person, work, and Messiah-ship of Jesus Christ contains within itself true knowledge of God's salvation.

ARTICLE III.15.

WE AFFIRM THAT the biblical hope for Jewish people centers on their being restored through faith in Christ to their proper place as branches of God's olive tree from which they are at present broken off.

WE DENY THAT the historical status of the Jews as God's people brings salvation to any Jew who does not accept the claims of Jesus Christ.

ARTICLE III.16.

WE AFFIRM THAT the Bible promises that large numbers of Jews will turn to Christ through God's sovereign grace.

WE DENY THAT this prospect renders needless the active proclamation of the gospel to Jewish people in this and every age.

ARTICLE III.17.

WE AFFIRM THAT anti-Semitism on the part of professed Christians has always been wicked and shameful and that the church has in the past been much to blame for tolerating and encouraging it and for condoning anti-Jewish actions on the part of individuals and governments.

WE DENY THAT these past failures, for which offending Gentile believers must ask forgiveness from both God and the Jewish community, rob Christians of the right or lessen their responsibil-

ity to share the gospel with Jews today and for the future.

ARTICLE 111.18.

WE AFFIRM THAT it was the sins of the whole human race that sent Christ to the cross.

WE DENY THAT it is right to single out the Jewish people for putting Jesus to death.

IV. EVANGELISM AND THE JEWISH PEOPLE

ARTICLE IV.19.

WE AFFIRM THAT sharing the Good News of Jesus Christ with lost humanity is a matter of prime obligation for Christian people, both because the Messiah commands the making of disciples and because love of neighbor requires effort to meet our neighbor's deepest need.

WE DENY THAT any other form of witness and service to others can excuse Christians from laboring to bring them to faith in Christ.

ARTICLE IV.20.

WE AFFIRM THAT the church's obligation to share saving knowledge of Christ with the whole human race includes the evangelizing of Jewish people as a priority: "To the Jew first" (Rem. 1:16).

WE DENY THAT dialogue with Jewish people that aims at nothing more than mutual understanding constitutes fulfillment of this obligation.

ARTICLE IV.21.

WE AFFIRM THAT the concern to point Jewish people to faith in Jesus Christ which the Christian church has historically felt and shown was right.

WE DENY THAT there is any truth in the widespread notion

that evangelizing Jews is needless because they are already in covenant with God through Abraham and Moses and so are already saved despite their rejection of Jesus Christ as Lord and Saviour.

ARTICLE IV.22.

WE AFFIRM THAT all endeavors to persuade others to become Christians should express love to them by respecting their dignity and integrity at every point, including parents' responsibility in the case of their children.

WE DENY THAT coercive or deceptive proselytizing, which violates dignity and integrity on both sides, can ever be justified.

ARTICLE IV.23.

WE AFFIRM THAT it is unchristian, unloving, and discriminatory, to propose a moratorium on the evangelizing of any part of the human race, and that failure to preach the gospel to the Jewish people would be a form of anti-Semitism, depriving this particular community of its right to hear the gospel.

WE DENY THAT we have sufficient warrant to assume or anticipate the salvation of anyone, who is not a believer in Jesus Christ.

ARTICLE IV.24.

WE AFFIRM THAT the existence of separate churchly organisations for evangelizing Jews, as for evangelizing any other particular human group, can be justified pragmatically, as an appropriate means of fulfilling the church's mandate to take the gospel to the whole human race.

WE DENY THAT the depth of human spiritual need varies from group to group so that Jewish people may be thought to need Christ either more or less than others.

V. JEWISH-CHRISTIAN RELATIONS

ARTICLE V.25.

WE AFFIRM THAT dialogue with other faiths that seeks to transcend stereotypes of them based on ignorance, and to find common ground and to share common concerns, is an expression of Christian love that should be encouraged.

WE DENY THAT dialogue that explains the Christian faith without seeking to persuade the dialogue partners of its truth and claims is a sufficient expression of Christian love.

ARTICLE V.26.

WE AFFIRM THAT for Christians and non-Christian Jews to make common cause in social witness and action, contending together for freedom of speech and religion, the value of the individual, and the moral standards of God's law is right and good.

WE DENY THAT such limited cooperation involves any compromise of the distinctive views of either community or imposes any restraint upon Christians in seeking to share the gospel with the Jews with whom they cooperate.

ARTICLE V.27.

WE AFFIRM THAT the Jewish quest for a homeland with secure borders and a just peace has our support.

WE DENY THAT any biblical link between the Jewish people and the land of Israel justifies actions that contradict biblical ethics and constitute oppression of people-groups or individuals.

* * * * *

To paraphrase Patrick Henry, "if this be anti-Semitism, make the best of it!"

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SCRIPTURE INDEX

Old Testament

<i>Genesis</i>		20:2-5	92
9 5	120	20:10	13
123	18	18:21	92
1413	166	25:46	135
34	17		
		<i>Deuteronomy</i>	
Exodus		1:17	13,91
5:14	40	16:9	91
5:20-21	40	16:19	13-14
12:49	90, 123, 125, 164	22:3	118, 126
20:13	127	23:4-5	126
21:1	113	24:1-4	16
21:7	111	31:12-13	90-91
21:12	128		
21:16	138	<i>Joshua</i>	
21:18-19	112	2:12-13	175
21:20	127		
21:22-23	168	<i>II Chronicles</i>	
21:26	111	19:7	14
21:28-30	120		
22:5	114	<i>Psalms</i>	
22:6-7	116	25:14	98
22:8	116-17, 134		
22:14-15	114	<i>Proverbs</i>	
23:3	136	24:23	14
23:4-5	119-20	28:13	94
243-4	75		
		<i>Isaiah</i>	
<i>Leviticus</i>		13:9-10	12
5:23	138	344	12

Ezekiel

16 16
 32:7-8 12, 12-13

Amos

8 9 12

Micah

6:6-8 x

Habakkuk

2:4 x

New Testament*Matthew*

5:19-20 84
 5:44-45 164
 9:17 68
 10:28 179
 10:34-39 175
 22:15-22 39
 23:15-27 87-88
 23:23-25 133
 24:6 xii
 28:16-20 11

Mark

7:13 18

Luke

16:13-17 xi
 23:34 15

John

1:12 16
 3:35-36 xi
 3:36 177
 5:43-47 54
 5:45-47 53
 5:46-47 105
 19:13-15 37

Acts

2:14-21 12
 2:32-35 ix
 4:10-13 53-54
 5:34-40 159

7 159
 8 159
 22:3 159
 2%23-28 47

Romans

1:16 180
 2:10 xiv
 2:11-13 174
 2:17-29 xiv
 2:25-29 96
 5:7-11 178
 5:8-10 174
 6:23 174
 10:1 180

10:12 10
 11:1-5 5
 11:6-7 53
 11:11-12 167
 11:12 8
 11:15 8-9
 11:17 x
 11:24-32 6

I Corinthians

5:17-19 10
 7:17-19 95
 7:18-19 xiv
 15:23-26 xii

II Corinthians

6:2 174

<i>tians</i>			
1:14	101		
1:13-14	73		
2:16	18		
3:8	175		
3:14-17	14-15		
6:14-16	ix, 178		
6:16	1		
<i>Ephesians</i>			
2:12-13	29n		
<i>Philippians</i>			
2:12	xii		
3:2	160		
3:3	49-50,96, 178		
3:5	5,82,96		
<i>Colossians</i>			
1:15-23	173-74		
2:8	145		
3:11	175		
3:25	14		
		<i>I Thessalonians</i>	
		2:14-16	18
		<i>II Timothy</i>	
		4:2-4	20
		<i>Titus</i>	
		1:10-16	96-97
		3:9	82
		<i>James</i>	
		2:10	174
		<i>II Peter</i>	
		3:14-17	179
		<i>I John</i>	
		1:8-2:2	xi-xii
		<i>Revelation</i>	
		20:14-15	177

SUBJECT INDEX

- Aaron*, 40
Abba Arika, 87n
Abbahu, 61
abortion, 26, 65, 168
Abraham, 14, 49, 51, 166
Adam, 87, 165
adoption, 16
adultery, 11, 14
Akiba, 77
alliance, 166
Allis, O. T., 165
America
 civil religion, 23, 42
 pluralist, 22-23
 untrustworthy ally, 171
Amish, 65
antinomianism, 56, 57, 163, 164
antiquity, 29, 30
anti-Semitism, 161-62, 177-80
Aristotle, 106-7
art, 28
assimilation, 56, 64, 150, 153, 172
atonement, xii
authority, 48
- Baalam**, 86n
Babylon, 15n
baptism, 11, 31, 33, 50n
Bar Kochba, 40, 41, 140, 141
Ben-Gurion, David, 169
Berger, Peter, 171-72
Berman, Harold, 31n, 33, 54-55, 57
bestiality, 83, 87
Bible, 49
bigamy, 16-17
Blackstone, William, 38
blind spot, 58
blood, x, 12
boat people, 171-72
bondservants, 111
Book of Mormon, 80
Bridegroom, 15
Bucer, Martin, 21, 130n
Burckhardt, Jacob, 29, 32
- Caesar, 37, 41, 42, 161
Calvinism, 2
Cambridge Modern History, 64
Canaan, 107
Capitalism, 148
Cassuto, U., 164
casuistry, 81-83, 126-27, 147
chaos, 33
Chilton, David, 3
Chosen, 169
Christianity
 Judaism vs., xiii, 20, 17, 51, 67, 68,
 130, 160-61
 casuistry, 147
 credal, 147
 divided, 50
 ignorance, 61-65, 73
 Kantian, 56
 treason, 18

- Church
 Israel of God, ix
 marriage, 16
 parenthesis?, 12
 State &, 25
 Church history, 32-33
 circumcision, xiv, 11, 49-50, 95-96,
 154-55, 160
 civil religion, 23-24, 42
 Civil War, 163
 code of silence, 85
 Cohen, Arthur, 21, 28, 55-56, 130,
 150, 166
 commandments, 60-61
 Communism, 10
 conflict, 32
 Congress, 22
 conspiracy, 27, 30
 copyright, 86
 covenant
 broken, 32, 142
 civil order, 42
 counterfeit, 173
 disagreements, 55
 ignorance of, 1-2
 isolation, 155
 law, 172
 lawsuit, 1 I
 mark (O.T.), xiv
 model, 3, 172
 prohibited, 166
 sanctions, 141
 symbols, 2
 theology, 2-3
 cross, ix, 15
 culture, 31, 57
- Danby, Herbert**, 78-79, 81, 147
 death penalty, 59-60, 139-40
 defeat, 56
 democracy, 153
 denarius, 40
 dialecticism, 74, 81-83
 Diaspora, 38, 109, 140
 discontinuity, 155
 discrimination, 21
 dispensationalism, x, 51-52
 divine right, 38
 divorce, 10-12, 14-15
 doctrine, 20
 double standard, 116-20, 127-28
 dualism, 56n
- Eck, John**, 130n
 Edersheim, Alfred, 73-74
 Eliazar, 87
 Elon, Menachem, 148-49
 Enlightenment, 42-43, 55
 eschatology, 68-69, 177
 eternity, 161-62
 evangelism, xii-xiii
 evolution, 145-46
 execution, 14
 expediency, 118
 eye for eye, 91
- Farouk, King**, 41
 Faustian bargain, 149-52
 "final solution," 9, 151
 Finkelstein, Louis, 145-46
 flag, 67
 foreign policy, 52, 170
 French Revolution, 152-53
- Gamaliel**, 159
Gemara, 80, 89
 gentiles
 double standard, 116
 eternity of, 86
 grafting in, 5
 ox, 122
 Rome, 15
 salvation of, 14-15
 spared, 15

- students of law, 59-61, 82
ghetto, 56,57, 124-25, 148
gnosticism, 56, 57
God
bigamy, 16-17
divorces Israel, 15
Israel of, ix, 1, 178
kingdom of, xi
marries Church, 16
non-kingdom, 33
people of, 5
remarriage?, 16
sovereignty, 48
spokesmen, 47, 59
stealing from, 116
wrath of, xi-xii
Graetz, Heinrich, 75, 77
Greeks, 27-28
Grounds, Vernon, 179
Guttman, Michael, 110, 140
Guttmann, Joseph, 66-67
- Haldane, Robert, 6**
Ham, 107, 163
Hanina, 91
Harris, Lis, 152
Hegelian, 90
Hegelianism, 31
hell, 88
Hellenism, 149-50
Heller, Agnes, 28,29,30
Herberg, Will, 22-23
Herford, R. Travers, 75
hermeneutic, 49-50,51,53-54, 130, 160
higher criticism, 51,54,55-56,65, 151
Hinduism, 17
Hirsch, S. R., 129, 149
Hedge, Charles, 7
holocaust, 181
Holy Spirit, 8, 11, 57
homosexually, 87
Horowitz, *George*, 109-10, 115, 125-26,
127-133, 139, 140-41
Hosea, 11
honesty, 164
House, H. Wayne, 62
humanism
Babylonian captivity, 165
common enemy, xiii, 163, 166
conspiracy, 27
death of, 9
dominant, 21
idolatry, 23-24, 154
Judaism, 152
Judeo-Christian Tradition, 24-25,28
legal revolution, 54-55
myth of, 155
mythology, 28
politics, 24
religion as myth, 28
sanctions, 152
sovereignty of man, 42
voting, 64
- Ice, Thomas, 62**
idolatry, 24, 51, 154
initiation, 103, 105
injury, 111-13
intellectuals, 30
interpretation, 48, 49-50, 51, 163, 164
Iraq, 170
Islam, 52,69,80, 107-8, 150
Israel
adoption, 16
blindness, 6
divorced, 15
harlot, 11, 15
of God, ix, 1, 178
nation of, x
state of, xiii, 50, 51-52, 63, 166,
169-72, 171
- jealousy, 167**
Jerusalem, 30, 77-80

- Jesus
 ascension, ix
 atonement, xii
 Balaam, 86n
 Bridegroom, 11
 coin, 39-40
 crucifixion, ix
 final prophet, 11
 forgiveness, 15
 Messiah, 6, 49, 50
 Pharisees vs., xi, 80, 84
 right hand of God, ix
 sacrifice, 177-78
 Savior, 177
 sorcerer, 86n
 sorcerer?, 41
- Jew
 civil religion &, 23-24
 haggler, 148n
 inward, xiv
 who is ?, 50n
- Jewish, 79
- Jews
 ad hoc alliances, 26
 assimilation, 8, 56, 5764, 153
 autonomy, 149
 beloved of God, 6
 cast off?, 5, 8-9
 conversion of, xii, 6
 Diaspora, 38
 emancipation of, 148-49, 153
 enemies of God, 6
 evangelism of, xii-xiii
 evangelization
 "fans," 152
 fulness, 6
 ghettos, 124-25
 gratitude to, 180
 Hasidic, 17-18
 Imperial coin, 39-40
 intermarriage, 150
 isolation, 64
 jealousy of, 167
 king of, 37
 liberalism, 153
 magic, 29-30
 Paul &, 47
 persecution of, 8
 rapture &, xii
 Reform, 62, 64-65
 re-grafting, 16
 reincarnation, 17
 Rome &, 13
 Savior, 177
 separatism, 5, 57
 spared, 15
 U. S., 1840, 22
 voting, 65
 witness to, 53
 Yemenite, 63
- Joel, 12
- Johanán, 61, 82
- Johnson, Paul, 104
- Josephus, 77-78
- Judah the Prince, 76
- Judaism
 abandoning, 17
 anti-credal, 147
 anti-dogma, 147
 anti-semitism, 161-62
 Ashkenazi, 62-63
 assimilation, 150
 business, 104
 Christianity vs., xiii, 17, 51, 67-68, 70,
 130, 160-61
 code of silence, 85
 conservative, 89
 convert to, 17
 creeds, 173
 Diaspora, 109, 140
 dietary laws, 154
 discrimination, 21
 divided, 50, 62-63, 153-54
 emancipation, 153

- eradication of, 8
- evolutionary ethics, 133, 140-43, 145-46, 151-52
- exclusivist, 153
- French Revolution, 152-53
- ghetto, 148
- Hellenism**, 149-50
- humanism, 152
- ignorance about, 62-67
- law, 33
- little theology, 146
- non-Jewish, 173
- occultism, 63
- Orthodox (see Orthodox Judaism)
- Pale of Settlement, 21
- rabbinic, 141
- Reform, 152
- relativism, 147
- secularism, 149-52
- separate courts, 149
- Sephardim, 62
- star of David, 65-67
- textbooks ignore, 64
- toleration, 162
- Torah defined, 80,81
- two laws, 91-92
- university, 150
- JudeO-Christian tradition
 - evidence?, 33
 - fabrication, 55-56
 - future of, 162-67
 - humanism &, 28
 - law &, 52
 - myth of 21 -24
 - nationalism, 24
 - Old Testament law, 164-67
 - two questions, 51
- Kabbalah**, 26,29-30,53,63
- Karaites**, 80,99, 125
- karma, 17
- Kethubah, 100
- kidnapping, 138-39
- kingdom, xi, 9, 33, 155
- kings, 41,42
- Kirzner**, Israel, 168
- Kline, Meredith, 2
- Koran, 52,80
- land**, 140-42
- law
 - abandoning, 164
 - abandonment, 41
 - anti-dualism, 90
 - breaking, xiv
 - changing, 115-16
 - condemnation by, 174
 - equality before, 91
 - heathen student, 59
 - ignored, 54
 - inequality before, 91
 - JudeO-Christian tradition, 52
 - keeping, xi
 - letter & spirit,91, 133
 - Maimonides, 116-20
 - oral, 76, 80, 89, 99, 103
 - religious, 27
 - sanctions, 91, 141
 - society's god &, 48
 - source of, 48
 - two kinds (Judaism)
- legal order, 57
- legalism, 115
- Lehrman, S. M., 88-89
- Lerner, Ralph, 109
- Levine, Aaron, 168
- lex talionis*, 91
- liberalism, 153, 165
- liberals, 50
- Liberty*, 170
- Lindsey, Hal, 177
- lost property, 117-19, 126
 - Luther, Martin, 21, 26, 129

- magic**, 29-30
- Maimonides, Moses
 Aristotle, 150
 bondservants, 111
 Co&, (see *Mishneh Torah*)
 double standard, 116-20, 127-28
 expediency, 118
 false weights, 137
 gentiles & law, 82
 Guide, 106, 146
 heathen student, 59
 injuries, 112-13
 kidnapping, 138-39
 legalism, 115
 lost property, 117-19, 126
Mishneh Torah, 106, 108-10, 128-29
 Old Testament, 111-15
 Orthodox Judaism &, 146
 restitution, 113-14, 133-37
 RMBM, 106
 robbery, 137-38
 Sabbath & theft, 136
 secret writing, 97-98
 slavery, 107
 style, 81
 theft, 113-14, 116-17, 133-34, 135-36
victim, 138
 victims, 136-37
- marriage, 16
- Mead, Sidney, 24, 25
- medical schools, 168
- Meir, 77, 82
- memory, 77
- Messiah, 6, 10, 41, 49, 50, 109,
 130, 154, 155, 174
- Middle Ages, 104, 106-8, 150
- Mishnah, 76, 79-80, 89, 117, 140
- modernism, 50-51
- Mogen David, 65-67
- Molech, 92
- Morgenstem, Julian, 151 n
- Moses, 40, 51, 54, 75
- "Moslem-Ohrisiian tradition," 52
- murder, 62, 127
- Murray, John, 7, 62
- Napoleon**, 153
- nationalism, 24
- natural law, 33
- Nazism**, 8, 9-10, 150-51, 181
- Neuser, Jamb, 67-68, 79
 New Testament, 49, 160
- new wine, 68
- Nicodemus, xi
- Nisbet, Robert, 32
- Noah, 60-61, 107
- Noahides, 61
- occultism**, 29, 31, 63
- Old Testament, 48
- olive tree, x, 5
- Onkelos**, 86n
- oral law, 76, 80, 89, 99, 103
- Orthodox Judaism
 Christians' view, 65
 common enemies of, 26
 counterfeit, 173
 cultural circumcision, 154-55
 declining influence, 147-48
 diet, 154
 education of children, 154
 evolutionary ethics, 145-49
 humanism &, 153
 ignorance about, 26
 kingdom, 154
 little leadership, 168
 Messiah &, 154-55
 Old Testament &, 54
 Pharisees &, 88
 rival religion, 80
 secrecy, 84
 separation from Jews, 153-54
 Talmud, 48, 160
 toleration &, 148-49

- "You have heard," 84-105
 OX, 120-24

 Packer, J. I., 179
 paganism, 161-62
 pagans, 166
 Pale of Settlement, 21
 Parliament, 38
 peace, xiii, 8,60-62, 125-28, 159,
 163, 170, 180
 pedophilia, 87, 100
 people, 42
 persecution, 161
 Pharaoh, 40
 Pharisees
 biblical law, 87
 Christians vs., xi
 coin, 40
 hell, 88
 Jesus vs., 80,84,87-88
 Nicodemus, xi
 Orthodox Judaism &,88
 Paul, 5
 Sadducees vs., 77-80,82-83
 pluralism, 9n, 22-23, 155
 point *of* contact, 56n
 political pluralism, 9n
 politics, 34-25, 29
 pornography, 26
 Potok, Chaim, 89
 proselytizing, 181
 prostitution, 11
 Prussia, 151
 public schools, 25
 Puritans, 2, 7-8

 rabbis, 49n, 60-61, 82, 104, 141
 rapture, xii
 reason, 27-28, 30
 reconciliation, 9-10
 reincarnation, 17
 relativism, 147

 religion, 54-55
 Renaissance, 28,29,31, 32
 representatives, 59-60
 Resh Lakish, 61
 responsa, 103, 139-40
 restitution, 113-14, 116-17, 133-34,
 135-36, 136-37
 resurrection, xii
 Reymond, Robert, 18-19,53
 robbery, 137-38
 Rodkinson, Michael, 102-3
 Rome, 13, 15, 37
 Rosenstock-Huessy, 31, 153, 161-62
 rulership, 161
 Rushdoony, R. J., 48, 152
 RMBM (see Maimonides)

 Sabbath, 59, 136
 salvation, x, 68-69
 Sadducees, 77-80, 82-83
 sanctions, 141
 Saunders, Rebbe, 169-70
 Schechter, Solomon, 151
 schools, 25, 154, 167
 Seal of Solomon, 67
 secrecy, 97-98
 secularism, 149-52
 semikah, 140-41
 seminaries, 32
 Schechem, 17
 Shimi ben Hiyya, 83
 sin, 94, 174, 175
 slavery, 107, 108,136-37, 163
 sovereignty, 42, 47
 Sphinx, 75
 Star of David, 65-67
 stars, 12
 State, 25,38-39
 Strack, Hermann, 76-77
 Sutton, Ray, 2

Talmon, J. L., 152-53

- Talmud
- bestiality, 83,87
 - books on, 27
 - casuistry, 103, 126-27
 - censored, 75
 - Christians' ignorance, 73
 - circumcision, 95-96
 - closed book, 73, 128
 - commentary?, 87
 - concealed, 101-3
 - curse of Ham, 163
 - daughters, 95
 - death penalty, 139-40
 - dialecticism, 57-58, 74,81-83,90-92
 - diet, 93
 - double standard, 117
 - eating dates, 92-93
 - epilepsy, 93
 - fingernails, 93
 - Gemara, 80,89-90
 - gentiles prohibited, 60
 - getting even, 94
 - history of, 75-76
 - hostility to, 166
 - ignorance about, 73, 101
 - initiation, 103, 105
 - interprets Old Testament, 48
 - Jesus as sorcerer, 41
 - Judaism's bond, 77
 - labyrinth, 75
 - living text, 88-89
 - medicine, 93
 - memorization, 77,103
 - Mishnah, 76, 79-80,89-90
 - Molech, 92
 - Old Testament &, 52
 - Orthodox Judaism, 26
 - pedophilia, 87, 100
 - publishing, 97-99
 - reasoning, 139
 - sanctions, 141
 - secrecy, 84-85
 - sin, 94
 - translation, 75, 85
 - whitewashing, 102-3
 - women, 94-95
- Tamari**, Meir, 168
- Temple, 13, 15, 38
- theft, 113-14, 116-17, 133-34, 135-36, 136, 137
- THEOS (covenant model), 3
- time, xii, 161, 161-62
- toleration, 148-49
- Torah
- evolving, 145-46
 - Maimonides, 115
 - man's maneuverability, 89
 - obedience to, 18
 - rabbinic, 80-81
- Trattner, E. R., 101-2
- treason, 18, 161
- truth, 48
- Twersky, Isadore, 106, 109
- universities, 150
- Van **Til**, Cornelius, 7, 50,51,90
- victim, 136-37, 138
- victims, 135
- victim's rights, 13-14
- visions, 12
- Weiss, David, 89, 103-4
- Westminster Confession, 7
- Willowbank Declaration, 179
- women, 94-95
- Zionism, 63,66, 154,169
- Zoroastrianism, 9

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