

## All Foods Clean: Thoughts on Jesus and the Law

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### **A Crucial Saying**

‘There is nothing outside a man which by going into him can defile him; but the things which come out of a man are what defile him’ (Mark 7:15). This saying has figured very prominently in discussion of Jesus and the law, and my reason for taking it up again is that it makes a focus for a number of crucial issues.<sup>1</sup> In the first place, it is a rare instance in the teaching of Jesus where it can be claimed that Jesus not only sought to radicalise the law by reaching to the heart of it and inculcating its inner spirit, but also appears to have denied the law as such. Leviticus 11 states plainly that to eat the flesh of a long list of unclean creatures causes defilement, and Jesus’ words directly contradict this. This raises the question whether he intended to abolish the law, or even to give a new law. Related to this issue is the question why Jesus incurred the opposition of the scribes and Pharisees, which figures so prominently in the Synoptic tradition.

Secondly, the saying of Mark 7:15 has an obvious bearing on the question of the Jewish food laws in general, and this gave rise to a critical issue in the early history of the Church in connection with the admission of Gentiles. It is the subject of a sharp division between Paul and Peter at Antioch according to Gal 2:11-14. It is contended that the trouble would never have arisen if this saying of Jesus had been known to them.<sup>2</sup>

But then, thirdly, it is also claimed that Paul actually refers to this saying in Rom 14:14, when he gives instructions to the Romans on matters of food.<sup>3</sup>

These observations lead, fourthly, to the fundamental question of the

Church and the law. It is clear that the first Christians continued to observe the law. This is strange if Jesus had intended to abrogate it. Were his words not heeded until Paul rescued Christianity from legalism and set it on its true path of a spiritual and universal religion? Or did his closest friends fail to understand his teaching, as Mark indeed so often implies? Or did he on the other hand intend to reinforce the law without any expectation of a wider application of his teaching to the Gentiles? And if so, is not this saying incompatible with such a policy? Finally, what bearing does this saying, if authentic, have upon Christian understanding today?

In what follows I shall argue that the saying should be accepted as authentic, in spite of doubts that have been expressed on this subject recently. It will then be necessary to estimate its bearing on the question of Jesus' attitude to the law. Here I shall side with much modern scholarship in denying that Jesus had any intention of overthrowing it. The opposition of the scribes and Pharisees must be seen in the light of this. I shall then suggest reasons why the saying, though available, did not figure in the controversy over relationships between Jewish and Gentile converts. At this point I will return to the transmission-history of the saying, and this will allow a comment on the possible allusion to it in Rom 14:14. I shall conclude with a brief indication of the wider implications of this study.

### The Original Form

The question of authenticity is always in danger of becoming a circular argument. On general grounds it can be claimed, as has recently been done by Räisänen, that the saying belongs to the controversy about the food laws in the early Church, and therefore it cannot be authentic, because that is the setting in which it arose.<sup>4</sup> Similarly E.P. Sanders, though differing from Räisänen on a number of points, holds that the trouble at Antioch described in Gal 2.11-14 could have been settled once and for all by appeal to this saying, so that it cannot be accepted as genuine.<sup>5</sup> But it is the relationship between the transmission and interpretation of the saying and these controversies which has to be investigated. It needs to be examined first for what it is in itself before this can be established.

The form of the saying is a *māšāl* of the type of antithetic couplet. It thus has a Semitic character, though that in itself does not prove that it was actually composed in Aramaic. Paschen has paid particular attention to the possibility of an Aramaic original.<sup>6</sup> He argues that the commentary on the saying which follows in verses 17-23 includes the whole saying in a form that is likely to be closer to the underlying Aramaic. These verses give an exposition of the saying, in which the two parts of the couplet are treated separately. The Markan redaction can be easily stripped off.<sup>7</sup> When this is done we are left with the pre-Markan composition, consisting of text, 'Whatever goes into a man from outside cannot defile him' (18b), with the exegesis, 'for it enters, not his heart but his stomach, and so passes out into the latrine' (19a), and then the second part of the text, 'What comes out of a man is what defiles a man' (20b), with the exegesis, 'for out of the heart of man come evil thoughts, fornication, theft, murder,

adultery, coveting, wickedness, deceit, licentiousness, envy, slander, pride, foolishness' (21-2).

It will be appreciated that this pre-Markan composition is a genuine example of a Christian *midrash* (a term often used loosely and incorrectly by NT scholars), in which a saying from the Jesus tradition is provided with a commentary, as if it were a biblical text. As such, it is not really possible to take the exegesis back to Jesus himself, in spite of the pleas of Stephen Westerholm.<sup>8</sup> In fact, as we shall see, the exegesis is too obvious to be an inseparable part of the saying, which gains from being detached from the exegesis. Westerholm is right, on the other hand, to claim that this is a pregnant saying, and to take this fact as a criterion of probable authenticity.<sup>9</sup>

Paschen reconstructs the text by taking the two parts from verses 18b and 20b, and inserting 'but' from the form in verse 15. Räisänen objects that this makes the foundation text in verse 15 less Semitic than the form which is based upon it, which weakens the case for authenticity. He also points out that Matthew's version of verse 15 is the most Semitic of them all (Matt 15:11).<sup>10</sup> He further finds fault with Paschen (quite rightly in my opinion) in his decision to exclude the verbs 'goes in' and 'comes out' from the original form of the saying on the grounds that they are unnecessary and typical of Mark's tendency to pleonasm,<sup>11</sup> in spite of the fact that they are present in all the forms of the saying as we now have it and are essential to the commentary of verses 19a and 21. This criticism should be accepted.

The other observation, that the derived forms of the saying give a more Semitic impression than verse 15 itself, is however misleading. Matthew's version of verse 15 is a typical Matthean conflation, using the text of verses 18 and 20, which are then subsequently abbreviated.<sup>12</sup> My own attempt to retranslate verse 15 into Aramaic produced a text which I *then* discovered was represented more literally in verses 18b and 20b. This applied to three details: *ouden* ('nothing') requires the negative plus 'all' (cf. 18 *pan ... ou*); the singular is required for 'the things which come out' (cf. 20, where singular is used); and the verb 'are' (Greek *estin*, following neuter plural) requires representation by the pronoun (cf. 20 *ekeino*).<sup>13</sup> These in fact are the only significant differences between the two forms of the saying. It can thus be concluded that verse 15 is a slightly polished version of the saying, which is best preserved in verses 18b and 20b.

The explanation of this is simple. Mark's source must have contained the whole text of the saying, which was then reproduced in its two parts separately for the sake of the exegesis. This arrangement is comparable to the Qumran commentaries. In making use of this material, Mark has polished the saying, but left it untouched in the commentary. It is notable that *pan...ou* is not characteristic of Mark, whereas *ouden* is common.<sup>14</sup> Mark also prefers the plural to the collective singular, and indeed we have another example of this in the summary verse 23, which in my view belongs to Mark's editing.<sup>15</sup> Finally the resumptive use of *ekeino* after *casus pendens* occurs only here in Mark.<sup>16</sup>

We thus have a saying with a very clear Semitic character, and this is one

criterion in favour of authenticity. In addition it possesses the criterion of dissimilarity. It is obvious that, at least in its surface meaning, it is dissimilar to normal Jewish teaching.<sup>17</sup> But in so far as ostensibly it is an attack on the Jewish distinction between clean and unclean foods, it does not fit the earliest period of the Aramaic-speaking Church. A Christian parallel has to wait until after the controversy over the admission of Gentiles, which began in the Hellenistic expansion of the Church. At the same time the saying passes the test of coherence, for it is consistent with other sayings of Jesus concerning the law and the *halakah*, as we shall see as we now turn to the interpretation of it.

### **Mark 7:15 As Language-Event**

Mark 7:15 is particularly important, because it is a case where Jesus appears to overthrow the law itself. Most of his strictures are directed against pharisaic insistence on customs which had only recently grown up, such as the washing of hands before eating and the washing of the outside of pots before use, which are at issue in the larger context of Mark 7:1-23.<sup>18</sup> It seems to be agreed that these customs, which are not mentioned in the law, had won wide acceptance among devout Jews, as they reduced the risk that food might contract uncleanness through accidental contact with impurity. They were not specifically pharisaic rulings, but they were promoted by the Pharisees in their efforts to promote a high standard of observance of the law. I am assuming that the Pharisees were a lay movement, striving to encourage a priestly style of purity among the common people.<sup>19</sup> This, however, was not at all the way of Jesus. His teaching on purity is directed to the inward purity of the heart, and he appears to regard the rules as a hindrance rather than a help.

On this basis it can be argued that he wished to promote the law, but opposed the multiplication of rules in the oral tradition supported by the Pharisees. Our present saying, however, is concerned with clearly enunciated provisions of the written law itself. Unlike the 'antitheses' of the Sermon on the Mount, it does not confirm the law, while going beyond it to the interior motive. It implicitly denies that the food laws of Leviticus 11 have any relevance for personal holiness before God. It thus belongs with the divorce pericope of Mark 10:2-9, in which Jesus appears to abrogate the law of divorce of Deut 24:1-4.

However, the mere fact that these are the only two sayings of Jesus which show him overthrowing the law should make us cautious. The interpretation of the divorce pericope is nearly always taken in this sense because of its long-standing connection with the prohibition against divorce in the Church, starting with the clear statement of Paul, probably based on it, in 1 Cor 7:10. But if we put aside these considerations and view Mark's story for what it is in itself, it is at once apparent that the case is a trap, and Jesus would have walked straight into it if he had denied the law outright. It is presupposed by his opponents that he teaches a high doctrine of marital fidelity and disapproves of divorce, just like the prophet Malachi before him (cf. Mal

2:15-16). The opponents therefore try to trap him into direct denial of the law by adducing Deut 24:1-4, which presupposes that divorce is permissible in certain circumstances. Jesus places the issue in the more fundamental context of God's intention in the institution of marriage, quoting Gen 1:27 and 2:24 from the law itself. Thus without denying the law he maintains his basic contention that the permission of Deut 24:1-4 morally ought not to be used.<sup>20</sup>

The saying of Mark 7:15 should be interpreted similarly. The clue to a proper assessment of it is the subtlety and ambiguity of it. It has the irony which is such a striking feature of those sayings of Jesus which are most likely to be authentic.<sup>21</sup> Everything depends on the meaning of 'defile' (*koinoō*). All modern commentators reject the view, derived from verse 19, that it refers to uncleanness in a physical sense.<sup>22</sup> In a Jewish setting it would certainly be understood metaphorically in terms of ceremonial uncleanness. It is important to remember that this was not merely a convention, but an ancient taboo, which could operate at a deep level of personal consciousness. Transgression of the taboo not only constitutes a formal disqualification for worship, requiring the proper procedure to restore the situation, but also stains the inner conscience, creating a barrier in one's personal relationship with God. Originally this inner barrier of the religious consciousness and the outer expression of it in formal regulations are indivisible. But in an advanced society the two can split apart, creating the familiar contrast between inward and outward religion.<sup>23</sup>

Now in the first part of Mark 7:15 the hearer receives the immediate impression that Jesus is flatly denying the ceremonial law of defilement. It would be likely to cause consternation to promoters of the law, such as the scribes and Pharisees. It would be shocking especially to the genuinely devout, whose religious conscience was tender and who observed the law with real feeling. At the same time it is calculated to arouse a quite unjustified sense of self-satisfaction among the 'sinners', those people who deliberately flouted the law for pragmatic reasons, and with whom Jesus himself was dangerously familiar.<sup>24</sup>

But then the second part of the saying completely changes the terms of reference. If Jesus is not referring here to bodily discharges, he can only mean the sort of evil actions which are listed in the exposition of the saying in verses 21-2. Defilement is now being used to denote the effect of breaking fellowship with God through consenting to evil intentions and allowing them to proceed in evil deeds. The concept of defilement is thus changed. From the point of view of the devout it gives warning that this kind of defilement is the 'real' defilement, so that it points to a revision of the scale of spiritual values. On the other hand the 'sinners' are not let off the hook, because their carelessness with regard to ceremonial purity is not condoned if it is done with evil in the heart, which is the real defilement. Consequently the saying only appears to deny the law of clean and unclean foods. In fact, for the careless it is likely to encourage them to pay greater attention to their spiritual condition, and may well bring about a better attempt at observance of the law, precisely because it is concerned with

inner renewal. On the other hand, Jesus is clearly not concerned with the law for its own sake. His interest is purity of heart, and he is prepared to waive the law when occasion demands.

It will be seen that Mark has quite rightly called this saying a 'parable' (*parabolē*).<sup>25</sup> It is more than an aphorism or *chreia*.<sup>26</sup> Like all the best parables, it constitutes a 'language-event', i.e. it effects a change in the hearer's understanding.<sup>27</sup> It does this by the subtle shift in the concept of defilement which takes place in the two halves of the saying. With regard to the law itself it is ambiguous. It appears to deny the validity of the distinction between clean and unclean foods, but by altering the concept of defilement it becomes possible to see the first half entirely in terms of spiritual defilement, therefore leaving the distinction with regard to ceremonial uncleanness intact. Superficially it denies a proposition of the law, but actually it can have the effect of promoting a more deeply religious observance of it. This is because it operates at a deeper level than obedience or disobedience to the written code.

It is not to be supposed that all Jesus' hearers understood this kind of parabolic saying or perceived the real genius of his teaching-method. In this particular example the main thrust is clear enough. But is it intended to weaken the law or even to make a mockery of it? From the point of view of the scribes and Pharisees, trying hard to promote religious observance among the common people, Jesus was making very dangerous statements. It was bad enough that he associated with those whose disregard of many facets of the law was most scandalous. But to teach apparently that the law was wrong was intolerable. If this is what the authorities feared, we can see why the Gospel tradition features attempts to trap Jesus into a definite denial of the law, as in the case of the divorce pericope. This and the various sabbath controversies suggest that the authorities were extremely worried by reports of Jesus' teaching, and did not know what to make of it. The stories naturally show Jesus winning the argument without falling into the trap. It is likely that these traditions owe their currency to the Church's subsequent controversy over the law, and so there is a natural tendency to present them in such a way as to suggest that the law is superseded. But this makes it all the more striking that Jesus is never represented as saying so. The ambiguity in his sayings always remains. The ironical style of his teaching, leaving many hearers guessing, seems to me to be the historic fact that lies behind the accusation that he was 'leading the people astray'. This is referred to in John 7:12 and is known from Jewish sources.<sup>28</sup> Though this does not appear in the trial tradition, it is likely to have been a contributory factor leading to his arrest.<sup>29</sup>

### Controversy At Antioch

We are now in a position to understand why this saying, and others like it, apparently had no influence on the question of the law in earliest Christianity, and were not appealed to in the beginning of the Judaistic controversy. The first Christians quite rightly did not assume that Jesus had intended to overthrow the law. The opposition of the Pharisees was in their view unjustified. On the contrary,



seriously taking to heart the intention of the sayings, they would be likely to obey the law more carefully. At the same time they could exercise a certain freedom in situations where there was a clash between the letter and the spirit of the law. The Jewish-Christian Church, as represented by Matthew at a later date, retained the law, but with a proper regard for Jesus' teaching. Matthew twice quotes Hos 6:6, each time clearly adding it himself to his source: 'For I desire steadfast love and not sacrifice, the knowledge of God, rather than burnt offerings' (cf. Matt 9:13; 12:7). The parallel 'rather than' shows that 'and not' is not exclusive.<sup>30</sup> Matthew thus defends Jesus' apparent departures from the law on grounds which are a legitimate reflection of Jesus' teaching. So also Luke in the early chapters of Acts represents the Jerusalem church as a law-abiding group. Under the leadership of James the Lord's brother it had to take special care not to alienate possible converts in Jerusalem, especially after the affair of the Hellenists (Acts 6-7) and the expansion of the Church in the diaspora and the admission of Gentiles into its fellowship.

In this connection it is significant that, as Haenchen has pointed out,<sup>31</sup> in the story of the conversion of Cornelius, Peter's vision, in which he is invited to eat unclean beasts (Acts 10:10-16), and the complaint of the circumcision party that he had eaten with Gentiles (Acts 11:3) do not lead to the conclusion that the food laws have been abrogated, but that Gentiles may be admitted to Christian fellowship.

These facts must be borne in mind as we return to Gal 2:1-14, where it appears that eating with Gentiles is a critical issue. Westerholm cites evidence that 'Jewish observance of the dietary laws distinguishing clean and unclean foods was widespread and non-sectarian, in the diaspora as well as in Palestine.'<sup>32</sup> He then continues, 'It is clear, moreover, that Gentiles were considered unclean, and it was not only Pharisees and Essenes who refused to associate with them.' It seems to me that the eucharist must have posed a special problem from this point of view, because its religious character would make for observance of purity rules even in situations where there was comparatively free association with Gentiles. Paul in Galatians implies that the Christians at Antioch joined together for a common meal, and this could well have included the eucharist, though he does not say so.<sup>33</sup> Peter, who was visiting the church, had joined in the common meal, but drew back when the circumcision party arrived from Jerusalem and raised objections. Worse still, 'even Barnabas', who had been Paul's colleague on equal terms in setting up the mixed community at Antioch, 'was carried away by their insincerity' (Gal 2:13).

Here again the real issue turns out to be the status of the Gentile converts. Paul points to the inconsistency of Peter. First he was willing, 'though a Jew, to live like a Gentile and not like a Jew', but now he appeared to want to 'compel the Gentiles to live like Jews' (2:14). I take this to mean to be circumcised, and not simply to adopt Jewish customs with regard to food. Thus Peter's withdrawal is not just because of fear of contracting uncleanness from Gentile contact, which previously did not bother him, but because of a more

fundamental objection to the existence of a mixed Christian community. The Judaisers wish the Gentile converts to place themselves formally under the conditions of Jewish life, or else to remain a separate community.

This also explains the apparent inconsistency between the demands of these men from James and what had been agreed with James during Paul's visit to Jerusalem, recorded in Gal 2:9. On that occasion the mission of Paul and Barnabas to the Gentiles was fully approved, but James, Peter and John were to continue their mission to the circumcised. Paul and Barnabas, and even Peter himself, thought this did not exclude mixed communities, but the representatives from James evidently thought otherwise. The vacillation of Peter and Barnabas is accounted for if the Jerusalem concordat was not clear enough on the subject, and so was open to both interpretations.<sup>34</sup> We need to remember the great pressure on the Jerusalem church at this time to show itself beyond reproach in fidelity to the law, and the damaging effect of reports from the centres of Christian mission upon the delicate relationship between the Church and the Jerusalem authorities.

If this is a correct estimate of the situation in Antioch, it is easy to see that the kind of freedom allowed by the ambiguity of sayings of Jesus such as Mark 7:15 could not be decisive. Peter observed the spirit of Jesus' teaching, and there is no need to suggest that he did not know it or failed to accept it. But he simply did not perceive it in terms of abrogation of the law, and this was right, because Jesus did not intend it to mean that anyway. The really fundamental threat to the law in the teaching of Jesus was contained in his attitude to the temple and its cultus, and this surfaced in the affair of Stephen and the Hellenists.<sup>35</sup> As this is a large subject in its own right, I will not pursue it here, except to point out that it gave the initial warrant for the inclusion of the Gentiles on the grounds that it was Christ's death that provided atonement for sins rather than the sacrificial system. It is obvious that this really downgrades all the rest of the laws of purity and holiness, so that the tendency to laxity is liable to follow. This is the very thing that James and the Jerusalem church feared after the furore aroused by Stephen, Paul's insistence on the freedom of the Gentile converts from the Jewish law is argued on the basis of the meaning of Christ's death, and thus stems from the central position of the Hellenists and not from ambiguous sayings of Jesus himself.

### **Transmission and Influence of Mark 7:15**

This takes us back to the transmission of Mark 7:15. Though the commentary in verses 18-22 belongs to a later time, it is safe to assume that it correctly indicates the interpretation which ensured the preservation of the saying. The negative statement of the first part is quickly disposed of, and so the emphasis falls on the second part, with its long list of vices that proceed from the human heart. This was the important thing from Jesus' own point of view, because, as we have seen, it is the second part which provides the criterion for a fresh understanding of defilement in the first part, and so makes the