

Paul and the Food Laws

A Reassessment of Romans 14:14, 20

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Sometimes, the ecclesial application of a New Testament interpretation is so disturbing that the ethical implications should elicit a full-scale reassessment. This is the case with the traditional reading of Romans 14, which labels Jewish followers of Jesus as “weak in faith” if they observe the Torah, a stigma that ultimately undermines the existence of Jews in the church.¹ As John Barclay, a proponent of the traditional view, puts it, “Paul subverts the basis on which Jewish law-observance is founded . . . his theology introduces into the Roman Christian community a Trojan horse which threatens the integrity of those who sought to live according to the law.”² The aim of this chapter is to reassess the traditional interpretation of Romans 14 by focusing on Paul’s principle at the heart of the chapter—“nothing is unclean in itself; but it is unclean for anyone who thinks it unclean . . . everything is indeed clean” (Rom. 14:14, 20). After summarizing the traditional view, I will seek to demonstrate that Paul’s

instructions in this passage do not burst the bounds of Judaism. On the contrary, they draw his predominantly gentile audience more deeply into Judaism so that they can better understand the halakhic principles surrounding matters of ritual uncleanness/impurity and defilement.

The Traditional View

The traditional interpretation of Rom. 14:14, 20 considers the Jewish food laws³ to be “abolished”⁴ and “no longer in effect”⁵ with the coming of Christ. This conclusion is based on several claims:

1. *Textual argument:* The language of “clean” (*καθαρός*) and “unclean” (*κοινός*) in Rom. 14:14, 20 refers to Israel’s food laws. Paul’s statement in verse 14b (“it is unclean for anyone who thinks it unclean”) reflects a law-free approach to these laws.
2. *Contextual argument:* The weak abstain from meat and wine (Rom. 14:2, 21). This confirms that Jewish law observance is in view.
3. *Intertextual argument:* Rom. 14:14, 20 is informed by a tradition that Jesus “declared all foods clean” (Mark 7:19b).

Rereading Paul as a Second Temple Jewish Author in Romans 14

The traditional reading of Rom. 14:14, 20 has been normative for so long that many studies of the passage seem to begin with the assumption that the traditional interpretation has been conclusively established, and then, proceed to make the data conform to this law-free portrait of Paul. Weaknesses in the traditional case are rarely mentioned and references to post-supersessionist approaches are few and far between. In this section, I will take a step in the direction of correcting this imbalance by re-reading Paul in Rom. 14:14, 20 as a Second Temple Jew who thought halakhically and viewed Israel’s Leviticus 11 food laws as binding on Jewish followers of Jesus such as himself, but not on gentiles.

“Everything is indeed clean” (Rom. 14:20)

The traditional interpretation of Rom. 14:20 assumes that Paul’s words refer to a divine revocation of Israel’s food laws. However, this is a narrow way of reading the text, given Paul’s predominantly gentile audience.⁶ It is more likely that Paul is addressing gentile believers directly in Rom. 14:20, and saying, “Everything is indeed clean [for you].” Kathy Ehrensperger concurs:

... the addressees in this passage are Gentiles. Thus what Paul formulates here is not a general statement about the perception of food, but a specific statement addressed to specific people in a specific context. . . . “For them” the food laws do not apply. Thus, “for them” all food is pure. Paul, in addressing non-Jews, is arguing in a Levitical vein here . . . Paul just confirms that the general Jewish perception concerning these laws in relation to Gentiles applies also to Gentiles who are now in Christ.⁷

A compelling argument can be made that “Everything is indeed clean” was a slogan among the gentile strong.⁸ With this in mind, one can read verse 20 with the slogan in quotation marks:

“Everything is indeed clean,” but (*πάντα μὲν καθαρά,⁹ ἀλλὰ*) it is wrong for you to make others fall by what you eat. (Rom. 14:20)

Paul does something similar in 1 Cor. 6:12 and 10:23–27:

“All things are lawful for me,” but (*πάντα μοι ἔξεστιν ἀλλ’*) not all things are beneficial. (1 Cor. 6:12a)

“All things are lawful for me,” but (*πάντα μοι ἔξεστιν ἀλλ’*) I will not be dominated by anything. (1 Cor. 6:12b)

“All things are lawful,” but (*πάντα ἔξεστιν ἀλλ’*) not all things are beneficial. (1 Cor. 10:23a)

“All things are lawful,” but (*πάντα ἔξεστιν ἀλλ’*) not all things build up. (1 Cor. 10:23b)

The many parallels between Rom. 14:19–22 and 1 Cor. 10:23–27 are notable and may suggest that the former is informed by Paul’s reflections on the latter, written possibly only a year earlier.¹⁰ If Rom. 14:20 is a slogan representing a gentile perspective on freedom, which

Paul is quoting, then it does not imply that Israel's food laws have been invalidated for Jews.

To sum up, the Torah does not command gentiles to keep Israel's dietary laws. Paul is likely reassuring the gentiles in Rom. 14:20 that they are not obligated to observe the Leviticus 11 dietary laws—"Everything is indeed clean [for you gentiles]." He may also be quoting a slogan of the gentile strong. This reading of Rom. 14:20 is consistent with Paul's "rule in all the churches" (1 Cor. 7:17-24),¹¹ which distinguishes between Jewish and gentile responsibilities in the *ekklesia*.¹² Thus, Rom. 14:20 can be read as a halakhic statement of how Paul applied the Torah's Leviticus 11 dietary laws in a differentiated way to a community of Jesus-believing gentiles and Jews who worshipped the God of Israel and sought to live according to the Scriptures of Israel.

"It is unclean for anyone who thinks it unclean" (Rom. 14:14b)

The traditional interpretation of Rom. 14:14b assumes a law-free Paul, who is indifferent to Israel's food laws. However, given the legal terminology Paul uses in this passage, more room should be made for the possibility that Paul, a student of Gamaliel, viewed the dispute between the weak and strong in halakhic terms, and that his advice to the Messiah followers in Rome was based on halakhic principles. In Rom. 14:14, Paul writes "nothing is unclean (*καὶ ὁὐκ ἴσχυει*) in itself; but it is unclean (*καὶ ὁὐκ ἴσχυει*) for anyone who thinks it unclean (*καὶ ὁὐκ ἴσχυει*)."¹³ It is important to note that Paul uses the term *καὶ ὁὐκ ἴσχυει* rather than *καθαρόν* (verse 20) and that he includes the qualifier "in itself" (*δι' ἑαυτοῦ*).

Paul appears to understand the dispute in Romans 14 as related to the Jewish legal concept of *καὶ ὁὐκ ἴσχυει*. The term *καὶ ὁὐκ ἴσχυει* in connection with ritual purity is unattested in non-Jewish Greek literature. It is also absent from the LXX Pentateuch. The first attested usage of *καὶ ὁὐκ ἴσχυει* in relation to food is 1 Macc. 1:47, 62 and 4 Macc. 7:6. Recent study of the term has tended to view it as a "synonym for *ἀκάθαρτος*,"¹³ or alternatively, as a technical term for "clean animals which are somehow objectionable as food."¹⁴ The lack of attestation in biblical

law and its relatively late entry into Jewish legal vocabulary would seem to suggest that *καὶ ὁὐκ ἴσχυει* had a meaning "separate and distinct" from *ἀκάθαρτος*, as J. D. M. Derrett concludes in his *Filologia Neotestamentaria* study.¹⁵

A plausible scenario for its origin in Jewish law is that there was no word in the LXX Pentateuch that adequately described the halakhic category of food under discussion in 1 Macc. 1:47, 62 (that is, it did not fit into the Torah's holy [שׁוֹרֵץ/שׂוֹרֵץ] | common [שׁוֹרֵץ/שׂוֹרֵץ] | pure-clean [שׁוֹרֵץ/שׂוֹרֵץ] | impure/unclean [שׁוֹרֵץ/שׂוֹרֵץ] grid,¹⁶ but overlapped these categories), and so, the author of 1 Maccabees used *καὶ ὁὐκ ἴσχυει* to refer to this grey area. Scholarship has tended to try to force *καὶ ὁὐκ ἴσχυει* into the Torah's conceptual framework,¹⁷ like fitting a square peg into a round hole, but in doing so, the word's significance in describing a more grey overlapping area is lost.¹⁸

The author of 1 Maccabees may have used the term *καὶ ὁὐκ ἴσχυει* because the food in question was associated with gentiles who practiced idolatry:

Alternatively, it could be that the author of 1 Macc considers the food prepared by any Gentile or Jewish renegade as *καὶ ὁὐκ ἴσχυει* and therefore defiling (in an offensive or moral sense), even if, technically, the food item is permitted for a Jew to eat. . . . We could add that the term came to be used to designate *dry* food prepared by Gentiles. Such a semantic development seems quite understandable, since the associative dimension of *communio* (*κοινωνία*), which underlines the term *καὶ ὁὐκ ἴσχυει*, easily crosses into the realm of dietary practices. After all, the very *raison d'être* for keeping kosher for many Jews in antiquity meant *disassociating* themselves from other ethnic groups, preserving thereby their identity and collective sanctity—the very antonym of profaneness. As the Torah "repeats" in Deut the regulations of kashrut, it states: "For you are a holy (*קדוש*) people to the LORD your God; and the LORD has chosen you to be a people for His own possession out of *all* the peoples who are on the face of the earth" (Deut. 14:2; emphasis mine). Prolonged association with other peoples could lead, so some Jews believed, to the abandonment of Jewish identity and transformation into the Gentile "other."¹⁹

To sum up, the legal term *καὶ ὁὐκ ἴσχυει* was likely coined in Second Temple Jewish literature to refer to halakhic grey areas related to impurity that

did not fit neatly into the category of *ἐκέθαρτος*, such as food prepared by gentiles.

Returning to Rom. 14:14, it is likely that Paul intentionally used the non-specific term *κοινός*, rather than a more contextually defined and biblically established term such as *ἐκέθαρτος*, because he was focusing, in verse 14, on categories of foods that fell into grey areas and were halakhically more open to question: for example, food that was considered “unfit” because of the way it was slaughtered or due to its association with food sacrificed to idols or other perceived contaminants.

Amid the broad spectrum of differing standards of *κοινός*, first-century Jews such as Paul made personal decisions about what they considered *κοινός*, and were expected to live by their own standards, hence Paul’s statement in Rom. 14:14 that “nothing is unclean in itself; but it is unclean for anyone who thinks it unclean.” What was *κοινός* for one person was not *κοινός* for another. This is a less common way of reading Rom. 14:14 because New Testament scholars often assume a more monolithic Second Temple Judaism. Recent scholarship, however, has called this assumption into question.

In his essay “Someone who considers something to be impure—for him it is impure” (Rom. 14:14): Good Manners or Law?,” Daniel Schwartz argues that “for many Jews, and certainly for Judaism as it was coming to be in the age of Paul, the important and binding things were those that we undertake upon ourselves in full cognizance of the fact that others do not.”²⁰ The Pharisaic *havurah* had such an approach when it came to ritual purity. Tosefta *Demai* chapter 2 describes the “one who imposes on himself the obligations” and describes the various areas of ritual purity that he takes on.²¹ Similarly, in Mishnah *Hagigah* 2:5-7, the individual’s commitment to ritual purity is related to the particular level he chooses to take on, and his level of responsibility corresponds to his personal intention. In his paper “Impurity and Social Demarcation: Resetting Second Temple Halakhic Traditions in New Contexts,” Yair Furstenberg notes how the the active decision to regard something as impure makes it impure for that person:

That rabbinic purification is only a matter of personal will and skill is inferred from Mishna Hagigah. At first, the Mishnah states the conditions for achieving each grade of purity: For example, *הטובל לחולין ויוזוק לחולין*, “אסור לבעור וטובל לחולין ויוזוק לחולין.” According to this translation purity depends only on personal intention and decision. As one immerses he must decide what kind of purity he is accepting upon himself; his care for purity will be shaped accordingly. Someone who chooses to only eat unconsecrated food in purity will not be careful in regard to more severe purities. This interpretation, accepted by all since the Tosefta and both Talmuds, expresses what seems to be the rabbinic notion of purity; there may be various levels of scrupulousness; nonetheless, all levels of purity are accessible to the individual, provided that he is aware of his obligations.²²

Furstenberg goes on to argue that Paul held a similar perspective on purity in Rom. 14:14 and that the two texts may represent a common stream within early Judaism:

More specifically, verse 14 could be best understood in light of the purity system described in Mishna Hagigah. There we say that things that were completely pure on one level were deemed impure on a higher level. Inevitably, a scrupulous Pharisee (for example) who looked inwards, towards the inner circles where he, his cloths and his foods were all considered to be impure, could not but arrive at Jesus’ conclusion. Indeed, he must be careful lest his food turn into a stumbling block for the priest, but as a consequence, a notion of relative impurity must develop, if he is to take seriously the complete split between the various levels of purity. Evidently, the notion of relative impurity, stated clearly by Jesus, was so strong that it has the power to completely split society into discrete groups. In Paul’s version, outside this Palestinian purity system, we are left with the mere demand to respect each of the member’s intentions. Although the decision to abstain from food, believing it to be impure, has no objective standing, since all is pure, it is the intention that counts. So Paul claims. Interestingly, also in rabbinic literature we can trace the shift from a strictly social conception of purity to an individual realization of purification. We have seen that the same halakhah that initially tied purity to an acknowledged social affiliation was re-read to involve only individual intention. Through similar paths the world of purity was transmitted from Second Temple context to the developing communities in Rabbinic Galilee and Christian Rome.²³

Halakhic diversity is another factor that likely influenced Paul’s

approach to purity in Rom. 14:14. In the Pharisaic context, Paul's background, there was not only much diversity, but diversity related to the very principle Paul articulates in Rom. 14:14—halakhah that was more individualistic and that made room for the identification of impurity on the basis of personal intention. In his essay "Impurity Between Intention and Deed," Eric Ottenheim highlights how the houses of Hillel and Shammai within Pharisaic Judaism differed over the recognition of human intention as a factor in determining the halakhic status of actions or vessels. After tracing the legal logic of how the two houses differed in their view of liquid susceptibility (that is, the ability of liquids to transfer and contract impurity),²⁴ Ottenheim concludes:

First century interpretations of the Levitical law of susceptibility to impurity by liquids range from susceptibility by moisture (Qumran) via susceptibility through moistening (Beth Shammai) to susceptibility by human will (Beth Hillel). The pronounced closeness of Beth Shammai to Qumran suggests that the Hillelite concept indeed marked an innovation in Pharisaic Judaism. According to the view of Beth Hillel, impurity became a matter of classification through the human will. The Hillelite logic of intention did, however, not touch on the main sources of impurity: corpse impurity, skin diseases or fluxes and blood-impurity. Nevertheless, human intention is operative here and even decisive in halakhic cases as well. What motivated these disputes in Pharisaic Judaism? . . . The Hillelites appear to represent a tendency toward individualization and rationalization, with an emphasis on individual will power as the heart of halakhic ruling. This concept pervades all halakhic realms. With the Hillelite shift to the human will, the individual moves towards the center of the socio-religious structure. Legendary material attributed to Hillel and his School stress this focus on the individual . . . the Hillelite logic remained heavily disputed and it was only with R. Akiva's refined concept of intention and deed, that the human will as the *locus halakhicus* with regards to purity was accepted.²⁵

Against this historical backdrop of a diverse Second Temple Judaism, and a non-uniform Pharisaic Judaism, one can see more clearly how Romans 14 reflects Paul's distinctively Hillelite approach to the impurity of actions and objects. This reading is consistent with Luke's testimony that Paul was trained in Jerusalem by Gamaliel, the son of Hillel²⁶ ("I am a Jew, born in Tarsus in Cilicia, but brought up in this city

at the feet of Gamaliel, educated strictly according to our ancestral law, being zealous for God, just as all of you are today" [Acts 22:3]). Paul's training as a Pharisee of Pharisees, and his broad exposure to pluriform Second Temple Judaism, made him into something of a first-century halakhic pluralist who favored the Hillelite emphasis on personal intention when it came to purity issues. Seen in this way, Paul's statement in Rom. 14:14b—"it is unclean for anyone who thinks it unclean"—was not an expression of indifference toward ritual purity,²⁷ but a claim consistent with the on-the-ground reality of a variegated first-century Judaism.

"Nothing is unclean in itself" (Rom. 14:14a)

An underlying assumption behind the Hillelite view that personal intention can change the purity status of objects and persons is that nothing is unclean in itself. This is consonant with an haggadic tradition²⁸ about Yochanan ben Zakkai—a Pharisee who was a contemporary of Paul, a successor of Gamaliel and a student of Hillel.²⁹

(A) A heathen asked Raban Johanan ben Zakkai and said to him:

These things you do, they look like sorcery. You bring in a cow and slaughter it, and burn it and pound it, and pour water over its ashes and one who is impure because of corpse impurity, you sprinkle on him two, three drops, and you say he is pure.

He said to him: Did ever in your days a spirit of madness enter into this man?

He said to him: No. He said to him: And did you not see another one in whom a spirit of madness entered?

He said to him: Yes.

He said to him: And what did they do?

He said to him: They brought roots and burnt incense under him and sprinkled water over him and it was driven out.

He said to him: Do not your ears hear what your mouth says?

Like this spirit is the spirit of impurity, as it is said: "(I will remove) also the prophets and the spirits of uncleanness" (Zech. 13:2).

(B) And as soon as he left, his disciples asked him:

Rabbi, this one you pushed away with a stick, to us, what do you answer?

He said to them:

By your life, nor does the body make impure, nor does the water make pure, but it is an enactment of the Holy One Blessed be He!

The Holy One Blessed be He said:

A decree have I decreed an enactment have I enacted, and you are not allowed to transgress my enactment, "This is a decree of the law" (Num. 19:1).³⁰

Yochanan ben Zakkai's point is that ritual impurity and its antidote do not reflect objective ontological realities:

The Hillelite rationalized halakhic logic presupposes that impurity is not an external, objective force. . . . Purity halakhah ruling on intention presupposes that impurity be perceived not merely as a "physical power." This negation of inherent impurity is indeed expressed in an agadic tradition about Raban Johanan ben Zakkai. . . . According to the text Raban Johanan ben Zakkai is asked about the presumed magical character of the biblical ritual of the burning of the parah or red cow (Numbers 19). The ashes were needed for purifying extreme forms of impurity such as corpse-impurity. . . . At first sight the polemic against magic or sorcery appears to be the main point. However, the wording of the pupils' question and Raban Johanan's second reply (B) move beyond polemics. *Corpse impurity has nothing to do with inherent powers or demonic danger. Nor is there any inherent meaning in purification.* As corpse impurity constitutes one of the main sources of impurity, the negation in (B) is instructive as to the rabbinic "negative theology of purity." *The exclusive reason for the rules of purity is that they were given by God.*³¹

The *Letter of Aristaeas* evidences a similar approach to impurity, viewing it as a divine designation, rather than as an objective ontological category:

The author of this Jewish work from the Diaspora knows and believes that in the beginning God created "the wild animals of the earth of every kind, and the cattle of every kind, and everything that creeps upon the ground of every kind. And God saw that it was good" (Gen. 1:25). Instead of attributing an innate, ontological impurity to forbidden animals such as swine or camel, this Diasporan Jew finds refuge in the usage of allegory, highlighting the moral etiquettes of kashrut even while affirming the ongoing necessity of keeping kosher: "By calling them [i. e., forbidden animals] impure, he has thereby indicated that it is the solemn binding duty of those for whom the legislation has been established to practice righteousness" (147). Here the author of the *Let. Arist.* sees the usage of (im)purity language in the Mosaic legislation more in a functional

than ontological sense. Impurity is imputed, not inherent. His perspective comes close to that of "R. Yohanan b. Zakkai" . . .³²

Returning to Rom. 14:14a, it is apparent that Paul was not making a radical statement when he wrote that "nothing is unclean in itself." On the contrary, he was communicating a normative Hillelite perspective on ritual purity that already had a degree of acceptance in the wider Jewish Diaspora.³³ Ehrensperger regards Paul's statement as unspectacular:

When Paul states that "Nothing is profane in itself but it is only profane for any one who thinks it profane" he tunes in with a general Jewish perception of the world in terms of the profane/holiness distinction. . . . [T]hese categories are not related to any ontological or "natural" qualities but to God's statutes, which are relevant for those who consider themselves in a covenantal relationship with him. . . . If we presuppose that Paul's perception here is embedded in Graeco-Roman and Jewish understandings of purity issues rather than that that he is stating something revolutionary or breathtaking that is foreign to Jewish tradition, then this implies that he merely states what everybody knows anyway. "Everything is indeed pure" refers to Jewish perceptions of purity and impurity as non-ontological categories, but as God's ordinances, his Torah for his people. A tradition attributed to Jochanan ben Zakkai formulates: "In your life, it is not the corpse that defiles . . . and not the water that cleanses . . . it is the ordinance of the King of all Kings." Read in this context, Paul quite unspectacularly merely states what is the Jewish perception in this matter: the Jewish food laws of course are regulations related to God's covenant with the people Israel. That "the earth is the Lord's and all that is in it" (Ps. 25:1) is not questioned in any way by the setting of the laws that regulate which parts of God's creation are at the disposition of the people Israel. The impure animals are impure for the covenant people, as is emphasized in almost mantra-like manner in Leviticus 11: "it is unclean/impure for you" (11:4, 5, 6, 7); "they are unclean for you" (11:8); "they are untouchable for you" (11:10-11, 12, 23) etc. As with other purity regulations, these apply to the covenant partner Israel and not to the nations. Gentiles are not required to keep purity laws, particularly not (all of) those that are related to ritual impurity, as these are only relevant for Jews in their relationship with God.³⁴

The textual argument for the traditional interpretation of Rom. 14:14, 20 only appears weighty when the Second Temple Jewish background is disregarded. When this *Sitz im Leben* is factored in, and

Paul is reread as a Second Temple Jew in Rom. 14:14, 20, a compelling case can be made that Paul was speaking from a Hillelite-Pharisaic perspective and was thinking like a Diaspora Jew who, like many other Diaspora Jews, believed that nothing was unclean in itself.³⁵

"Some believe in eating anything, while the weak eat only vegetables. . . . [I]t is good not to eat meat or drink wine or do anything that makes your brother or sister stumble"

(Rom. 14:2, 21)

The traditional interpretation of Rom. 14:2, 21 assumes that Paul regarded the Torah-observant as "weak" and the non-Torah-observant as strong. The "weak" were weak in faith because they were unaware of their liberty in Christ to enjoy all things. They remained concerned about ritual purity. By contrast, the strong in faith could eat anything because they understood that the Torah's food and purity laws had been superseded with the coming of Christ. Once again, this is a very narrow way of reading the text.

A more broad-ranging approach would make room for the possibility that *the issue was not purity but people who were purists about purity*.³⁶ That is, the "weak" were not simply people who were Torah-observant, but individuals who were *judgmental* when they saw others following a standard of Torah observance in relation to purity that was seemingly lower than their own (verses 3-4, 10, 13). Based on Rom. 14:14, it appears that the "weak" viewed ritual impurity and defilement as objective ontological realities. A sign of the weakness of the weak was that they easily stumbled because of this ontologically-oriented purist outlook, even to the point of ruin (verse 15). By contrast, the strong in faith were those who held a non-ontological view of purity. They knew that "nothing" was unclean in itself. Paul counted himself among the strong (Rom. 15:1) because he had this knowledge.³⁷ He maintained the normative Hillelite-Pharisaic perspective that intention determined impurity, that individual standards of impurity could vary, and that God can overlook accidental mixtures.

Paul indicates that the weak had concerns about meat and wine,

in particular. But since wine is not prohibited in Mosaic law, it may be reasonably assumed that the weak were concerned about gentle contact with meat and wine.³⁸ They likely worried that the meat at community meals had been tainted by idolatry or mixed with unclean/unfit foods:

Apart from the ingredients, uncleanness could also be incurred through food preparation. . . . Watson, Ziesler, and others suggest a variation on this theme. They conclude that some Jews practiced "safe eating" through abstinence. The Jews could not trust the level of truth in advertising when the gentle butcher claimed that the meat was free of uncleanness. They avoided contact with meat altogether, rather than risk contamination.³⁹

The weak probably had a similar concern about wine.⁴⁰

Paul's stance was more nuanced (not less Jewish) in that he permitted the eating of indeterminate food (1 Cor. 10:14-30). This was consistent with the on-the-ground reality that some Diaspora Jews ate indeterminate food from the *macellum* regularly or on occasion. E. P. Sanders concurs:

One of Paul's responses as he wrestled with the problem of meat offered to idols was, When a guest, do not raise the question, but do not eat the meat if its origin is pointed out (1 Cor. 10:27-29). This may well have been a common Jewish attitude when dining with pagan friends. Barrett thinks that this is Paul's most unJewish attitude. My own guess is that it too has a home somewhere in Judaism.⁴¹

Following Sanders, Magnus Zetterholm argues that Paul's approach was consistent with how some mainstream Jews approached the matter of food purchased at the market. Zetterholm suggests that Paul may have relied on a proto-rabbinic halakhah that considered sold objects to be generally "non-sacral" in status:

The reason Paul finds food bought at the market least problematic is presumably also the lack of an immediate cultic context, and it is not inconceivable that here Paul draws from a local Jewish halakhah concerning food bought at the market in Corinth when creating a set of rules for Gentile Jesus-believers. Rabbinic literature shows that the rabbis discussed the extent to which the act of selling disconnects objects from a ceremonial context. In the Tosefta, R. Jehuda ha-Nasi is said to have advocated the view that selling in general signified a nonsacral status for

an object (see *m. Avodah Zarah* 4:4–5; cf. *t. Avodah Zarah* 5:5).⁴² The other rabbis disagreed, but the discussion shows that some Jews could argue in this direction. Therefore, it is not impossible that Corinthian Jews argued that food bought at the market no longer had a ceremonial significance attached to it owing to the act of selling. In fact, Paul's view on this matter might indicate that this was the case.⁴³

A corroborating argument that Paul's stance on food sacrificed to idols reflects Jewish contours of halakhic flexibility is the apostle's use of the term *σκάνδαλον* in Rom. 14:13: "Let us therefore no longer pass judgment on one another, but resolve instead never to put an obstacle (*πρόστοιμα*) or stumbling block (*σκάνδαλον*) in the way of another."⁴⁴ Notably, the metaphorical use of the noun *σκάνδαλον* is limited to the Septuagint and New Testament.⁴⁵ In the Pauline corpus, this term functions as Jewish Greek:

Both formally and materially the NT use of *σκάνδαλον* and *σκανδαλιζω* is exclusively controlled by the thought and speech of the OT and Judaism.⁴⁶

Given the distinctively Jewish use of *σκάνδαλον* in the New Testament, it may be reasonably assumed that Paul's use of *σκάνδαλον* in Rom. 14:13 is rooted in the Torah commandment not to "put a *stumbling block* (LXX: *σκάνδαλον*; mt: *מכשול*) before the blind" (Lev. 19:14).⁴⁷ In rabbinic literature, "the blind" in Lev. 19:14 is "interpreted metaphorically to represent any person or group that is unaware, unsuspecting, ignorant, or morally blind, and individuals are prohibited from taking advantage of them or tempting them to do wrong. . . . It is also a call to action demanding that society and people do everything possible to help the weak."⁴⁸ The application of the Leviticus 19:14 *skandalon* command extends to situations in which one individual tempts another (whether Jew or gentile) to eat forbidden food:

R. Nathan [mid second century] said: How do we know that a man must not hold out a cup of wine to a Nazirite or the limb of a living animal to the children of Noah? Because it is stated, *thou shalt not put a stumbling-block before the blind*. (Lev. 19:14)⁴⁹

Michael Thompson notes the similarity between Rabbi Nathan's

teaching on Leviticus 19:14 and Paul's exhortation not to put a *σκάνδαλον* before the weak:

It may be only a coincidence, but the temptations of offering wine to a nazirite or meat with blood in it to a fellow Jew is strikingly similar to the temptation of the weak Christians in Rome to compromise their integrity and follow the example of the strong by drinking wine and eating meat of uncertain origin. This might take on greater significance in light of the early tradition preserved in Eusebius, which depicts James as a nazirite. We have seen that Lev. 19:14 was a very familiar text in rabbinic thought; could it be that the saying attributed to R. Nathan actually preserves an earlier, common Jewish application of the verse—an application which was particularly fitting for the Roman situation? Possibly. Paul certainly knows Leviticus well. He has already quoted a verse from the same chapter in Rom 13:9 (Lev. 19:18; cf. also Gal. 5:14), and if there did exist an early Christian "holiness code" paralleling some elements of the Levitical law of chapter nineteen, the prohibition of putting a *σκάνδαλον* before another would presumably be familiar to the readers. What is more, whereas the gospels provide no parallel to Paul's *τιθέναι σκάνδαλον* in Rom. 14:13b, Lev. 19:14 LXX does, although the verb there is *προστίθεναι*.⁵⁰

The rabbis also applied the *skandalon* command to situations where a stumbling block could cause gentiles to commit idolatry (b. Ned. 62b).⁵¹

In light of the above, it is reasonable to assume that underlying Paul's Rom. 14:13 concern for the weak stumbling are Jewish ethical categories of thought. What are the implications of Paul halakhically applying the Torah's *skandalon* command in Lev. 19:14 to the situation in Romans 14? By addressing the conflict in this way, Paul is implicitly upholding the Torah and not undermining it. Moreover, it is significant that Paul alludes to the *skandalon* command in verse 13 leading up to his comments about *κοινός* in verse 14. Paul again points to the *skandalon* command in verse 21 immediately after his comment *πάντα μὲν καβαρᾶ* (verse 20). This would seem to indicate that Paul is intentionally framing his statements about ritual defilement and purity in a Torah positive context. Or, to put it another way, he is making it loud and clear that his statements should not be taken to mean that he is playing fast and loose with the law.

Paul regarded the "weak" as weak in faith in Romans 14, not because they were observing the Torah in a normative way, but because they were observing the Torah in a way that was not normative from his

perspective. The weak were purists about purity. They viewed impurity and defilement as objective ontological categories, contrary to Paul's Pharisaic-Hillelite view that nothing was "unclean in itself" (οὐδὲν κοινὸν δι' ἑαυτοῦ [Rom. 14:14]).⁵² They lacked the knowledge and faith to believe that intention determined impurity, that individual standards of impurity could vary, and that God could overlook accidental mixtures.

Paul's approach was similar to the way in which rabbinic Judaism handles questions of intentionality and accidental mixtures today. Consider, for example, how the *Shulchan Aruch* (*Code of Jewish Law*) and the *Tur* answer the question, "What do you do if a small amount of pork inadvertently comes into contact with your food?"⁵³ While a non-halakhic Jew with an objective ontological perspective might consider pork to be a spiritually deadly substance and discard the whole dish because the food has been contaminated, the halakhah takes a different approach. It returns to the Hillelite principle that pork is not unclean in itself. It has only been assigned an unclean status in the Torah. Thus, there is a legal remedy—nullify the pork, that is, change its status! Nullification of unclean foods is a fundamental aspect of maintaining a kosher kitchen in rabbinic Judaism.⁵⁴

There are two basic ways to nullify unclean foods: *bitul b'rov* (nullification in a majority)⁵⁵ and *bitul b'shishim* (nullification in a ratio of sixty).⁵⁶ If pork accidentally falls into the traditional Jew's kosher food and the pork constitutes the minority of the food, then under the principle of *bitul b'rov*, the pork may be legally nullified and the food eaten:

In the opinion of most *Poskim* [legal decisors, heads of *yeshivot* and members of rabbinic courts], when a non-kosher food becomes *batal* [nullified], the mixture may be eaten even by the most scrupulous. Indeed, some authorities soundly censure one who hesitates to eat the mixture, as this shows a heretical reservation about the effectiveness of *bitul* [nullification].⁵⁷

What if the accidental mixture with pork results in the traditional Jew's food tasting like pork? In this case, the whole mixture changes

its status to unclean under the principle of *taam k'ikar*, and is now prohibited. If the ratio of clean food to pork is 60:1, however, then the pork and its taste in the mixture is legally nullified through *bitul b'shishim*, and the entire mixture is ruled clean to eat.

How can a traditional Jew in good conscience eat food that contains pieces of pork and tastes like pork? He can do this in good conscience because he does not believe that pork is unclean in itself. The halakhic approach is coherent when one considers the extreme difficulty of keeping clean food separate from agents of uncleanness: for example, unclean smells and residues that are transferred by touch. The more scrupulous one becomes, the more one sees mixtures. Thus, a non-halakhic Jew may experience revulsion at seeing his food mixed with pork and throw it out, thinking it is spiritually corrupted *in toto*. The halakhic Jew handles it with legal precision and may determine that the food in its entirety is clean to eat.

A similar exercise of personal intention to nullify forbidden food is the tradition of *bitul chametz*. After a final search for *chametz* before Passover in order to keep the command to "remove leaven from your houses" (Exod. 12:15), the formula is recited, "All leaven and anything leavened that is in my possession, which I have neither seen nor removed, and about which I am unaware, shall be considered nullified and ownerless as the dust of the earth."⁵⁸ Here, the halakhic Jew is aware that crumbs may still exist in his house, but he does not lose sleep over it because he has made a concerted effort to find all leaven in his home and has nullified any remaining leaven through his personal declaration. It is an act of faith because the halakhic Jew trusts that God knows his heart and intention, and that God overlooks what he was unable to find.

Returning to Romans, many exegetes assume that Paul's teaching in Rom. 14:14, 20 reflects his emancipated view of the Jewish food laws. From this perspective, the "weak in faith" are Torah-observant and Paul is not. I contend, however, that Paul is actually more Torah-observant than they are. Paul's training in Pharisaic-Hillelite halakhah led him to ask critical questions about accidental mixtures that the

weak in Rome did not ask due to their lack of knowledge. In Romans 14, Paul is echoing a Hillelite understanding that no food is unclean (*κονός*) in essence; it is the halakhic designation of it as "unclean" that makes it unclean. I am not arguing that Paul observed a proto-rabbinic *bitul* halakhah comparable to what is in the *Code of Jewish Law*. Rather, it seems that Hillelite Pharisees such as Paul asked the same questions that the later rabbis asked about accidental mixtures, and they arrived at similar conclusions.⁵⁹

Why did the weak view ritual impurity in ontological terms? Perhaps it is because they were mostly from non-Jewish backgrounds.⁶⁰ Exegetes often assume that the weak in Romans 14 were predominantly Jews since the weak were concerned about Jewish law observance. However, this logic is faulty.⁶¹ First, gentiles drawn to Judaism are often more zealous about Jewish life than those born Jews.⁶² And second, if the congregation in Rome had a larger percentage of gentiles than Jews—which is likely—then it is plausible that gentiles were a majority among the strong and the weak.⁶³ These Jewish-oriented gentiles and/or converts to Judaism who made up the weak may have been influenced by Greco-Roman conceptions of ritual impurity that were associated with magic and superstition,⁶⁴ and this may have led to a more objective ontological way of thinking about the Jewish food laws.

"I know and am persuaded in the Lord Jesus..." (Rom. 14:14)

Traditional interpreters of Romans 14 often claim that in verses 14 and 20, Paul points to a tradition that Jesus "declared all foods clean" (Mark 7:19b). While this is possible, it is more probable that the words "I know and am persuaded in the Lord Jesus" refer to the apostle's close relationship with Jesus, and how his communion with the Messiah confirmed his Pharisaic-Hillelite convictions about ritual impurity. Notably, the three other times Paul writes "in the Lord Jesus" (*ἐν κυρίῳ*), he does not allude to a Gospel tradition, but points to his personal identification with Jesus:

I hope in the Lord Jesus (*ἐν κυρίῳ Ἰησοῦ*) to send Timothy to you soon, so that I may be cheered by news of you. (Phil. 2:19)

Finally, brothers and sisters, we ask and urge you in the Lord Jesus (*ἐν κυρίῳ Ἰησοῦ*) that, as you learned from us how you ought to live and to please God (as, in fact, you are doing), you should do so more and more. (1 Thess. 4:1)

Now such persons we command and exhort in the Lord Jesus Christ (*ἐν κυρίῳ Ἰησοῦ Χριστῷ*) to do their work quietly and to earn their own living. (2 Thess. 3:12)

Douglas Moo concedes that the traditional dominical interpretation of *ἐν κυρίῳ Ἰησοῦ* (verse 14) "reads quite a bit into the phrase," and contends that Paul more likely means: (1) "I know through my fellowship with the Lord Jesus . . ." or (2), "I know through my understanding of the truth revealed in the Lord Jesus. . . ."⁶⁵ Räsänen concurs that many scholars overstate the case for a correlation between Rom. 14:14, 20 and Mark 7:19b: "Paul is not referring to a saying of the historical Jesus. . . . What we have in Rom. 14:14, then, is an insight which Paul obtained from his faith on the basis of his fellowship with Christ."⁶⁶

Assuming that Paul is referring to a dominical tradition in Rom. 14:14, there still remains the question—of which tradition.⁶⁷ Since Paul, in Rom. 14:14, is rejecting the objective ontological view of ritual impurity, perhaps he is alluding to Jesus' teaching that food cannot defile (*κονοῦ*) a person (Mark 7:14–15, 18–23; cf. Matt. 15:11, 17–20). As Ottenheijm puts it, "Jesus departs from Qumran and agrees with the Hillelite Pharisees in the negation of the inherent power or the merely physical quality of ritual impurity."⁶⁸ In his article "Defilement Penetrating the Body: A New Understanding of Contamination in Mark 7.15," Furstenberg underscores that Jesus, in Mark 7:15 and its context, upholds the Torah view that eating *κονός* does not cause a person to become ontologically defiled:

Contaminated food does not cause the person eating it to become impure. According to the laws that appear in Leviticus 11, only the consumption of prohibited foods, such as the carcass of an animal not ritually slaughtered or a "swarming creature," can cause impurity, and not the consumption of foods that have become contaminated. This fact is articulated explicitly by

Rashi (Rabbi Shlomo Yitzhaki), the authoritative Talmudic commentator, who states: "According to the Torah food does not contaminate the person eating it." Rashi's statement, which summarizes the approach of the Talmud to this issue, is surprisingly similar to Jesus' anti-Pharisaic saying. . . . The dispute with the Pharisees over their custom of hand washing, according to this reading, led Jesus to articulate his disapproval toward their new, non-biblical concern with consumption of ritually contaminated foods. In *halakhic* terms, his saying might be rephrased thus: "Contrary to your *halakhah*, which is unknown in the bible, the body is not defiled by eating contaminated food. Rather, it is defiled by what comes out of it." . . . Jesus' opinion—contrary to that of the Pharisees—is that even food which has been contaminated by defiled hands does not contaminate a person who ingests it.⁶⁹

If Paul, in Rom. 14:14a, is alluding to a dominical tradition, he may be saying that Jesus' teaching on food and defilement (καὶ νόσος) validates the Pharisaic-Hillelite view that "nothing is unclean in itself" and confirms his halakhic approach to the situation in Rome. This way of interpreting Rom. 14:14a roots Paul's instructions in a Jesus tradition—a tradition that upholds the continuing authority of the biblical food laws for the people of Israel.⁷⁰

Finally, there are a number of methodological weaknesses in the attempt to link Rom. 14:14a to a Torah-negative understanding of Mark 7:19b. In my article "Jesus and the Food Laws: A Reassessment of Mark 7:19b,"⁷¹ I survey the problems with the traditional law-free interpretation of Jesus' teaching in this passage and offer an alternative reading that is consistent with the rereading of Rom. 14:14, 20 that has been proposed in this chapter. That alternative reading is that *Mark found in Jesus' teaching, a basis for gentile exemption from the Leviticus 11 dietary laws due to the non-ontological nature of defilement*. Mark was probably familiar with Paul's Letter to the Romans and Pauline halakhah on food-related issues. It is more likely, therefore, that *Mark was influenced by Rom. 14:20 in the construction of his editorial comment in Mark 7:19* than that Paul was influenced by a dominical tradition that Jesus had invalidated Leviticus 11 and other key portions of the Torah.⁷²

Conclusion

Paul's instructions in Rom. 14:14, 20 do not burst the bounds of Judaism or reflect indifference to Jewish difference, as the traditional interpretation maintains. Rather, *Paul is focused on gentiles and Torah*. He is addressing two groups composed of mostly gentiles who were arguing about whether Jewish ethnic practices, and the Torah's food laws in particular, were obligatory for non-Jews. The weak were purists about purity. They were not simply people who were Torah-observant, but individuals who were judgmental when they saw others following a standard of Torah observance in relation to purity that was seemingly lower than their own (verses 3-4, 10, 13). Based on Rom. 14:14, the Achilles heel of the "weak" was that they regarded ritual impurity and defilement as objective ontological realities. A sign of the weakness of the weak was that they easily stumbled because of this ontologically oriented purist outlook, even to the point of ruin (verse 15).

By contrast, the strong in faith were those who held a non-ontological view of purity. They knew that "nothing" was unclean in itself. Paul counted himself among the strong because he had this knowledge (Rom. 15:1). He maintained the normative Hillelite-Pharisaic perspective that ritual impurity is non-ontological, that intention determines impurity, that individual standards of impurity can vary, and that God can overlook accidental mixtures. In response to this largely intra-gentile debate, Paul reminds the gentiles that they are not obligated to keep Israel's food laws (Rom. 14:20). Gentiles have a choice. And in exercising that choice, they need to prayerfully define their own standards of observance, respect the standards of others, and keep the Torah's *skandalon* command not to put a stumbling block before those who might fall (Lev. 19:14; Rom. 14:13). In doing this, they will be keeping one of the greatest commands of all in Jewish law, "Love your neighbour as yourself" (Lev. 19:18; Rom. 13:9; 14:15).⁷³

Notes

1. See Michael Wyschogrod, "A Letter to Cardinal Lustiger," in *Abraham's Promise: Judaism and Jewish-Christian Relations*, ed. R. Kendall Soulen (Grand Rapids: Eerdmans, 2004), 207–8; Matthew A. Tapie, *Aquinas on Israel and the Church: The Question of Supersessionism in the Theology of Thomas Aquinas* (Eugene: Pickwick, 2014), 4, 25–47; Mark S. Kinzer, *Postmissionary Messianic Judaism: Redefining Christian Engagement with the Jewish People* (Grand Rapids: Brazos, 2005), 58; David Rudolph, "Messianic Jews and Christian Theology: Restoring an Historical Voice to the Contemporary Discussion," *Pro Ecclesia* 14, no. 1 (2005): 58–84; idem, "Paul's 'Rule in All the Churches' (1 Cor. 7:17–24) and Torah-Defined Ecclesiological Variegation," *Studies in Jewish-Christian Relations* 5 (2010): 1–23; idem, *A Jew to the Jews: Jewish Contours of Pauline Flexibility in 1 Corinthians 9:19–23* (Tübingen: Mohr Siebeck, 2011), 35–44.
2. John M. G. Barclay, "Do we undermine the Law?: A Study of Romans 14.1–15.6," in idem, *Pauline Churches and Diaspora Jews* (Tübingen: Mohr Siebeck, 2011), 58–59.
3. Studies on Romans 14 often do not make a distinction between the Torah's dietary laws that define clean/unclean animals (Lev. 11; Deut. 14:3–20) and purity legislation (e. g., Lev. 11–15; Num. 19). Due to this lack of precision, "food laws" is used in this chapter as a catchall term for both categories when interacting with the traditional view unless there is a need to be more specific.
4. Peter Stuhlmacher, *Paul's Letter to the Romans: A Commentary*, trans. Scott H. Hafemann (Edinburgh: T&T Clark, 1994), 227.
5. Thomas R. Schreiner, *Romans* (Baker Exegetical Commentary on the New Testament; Grand Rapids: Baker, 1998), 730–31.
6. See Rom. 1:13, "I want you to know, brothers and sisters, that I have often intended to come to you (but thus far have been prevented), in order that I may reap some harvest among you as I have among the rest of the Gentiles." Cf. Rom. 9:3f; 10:1–2; 11:13, 23–31; 15:15–16.
7. Kathy Ehrensperger, "Called to be Saints'—The Identity-Shaping Dimension of Paul's Priestly Discourse in Romans," in *Reading Paul in Context: Explorations in Identity Formation: Essays in Honour of William S. Campbell*, ed. Kathy Ehrensperger and J. Brian Tucker (London: T&T Clark International, 2010), 106–7. The argument assumes that Paul does not regard clean/unclean distinctions to be objective ontological categories. This will be discussed below.
8. Michael B. Thompson, *Clothed with Christ: The Example and Teaching of Jesus in Romans 12.1–15.13* (Sheffield: Sheffield Academic Press, 1991), 197; C. E. B. Cranfield, *The Epistle to the Romans: A Critical and Exegetical Commentary* (2 vols.; Edinburgh: T&T Clark, 1979), 2:713n2.
9. LXX Lev. 11:46–47 uses καθαρός to refer to animals that are clean for Jews to eat.
10. Parallels include: (1) The πάνα . . . ἐλλὰ formulas with οἰκοδομή; (2) Hyperbolic statements about freedom, viz. forbidden food in predominantly gentile contexts; (3) Exhortations not to seek one's own advantage but that of the other; (4) Discussions about how to deal with questions of conscience; and (5) weak/strong categories. Paul likely wrote Romans from Corinth (James D. G. Dunn, *Romans 9–16* [Dallas: Word, 1988], 884–907), and the similarity between Rom. 14:19–22 and 1 Cor. 10:23–27 reflects a wider connection between 1 Cor. 8–10 and Rom. 14–15. See Carl N. Toney, *Paul's Inclusive Ethic: Resolving Community Conflicts and Promoting Mission in Romans 14–15* (Tübingen: Mohr Siebeck, 2008), 189–90, 205.
11. Rudolph, "Paul's 'Rule in All the Churches,'" 1–23; Anders Runesson, "Paul's Rule in All the Ekklesiai," in *Introduction to Messianic Judaism: Its Ecclesial Context and Biblical Foundations*, ed. David Rudolph and Joel Willitts (Grand Rapids: Zondervan, 2013), 214–23.
12. Cf. Acts 15:1–35.
13. Matthew Thiessen, *Contesting Conversion: Genealogy, Circumcision, and Identity in Ancient Judaism and Christianity* (Oxford: Oxford University Press, 2011), 131; cf. Isaac W. Oliver, *Torah Praxis after 70 CE: Reading Matthew and Luke-Acts as Jewish Texts* (Tübingen: Mohr Siebeck, 2013), 345–38.
14. Clinton Wahlen, "Peter's Vision and Conflicting Definitions of Purity," *NTS* 51 (2005): 512. See David J. Bolton, "Who Are You Calling 'Weak'? A Short Critique of James Dunn's Reading of Rom 14.1–15.6," in *The Letter to the Romans*, ed. Udo Schnelle (Leuven: Peeters, 2009), 621–23; Jonathan Goldstein, *IMaccabees: A New Translation with Introduction and Commentary* (Garden City: Doubleday, 1976), 222–23; Mikeal C. Parsons, "Nothing Defiled AND Unclean: The Conjunction's Function in Acts 10:14," *PRSt* 27 (2000): 263–74; Colin House, "Defilement by Association: Some Insights from the Usage of ΚΟΙΝΩΣ/ΚΟΙΝΩΩ in Acts 10 and 11," *Andrews University Seminary Studies* 21 (1983): 147; Ben Witherington, *The Acts of the Apostles: A Socio-Rhetorical Commentary* (Grand Rapids: Eerdmans, 1998), 350n95. Cf. Mishnaic tractate *Demai* for a discussion of food categorized as "doubtful," e. g., *m. Demai* 3.4.
15. J. D. M. Derrett, "κονός, κονόω," *Filologia Neotestamentaria* 5 (1992): 76.
16. Lev. 10:10.
17. E. g., Richard Bauckham, "Peter, James and the Gentiles," in *The Missions of James, Peter, and Paul: Tensions in Early Christianity*, ed. Bruce Chilton and Craig Evans (Leiden: Brill, 2005), 102–103, renders κονός as "profane," "impure," or "defiled," depending on the context. Contra Thiessen, *Contesting Conversion*, 131.
18. "Κονός is not, then, an essential state of halakic uncleanness, rather it is a grey-zone state, arising due to essentially clean food becoming contaminated" (Bolton, "Who Are You Calling 'Weak'?", 622).

19. Oliver, *Torah Praxis after 70 CE*, 346, 348–49. Cf. Bauckham, “Peter, James and the Gentiles,” 91–107; Ehrensperger, “Called to be Saints,” 98–103.
20. Daniel R. Schwartz, “Someone who considers something to be impure—for him it is impure” (Rom. 14:14): Good Manners or Law?, in *Paul’s Jewish Matrix*, ed. Thomas G. Casey and Justin Taylor (Rome: Gregorian & Biblical, 2011), 303. See Paula Fredriksen, “How Later Contexts Affect Pauline Context, or: Retrospect is the Mother of Anachronism,” in *Jews and Christians in the First and Second Centuries: How to Write Their History*, ed. Peter J. Tomson and J. Schwartz (Leiden: Brill, 2014), 33.
21. “Moreover, while the associates did view nonmembers as ritually defiling, the outsiders’ ritual impurity resulted not from the commission of some grave sin but simply from the fact that the outsiders did not take upon themselves the same purity obligations that the associates had” (Jonathan Klawans, *Impurity and Sin in Ancient Judaism* [Oxford: Oxford University Press, 2000], 109).
22. Yair Furstenberg, “Impurity and Social Demarcation: Resetting Second Temple Halakic Traditions in New Contexts” (paper presented at the Thirteenth International Orion Symposium: Tradition, Transmission, and Transformation: From Second Temple Literature through Judaism and Christianity in Late Antiquity, Jerusalem, 23 February 2011), 3. See *m. Hag. 2.5–7*; *t. Hag. 3.1–3*. Note the weight placed on intention in *t. Hag. 3.2*: “He who immerses in order to rise up from uncleanness to cleanness, lo, this person is clean for all purposes. He who immerses—if he had the intention [of becoming clean], he becomes clean. And if not, [he remains] unclean” (Jacob Neusner, *How the Halakha Unfolds: Volume IV: Hagigah in the Mishnah, Tosefta, Yerushalmi, and Bavli* [Lanham: University Press of America, 2009], 421).
23. Furstenberg, “Impurity and Social Demarcation,” 9.
24. See Lev. 11:24, 38.
25. Eric Ottenheijm, “Impurity Between Intention and Deed: Purity Disputes in First Century Judaism and in the New Testament,” in *Purity and Holiness: The Heritage of Leviticus*, ed. M. J. H. M. Poorthuis and J. Schwartz (Leiden: Brill, 2000), 141–43. See Howard Eilberg-Schwartz, *The Human Will in Judaism: The Mishnah’s Philosophy of Intention* (Atlanta: Brown Judaic Studies, 1986), 95–143; Yitzhak Gilat, “Intention and Deed in the Teachings of the Tanna’im” [Heb.], in *Studies in the Development of Halakha* (Ramat Gan: Bar Ilan University Press, 2001), 72–83; Joseph Baumgarten, “Liquids and Susceptibility to Defilement in New 4Q Texts,” *JQR* 85 (1995): 93; Vered Noam, “The House of Shammai and Sectarian Halakha” [Heb.], *Jewish Studies* 41 (2002): 55; Ephraim E. Urbach, *The Halakha: Its Sources and Development* (Tel Aviv: Massada, 1996), 190–93. The Mishnah is replete with statements that reflect the Hillelite focus on human thought as a determinant of impurity; see Mira Balberg, *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014), 83–87, 91–93.
26. Cf. Acts 5:34. The argument behind Gamaliel being Hillel’s grandson is based on a late source (*b. Shabb. 15a*). It is more likely that he was Hillel’s son. See Jacob Neusner, *A Life of Rabbi Yohanan Ben Zakkai: Ca. 1–80 C. E.* (Leiden: Brill, 1970), 34.
27. Similarly, Paul’s statement in Rom. 14:5 (“One person esteems one day more than another, while another esteems all days alike. Let all be fully convinced in their own minds”) was likely not an expression of Pauline indifference toward the biblical calendar as the traditional view maintains. There are five other ways of explaining this text that are more consistent with the context: (1) Paul was indifferent to the ontological weight the weak were placing on the holiness of various days. Note that Paul focuses on the issue of food immediately before and after his discussion of days (vv. 2–4, 6), giving the impression that the principle he espouses in verse 14 applies to both issues; (2) Paul may be speaking specifically to gentiles in Rom. 14:5, as he does in verse 20. The Torah does not command gentiles to keep Israel’s festivals. Paul may be reassuring the gentiles in verse 5 that they are not under obligation to observe Israel’s holy days; (3) Paul may be referring to festivals and fasts that were not commanded in the Torah, e. g., Nikanor Day, Hanukkah, the fifteenth of Av, and Herod’s Days (Esther 9:27–28; 1 Macc. 4; Josephus, *Ant.* 12.7, 10; *J. W.* 2.7; Persius, *Sat.* 5.180); (4) Paul may be referring to grey areas in biblical calendar law that were halakhically more open to question even as Paul used *κονός* to refer to indeterminate areas of dietary law. An example of a calendar-related area of dispute in Second Temple Judaism is the dating of Shavuot (the Festival of Weeks/Pentecost). The Pharisees claimed that Shavuot could fall on various days of the week while the Sadducees and the Qumran community maintained that Shavuot could fall only on the day after the weekly Sabbath, i. e., Sunday. As a Pharisee, Paul would have been aware of the arguments on both sides; and (5) Paul may have in mind the practice of Sabbath fasting, a custom unique to the Roman Jewish community. This interpretation fits well with Rom. 14:5–6 where Paul connects the ethic of esteeming a particular day with abstaining from food. See Margaret H. Williams, “Being a Jew in Rome: Sabbath Fasting as an Expression of Romano-Jewish Identity,” in *Jews in a Graeco-Roman Environment* (Tübingen: Mohr Siebeck, 2013), 51–58.
28. This tradition is not necessary to establish my case since the Hillelite view that personal intention can change the purity status of objects and persons presumes that nothing is impure in itself.
29. Neusner, *A Life of Rabbi Yohanan Ben Zakkai*, 34–35; idem, *First Century Judaism in Crisis: Yohanan ben Zakkai and the Renaissance of Torah* (New York: Ktav, 1982), 48–49, 54–61.
30. *Pesiq. Rab Kah. 4:7* (trans. Ottenheijm). Cf. *Pesiq. Rab. 14:14*; *Yal. Shimoni Hukat 759*; *Num. Rab. 19:8*; *Tanh. Hukat 8*. See Jacob Neusner, *The Idea of Purity in Ancient Judaism* (Leiden: Brill, 1973), 105; Menachem Kellner, *Maimonides’ Confrontation with Mysticism* (Oxford: The Littman Library of Jewish Civilization, 2006), 130;

Yochanan Silman, "Introduction to the Philosophical Analysis of the Normative-Ontological Tension in the Halakha," *Da'at* 31 (1993): 8–10.

31. Otterheijm, "Impurity Between Intention and Deed," 132, 143–44; emphasis mine. See Kinzer, *Postmissionary Messianic Judaism*, 55–56, 80–81; Bruce Chilton, "The Purity of the Kingdom as Conveyed in Jesus' Meals," in *SBL Seminar Papers*, 1992, ed. Eugene H. Lovering (Atlanta: Scholars, 1992), 485–86; Ephraim E. Urbach, *The Sages: Their Concepts and Beliefs*, trans. Israel Abrahams (2 vols.; Jerusalem: Magnes, 1975), 1:99.
32. Oliver, *Torah Praxis after 70 CE*, 355–56.
33. "As for nothing by itself being pure or impure, even later rabbis construed these as assigned, not innate categories. . . . My main point here is that nothing in these passages about food definitely puts either Paul or his gentiles outside or over-against Jewish observance" (Fredriksen, "How Later Contexts Affect Pauline Context," 33–34).
34. Ehrensperger, "Called to be Saints," 101, 105–106. See Mark D. Nanos, *The Mystery of Romans: The Jewish Context of Paul's Letter* (Minneapolis: Fortress Press, 1996), 199–200.
35. "Paul may be repeating here for his gentiles what was a practical *modus vivendi* for diaspora Jews" (Fredriksen, "How Later Contexts Affect Pauline Context," 33).
36. Peter J. Tomson, *Paul and the Jewish Law: Halakha in the Letters of the Apostle to the Gentiles* (Minneapolis: Fortress Press, 1990), 244–45, describes the weak as "hyper-halakhic" and "oversensitive."
37. Cf. 1 Cor. 8:4–7 where the strong are those who have knowledge that an idol is "nothing" (ὄψῆς). See Kathy Ehrensperger, *Paul at the Crossroads of Cultures: Theologizing in the Space Between* (London: Bloomsbury, 2013), 194–96; idem, "To Eat or Not to Eat—Is this the Question?," in *Decisive Meals: Table Politics in Biblical Literature*, ed. Ehrensperger, Nathan MacDonald, and Luzia S. Rehmman (London: T&T Clark, 2012), 119–22; Peter S. Zaas, "Paul and the Halakhah: Dietary Laws for Gentiles in 1 Corinthians 8–10," in *Jewish Law Association Studies VII: The Paris Conference Volume*, ed. S. M. Passamaneck and M. Finley (Atlanta: Scholars, 1994), 239.
38. Markus Bockmuehl, *Jewish Law in Gentile Churches: Halakhah and the Beginning of Christian Public Ethics* (Edinburgh: T&T Clark, 2000), 43.
39. Gary Steven Shogren, "Is the kingdom of God about eating or drinking or isn't it? (Romans 14:17)," *NovT* 42, no. 3 (2000): 246–47.
40. James Crossley, *The New Testament and Jewish Law: A Guide for the Perplexed* (London: T&T Clark International, 2010), 109; Charles H. Cosgrove, "Abstinence from Wine by the 'Weak' in the Roman Church: A Dietary Practice Addressed by Paul in Romans 14" (paper presented at the Annual Meeting of the Society of Biblical Literature, Pauline Epistles Section, Baltimore, 23 November 2013), 1–8.
41. E. P. Sanders, *Jewish Law from Jesus to the Mishnah: Five Studies* (London: SCM, 1990), 281. See Karl-Gustav Sandelin, "Jews and Alien Religious Practices During the Hellenistic Age (2006)," in idem, *Attraction and Danger of Alien Religion: Studies in Early Judaism and Christianity* (Tübingen: Mohr Siebeck, 2012), 1–26; Karin Hedner Zetterholm, "The Question of Assumptions: Torah Observance in the First Century," in *Paul within Judaism: Restoring the First-Century Context to the Apostle*, ed. Mark D. Nanos and Magnus Zetterholm (Minneapolis: Fortress Press, 2015), 91–103.
42. See also Tomson, *Paul and the Jewish Law*, 217–18.
43. Magnus Zetterholm, "Purity and Anger: Gentiles and Idolatry in Antioch," *Interdisciplinary Journal of Research on Religion* 1 (2005): 15. Cf. M. Isenberg, "The Sale of Sacrificial Meat," *CP* 70 (1975): 272; John Fotopoulos, *Food Offered to Idols in Roman Corinth: A Social-Rhetorical Reconsideration of 1 Corinthians 8–10* (Tübingen: Mohr Siebeck, 2003), 188.
44. Paul also uses the term *πρόσκαμνα* (stumbling block) in Rom. 14:20. The LXX translates *כִּשְׁלוֹ* (Lev 19:14) and *קוֹקֵשׁ* as *στανδελον* or *προσκαμνα*. They are used synonymously in the New Testament (Gulirt, *NIDNTT* 2:705, 707–08; Stählin, *TDNT* 7:341).
45. Stählin, *TDNT* 7:340.
46. *Ibid.*, 344.
47. For a discussion of the metaphorical use of the *skandalon* command in Second Temple Jewish literature, see Rudolph, *A Jew to the Jews*, 104–6.
48. Hershey H. Friedman, "Placing a Stumbling Block Before the Blind Person: An In-Depth Analysis," 2002, 1–2. www.jlaw.com/Articles/placingstumbling.html.
49. *b. Pesah.* 22b. See Num. 6:3; Gen. 9:4; *b. Ned.* 81b; *b. Pesah.* 50b–51a; *y. Ber.* 8, 12a.
50. Michael B. Thompson, "Stumbling Blocks and Snares: The Context of Romans 14.13b" (Cambridge University: unpublished, 1985), 40. Cf. idem, *Clothed with Christ*, 181.
51. Cf. Josh. 23:13; Judg. 2:3; Hosea 4:17; Ps. 105[106]:34–36.
52. The non-ontological view is attested in the Torah. For example, bread made with yeast is forbidden during the festival of unleavened bread, but eaten during the rest of the year (Exod. 12:14–20). The substance of the food does not change, only its designation as forbidden or permitted for Israel.
53. See *m. Hul.* 7; *b. Hul.* 96–100; *Shulchan Aruch/Tur*, *Yoreh De'ah* 109; 99.5.
54. Binyomin Forst, *The Laws of Kashrus: A Comprehensive Exposition of Their Underlying Concepts and Applications* (Brooklyn: Mesorah, 2004), 52–75; Zushe Yosef Blech, *Kosher Food Production* (London: Wiley-Blackwell, 2008), 29–31.
55. *Bitul b'trov* applies to cold, dry foods.
56. *Bitul b'snishim* applies to foods that are blended or cooked together.

57. Forst, *The Laws of Kasirus*, 52–53. Cf. *Pischei Tesuivah* 116.10.
58. See *Shulchan Aruch* 434.2–4.
59. See Sanders, *Jewish Law from Jesus to the Mishnah*, 32–33; Jordan D. Rosenblum, *Food and Identity in Early Rabbinic Judaism* (Cambridge: Cambridge University Press, 2010), 177–78.
60. A. Andrew Das, *Solving the Romans Debate* (Minneapolis: Fortress Press, 2007), 53–114, makes a compelling case that the weak were gentiles. Contra Mark Reasoner, *The Strong and the Weak Romans 14.1–15.3 in Context* (Cambridge: Cambridge University Press, 1999), 224; Toney, *Paul's Inclusive Ethic*, 193. Nanos, *The Mystery of Romans*, 85–165, argues that the weak were non-Christian Jews. For a response, see Das, *Solving the Romans Debate*, 115–48; Robert A. J. Gagnon, “Why the ‘Weak’ at Rome Cannot Be Non-Christian Jews,” *CBQ* 62 (2000): 64–82, and Nanos’s 2003 rejoinder (“A Rejoinder to Robert A. J. Gagnon’s ‘Why the ‘Weak’ at Rome Cannot Be Non-Christian Jews,’” www.marknanos.com/Gagnon-rejoinder-6-20-03.pdf).
61. Fredriksen, “How Later Contexts Affect Pauline Context,” 32n40.
62. See Rom. 2:25–27; Michele Murray, *Playing a Jewish Game: Gentile Christian Judaizing in the First and Second Centuries CE* (Waterloo: Wilfrid Laurier University Press, 2004), 35–36. This dynamic is commonplace in the modern Messianic Jewish community and leads to the same kind of weak-strong polarities caused by gentile purists about purity that I propose Paul addresses in Romans 14.
63. “A handful of scholars—Stanley Stowers, Neil Elliott, and Runar Thorsteinson—have contended that Romans addressed an entirely or almost entirely gentile audience...the answer to the problem of Paul’s apparent ‘obliqueness’ in Rom 14:1–15:13 lies in recognizing (with Stowers against Nanos) that both the strong and the weak are gentiles; (with Nanos against Stowers) that the weak are observing Jewish cultic practices.... The content of Rom 14:1–15:6 is completely comprehensible if the audience included current or former God-fearers alongside non-Law-observant gentiles.... God-fearers would have been uncomfortable as well around non-God-fearers and their meat and wine. This would have led to tensions... [Paul’s] goal is to facilitate a healthy relationship between the non-Law-observant gentiles and the Law-observant gentiles in the Roman Christian congregations” (Das, *Solving the Romans Debate*, 53, 109, 113–14). I concur with Das that Jewish law observance by gentiles is in view in Romans 14. However, I depart from his assumption that the strong were all *non-Law-observant* Gentiles. Some of the strong may have been Torah-observant, but not as scrupulous as the weak (Bolton, “Who Are You Calling ‘Weak?’,” 621), or they may have been scrupulous, but not as prone to stumble because of their non-ontological view of ritual purity and their conviction that gentiles were not obligated to keep Israel’s food laws. The Corinthian “weak” (1 Cor. 8:7–12) were likely gentiles.
64. See *Pesiq. Rab Kah.* 4:7; Ehrensperger, “‘Called to be Saints,’” 94–97.
65. Douglas J. Moo, *The Epistle to the Romans* (Grand Rapids: Eerdmans, 1996), 852–53.
66. Heikki Räisänen, *Jesus, Paul and Torah: Collected Essays*, trans. David E. Orton (Sheffield: Sheffield Academic Press, 1992), 140, 142.
67. Some exegetes suggest that Rom. 14:14, 20 reflects a tradition redacted by Luke that Jesus declared all foods clean. In Acts 10, Peter sees a vision of various kinds of animals, and Jesus instructs Peter three times to kill and eat. The traditional interpretation assumes that Jesus’ command to eat unclean animals (Acts 10:13; 11:7), and his words to Peter—“What God has made clean (ἑξαιρέτην), you must not call profane (κόβου)” (Acts 10:15; 11:2)—imply a divine revocation of Israel’s food laws. However, a more contextually supported reading of the text is that *the vision concerned men, not the menu*. Consider the following: (1) Three times Peter rejects Jesus’ instruction to eat profane (κόβου) and unclean (ἀκάθαρτον) animals (Acts 10:14–16). This implies that Peter had not previously received a teaching or example from Jesus that all foods were now clean; (2) The meaning of the vision was not immediately clear to Peter. He was “greatly puzzled about what to make of the vision” (Acts 10:17). When Peter saw the vision, he did not understand it to mean that Israel’s dietary laws had been abolished; (3) Luke repeatedly indicates that the meaning of the vision concerned men, not the menu (Chris A. Miller, “Did Peter’s Vision in Acts 10 Pertain to Men or the Menu?,” *BSac* 159 [2002]: 317; J. R. L. Moxon, “Peter’s Halakhic Nightmare: The ‘Animal’ Vision of Acts 10.9–16 in Jewish and Graeco-Roman Perspective” [PhD diss., Durham University, 2011], i, 6–7; David B. Woods, “Interpreting Peter’s Vision in Acts 10:9–16,” *Conspectus* 13 [2012]: 171–214; Oliver, *Torah Praxis after 70 CE*, 240–45). When Peter arrived at Cornelius’s house, he interpreted the meaning of the vision: the profane (κόβου) and unclean (ἀκάθαρτον) animals symbolized profane (κόβου) and unclean (ἀκάθαρτον) people (a likely reference to God-fearers and pagans respectively). In keeping with Jewish “taboo” (ἀθέμιτος [Acts 10:28], not νόμος), Peter had avoided contact with gentiles. But through the vision, God informed Peter that he was no longer to view gentiles in this way, “God has shown me that I should not call anyone profane [κόβου] or unclean [ἀκάθαρτον]. So when I was sent for, I came without objection.... I truly understand that God shows no partiality, but in every nation anyone who fears him and does what is right is acceptable to him” (Acts 10:28–29, 34–35). His decision to associate with gentiles did not overturn biblical law since the Torah does not prohibit Jews from associating with gentiles. Peter’s earlier perspective that Jews should not visit or eat with gentiles because they are profane (κόβου) or unclean (ἀκάθαρτον) was a traditional expansion of the Torah (Hannah K. Harrington, *The Purity Texts* [London: T&T Clark, 2004], 112; Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* [Oxford: Oxford University Press, 2002], 19–44); (4) Peter reiterated the symbolic meaning of the vision to the “circumcised believers” in Jerusalem. After he recounted the vision, his response to it, and the Lord’s

admonition—"What God has made clean (*ἐκαθάρισεν*), you must not call profane (*κόβου*)" (Acts 11:9)—Peter explains that the vision concerned men: "The Spirit told me to go with them and not to make a distinction between them and us" (Acts 11:12). At the Jerusalem Council, Peter once again alludes to the symbolic meaning of the vision. The gentile believers are clean, for "in cleansing [*καθαρίσας*] their hearts by faith he has made no distinction between them and us" (Acts 15:9); (5) No indication exists in Acts that Peter understood the vision literally. There is no example of him eating unclean food or encouraging other Jesus-believing Jews to eat unclean food; (6) The Jerusalem Council decision in Acts 15 centered on the question of whether Jesus-believing gentiles were exempt from Mosaic law. If the Torah's dietary laws had been abrogated as early as Acts 10, and Jesus-believing Jews were now exempt from the requirements of Mosaic law, there would be no reason to debate whether the law was binding on Jesus-believing gentiles. Acts 15 implies that Peter's vision in Acts 10 concerned men, not the menu (cf. Acts 15:9). The apostolic decree was only addressed to "Gentile believers" and clarified the "requirements" (including certain minimal food restrictions) that were incumbent upon the "Gentile believers" (Acts 15:19–20, 23). The presupposition throughout Acts 15 is that Jesus-believing Jews like Peter should continue to observe Mosaic law.

68. Ottenheijm, "Impurity Between Intention and Deed," 146.

69. Cf. Yair Furstenberg, "Defilement Penetrating the Body: A New Understanding of Contamination in Mark 7.15," *NTS* 54 (2008): 182–84, 186. See Friedrich Avermarie, "Jesus and Purity," in *The New Testament and Rabbinic Literature*, ed. Reimund Bieringer, Florentino García Martínez, Didier Pollefeyt, and Peter J. Tomson (Leiden: Brill, 2010), 271–75; James Crossley, "Mark 7.1–23: Revisiting the Question of 'All Foods Clean,'" in *The Torah in the New Testament: Papers Delivered at the Manchester-Lausanne Seminar of June 2008*, ed. Michael Tait and Peter Oakes (London: T&T Clark, 2009), 8; *idem*, *The Date of Mark's Gospel: Insights from the Law in Earliest Christianity* (London: T&T Clark, 2004), 192–93.

70. See Mark 7:8–13; Matt. 15:3–6. "So really what the Gospel describes is a Jesus who rejects the pharisaic extension of these purity laws beyond their original specific biblical foundations. He is not rejecting the Torah's rules and practices but upholding them. . . . It was thus against those pharisaic innovations, which they are trying to foist on his disciples, that Jesus railed, and not against the keeping of kosher at all. This is a debate between Jews about the correct way to keep the Torah, not an attack on the Torah" (Daniel Boyarin, *The Jewish Gospels: The Story of the Jewish Christ* [New York: The New Press, 2012], 116–18).

71. David Rudolph, "Jesus and the Food Laws: A Reassessment of Mark 7:19b," *EvQ* 74, no. 4 (2002): 291–311.

72. Jesper Svartvik, *Mark and Mission: Mk 7:1–23 in Its Narrative and Historical Contexts* (Stockholm: Almqvist & Wiksell International, 2000), 344–48, regards Mark as a "Pauline Gospel." Joel Marcus ("Mark—Interpreter of Paul," *NTS* 46 [2000]:

477) concurs that "there might be good reasons why a later Paulinist such as Mark might want to anchor Pauline theology in traditions about the earthly Jesus. . . . Paul's theology was controversial; Mark, therefore, may have been trying to defend it against its detractors by demonstrating its conformity with the authoritative Jesus tradition." See Paula Fredriksen, "Did Jesus Oppose the Purity Laws?," *BR* 11, no. 3 (1995): 25; Barnabas Lindars, "All Foods Clean: Thoughts on Jesus and the Law," in *Law and Religion: Essays on the Place of the Law in Israel and Early Christianity*, ed. Lindars (Cambridge: James Clarke, 1988), 69. "It seems to me much more likely that Mark is influenced by the insights gained in the Gentile mission, expressed by Paul in Rom. 14.14, 20, than that Paul is dependent on Jesus" (Räsänen, *Jesus, Paul and Torah*, 145).

73. "It appears that Leviticus 19 and Deuteronomy 22 were the most significant biblical law codes [in Second Temple Judaism]. Leviticus 19 was of fundamental importance for these authors as a counterpart to the Decalogue. Writing about its importance for Pseudo-Phocylides, Pieter van der Horst [*The Sentences of Pseudo-Phocylides: With Introduction and Commentary* (Leiden: Brill, 1978), 67] said: 'One might tentatively conclude that in Judaism at the beginning of our era Lev. XIX was regarded as a central chapter in the Torah.' Leviticus 20 is also significant. It is part of the sexual code in Leviticus 18 and 20. . . . These chapters appear to have formed the basis for ethical instruction in the Diaspora" (Gregory Sterling, "Was There a Common Ethic in Second Temple Judaism?," in *Sapiential Perspectives: Wisdom Literature in Light of the Dead Sea Scrolls. Proceedings of the Sixth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 20–22 May, 2001*, ed. John J. Collins, Gregory E. Sterling, and Ruth A. Clements [Leiden: Brill, 2004], 186).

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editors

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GABRIELE BOCCACCINI & CARLOS A. SEGOVIA
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