

Mercy Triumphs Over Justice: James 2:13 and the Theology of Faith and Works

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(a) Introduction

Ever since Luther's Prefaces to the New Testament (1522) the book of James has suffered a great deal of abuse at the hands of Bible scholars. Some have come to the point of doubting whether the book is Christian. Bultmann says of James in his *Theology of New Testament*: 'Every shred of understanding for the Christian situation as that of "between-ness" is lacking here. The moralism of the synagogue has made its entry.'¹

At the same time recent advances in New Testament studies have illuminated many aspects of the setting and character of the epistle. M. Dibelius pointed out in 1920 the indebtedness of James to the Greek and Jewish paraenetic traditions. He claimed that James is best understood as a 'text which strings together admonitions of general

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ethical content'.² Though we may debate some of Dibelius' conclusions, it is hard to deny his general view that James represents a practical manual of Christian instruction addressed to early Christians in general (rather than to any particular church). Most would also agree with him that James does not contain a developed theology, but features rather early reflections on the Christian life in the light of the teaching of Jesus.³

Further study has likewise illumined the special relation between James and the logia of Jesus, especially the teaching that makes up what we call the sermon on the mount.⁴ Its setting has been further explained by the discoveries at Qumran and their revelations about Jewish community life at the time of Jesus. Parallels between James and Qumran are so interesting that T. H. Gaster concluded: 'the Dead Sea Scrolls indeed open a window upon the little community of Jewish Christians clustered around James in Jerusalem. These men may have been originally the urban brethren of the hardier souls that betook themselves to Qumran.'⁵

¹ (London: SCM, 1955), Vol. II, p. 163.

² *Der Brief des Jakobus* (1920) ET of the 11th edition revised by H. Greeven (Philadelphia: Fortress Press, 1976), p. 3.

³ Dibelius however surely overstates the matter when he says: 'James has no theology.' *Ibid.*, p. 22.

⁴ E. Lohse, 'Glaube and Werke' *Zeitschrift für Neutestamentliche Wissenschaft* 48 (1957), pp. 9ff. Cf. 'This epistle is alive with the ... home bond between James and Jesus.' James Adamson, *The Epistle of James* (Grand Rapids: Eerdmans, 1976), p. 18.

⁵ T. H. Gaster, ed. *The Dead Sea Scriptures* (Garden City: Doubleday, Anchor, 1958), intro. p. 17.

If exegesis is the attempt to find—as James Robinson has put it—‘the point originally scored’, we must take very seriously this background in order to understand the audience James had in mind. It is with these conditions in mind that James speaks and that we must hear. We hope to show that a closer attention to James’ actual intention will help us overcome some of the supposed difficulties of interpretation. James is writing then a practical treatise for Jewish Christians, not only in Jerusalem, but throughout the Roman empire. He writes about AD 60,⁶ just before the first severe persecution breaks upon the Church, but at a time when behaviour within the community and its attitude toward those outside have already become a problem.

(b) The Problem Posed: The Structure of James 2

The issue in the interpretation of James 2 has become problematic whenever James and Paul are set over against each other as theological opponents. Paul stresses faith as the sole means of justification; James insists faith and works must go together. Surely, this line of thinking concludes, we have here an example of theological diversity in the NT which cannot be reconciled. James Dunn for example concludes:

It is obvious then that what is reflected here is a *controversy within Judaism*—between that stream of Jewish Christianity which was represented by James at Jerusalem on the one hand, and the Gentile churches or Hellenistic Jewish Christians who had been decisively influenced by Paul on the other.⁷

But we hope to show that James and Paul were using their terms differently and in any case addressing themselves to different situations. To support this we will seek to examine the context of James’ statement in the entire second chapter as evidence for the fact that ‘works’ in James are the ‘doing of mercy’ that was required of God’s covenant people in the OT and that is to be the special characteristic of Christians, what James elsewhere calls the ‘law of liberty’ (1: 25 and 2: 12).

The central teaching of James is found in the second chapter and consists in two related sections: vs. 1-12 on partiality in the assembly, and vs. 14-26 on the interrelationship of faith and works. Verse 13 stands between those sections and provides a link between them as well as giving a clue to the point he wishes to make in the chapter. Let us examine this verse first:

For judgment is without mercy to one who has shown no mercy; yet mercy triumphs over judgment (RSV).

To a Jewish mind judgment would at once call to mind the final judgment at which God would bring about final justice. The idea James expresses here is common in Jewish literature. As an example we may quote the following from the Testament of the Twelve Patriarchs:

⁶ R. V. G. Tasker, *The General Epistle of James* (Grand Rapids: Eerdmans, 1976), p. 28.

⁷ *Unity and Diversity in the New Testament* (Philadelphia Westminster Press, 1977), pp. 251, 252. Italics his.

Have therefore yourselves also, my children, compassion toward every man with mercy, that the Lord also may have compassion and mercy upon you. Because also in the last days God will send His compassion on earth, and wheresoever He findeth bowels of mercy He dwelleth in him. For in the degree in which a man hath compassion upon his neighbours, in the same degree hath the Lord also upon him (Zeb. 8:1-3, (Charles ed.)).

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As elsewhere in James, however, what was common in Jewish tradition is recalled in the light of the fulfilling word of Jesus' teaching:

Blessed are the merciful, for they shall obtain mercy (Mt. 5: 7; cf. Jas. 1 : 5, 22 and 5: 12).

The particularly Christian element, and that which characterizes Jesus' teaching in a particular way is found in the second half of the verse: Mercy boasts, glories, or triumphs over judgment. That is, mercy does not merely vindicate itself, it is able to triumph. These two phrases then expressing related ideas, in a kind of synthetic parallelism, point both back to the previous verses and ahead to those which follow, and, we will see, summarize the teaching that James intends to give in the chapter.

Verses 1-12. The idea of judgment in v. 13 brings to mind not only the final judgment, but that judgment which we are called upon to exercise in our human affairs. Verse 1 is a counter example to the righteous judgment that God will give at the end of history. Here discrimination rests on outward and external standards. The word for partiality, *prosopolempsia*, is found only here in the NT but reflects the semiticism, *prosōpon lambanō*, and recalls Deuteronomy 10: 17 (LXX) where God '*ou thaumazei prosōpon*'. One cannot impress God with his appearance, and God's people are to be similarly unwavering (interestingly the word for 'wavering doubt' in 1: 6 and 'distinction' in 2: 4 are the same in Greek). In Job 34: 19 it is this characteristic of God, his not showing partiality, which qualifies him to govern.

This possibility of impartial treatment in human affairs lies at the basis of all human justice, and the author clearly has this human judgment in mind as well as God's final judgment. The different instructions given to visitors in verses 2 and 3 is a clear allusion to Rabbinic instructions for those appearing before the tribunal, as R. B. Ward has pointed out. Commenting on Deuteronomy 16: 19 R. Ishmael says: 'If before a judge two men appear for judgment, one rich and another poor, the judge should say to the rich man: "Either dress in the same manner as he is dressed, or clothe him as you are clothed" ' (Dt. R. Shofetim, V, 6). In another place the instructions read: 'You must not let one stand and the other sit' (Sifra, Kedoshim Perek, 4, 4). The allusion is so obvious that Ward believes the author of James actually has in mind two members of the community appearing before a tribunal.⁸ He makes this suggestion to account for the phrase 'among yourselves' in verse 4 which he takes to mean that both must already be members of the community (he also points out that 'synagogue' can be used of the tribunal).

⁸ 'Partiality in the Assembly' *Harvard Theological Review* 62 (1969), pp. 87-90.

While the tribunal must surely be in the writer's thinking, we would rather see this as an exhortation to impartial hospitality, for, as we will see, it is this idea that becomes prominent in the second section.

But James' allusion to the tribunal—which would have sprung readily to the listener's mind—is quite intentional. The author is making here an argument from the lesser to the greater. That is, if this kind of impartiality obtains in the court, how much more appropriate is it to the messianic community where the royal law of love reigns (v. 8)?

The fact that James focuses on rich and poor deserves attention in this connection. Dibelius points out that the usage of 'the poor' in James continues the OT tradition which had come to identify the pious with the poor. The Messianic era was to come and bring salvation to the needy (Is. 61: 1 and Lk. 4: 18-21). By the time of the NT, poverty had taken on a religious nuance that is reflected here. James must have recalled Jesus' promise that the normal social stratification was being overturned (Lk. 6: 20ff.), and this background must have given a note of irony to his instructions in these verses. In verses 5 and 6 James makes his point in two ways. First God has chosen those who are needy to enjoy the riches of faith and to be heirs of his kingdom. Jesus did not come to call 'righteous' but sinners—we shall have more to say on this theme below. Secondly, the rich prove their enmity to Christianity by dragging believers into courts (v. 6. The court system is obviously working in favour of the rich and against the poor, which was the reverse of God's intention), and, by doing this, they blaspheme the name by which Christians are called (v. 7). One thinks here of Paul's vision on the road to Damascus wherein his persecution of Christians was considered an attack on Christ himself. The irony is this: those who were the poor of this world were beginning to give honour to those who were well clad (notice James does not say 'rich man' in verse 2), and to dishonour the poor man thus playing the role of the very rich who drag them into courts. James probably has no specific situation in mind, but fears, as Dibelius notes, a gradual acceptance of this world's standards of judgment.⁹ Sadly the history of the Church has all too often borne out James' fears.

We are in a position now to draw these brief comments together and see the point of verse 13a.

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Showing mercy is the way that love will express itself in this new community. This will involve at the very least a welcome for the poor (as for the rich) and it will lead to an active outgoing compassion toward all those in need (see 1: 27).¹⁰ Moreover the judgment that God will bring will be directly related to the judgment we pass on those around us (*cf.* Mt. 6: 14ff: and 18: 23-35).

Verses 14-26. James now follows Jesus' teaching further. It is not enough that we show no partiality. That is after all a negative conception. Implicit in these verses (and hinted at already in verse 8) is a more inclusive idea that the author expresses in the phrase: 'Mercy triumphs over

⁹ *Op. cit.*, pp. 39-45.

¹⁰ J. Cantinat, *Les épîtres de Saint Jacques et de Saint Jude* (Paris: Librairie Lecoffre, 1973), p. 137.

justice,' and which bursts onto the centre of the stage in verses 14-26. James begins by asking in verse 14: what good is faith apart from works? Here it is crucial that we understand what he means by 'works'. Against the background of verse 8 he explains in verses 15 and 16 what he has in mind: works are giving to a brother or sister what they need. It is in a word, the gift of hospitality, an open giving of yourself and your goods to the needy. Notice that these expressions of love are not strictly speaking demanded by the law. They are expressions of doing mercy that go above and beyond the demands of the law—the second mile of the Sermon on the Mount—but that by that very fact reflect the character of God himself.

That this is the intent of the passage is evidenced by the use of Rahab as an illustration and arguably lies behind the reference to Abraham as well. Rahab is shown righteous specifically in her opening her home to the spies. In spite of the social and economic reasons why she should not have done so, she received them freely. Abraham too was known for his hospitality (see Gn. 18: 4-8). In fact Ward believes that this is James' main point in mentioning this father of faith. He contends Abraham was so well known for his hospitality that this needed no emphasis. The meaning of verse 23 then (which quotes Gn. 15: 6 LXX) could be that because Abraham had proven himself a friend of God (by his hospitality) he was acquitted at his trial by not having to offer up Isaac.¹¹

This then is how mercy triumphs, not just in showing impartiality, but in a loving hospitality and welcome for those in need. But there is an added irony in the choice of Rahab as an example. For here it is not strictly the community that lies open to those outside, but mercy has triumphed to such an extent that an outsider—a Gentile and a harlot—herself exhibits the character of doing mercy, just as the Samaritan has done in Jesus' parable. The kind of good works that Christ had come to initiate overturn all our social expectations: the hungry he has filled and the rich he has sent empty away (Lk. 1: 53).

(c) Illumination of the setting of James

Three areas of the context of James are especially significant for understanding the epistle. First James reflects something of the concerns of the Jerusalem Church in its primitive stage: still very Jewish in character and not yet aware of its universal mission. Then James reflects a close acquaintance with the OT Scriptures, especially in its Greek translation. And finally he reflects a close awareness of the teaching of Jesus, especially that which finds expression in the Gospel of Matthew.¹²

As to the context of the early church one can easily imagine the situation pictured in the early chapters of Acts as a background of James' teaching. Acts 2: 45, for example, gives us a glimpse of the spontaneous love for one another that characterized that first group of believers. The initial outpouring of the Holy Spirit created a natural openness and sharing and it is surely with these early days in mind that James writes his letter. He is painfully aware that the first flush of loving

¹¹ R. B. Ward, 'The Works of Abraham' *Harvard Theological Review* 61 (1968), pp. 286, 288, 289.

¹² Cantinat, *op. cit.*, pp. 27, 28.

enthusiasm had not lasted. The unity had begun to give way to a partiality that judged people by human and external standards. As we noted above James fears that believers might lose that essential mark that set them out as God's own people: that loving concern for one another that reflected their faith in God.

But the phrase James employs in 2: 13, *poiēsanti eleos*, shows that he has in mind the larger OT context as well. There God's people were to respond to their election by obeying his voice and keeping the covenant, in this way he would be their God and they his people (Ex. 19: 4, 5). True they were to confess in their worship that God is one, as the famous Shema of Deuteronomy 6: 4 records. James clearly has this text in mind in 2:19; believing this he says, you do well *kalōs poieis*. But Israel was also to choose life by keeping the commandments (Dt. 30: 16-20). And so it came to be regarded as a special sign of the covenant people that they, reflecting God's own mercy toward them, showed mercy, especially toward the unfortunate. The righteous, says the Psalmist, is 'ever giving

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liberally and lending' (Ps. 37: 26). But unfortunately Israel and Judah all too often came to interpret their covenant obligations in terms of a strict keeping of the law, so that the prophets had to offer a critique of their obedience. They were a people who followed with their lips, but whose hearts were far from God (Is. 29: 13 quoted by Christ in Mt. 15: 8). And it was just at the point of coldness toward those in need that this hypocrisy showed itself. Jeremiah had to remind the people to 'do justice and righteousness, deliver from the hand of the oppressor him who has been robbed' (22: 3). Hosea reminded the people that God required mercy and not sacrifice' (6: 6); Micah listed God's requirements as: 'Doing justice and loving mercy (6: 8). Finally Zechariah is similar to James 2: 13 when he urges the people to: 'Judge truly and show kindness and mercy *eleos ... poieite* to your brother,' which he goes on to define as not oppressing the widow and the poor (7: 9, 10).

The third context of the book of James is the teaching of Jesus. Perhaps because James was the brother of Jesus¹³ and benefited from close association, he makes significant use of the logia of Jesus. Three instances make direct reference to Jesus' words (Mt.1: 5-7:7; Mt.1: 22-7:24; Mt. 5: 12-5: 34-37).¹⁴ Beyond this the background of some of James' teaching must certainly be the Lord's teaching. The flowers that fade in 1: 10, 11 and the spring and two kinds of water in 3: 11 are two examples. But even more important for our purposes than specific references to Jesus' words is the echo of his voice to be found in James' prophetic critique of the Christian community's self-understanding as God's people.

To take but one example from the teaching of Jesus let us recall Luke's account of the parable of the great supper (Lk. 14: 12-24). In this parable, J. A. Sanders believes, Jesus is offering a prophetic critique of what the religious leaders of his day had done with the Deuteronomic

¹³ See most recently the discussion of this in Franz Mussner, *Der Jakobusbrief* (Frieberg: Herder, 1975), pp. 7, 8.

¹⁴ Discussed in Lohse, *op. cit.*, p. 9.

doctrine of election.¹⁵ As their fathers before them they had come to see their place in God's call as a special privilege which God would not revoke. They, in the terms of the parable, were sure who would be invited to the messianic banquet and who be excluded. They even believed they knew the guest list and the seating arrangement!¹⁶ In other words, they had completely lost sight of the fact that God's call—the call they were to echo—was itself a 'showing mercy' to the needy and was intended to include as many as had need, even, or shall we say, especially, if these do not meet our human expectations about goodness ('Go out to the highways and hedges' 14: 23). It was this idea which underlay much of the teaching of the Sermon on the Mount and which James reiterates in his book, especially in the second chapter. Righteousness is not a matter of calculating observance of laws, but it is a spontaneous, overflowing expression of love. In James' language its harvest is sown in 'peace by those who make peace' (3: 18).

(d) Conclusion

We are now in a position to draw these brief observations together and suggest the implications for a comparison of James and Paul. There are two major theological streams in James which are interrelated: Christians are to reflect God's merciful call to the poor and to realize his wisdom in their lives (*cf.* 1: 5). We have focused only on the first of these, but it is not hard to see the connection between the two. The one who makes distinctions by human standards does not show wisdom, he is not expressing the firm, well-grounded character of God in his judgment.¹⁷ J. A. Kirk has argued that wisdom functions in James in the same way that the Holy Spirit functions in the life of the believer in Galatians, giving us good fruit and making us like God (*cf.* 3: 17,18). He concludes: 'In James wisdom is that which enables man to continue in steadfastness, which produces as its real fruit the man who is perfect and complete.'¹⁸ According to James then this perfection is reflected in a special way by our hospitable receiving of the needy. It is as though James is writing an extended commentary on Jesus' words: 'He who receives you, receives me' (Jn. 13: 20, *cf.* Mt. 18: 5).

What then can we say about James' relation to Paul? We have not spoken of the background of Paul's teaching. But if we had we would have found that Paul's Gentile mission provided a wholly different context from James' ministry in Jerusalem. James for his part clearly speaks from an OT and

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¹⁵ Luke's Great Banquet Parable' in J. L. Crenshaw, ed. *Essays in Old Testament Ethics* (New York: KTAV, 1974), p. 255.

¹⁶ Sanders notes such lists were well known in Qumran, *Ibid.*, 262.

¹⁷ Dr Newton Flew has suggested that James 1: 1-10 lists all the topics James will cover in his letter, verse 2 introducing 1: 12-27 and verses 3, 4 all of chapter 2. If this is so it lends weight to the view that steadfastness and perfection are shown supremely in receiving the needy. This whole question of the structure of James is discussed in P. B. R. Forbes, 'The Structure of the Epistle of James,' *Evangelical Quarterly* 44 (1972), pp. 147-155.

¹⁸ J. A. Kirk, 'The Meaning of Wisdom in James: An Examination of a Hypothesis,' *New Testament Studies* 16 (1969), p. 31.

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Jewish view of faith and works. Faith for him means merely the intellectual belief in monotheism.¹⁹ To the Jew this faith is 'meritorious, if it is a quality of obedience leading to performance of good works'.²⁰

By contrast James' use of 'works', while growing out of OT ideas, is markedly different from the 'works' of Judaism and of Paul. They are not the 'works of the law'. Rather they are that which fulfills the royal law of love, the showing of the mercy of God himself. It is this which reveals the presence of genuine (that is living) faith. James in other words reflects Jesus' prophetic attack on the ethic of election and law keeping, and, in doing so, uncovers the real intention of God's calling of his people in the OT. Paul on the other hand represents a theological reflection on Jesus' person and work and the subsequent deepening of the uniquely Christian conception of faith as the response of the whole person to the revelation of God's love. James interprets Judaism in the light of Jesus' teaching. Paul develops Christian truth against the background of Judaism. Professor Jeremias puts the matter in these terms: Paul is speaking of Christian faith and Jewish works; James speaks of Jewish faith and Christian works.²¹

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¹⁹ D. O. Via, Jr, 'The right strawy epistle reconsidered,' *Journal of Religion* 49 (1969), p. 256 and J. Jeremias 'Paul and James,' *Expository Times* 66 (1954), p. 370.

²⁰ Barnabas Lindars, *New Testament Apologetic* (Philadelphia: Westminster Press, 1961), p. 225.

²¹ Jeremias, *op. cit.*, p. 370.