

WHY ISRAEL DID NOT OBTAIN TORAH-RIGHTEOUSNESS:  
A TRANSLATION NOTE ON ROMANS 9:32

T. David Gordon

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Rom 9:32 is an important part of its immediate context. The way this verse is understood both influences and reflects one's understanding of the remainder of the context. In this verse, Paul answers his own question about why Israel did not attain unto the Torah.

Rom 9:32, in its context, also figures prominently in the discussion of Paul's understanding of the law, because here is a text which seems to suggest that Israel's failure to attain righteousness is due to her mis-pursuit of Torah, her pursuing it "as if it were based on works." Since this is so evidently the case, those who wish to clear Israel of any such charge find it convenient to overlook this text.<sup>1</sup> The role of this text in Romans, and in the contemporary discussion, warrants a careful consideration of its teaching.

Unfortunately, Rom 9:32 is elliptical: "Because, not by faith but rather as by works" (οτι ουκ εκ πιστεως αλλ' ως εξ εργων). There is no verb in the clause following the question, διὰ τί. It is generally assumed that the missing verb is some form of διώκω, reflecting the participle of 9:31. Thus the RSV translates the text, "Because they did not pursue it through faith, but as if it were based on works." By translating the ellipsis this way, the RSV suggests an answer to the painful question

raised by the context: Israel did not attain to the Torah because she *pursued* Torah the wrong way, by works.

In actual fact, the prepositional phrase could modify two things: *διώκων* or *νόμον*.<sup>2</sup> That is, it is equally possible and equally likely that the prepositional phrase modifies *νόμον*, with the copula omitted: “Because the Sinai covenant (*νόμος*) is not identified/characterized by faith.” What follows are three considerations which lend weight to the plausibility of reading the verse this way.

Gal 3:12. In Gal 3:12, Paul employs precisely this negated prepositional phrase with this noun: *ὁ δὲ νόμος οὐκ ἔστιν ἐκ πίστεως*. The passage is identical, except that Paul does supply the copula (*ἔστιν*) in Gal. 3:12. The similarities do not stop there, however. In Gal. 3:10-13, *νόμος* is also positively qualified by the expressions *ἐξ ἔργων* (3:10) and *Ὁ ποιήσας* (3:13). That is, the qualification works-and-not-faith in Gal. 3:10-13 is parallel to the qualification works-and-not-faith in Rom 9:32. The only difference is that in Gal. 3:10-13 this qualification is unquestionably a way of describing *νόμος*, whereas in Rom. 9:32, the qualification could either describe *νόμος* or *διώκων*. By itself, this parallel in Gal. 3:12 does not necessarily indicate that Paul is saying a similar thing in Rom 9. It does indicate that he has the capacity to characterize the law as “not by faith.”<sup>3</sup>

Rom 10:5,6. In these verses, Paul says that Moses himself wrote about two kinds of righteousness, that which is *ἐκ νόμου* and that which is *ἐκ πίστεως*. That

righteousness which is associated with the Torah (ἐκ νόμου) is also described by Moses as “works” righteousness: ὁ ποιήσας αὐτὰ ἄνθρωπος ζήσεται ἐν αὐτοῖς (Lev. 18:5). This contributes in two ways to the plausibility of reading οὐκ ἐκ πίστεως in 9:32 as a qualification of Torah. First, there is the substantially synonymous relation between the ἔργ-stock and the ποιε-stock. Second, in Gal. 3:12, Paul recognizes this synonymity when he says: ὁ δὲ νόμος οὐκ ἔστιν ἐκ πίστεως, ἀλλ’ Ὁ ποιήσας αὐτὰ ζήσεται ἐν αὐτοῖς (Lev. 18:5). Here in Rom 10:5, Paul refers specifically to Torah (there is no possibility here that it is a reference to διώκων), and its righteousness by citing the same OT passage which he cites in Gal. 3:12, where his point is evident; that Torah is not characterized by faith but by doing.

Rom 9:30-31. These verses, which immediately precede the one under question, contain a paradox: that the Gentiles, who did not pursue righteousness, nevertheless attained it, whereas Israel, which did pursue the Torah and its righteousness<sup>4</sup> did not attain unto the Torah. One would have expected these nouns (νόμον δικαιοσύνης) to have been reversed: δικαιοσύνην νόμου. This would have preserved the parallel (suggested by the parallel usage of διώκω) of the object (δικαιοσύνην) of Gentile and Jewish pursuit. Yet Paul disrupts his own parallel here, because it is important for him (here as elsewhere) to distinguish Jew and Gentile over the issue of Torah.<sup>5</sup> Gentiles may well have attained righteousness; they did not attain unto Torah. For Paul, the Torah, no less than circumcision, marks a Jew as a Jew, and distinguishes him from a Gentile (so Eph 2:15).

What is especially significant for our purposes is that the paradox is not balanced. One would have expected the more-symmetrical paradox: Although not pursuing righteousness, Gentiles attained it; although pursuing righteousness, Jews did not attain it. And, if this symmetry were present, the RSV translation would be more justifiable. If one group attained what the other did not, then the difference between them might lie in the manner in which they pursued it (or did not pursue it, as in the case of the Gentiles). One pursued (or did not pursue) righteousness the right way (by faith); the other pursued it the wrong way (by works). This is not what Paul says, however. What Paul says is that the Gentiles did get what they did not pursue (namely, δικαιοσύνην), while the Jews did not get what they did pursue (namely, νόμον). If both groups had pursued the same thing, then the probing question of 9:32 (διὰ τί) would undoubtedly be designed to answer the mystery of how the one group got what the other did not. However, as it is, the groups did not pursue the same thing (the Gentiles, in fact, pursued nothing), nor did they attain (or fail to attain) the same thing. Paul's point in the paradox, therefore, is not that the Gentiles pursued righteousness in a better manner than the Jews (since he expressly says the Gentiles did not pursue it at all, whether well or poorly); his point in the paradox is the triumph of God's mercy over all (even proper!) human effort.<sup>6</sup> God's mercy gives what is not even pursued, whereas human effort cannot attain unto what is properly pursued, namely the Torah.<sup>7</sup>

Thus, when Paul asks "why" the Jews did not attain unto the Torah, his answer addresses the nature of the covenant recorded in the Torah (that it demands perfect obedience), not the nature of the pursuit of the Torah. Since Torah is itself οὐκ ἐκ

πίστεως ἀλλ' ὡς ἐξ ἔργων, its righteousness was not attained by Israel and the “advantage” of being a member of the Sinai covenant consists only in knowing God’s oracles (3:2), not in attaining righteousness.<sup>8</sup>

In summary, we would suggest a different resolution to the ellipsis of 9:32. What is missing is not some form of διώκω, but a form of the copula. We suggest this on three grounds: first, that Gal 3:12 attaches precisely the negated prepositional phrase (οὐκ ἐκ πίστεως) of Rom 9:32 to the Torah; second, that Rom 10:5-6 refers to Torah’s righteousness by citing the same OT “doing” (ποιήσας) text cited by Paul in Gal. 3:12; and third, that the paradox of Rom 9:30-31 says that the Gentiles pursued nothing, rendering unlikely a translation of 9:32 which distinguishes correct pursuit from incorrect pursuit. Each of these considerations suggests that it is more likely that the negated prepositional phrase (οὐκ ἐκ πίστεως) qualifies νόμον itself, and not some mis-pursuit thereof.<sup>9</sup> This translation, justifiable linguistically on its own merits, has the additional advantage of corresponding better to Paul’s teaching elsewhere and in the immediate context.

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<sup>1</sup>E. P. Sanders, for instance, has no substantive discussion of this text in his massive *Paul and Palestinian Judaism* (Philadelphia: Fortress, 1977), or in his *Paul, the Law, and the Jewish People* (Philadelphia: Fortress, 1983).

<sup>2</sup>It could not modify ἐφθασεν (contra U. Wilckens, *Römer*, EKKNT, ad. loc.) because of the οὐκ preceding it. Otherwise, this too would be grammatically possible.

<sup>3</sup>This use of the preposition ἐκ to denote identity or quality is well-established (MM, “connected with, belonging to,” p. 189; BAGD, “in accordance with,” p. 235). Several verses earlier in Gal (3:7), Paul says, “The ones who are characterized by faith (οἱ ἐκ πίστεως), these are Abraham’s sons.” At 3:9 he employs the same expression to identify

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those who “are blessed with faithful Abraham,” and at 3:10, he identifies those who are characterized/identified by Torah-observance with the same preposition ( ὅσοι γὰρ ἐξ ἔργων νόμου).

<sup>4</sup>The precise nature of the genitive in the expression νόμον δικαιοσύνης is elusive. Whether we follow T. Zahn (Der Brief des Paulus an die Römer, 1910) and A. Jülicher (Die Schriften des Neuen Testaments, Göttingen, 1910, ad. loc.) in interpreting it as the “law which demands righteousness,” or O. Michel (Der Brief an die Römer, MeyerK, 1966) and E. Käsemann (Commentary on Romans, Eerdmans, 1980), “the law which promises righteousness,” is not critical for our purposes, though we prefer the solution of Zahn and Jülicher. Either of these, and virtually any other hypothesis would be superior to the lexically un-pauline suggestion of Murray, “principle of righteousness” (Romans, NICNT, ad. loc., emphasis mine). See the following note for evidence that νόμος, especially in contexts which distinguish Jew and Gentile, is always a reference to Torah/Sinai.

<sup>5</sup>At 2:9-12, for instance, Paul indicates that there will be just retribution for every one who “does evil, the Jew first and also the Greek,” and for every one who “does good, the Jew first and also the Greek. For God shows no partiality. All who have sinned without the law [ἀνόμως] will also perish without the law [ἀνόμως], and all who have sinned under the law [ἐν νόμῳ] will be judged by the law [διὰ νόμου].” He says further (2:14) that the Gentiles are those who by nature do not have the law [τὰ μὴ νόμον ἔχοντα]. For Paul, the normal usage of the term νόμος is to designate either the covenant itself made at Sinai, or the covenant document, in part or whole. Thus, at Romans 9:4, “They are Israelites, and to them belong the sonship, the glory, the covenants, the giving of the law, the worship, and the promises.”

<sup>6</sup>This is substantiated by the previous context in which Paul affirms that God has prepared “vessels of mercy...not from the Jews only but also from the Gentiles” (9:23,24).

<sup>7</sup>We say “properly pursued,” because how else would one pursue the Sinai covenant, other than by doing what Moses said to do?

<sup>8</sup>“What then? Are we Jews any better off? No, not at all...as it is written, ‘None is righteous, no not one’” (3:9,10).

<sup>9</sup>In fact, the only thing in the context of Rom 9:32 which by any interpretation suggests that Israel pursued Torah the wrong way is 10:3, τὴν ἰδίαν [δικαιοσύνην] ζητοῦντες στήσαι. If τὴν ἰδίαν is taken individualistically, then there is a suggestion of impropriety, of “self-” righteousness. However, if τὴν ἰδίαν is taken corporately, to refer to her attempt to attain her own national righteousness, then it is merely a reference to her proper recognition of her particular national-covenantal responsibilities. These responsibilities may, indeed, have blinded her to that pan-national, eschatological

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righteousness that has come in Christ. Our point is not to suggest that Israel was faultless, but merely to suggest that her faults are not that which explains Israel's rejection of the Christ in Romans 9; rather, God's sovereign, electing mercy is that which explains Israel's rejection of the Christ in Romans 9. Further, the particular issue of 9:32 is not Israel's non-attainment of Christ, but her non-attainment of Torah.