

Response to David Neuhaus' "Torah and Jewish Believers in Yeshua" – Richard Harvey

1. Introduction

It is a pleasure and privilege to respond to David Neuhaus' paper, and I will approach the task in the following way. First, I will review the process by which our joint contribution to this symposium has come about. Second, I will summarise David's contribution and draw out some common themes. I will engage critically with David's position, as I understand it. Fourth, I will summarise the diversity of Messianic Jewish understandings of Torah. Fifth, I make my own personal proposals and invite his response to my contribution, so that our discussion may continue.

Let me say at the outset how pleased I am to find ourselves in substantial agreement on several aspects. I identify three key elements in David's presentation, the elements of provisionality¹, plurality and a prophetic perspective. The areas where we will find ourselves approaching the issues from different perspectives or with a different set of assumptions are on the nature of Israel, the definition, meaning and significance of Torah, and the ongoing role and Torah in the life of Jewish believers in Yeshua. But where there are two Jews there are many opinions, so what else would we expect. Our goal is to have 'arguments for the sake of heaven' rather than argue one another into a position of complete agreement. Heaven would be too boring!

First, how did we get to this form of contribution? David and I met in Jerusalem to frame some questions about JBY and Torah, many of which he has answered in his paper. He undertook to read and respond to the two chapters on Torah in my book *Mapping Messianic Jewish Theology*, which surveys what I call (using a phrase I first heard from Dan Juster) Torah-positive and Torah-negative approaches to the Torah in theory and in practice, using the examples of Kashrut, Shabbat and Pesach. David's substantial paper is before me, and I now have the opportunity to respond to it.

2. Torah in Messianic Jewish Thought

Firstly, David has read my material and responded appropriately to the material in it. I found several, even contradictory approaches to the meaning, role and significance of Torah in the Messianic movement, and David recognises this variety and positions himself with regard to the Torah in ways that allow a 'Catholic Messianic approach' to be developed.

¹ For David, any Messianic Jewish approach to Torah, including his own, is *provisional*. In his text the provisionality is expressed by a questioning tone (35?s), suspension of judgment, a hypothetical consideration, a perhaps (3x), possibly or might (17x) in the phrasing of his argument.

Let me summarise the variety of approaches found within the Messianic movement to the Torah. In my book “Mapping Messianic Jewish Theology” which David refers to, I characterise 2 main approaches to Torah in the Messianic movement, which I label “Torah positive” and “Torah negative”. This shows the present diversity of approaches to Torah in the Messianic movement, which range from the Reformed Protestant position of Baruch Maoz which sees any form of Torah observance which as a potential for legalism and seeking to justify oneself by works of the law rather than by grace alone through faith in the Messiah, to the position of Elazar Brandt, who argues that Messianic Jews must devote themselves to observance of *halacha* until they are able to live out a fully orthopractic life within the Jewish community. Between these extremes there are several options for a greater or lesser degree of Torah observance, and a higher or low privileging of Torah in the life of a believer in Yeshua and in relation to the New or Renewed Torah inaugurated by Yeshua. I summarise these under the headings of *abandon, adapt, adopt and accept*.²

Messianic Jews believe that the Law has been fulfilled by Yeshua (Matt. 5:17) and that He is the ‘goal of the Law’ (Rom. 10:4). Just as there are different understandings of Torah in the Jewish community, so too among Messianic Jews. Some (Baruch Maoz and Arnold Fruchtenbaum) see the Law of Moses as obsolete. Yeshua has inaugurated the *new* covenant. The old has gone. The laws of sacrifice have been fulfilled in Christ. The civil laws were only relevant to ancient Israel. Only the universal moral law as exemplified in the Ten Commandments is still applicable. It is therefore misguided to observe aspects of the Mosaic Law that lead back to bondage in legalism. If Messianic Jews observe the Mosaic Law they are denying the grace of God and justification by faith alone. They rebuild the ‘middle wall of partition’ (Eph. 2:14), attempting to justify themselves by works of the Law.

A second view (Gershon Nerel) affirms the cultural and social practices of the Mosaic Law yet this is not for ‘religious’ reasons. Customs that make up Jewish identity have been incorporated into Jewish life by tradition over the centuries, such as the calendar, circumcision and the food laws. These are still normative for ethnic, cultural and national identity but have *no theological merit* and do not add to righteousness. Consequently they are not prescriptive on Jewish believers in Jesus, who are free to observe them if they choose.

A third approach (Daniel Juster, David Stern and several others) recognises the continuing validity of Jewish tradition as the interpretative context for understanding the biblical Torah of the *Tanakh* and New Covenant. Yeshua, in His teaching and example, and the practice of the early church, defined a new *halacha* for the new covenant community. This *halacha* is developed today following the first Messianic Jews’ example in the book of Acts. They observed Jewish lifestyle and practices, adapted some, abandoned others and applied only

² Richard Harvey, *Mapping Messianic Jewish Theology* (Carlisle: Paternoster Press, 2010), pp. 181-183.

a few to the nations. Messianic Jews who observe Torah in this way both acknowledge its value but challenge its interpretation by the main branches of Judaism. They propose a new interpretation of Torah based on the teaching and practice of Yeshua and the first disciples.

A fourth position (Mark Kinzer, Hashivenu and the MJRC) argues that Messianic Jews should observe the Torah according to Orthodox or Conservative tradition, with only a few exceptions. Torah observance is a necessary response of gratitude and obedience in the light of God's election of Israel, which has not been abrogated, diminished or substantially altered with the coming of Yeshua. Torah observance preserved the Jewish community through its rabbinic leaders over the centuries, and Messianic Jews should accept their normative authority and work within this. This will enable them to develop their primary identity within the Jewish community rather than the mainstream Church. They should see themselves as members of the community of Israel, even if others do not accept them.

This challenges Messianic Jews to identify fully with their cultural and religious heritage rather than deny, ignore or approach it in an adversarial manner. A few (such as Elazar Brandt) would extend this approach to a complete identification with non-Messianic Judaism in its observance of Torah. The Jewish tradition is itself the inspired, God-given vehicle for the preservation of the Jewish people, and should not be criticised except from within, by those who already adhere to it.

The problem raised by this approach is the potential compromise on the significance of Yeshua, and his soteriological role. Whilst such an option may be attractive for those wishing to receive a validation of their identity from the Jewish community, it can lead to a diminishment of effective testimony. The self-understanding that may be gained from such an approach leads to isolation from other believers. Torah observance at the cost of the visible unity of the Body of Messiah made up of Israel and the Nations can only result in loss of fellowship and faith.

MJT has yet to reflect seriously on these options, which are still at an early stage of presentation and debate. The manifold values behind some form of 'Torah observance' will continue to challenge and inspire the movement. Living a godly life, following the example of Yeshua, having a culturally sensitive lifestyle and witness, demonstrating the freedom given to observe or not observe aspects of *halacha*, taking up the responsibilities of Israel, reacting against assimilation, are all motivations to be integrated in 'taking up the yoke of Torah'. What is needed for the future development of MJT is further reflection on the theological assumptions, hermeneutical methods and exegetical processes that Messianic Jews bring to the subject of Torah. Also needed is a systematic development and working out in detail what a Messianic *halacha* will look like.

3. Summary of David Neuhaus' position

David's argument, if I understand it correctly, is as follows.

Historically, Torah observance had little importance to JBY, until modern times. Today it has become important as an aspect of Jewish identity, but it is not clear how a religious Jewish identity based on Torah observance relates to other aspects of identity that are more ethnic, secular, social and national. If it is important for JBY to express their religious/spiritual identity through some form of Torah observance, they need to understand what Yeshua meant by Torah, and how he both fulfilled and observed it. They also need to appropriately incorporate a form of Torah observance into their understanding of what it means to be Jewish (in the light of their belief in Yeshua).

Recent historical studies affirm the Jewishness of Jesus and the early church, and their continuing Torah observance. They also demonstrate how the early church, seeking to distance itself from Judaism, imposed on Torah observance the accusation of legalism and literalism. This does a disservice to a proper understanding of the 'concept and function' of Torah as divine teaching of blessing, revelation and reconciliation that prepares for the fulfilment in Yeshua. The church is rooted in Israel, and must not lose sight of these roots.

David then considers Mtt. 5:17. Torah here is not the later halacha, but similar to Dan Juster's NT halacha, pre-Mishnaic and pre-Talmudic. Torah as practiced by Jesus is different from Torah as practiced by the rabbis, so the Torah that gives Israel its identity today is not the same as that which Yeshua and his disciples kept. The implication of this position is that there is no need for JBY to keep rabbinic Torah or (necessarily) to see it as (Mark Kinzer's) God-given means of preserving the ongoing election of Israel and Israel's means of faithful response to His covenant.

Yeshua's fulfilment of Torah is in his incarnation of Torah, 'so we no longer need to seek how to put into practice each commandment – in this sense, Yeshua has replaced Torah' (p2). The Torah for believers in Yeshua is now cruciform, a new model or parallel to the Mosaic Torah, a Torah based on faith – 'a faith that is often posited as opposed to the works of the law' (p2). To this reader there is not much difference between 'abolished' and 'replaced', and DN's view would be comfortably associated with arch-protestant reformed position of Baruch Maoz.

But DN goes on to say that this is not entirely the case, as Paul himself does not want believers to fall into anarchy (ἀνομία), so the Torah is still 'in place in many senses'. But DN suggests an 'eschatological abolition' of Torah, as M5:17 looks forward (ἐάν πληρωταί) to the internal Torah of the New Covenant, where the external observance will no longer be needed. "The Torah has an eschatological limit after which it passes away, undoubtedly significant (*anagogically? As a moral guiding principle?*) but no longer practiced in the same way." (p3).

David is clearly cautious about Jewish believers in Jesus keeping a form of Torah, whether for reasons of the ongoing election of Israel (the Jewish people) or for other reasons such as cultural sensitivity, missionary expediency, or identity politics. "What is not clear is whether the decision not to impose the Torah on

the Gentiles meant that Jewish believers in Yeshua were expected to *stop practicing Torah.*" (p.3, italics mine). For most Messianic Jews and an increasing number of NT scholars, the opposite assumption would hold. Of course JBYS were expected to continue in their practice of Torah! David's reading of the question opens the way of a rejection of Torah as irrelevant and obsolete, or of secondary importance.

For David, of greater importance is the new solidarity to be found within the body of Christ between Israel and the nations (p4.). One senses the need for the catholic (universal) church to be a place where differences and distinctions are permitted only so much as they do not cause division or misunderstanding. The call for a re-appropriation of the teaching (and practice?) of Shabbat within the whole church illustrates how any form of MJ observance of Shabbat must be part of the whole church's understanding, effectively a christocentric observance of the Jewish festival.

In David's conclusion the possibility of two separate callings for Jewish believers, with two different approaches to Torah, one more rooted in Jewish tradition and visibly more halachically observant, and the other more focused on applying and living out the (spiritual?) meaning and fulfillment of Torah within the Church, are presented. To this writer, the inclusion and incorporation of a diversity of belief and practice of Torah allows the writer to have the best of both worlds, and allow a catholicity of practice provided it is grounded in a unanimity of faith.

4. Critical Evaluation and Comment

For this writer, Neuhaus brings to the discussion a much needed willingness to allow different understandings and practice of Torah, which an accurate assessment of the present diversity of MJ practice, and a call of tolerance and understanding of different positions. It is clear that any argument about the nature of Torah and its practice demands the resources of biblical studies, theological reflection, awareness of one's own Jewish and Messianic identity, and a programmatic agenda for the Messianic movement. We are in the process of establishing such resources, but have some way to go. In my understanding, there is an ongoing significance to the Torah which cannot easily be subsumed or replaced by the coming of Yeshua, nor can it remain unchanged by the effects of Yeshua's incarnation, life, death, resurrection and return.

David proposes a diversity of approaches similar to that which is found within the movement, and in the broader circles of those interested in the topic. I would identify David's position on the spectrum of MJ views I identify in my book *Mapping Messianic Jewish Theology* as "Christ-honouring Torah observance", a term borrowed from a recent article by Holly Taylor Coolman, in which she argues for such an approach. She refers specifically to Hebrew Catholics who are Torah-observant in some form, mentioning David Neuhaus' own position:

Only recently, the visit of the Pope to Jerusalem prompted media coverage of Jewish converts to Catholicism such as Fr. Gregorz Pawlowski, who

says Mass for his small Polish community in Jaffa and also fasts on Yom Kippur, and Fr. David Neuhaus, a Jesuit priest who continues to attend a Reform Synagogue regularly and celebrate Jewish holidays such as Succot and Hanukka. *The Jerusalem Post Magazine*, May 9, 2009.³

5. Christified Torah?

Coolman asks the question “*what would a specifically Christ-honoring form of ceremonial observance look like?*” and goes on to propose that

What is needed is rather a robust account of a form of whole- Torah-observance that is *transformed as it is united to Christ*. What is needed is a practice that is at once precisely Jewish and precisely Christian.⁴

Coolman, using the work of Jewish thinker David Novak, and Christian theologian Thomas Aquinas, argues for a position which I think will become increasingly affirmed by Messianic Jews. She argues that

(1) We must see Christ in terms of the Law, and (2) we must see the Law in terms of Christ.⁵

She proposes a Christological Torah for Messianic Jews, or (my preference), a Messianic or Christified Torah⁶.

According to David Novak, whilst many Christian thinkers have renounced the *hard supersessionism* that says the Church replaces Israel as the new People of God, the New Israel, they still retain a *soft supersessionism* that sees the Old Law of Moses replaced by the New Law of Christ. She then analyses the teaching of Aquinas on the Old Law, which does not allow such a sharp distinction between Old and New, both being part of the Divine Law given by revelation.

For Aquinas Law is to be understood under four categories, Eternal, Natural, Human and Divine. The Eternal Law is part of God’s own being and character, his wisdom and reason. Natural law is that part of God’s eternal law, appropriated by human reason, and participating in the good. Human law is the enactment of that law in the society according to its various forms and contexts, a flexible application of Natural law. Divine Law is the Revelation of God’s eternal law through the history and election of Israel, and the revelation and redemption in Christ, which moves humanity beyond its natural faculties towards its final goal, the vision of God and ‘friendship with God’. Coolman shows how the Divine law,

³ Holly Taylor Coolman, “Christological Torah” in *Studies in Christian-Jewish Relations*, Volume 5, Issue 1, 2010, Article 3, p. 10 fn 40 (available online at <http://ejournals.bc.edu/ojs/index.php/scjr/article/download/1557/1410>).

⁴ Coolman, 10.

⁵ Coolman, 4.

⁶ Christified (to use WD Davies term, ‘Christified Holy Space, in a non-supersessionist sense?)

made up of Old and New Law, has its unity and integrity in Christ, who both fulfills and gives perfect form to the Old Law by inaugurating the New. For Aquinas, as Kinzer points out, the ceremonial aspects of the Old Law are now obsolete, and it is sinful to continue to practice them in any form, as Christ's coming makes them unnecessary. But Coolman is not happy with this conclusion, and argues (along with Kinzer) that a Messianic Jewish option of continuing practice of the Old Law should not only be possible, but in fact necessary to demonstrate the ongoing presence of Jewish people within the Body of Christ.

6. Further Questions

There are three issues that arise from this reclamation of Aquinas. There first is the problem of the three-fold distinctions, found in Augustine and Maimonides also, between the moral, ceremonial and civil aspects of the Law, which argue that the moral law is universal, the ceremonial law is fulfilled in Christ, and the civil was relevant to the society of Israel in the Old Testament but is no longer of practical value. Such a threefold distinction has some value but does not do justice to the integrity of Israel's law, which encompassed all aspects of life, the moral, social, political, economic, religious, etc, and cannot be used to divide up the law into different categories. The example of the Sabbath legislation demonstrates this clearly, as it is not possible to separate the spiritual, practical, economic and social aspects of the institution into the categories proposed.

The second issue that arises, to which David Neuhaus refers, is the issue of continuity and discontinuity between Old Testament Law and the ongoing practice of the Jewish people throughout history. The development of *halacha* over the centuries, within the context of the Jewish community, not least with the emergence of the different streams of Judaism in modernity, lead to the question as to how Torah as understood today can be seen as the continuation of Old Testament Law. I want to argue that it can be and should be seen as such, not because of the doctrine of oral tradition, the dual Torah of *torah she biktav* and *torah she b'al peh*, but for a different but connected reason – the ongoing election and survival of *am Israel*, the Jewish people.

The Torah is given to Israel but is not limited to Israel. Through the New Covenant, it is expanded and applied to all nations through the new Torah of Messiah. However, it seems to me that the original giving of Torah to Israel remains in place, and whilst only complete through the Messiah, still has an ongoing value and vitality necessary for the preservation of the Jewish people. It also allows for the inclusion of Israel within the body of Christ without complete absorption/dissolution, and maintains the expectation of the eschatological restoration of all Israel.

The third question that arises is the need for *a clear definition of Torah*. Allow me to propose one. Torah is the summary of instruction that results from God's revelation of Godself and his purposes to Israel, mediated and refined through tradition, reason and experience, and exemplified in perfect form through the life, teaching, death and resurrection of Yeshua.

Taking the primary sense of Torah as dynamic and practical instruction rather than set of laws, part of scripture, component of a religious system or in antithesis to 'faith' or 'gospel' challenges us to think through carefully the ethical, social, political, economic and theological significance of the whole and the parts of Torah. It predisposes us to an ethical reading of Torah that shows the missional purpose of God's election of Israel and how Israel is called to live out the justice and righteousness of God as a society. The religious cannot and should not be separated from the secular, the realm of faith and belief from the realm of practice and conduct. This also requires both the lived experience of the Torah observant community to show how this can be done through changing circumstances, patterns of history and paradigm shifts of world-view and philosophy, and the wisdom derived from critical external analysis and reflection on the symbolic meaning, ethical values and contemporary equivalence of the principles enshrined in the laws, narratives and wisdom that comprise the Torah.⁷

How this will be developed and lived out by Messianic Jews, both in the wider church and in their own congregations, remains to be seen. It is our challenge and responsibility here to address the task.

Richard Harvey

⁷ Christopher Wright proposes a reading of Old Testament law based on identifying the ethical principles and missional significance of Israel as society living out God's laws in God's land as God's people. Israel's communal, social and religious life is paradigmatic of God's purpose of humanity with his creation, and models through its system of justice a redeemed humanity. See Christopher J. Wright, *Living as the Living as the People of God: The Relevance of Old Testament Ethics* (Leicester: IVP, 1984).