

The Question of Assumptions: Torah Observance in the First Century

Karin Hedner Zetterholm

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that Torah observance is a rather static and unproblematic phenomenon, and, moreover, that our knowledge of halakah in the first century permits us to determine whether or not Paul was Torah observant, and, if so, to what degree.

However, in order to understand Paul's relation to Jewish law, we need to free ourselves from the common (scholarly) notion of Torah observance as a simple clear-cut phenomenon and approach the issue in a more nuanced way. To gain a better understanding of what observance of Torah in reality entails, I believe a discussion of some general assumptions and conditions related to Torah observance, as well as examples from contemporary Judaism, will be helpful. We will then be in a better position to explore what it meant to be a Torah observant Jew in the first century, and the implications this has for understanding Paul's relation to both Jewish identity and behavioral standards as they relate to Torah.

What Does It Mean to be Torah Observant?

Let me begin by stating the obvious: Torah observance means different things to different groups and people, and, accordingly, different people define a violation of Torah observance differently. This is self-evident, but nevertheless often not taken sufficiently into account when discussing Paul's relation to the Torah. Scholars frequently talk about "breaking Jewish law" as if it were something absolute like running a red light, but Jewish law is generally not as clear-cut, and the assessment of whether a given act is a violation of halakah depends on the perspective of the group and individual making the claim.

For instance, when an Israeli friend of mine, who defines himself as "liberal Orthodox," has dinner in our home, which has a non-kosher kitchen, and eats on our non-kosher plates, this would be considered a violation of halakah from a strict Orthodox point of view. But

my friend would not agree that he is breaking Jewish law by eating in our home. He would argue that Jewish law allows for a certain degree of interaction with non-Jews, and that observing Jewish law also involves not offending his non-Jewish hosts by not eating in their home, or making them go to extra trouble by requiring them to buy paper plates. He assumes, naturally, that we would not serve food forbidden by Jewish law.

Another friend, who belongs to the Conservative movement, once invited us to his home for Shabbat dinner, and when the evening was over he picked up the phone and called a taxi for us. This would be considered a violation of Jewish law according to Orthodox standards, but according to our host's interpretation of halakah it was not. In his view, he was not "breaking the law," but interpreting it, or rather, applying the interpretation of the denomination to which he belongs.

Since Jewish law is the result of an ongoing collective interpretation and extension of injunctions and principles laid out in the Hebrew Bible, disagreements over their correct understanding are bound to develop. Many biblical commandments, such as abstaining from work on the Sabbath (Exod. 20:8-11; 31:13-17; 35:1-3), are rather general in nature. They lack the detailed prescriptions necessary to put them into practice, necessitating the elaboration of more precise definitions and instructions. In the case of Sabbath observance, the rabbis had to decide which specific activities are implied by the word "work" (*m. Shabb. 7:2*). The Qumran literature and the New Testament provide ample evidence that there was no consensus on this issue or in other areas of Jewish law in the first century.² The Qumran community disagreed with the Pharisees

2. Adela Yarbro Collins, *Mark: A Commentary* (Minneapolis: Fortress Press, 2007), 200-205; E. P. Sanders, "The Life of Jesus," in *Christianity and Rabbinic Judaism: A Parallel History of Their Origins and Early Development*, ed. Hershel Shanks (Washington, DC: Biblical Archaeology Society, 1992), 41-63, esp. 70-73. It is evident from the New Testament, for instance, that the

on which activities were prohibited on the Sabbath, and the common people cannot be assumed to have adhered strictly to either of these halakic systems. Many centuries later, the Karaites would develop their own Sabbath halakah in opposition to rabbinic Judaism. It is evident from rabbinic literature that the halakic decisions arrived at eventually were preceded by long-standing debates and disagreements.

Although contemporary Jews who are committed to observing Jewish law all agree that the Mishnah's interpretation is binding, disagreements still abound as technology develops and new issues not specifically addressed by the Bible or Mishnah arise. One such issue is the use of electricity on the Sabbath, generally prohibited by Orthodox Jews, but permitted by many belonging to the Conservative movement. Numerous additional examples can be found in the area of medical ethics.³

In other cases, changed circumstances and evolving moral sensitivities have led to new understandings of biblical decrees and prohibitions. For instance, the rabbis found a literal understanding of "an eye for an eye" (Exod. 21:23-25; Lev. 24:17-21; Deut. 19:18-21) and the decree to execute a rebellious son (Deut. 21:18-21) irreconcilable with their understanding of moral behavior. They thus reinterpreted "an eye for an eye" to mean monetary compensation,⁴ and rendered nonfunctional the law of the rebellious son by

Pharisaic custom of washing one's hands before a meal was not shared by everyone (Mark 7:2; Matt. 15:2).

3. See Elliot N. Dorff, "A Methodology for Jewish Medical Ethics," in *Contemporary Jewish Ethics and Morality: A Reader*, eds. Elliot N. Dorff and Louis E. Newman (New York: Oxford University Press, 1995), 161-76; David H. Ellenson, "How to Draw Guidance from a Heritage: Jewish Approaches to Moral Choices," in *Contemporary Jewish Ethics and Morality*, 129-39; Louis E. Newman, "Woodchoppers and Respirators: The Problem of Interpretation in Contemporary Jewish Ethics," in *Contemporary Jewish Ethics and Morality*, 140-60.

4. Mek. R. Ishmael Nezikin 8 (trans. Lauterbach 3:62-69); m. B. Qam. 2:5, 8:1-3; b. B. Qam. 83b-84a.

introducing so many impossible prerequisites that it could never be applied in practice.⁵

One of the reasons the rabbis found these decrees problematic is that they saw them as a violation of major moral and theological principles of the Torah, such as the call to "love your neighbor as yourself" (Lev. 19:18), "justice, justice shall you pursue" (Deut. 16:20), and characterizations of God as good, compassionate, gracious, and forgiving: "God is good to all, and his mercies extend to all his creatures," (Ps. 145:9), and "a God compassionate and gracious, slow to anger, and abounding in steadfast love and faithfulness, extending kindness to the thousandth generation, forgiving iniquity, transgression, and sin" (Exod. 34:6-7). Moreover, retaliation and the execution of rebellious sons seemed to conflict with the very goal and purpose of Jewish law, which for the rabbis was to create an ideal world and a moral society.⁶

Thus, Jewish law is more than just detailed prescriptions or prohibitions concerning specific situations. The detailed laws are based on the Torah's ethical principles and the Jews' perception of God, and these two parts of Jewish law—its body and soul, as it were—are intimately connected so that the specific laws translate moral values into concrete modes of behavior.⁷ The foundation of

5. *b. Sanh.* 71a.

6. Elliot N. Dorff, *For the Love of God and People: A Philosophy of Jewish Law* (Philadelphia: Jewish Publication Society, 2007), 222-26.

7. For the intimate relationship between general principles and specific laws, see Haim N. Bialik, *Halachah and Aggadah*, trans. Leon Simon (London: Education Dept. of the Zionist Federation of Great Britain and Ireland, 1944) who compares them to two sides of the same coin, or to ice and water. He writes, "Halacha [i.e. specific laws] wears a frown, Aggadah [i.e. lore, general principles] a smile. The one is pedantic, severe, unbending—all justice; the other is accommodating, lenient, pliable—all mercy. . . . The one is concerned with the shell, with the body, with actions; the other with the kernel, with the soul, with intentions" (9). See also Abraham J. Heschel, *God in Search of Man: A Philosophy of Judaism* (New York: Farrar, Straus & Giroux, 1989), 336-37. Heschel writes, "Aggadah deals with man's ineffable relations to God, to other men, and to the world. Halacha deals with details, with each commandment separately; aggadah with the whole of life, with the totality of religious life. Halacha deals with the law; aggadah with the meaning of the law" (336).

Jewish law is the belief in a moral God; thus, the law is interpreted and shaped by moral considerations.⁸

If a specific law is understood to violate the moral principles of the Torah, it may be necessary in certain circumstances to suspend that particular law in order to preserve and safeguard the Torah. The rabbis had a term for this, namely "to act for the Lord" (based on a midrashic understanding of Ps. 119:126), by which they meant that in certain situations, acting in the interest of God may require dissolving a particular law. A variation of the same theme appears in the Babylonian Talmud in a statement attributed to Resh Lakish: "At times, abolition of the Torah is its foundation." (*b. Menah. 99b*).⁹

The idea that suspension of the Torah in the sense of a particular law may serve to preserve the Torah in the sense of Jewish law as a whole draws attention to the potential confusion caused by the fact that the word *Torah* has several different meanings. Although it can be used in the sense of particular laws, the word *torah* signifies a broader and more nuanced concept that in Hebrew refers to "instruction," "teaching," or "guidance." The legal portions of the Torah include many different kinds of laws, ranging from ethical norms to laws about purity as well as customs connected to Jewish identity.

Again, an example from contemporary Judaism can serve to illustrate the different senses of the word Torah: A Reform Jew would readily acknowledge that he "breaks the law" in the sense of not observing halakah, since he does not consider traditional Jewish law to be binding, but the person would not say that he "breaks the Torah." On the contrary, he would claim that the Torah's ethical principles, on which Reform Judaism has traditionally focused, is the most important part of divine revelation (Torah). Accordingly he

8. Dorff, *Love of God*, 211-43.

9. Eliezer Berkovits, *Not in Heaven: The Nature and Function of Halakhah* (New York: Kav, 1983), 64-70.

would claim that his version of Judaism and his interpretation of what it means to be a Jew is more true to the divine intention behind the Torah than an Orthodox Jew's preoccupation with the details of halakah.

Jewish law is simply a much more complex and flexible system than it may at first appear. Its development is shaped by its internal parts—moral principles, theology, history, eschatology—as well as what is happening in the environment in which it functions.¹⁰ Specific laws take form in a dialectical process between traditional Jewish texts (the Bible and its rabbinic interpretation), on the one hand, and non-textual factors such as social reality, including developments in science and technology, on the other. Among the textual factors, consideration is given both to general principles and explicit commandments or prohibitions. Because different halakic authorities put different emphasis on different factors, giving priority to some over others, their rulings in specific cases will differ, although they are all committed to Jewish law and consider halakah to be binding.

A recent debate on same-sex relations within the Conservative movement and subsequent rulings about what is halakically permissible may illustrate these dynamics. For some Conservative rabbis, the medical discovery that sexual orientation is inborn and that attempts to change it do not work (non-textual factor) meant that the traditional view that homosexual acts constituted a deliberate rebellion against Jewish law could no longer be upheld. As a result, retaining the tradition's ban on any form of homosexual relations was seen as violating the Torah's command not to oppress others and as undermining the view of God as moral and compassionate; it subverted the Torah's numerous calls to care for other people.

10. Dorff, *Love of God*, 225.

Motivated by the psychological harm that the traditional stance imposed on homosexuals and their families, these rabbis wrote a responsum abrogating the rabbinic extensions of the biblical ban (Lev. 18:22; 20:13), permitting lesbians to engage in sex, and gay men to engage in forms of sexual expression with the exception of anal sex.¹¹ Opponents of this ruling argued that contemporary moral considerations based on non-legal portions of the Torah could not outweigh an explicit biblical prohibition and its interpretation by generations of halakic authorities. They accordingly issued a ruling upholding the traditional ban on homosexual relations.¹² The two positions taken on this issue reflect different emphases on the multiple factors involved in the process of establishing specific laws, one giving priority to an explicit prohibition and the other to the general principles behind individual laws. Both were formulated by rabbis who are fully committed to observing Torah. In this particular case, however, they disagree over how God's instructions and intentions should be translated into specific rules, that is, how Jewish law is best safeguarded.¹³ Thus, not only do different denominations issue different halakic rulings, halakic authorities within the same movement may at times also produce different rulings.

Halakic authorities also differ over the role and significance attributed to non-textual factors in the shaping of laws. Although there are numerous exceptions, Orthodox rabbis in general are more

text-centered and less inclined to let modern moral sensibilities and social reality influence their halakic decisions. In the case of same-sex relations, for example, this leads to a conservative position, but this is not necessarily the case in other areas. In the absence of explicit prohibitions, text-centeredness may result in a stance that is more progressive than that of the denominations, which attribute a greater significance to moral considerations, as is evident from halakic rulings within Orthodox Judaism on matters of medical ethics.¹⁴

Just as a specific law may be in tension with a moral or theological principle, individual laws may sometimes conflict with one another too, requiring that priority be given to one law over another. To be a Torah observant Jew requires a constant balancing act, giving priority to some laws over others in a given situation. The details of this balancing act are negotiated individually, although the different denominations each set a general standard. A person involved in such a balancing act, who sets aside one law in order to give priority to another law or general principle in a given situation, is naturally not violating Jewish law or denying his or her commitment to it: he or she is interpreting and applying it. Living in a non-Jewish or non-observant environment makes such balancing acts even more complex. Denominations and individuals negotiate these situations in different ways, which means that Orthodox Jews might claim that some halakic rulings issued by Conservative rabbis are outside the bounds of halakah—that they are breaking the law, in other words—but this is an assessment based on a set of Orthodox priorities that cannot simply be adopted uncritically by an outside observer or scholar.

11. Elliot N. Dorff, Daniel S. Nevin, and Avraham I. Reisner, "Homosexuality, Human Dignity, & Halakha: A Combined Responsum for the Committee on Jewish Law and Standards," 2006, at http://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvo/20052010/dorff_nevin_reisner_dignity.pdf. In a responsum that is also a general essay on the different approaches to law, Gordon Tucker discusses the interrelationship between law (halakah) and narrative (aggadah) in the decision-making process of the Conservative movement; Tucker, "Halakic and Metahalakic Arguments Concerning Judaism and Homosexuality," 2006, at http://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvo/20052010/tucker_homosexuality.pdf.

12. Joel Roth, "Homosexuality Revisited," 2006, at http://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvo/20052010/roth_revisited.pdf.

13. For a summary of the debate see Dorff, *Love of God*, 232–43.

14. See, for instance, the position taken on cloning; Elliot N. Dorff, *Matters of Life and Death: A Jewish Approach to Modern Medical Ethics* (Philadelphia: Jewish Publication Society, 1998), 313–24.

The point of all this is to illustrate that establishing and applying halakah are processes that are both complex and multifaceted, in which multiple factors are taken into account, including contemporary social reality. A common commitment to Jewish law can nevertheless lead to very different rulings. Accordingly, deciding whether or not a given act constitutes "breaking the law" is not that simple. The assessment depends upon the group to which an individual belongs, upon the personal interpretation of the details of halakah of the individual or group in question, as well as on the particular situation. What is for one group or individual a violation of halakah is for another a legitimate interpretation that is necessary in order to preserve Jewish law!

Although the scope of Jewish law was much more limited in the first century than it came to be in subsequent rabbinic tradition, there is no reason to think that the halakic system worked in an inherently different way. Examples from rabbinic literature show that the rabbis were involved in a dialectical process of narrowing some laws and expanding others, which is similar to the process in which contemporary rabbis still engage.¹⁵ Thus, just as in our time, two ancient Jews committed to Jewish law may have had very different views about how to translate the goal and mission of Jewish law into practical regulations, and like modern observant Jews in the Diaspora, they would have had to constantly balance their commitment to Jewish law against the customs and reality of everyday life in their non-Jewish environment.

Naturally, a person committed to Jewish law may at times nevertheless fail to observe a particular commandment or violate a prohibition without any good reason, but does that mean this person is by definition not Torah observant? When I mentioned this

15. Dorff, *Love of God*, 222-32.

article on Paul and Torah observance and the common claim that Paul "broke the law" to a Jewish friend of mine, he said simply, "Oh, like most Jews, then." He is right, of course, if one focuses on the observance of every single commandment over the course of a lifetime. However, someone who occasionally fails to fulfill a particular commandment or violates a prohibition may nevertheless be Torah observant in the sense that he or she is committed to Jewish law and has the intention of keeping it. At the same time, repentance and restitution are included in the Torah and should accordingly be taken into account when defining what constitutes "Torah observance."

Pauline scholars tend to miss this point, applying a rigid and legalistic understanding of what it means to observe Jewish law. If perfect Torah observance is expected from Jews (which involves a host of interpretive assumptions), then anyone who fails to meet those expectations would be considered to "break the law." Jewish tradition, however, explicitly recognizes the fact that nobody will keep all the details of the law at all times! This important element seems to be generally overlooked when Christians discuss this topic. So too is the fact that Jewish tradition appeals to God's forgiveness and grace to solve this conundrum. When a religious Jew puts on his prayer shawl, with the fringes symbolizing the 613 commandments, he prays, "May it be before you . . . as if I had fulfilled the commandment of the tzitzit in all its details, implications, and intentions, as well as the six hundred thirteen commandments that are dependent upon it."¹⁶ He knows that he has not managed to do this, but he asks God to account it to him *as if* he had.

"Obeying the whole Law" is a phrase that admittedly appears both in Paul's letters and in rabbinic literature. In Galatians 5:3, Paul writes

16. *The Complete Artscroll Siddur*. Translation and Commentary by Nosson Schemman (Brooklyn: Mesorah, 1988), 2.

to the gentile adherents to the Jesus movement: "Once again I testify to every man who lets himself be circumcised that he is obliged to obey the entire law." Pauline scholars have generally understood this to indicate that Paul is calling for obligation to observe every single commandment. But the warning arises in the context of him seeking to dissuade Jesus-oriented gentiles from undertaking a transformation of identity if they have not been properly advised of the consequences: following circumcision a non-Jew becomes a Jew; thereafter, he must be *committed* to keeping the entire part of the Torah that the Jews are commanded to observe.

In rabbinic sources, the phrase refers to the entirety of the rabbinic body of law, namely the Written and the Oral Torah.¹⁷ In these instances it is perhaps more readily apparent that the commitment enjoined to "observe the entire Torah" is not focused on the observance of every single commandment, but on the scope, or body of laws to which the rabbinic tradition is committed. For instance, in *b. 'Abod. Zar.* 2b, God boasts that Israel has "kept the entire Torah," which is repeated three times. Unless we assume that God is lying, this statement must be understood to refer to a general commitment to the law by the people of Israel rather than the fulfillment of every single commandment by every single Israelite.¹⁸

17. For instance, *m. Qidd.* 4:14: "Abraham, our father, observed the entire Torah." *Lev. Rab.* 2:10 and *b. Yoma* make very similar statements. The claim in *b. Yoma* 28b that Abraham "observed the entire Torah" is clearly apologetic and is explicitly said to mean that Abraham observed both the Written and the Oral Torah (from the plural form "torat" in the quoted verse, *Gen.* 26:5). Cf. *Gen. Rab.* 49:2, 64:4, and 95:3, according to which Abraham knew rabbinic law.

18. Cf. James 2:10, "For whoever keeps the whole law but fails in one point has become accountable for all of it." Here the emphasis is on the importance of keeping every single commandment, but the phrase "keep the whole law" obviously does not mean that, but rather seems to refer to a commitment to the Torah.

Torah Observance in the First Century

In addition to the general factors pertaining to Torah observance outlined above, a discussion of Paul's relation to the Torah is further complicated by the fact that we know very little about halakic observance in the first century. The various groups with their different halakic systems—Pharisees, Sadducees, and the Qumran community—aside, there were also the common people who likely did not belong to any particular group at all. Thus, we cannot assume that a commonly accepted established halakah existed, and there does not seem to have been a uniform practice even within each of the halakic systems. For instance, the two famous first-century sages, Hillel and Shammai and their respective disciple circles, both seem to have been associated with the Pharisaic movement, but rabbinic sources record numerous legal disputes between them.¹⁹ Even the rabbinic movement in its initial stages was not in a position to establish a commonly accepted halakah;²⁰ hence, rabbinic literature abounds with the different opinions of rabbis.

For all the reasons enumerated above, and because we do not know what first-century halakah looked like, except that it was diverse, we cannot easily determine which acts constituted a violation of it. For instance, is Paul's permission in 1 Corinthians 10:25 to eat food purchased at the market in Corinth and to eat whatever is served when invited to dine with "an unbeliever" (10:27) really evidence that he no longer considered Jewish law binding, as scholars commonly claim,²¹ or is it better understood as an *expression of first-century*

19. *m. Ber.* 8:1-8, for instance, lists their different opinions concerning blessings in connection with meals. They are also said to have had different attitudes toward non-Jews, with Hillel being more welcoming and open to Gentiles than Shammai (*b. Shabb.* 31a).

20. Catherine Hezser, "Social Fragmentation, Plurality of Opinion, and Nonobservance of Halakah: Rabbis and Community in Late Roman Palestine," *Jewish Studies Quarterly* 1 (1993): 234-51.

Jewish Diaspora halakah for Jesus-oriented gentiles, as others more recently have suggested?

I will briefly discuss 1 Corinthians 8–10 below, a passage generally considered crucial for understanding Paul's relation to Jewish law, elaborating the arguments of Peter Tomson and Magnus Zetterholm that Paul's reasoning in 1 Corinthians 8–10 makes sense as a halakic argument and that this passage is better understood as an example of first-century Jewish halakah for Jesus-oriented gentiles than a violation of Jewish law.²² I hope to illustrate that a less rigid view of Jewish law and the process of establishing halakah may yield insights of interest to scholars of the New Testament. Taking into account the Diaspora situation of Jesus-oriented gentiles that required balancing the commitment to Israel's God with their commitments and daily life in a society permeated with the cult of Greco-Roman gods, Paul's arguments make sense *within* the framework of Jewish law, and when compared to later rabbinic debates and legislation on idolatry as laid out in tractate *Avodah Zarah* of the Mishnah, the similarities are striking.

The main issue in 1 Corinthians 8–10 is how to relate to food, which in a "pagan" society may previously have been sacrificed to Greco-Roman gods, in which case it would be forbidden to Jews and gentile Jesus-believers because of its connection with idolatry. Although Paul did not consider gentile Jesus-adherents to be bound by all the laws that applied to Jews, involvement in idolatry was to be

21. E.g. Jerome Murphy-O'Connor, "Freedom or the Ghetto (1 Cor VIII:1–13, X:23–XI:1)," *Revue Biblique* 85 (1978): 541–74, reprinted in J. Murphy-O'Connor, *Keys to First Corinthians: Revisiting the Major Issues* (Oxford: Oxford University Press, 2009); Charles K. Barret, "Things Sacrificed to Idols," in *Essays on Paul* (London: SPCK, 1982), 40–59.

22. Peter J. Tomson, *Paul and the Jewish Law: Halakhah in the Letters of the Apostle to the Gentiles* (Assen: van Gorcum, 1990), 187–220; Magnus Zetterholm, "Purity and Anger: Gentiles and Idolatry in Antioch," *Interdisciplinary Journal of Research on Religion* 1 (2005): 3–24, esp. 10–16. I am making no pretense at an exhaustive treatment of this much-discussed passage and will only quote a limited number of scholars in order to make my point.

avoided at all costs since idolatrous acts could be seen as undermining the belief in Israel's God as the only God.²³ Thus, in this particular case, the problem for these gentile adherents to the Jesus movement was essentially the same as that which faced Jews living in a non-Jewish environment; namely, how to live in a pagan society and not get involved in idolatry. This question must have been even more urgent for Jesus-believing gentiles (former "pagans") who were used to participating fully in the public life of Greco-Roman cities, and who likely had relatives and friends still devoted to the Greco-Roman gods with whom continued interaction was both necessary and desirable.²⁴

Food bought at the market in Corinth or offered in the home of a pagan friend may have been involved in sacrifices to Greco-Roman gods, and the question is how the gentiles of the Jesus community should relate to such food whose origin and history are not known. What should they do in this uncertain situation: inquire about the provenance of the food, or refrain from eating altogether? Paul responds that they can eat whatever is sold in the market without raising any questions for "the earth and its fullness are the Lord's" (1 Cor. 10:26), a statement often understood by scholars to mean that Paul permits consumption of food sacrificed to pagan gods, and hence as evidence that he no longer attributed significance to Jewish law.²⁵

23. Cf. Acts 15:20, where James declares that gentile Jesus-followers must abstain "from things polluted by idols and from fornication and from whatever has been strangled and from blood," and *Didache* 6:3: "For if you can bear the entire yoke of the Lord, you will be perfect; but if you cannot, do as much as you can. And concerning food, bear what you can. But especially abstain from food sacrificed to idols; for this is a ministry to dead gods."

24. On the social situation of gentiles who had joined the Jesus community and had to adjust to refraining from "idolatry," see Zetterholm, "Purity and Anger," 11–13.

25. E.g., John C. Bruhl, "Rejected, Ignored, or Misunderstood? The Fate of Paul's Approach to the Problem of Food Offered to Idols in Early Christianity," *New Testament Studies* 31 (1985): 113–24.

However, in view of the fact that Paul in the immediate context (10:1-22) urges the community to keep away from idolatry and specifically to refrain from participation in cultic meals in a temple context (1 Cor. 8:4-13), it appears unlikely that his permission to buy food in the market means that he is abolishing the prohibition against eating food sacrificed to idols, especially given the overwhelming agreement on the prohibition of idol food within the early church.²⁶

In chapter 8, Paul seems to be responding to a specific question raised by some Jesus-oriented gentiles who appear to question the prohibition of food offered to idols: "Hence, as to the eating of food offered to idols, we know that 'no idol in the world really exists; and that 'there is no God but one'" (1 Cor. 8:4). These Jesus-oriented gentiles appear to argue along the following lines: We have learned (from Paul and in concert with other Jews) that there is only one God. Accordingly, the Greco-Roman deities are mere idols with no power. Knowing this, it really doesn't matter if we were to eat food offered to them, does it? (And it would make our lives so much easier!) To this, Paul replies that they are right in theory, but since everyone within the Jesus community is not yet convinced that these gods have no real power it *does* matter:

It is not everyone, however, who has this knowledge. Since some have until now been so accustomed to idols, they still think of the food they eat as food offered to an idol; and their intention (*syneidēsis*), being weak, is defiled . . . But take care that this liberty of yours does not somehow become a stumbling block to the weak. For if others see you, who possess knowledge, eating in the temple of an idol, might they not, since their intention is weak, be encouraged to the point of eating

26. Tomson, *Paul and the Jewish Law*, 177-86. Clement of Alexandria and Tertullian understood Paul's ruling in 1 Corinthians 10:25 to mean that everything bought in the market could be eaten *except* idol food, while Chrysostom, Ambrosiaster, Novatian, and Augustine understood it to mean that in Paul's view food of unspecified provenance is permitted without questioning, but if specified by others as consecrated food, it is prohibited. Notably, none took it to mean that Paul permitted the consumption of idol food.

food sacrificed to idols? So by your knowledge, those weak believers for whom Christ died are destroyed. (1 Cor. 8:7-11)

The Greek word *syneidēsis* is crucial here. Although usually translated as "conscience," the Greek term can mean both "intention," "consciousness," and "conscience." Tomson persuasively argues that "intention" or "consciousness" better renders the meaning of *syneidēsis* as used by Paul. The reason it is commonly translated as "conscience" may be due to the fact that the Latin equivalent, *conscientia*, acquired a predominantly moral meaning, shifting the focus from the intention toward idolatry of "the weak" to the conscience of the Jesus-believer generally. Notably, the Greek-speaking Chrysostom understood Paul's words to mean "intention."²⁷

When Paul is talking about the intention or consciousness of the weak here, he is presumably referring to former pagans who have recently joined the Jesus community but still attribute reality to pagan deities.²⁸ These people have turned to the God of Israel but not having completely abandoned their past, they are not convinced that the gods they used to worship are mere powerless idols. For such a person, whose intention is not wholly directed toward Israel's God, the eating of food sacrificed to Greco-Roman gods will be an act of idolatry and hence lead to destruction. Therefore, consideration for those Jesus adherents in whose minds pagan deities still have some reality and power, takes precedence over the theological principle

27. Tomson, *Paul and the Jewish Law*, 195-96, 210-16. Tomson (p. 210) points out that the moral interpretation given to the passage by Augustine, who knew no Greek, is likely to have influenced later readings.

28. Mark D. Nanos, "The Polytheist Identity of the 'Weak,' and Paul's Strategy to 'Gain' Them: A New Reading of 1 Corinthians 8:1-11:1," in *Paul: Jew, Greek, and Roman*, ed. Stanley E. Porter (Leiden: Brill, 2008), 179-210, however, argues that "the weak" are pagans for whom Paul believes that Jesus also died and whom he hopes will one day turn to him. Considering the fact that there was likely various levels of commitment among the former pagans who had recently joined the Jesus community, the distinction between some of them and those who remained committed to Greco-Roman gods was probably less clear than we tend to think.

that the God of Israel is the only God and all other gods merely idols with no power.²⁹

Paul's argument here bears resemblance to the rabbinic idea of *mar'it 'ain*,³⁰ the principle according to which one must refrain from acts that are permitted but inappropriate because they may lead a less knowledgeable Jew to draw false conclusions and cause him or her to do something that is not permitted. An example from a modern context may illustrate this: Eating a vegetarian cheeseburger is obviously no problem from the point of view of Jewish law, but a religious Jew should nevertheless avoid doing so in public because another Jew who sees him and does not realize that the hamburger is vegetarian may think that cheeseburgers are permitted and thus violate halakah by eating a cheeseburger made of meat.

The significance attached to certain acts by other people is a concern in early rabbinic literature also. Thus, one should not bow down toward a pagan temple in order to collect a coin from the ground or drink from a fountain because it looks as if one is bowing before an idol. Instead, one must turn one's back to the temple in order to bow down, but if one is not seen, one can do it the normal way (*t. 'Abod. Zar.* 6:4-6). While the pagan temple itself has no special meaning to the Jew and his intention is not toward idolatry, the act is nevertheless forbidden because of the significance that other people may attribute to it.³¹ Thus, in theory these gentile Jesus adherents are

29. Tomson, *Paul and the Jewish Law*, 193-98. Jews would agree, of course, that there is no reality in idols, but the argument seems to spring from the situation of the gentile Jesus adherents who may have thought that this logic might allow them to continue to participate in the pagan temple cult. Jews who were accustomed to live according to Jewish law presumably had no such needs.

30. E.g. *ḥ. Demai* 6:2.

31. Tomson, *Paul and the Jewish Law*, 162-63. Likewise, it is ruled that in certain exceptional circumstances a Jew may visit Roman theaters and stadiums, although they were considered places of idolatry and bloodshed, but if he "draws attention," it is forbidden (*t. 'Abod. Zar.* 2:5-7). Similarly, a Jew may not lease a bath house to a gentile, "since it is referred to by his [the Jew's] name," because the gentile may heat it up on the Sabbath and thus people might believe that the Jewish owner is profaning the Sabbath (*m. 'Avod. Zar.* 1:9).

correct to suppose that it does not matter if they eat food sacrificed to Greco-Roman gods, since these gods have no real existence, but in practice they are nevertheless prohibited from eating such food because of the harmful impact this might have on other people.³² In fact, the argument that since there is no reality to idols it does not matter if one eats food sacrificed to them seems entirely theoretical and has no bearing on halakah.

How then, is this prohibition to be reconciled with Paul's permission to eat food sold in the market or that offered in the home of a pagan friend?

Eat whatever is sold in the meat market without raising any question on the ground of intention [toward idolatry] for "the earth and its fullness are the Lord's." If an unbeliever invites you to a meal and you are disposed to go, eat whatever is set before you without raising any question on the ground of intention [toward idolatry]. But if someone says to you, "This is sanctified food," then do not eat it, out of consideration for the one who informed you, and for the sake of intention—I mean the other's intention, not your own (1 Cor. 10:25-28).³³

Food offered in the temple of an idol (8:10) is known to be sacrificed to idols and hence forbidden, whereas food bought at the market or served in the home of a pagan friend are of unspecified nature. Unless explicitly announced to be consecrated to idols, Paul does not consider such food of unspecified origin to be idol food. One need not assume that food sold in the market was sacrificed to idols, and perhaps, as Tomson suggests, food sold at the market to non-worshippers of Greco-Roman religion, such as members of the Jesus community, might even have been desacralized by the vendor, or

32. Nanos, "Polytheist Identity" 189-202, argues that Paul is concerned not only with the harmful impact on fellow members of the Jesus community but also with the effect it might have on pagans. Like the rabbis, Paul was anxious to avoid any behavior that could be seen by idolaters and create the impression that worship of Israel's god had simply been added to the pantheon.

33. My translation is informed by the Greek and Tomson's interpretation.

simply quietly considered desecrated. Alternatively, like some later rabbis, he considered the act of selling to disconnect objects from a cultic context (*m. 'Abod. Zar.* 4:4-5).³⁴ It is also possible that Paul reasons along the same lines as the rabbis did later, attributing significance to the cultic context: eating in the temple of an idol is clearly a cultic act, while food from the market lacks an immediate cultic context.³⁵

The food served in the home of a pagan friend may likewise be eaten without any questions asked, unless at such a meal, someone announces, "This is sanctified food." Then the food is no longer unspecified, and by his choice of words—"sanctified" (*hierothytos*) rather than "offered to idols" (*eidōlōthytos*) that a Jew or a Jesus-oriented gentile would have used—the person shows his commitment to these gods. In such a case, the food represents idolatry and is hence forbidden, according to Paul. This is somewhat similar to rabbinic reasoning when doing business with gentiles. Goods of specified intention, which by quality or condition are evidently intended for idolatry, are forbidden, but if unspecified, they are permitted and one may sell them "without anxiety," and there is no need to inquire about their purpose. As long as idolatrous intentions are not explicitly stated, they do not represent idolatry, but if the pagan specified his intention to use the goods for idolatrous purposes, it is forbidden even to sell water and salt to him (*t. 'Abod. Zar.* 1:21).³⁶

34. Tomson, *Paul and the Jewish Law*, 218-19. Namos, "Polytheist Identity," 202, points out that Paul's instruction implies that the market has available for purchase non-idol-related food; otherwise, everything there would be known to be idol food and thus by definition prohibited. A statement attributed to R. Akiva in *m. 'Abod. Zar.* 2:3, "Meat brought to a place of idol worship is permitted [to benefit from]; that which is taken out is forbidden since it is like the sacrifices of the dead," might indicate that slaughtered meat was not *a priori* regarded as being consecrated to idols and hence such non-consecrated meat may possibly have been for sale at the market.

35. Zetterholm, "Purity and Anger," 15.

36. Tomson, *Paul and the Jewish Law*, 203-20.

As in the previous example, Paul seems to be saying that it is a person's religious orientation (intention toward God or toward "idols") that determines whether or not the food should be considered an idol offering, which determines whether the Jesus-believing gentile can eat it or not. The power of idolatry, according to this way of reasoning, is not in the food, but in the attitude and intention of those who are devoted to Greco-Roman gods. Thus, upholding the prohibition on food sacrificed to idols, Paul appears to be engaged in defining the circumstances in which food in a pagan society should be considered "idol food," restricting the category to situations involving people with an intentional attachment to Greco-Roman cultic activities. Only in such cases should the food be regarded as being consecrated to idols and hence forbidden.³⁷

Far from declaring Jewish law null and void, Paul is engaged either in *establishing* a halakah concerning idol food for Jesus-oriented gentiles, or *teaching them an existing* local Corinthian Jewish halakah. In light of the rabbinic parallels, it is not unconceivable that he draws from a local Jewish halakah concerning food bought at the market in Corinth. Either way, he is taking into account the particular situation and dilemma of the Jesus-oriented gentiles when writing his responsum to the specific question they have raised.

As indicated above, intention or attitude as a decisive halakic factor in defining idolatry is present in rabbinic sources also, and was a way of handling everyday life in a pagan society where public spaces were filled with images of Greco-Roman gods and emperors, places associated with gods, and items offered to gods. Coexistence with gentiles was accepted as a fact of life; the problem was determining the precise moments and dealings with them or their possessions

37. Bruce N. Fisk, "Eating Meat Offered to Idols: Corinthian Behavior and Pauline Response in 1 Corinthians 8-10 (A Response to Gordon Fee)," *Trinity Journal* 10 (1989): 49-70, esp. 60; Tomson, *Paul and the Jewish Law*; Zetterholm, "Purity and Anger," 13-15.

that implied association with idolatry. In the end the rabbis settled for a definition of pagan religiosity that consisted exclusively of cultic activity, including speech. For instance, while it was strictly forbidden to do anything that might assist a pagan to carry out an act of idol worship, benefit may be derived from business with idols assumed not to have been worshiped, or which have been abandoned, slightly disfigured, or in one opinion, sold by a pagan (*m. 'Abod. Zar.* 4:4-6). This focus on the ritual aspects of Greco-Roman religion rendered everything not directly associated with the cult permissible and made it possible for Jews to live and function in Diaspora cities and even participate in public life to a certain extent. Accordingly, many of the debates in tractate *Avodah Zarah* of the Mishnah focus on defining which acts or behavior by pagans should be considered part of their cult.³⁸

Clearly, the rabbis did not perceive the power of idolatry as being in food, things, or actions themselves, but in the way the pagans treated them. A distinction was made between the human relationship to gentiles, which was to be promoted (within certain limits) "for the sake of peace" (*t. 'Abod. Zar.* 1:3), and their idolatrous cult, which was to be avoided.³⁹

Rabbinic literature provides an example of a similar doubtful case of idolatry where the intention of the pagan worshipper is decisive regarding objects found next to what the Mishnah calls Markolis, a representation of the Roman deity Mercurius, the patron of travelers and merchants (*m. 'Abod. Zar.* 4:1-2). Passersby would throw stones or deposit food in front of the statue to express their devotion. The underlying question of this *mishnah* is how one can know if objects

38. Tomson, *Paul and the Jewish Law*, 158-63; Seth Schwartz, "Gamaliel in Aphroditze's Bath: Palestinian Judaism and Urban Culture in the Third and Fourth Centuries," in *The Talmud Yerushalmi and Greco-Roman Culture*, ed. Peter Schäfer (Tübingen: Mohr Siebeck, 1998), 203-17, esp. 206-11.

39. Tomson, *Paul and the Jewish Law*, 163.

found in its vicinity are intended for the idol or not. If they are, the Jew may not derive benefit from them, but if not, the stones could be used and the food could be sold to a gentile. The Mishnah states that if two stones are found next to the deity, they can be assumed to be there by accident and may accordingly be used by Jews, but three in a row seem to signify intention, and thus, may not. Thus, the intention and significance given to the objects by the pagan determines whether or not the objects are considered associated with idolatry.⁴⁰

Another example of intention as a decisive factor in rabbinic halakah is the famous story about Rabban Gamliel, who saw no problem in visiting a bathhouse featuring a statue of Aphrodite, referring to the rule: "Only what they [the pagans] treat as a deity is prohibited, but what they do not treat as a deity is permitted" (*m. 'Abod. Zar.* 3:4). Rabban Gamliel argues that since the pagans do not treat the statue of Aphrodite in the bathhouse as a god, it can be regarded as mere decoration.⁴¹ By narrowing down the definition of idolatry to include cultic activity only, the rabbis rendered acceptable the non-cultic but still religious aspects of pagan society, making it possible for them to live and function in an environment permeated with idolatry.⁴²

The rabbinic parallels are instructive because they illustrate that Paul's reasoning fits nicely into the Jewish context of halakah as it developed among the rabbis, including how to deal with the challenge to avoid idolatry in a society permeated with the cult of Greco-Roman gods. Far from "breaking the law," Paul seems to be engaged in the process of applying it, defining which acts in which

40. *Ibid.*, 208-10.

41. *Ibid.*, 159-60, 213-14; Schwartz, "Gamaliel in Aphroditze's Bath," 213-17.

42. Rabbinic legislation at times strikes one as rather lenient. For instance, R. Yohanan is reported to have permitted to the Jews of Bostra a spring whose waters were used in the local cult of Aphrodite (*y. Shevi'it* 8:11/38b-c). Schwartz, "Gamaliel in Aphroditze's Bath," 216.

circumstances constitute idolatry and which do not, in a manner quite similar to the rabbinic debates in tractate *Avodah Zarah* of the Mishnah.

In establishing a rule of law for Jesus-oriented gentiles, Paul was engaged in the balancing act involved when establishing halakah, taking into consideration the biblical prohibition on idolatry and its prevalent interpretations, as well as the social situation of Jesus-oriented gentiles in a pagan society, including their need to interact with worshippers of Greco-Roman gods, the specific conditions of the community in Corinth, including the various degrees of commitment among its gentile members. Ruling that intemtion is the crucial factor that determines whether or not food in a given situation should be considered consecrated to idols, he may well represent a halakic trend within first-century Judaism that was later picked up and developed by the rabbis.

On a final note, one may add that Jewish law is flexible; interpretations and rulings differ among different groups and within the same group, and change over time. Rabbinic sources are much more lenient concerning relations with gentiles than for instance the Qumran texts or *Jubilees*, which call for a clear separation in relation to gentiles:

Separate yourself from the gentiles, and do not eat with them, and do not perform deeds like theirs. And do not become associates of theirs, because their deeds are defiled, and all of their ways are contaminated, and despicable, and abominable. They slaughter their sacrifices to the dead and to the demons they bow down; and they eat in tombs. And all their deeds are worthless and vain. (*Jub.* 22:16-17)

If any *Jubilees* sympathizers still existed in the time of the Mishnah, they would likely have regarded the rabbis' more lenient rulings as constituting a violation of Jewish law. Indeed, had the rabbis not been the ones to define Jewish law as we know it, a comparison with the

strict biblical prohibition of idolatry might have led scholars as well to decide that the rabbis were "breaking the law."

We have no means of knowing whether other Jews regarded Paul as lenient or strict, but in light of the complex nature of Torah observance in general and rabbinic legislation on idolatry in particular, nothing in his reasoning seems to indicate that he had abandoned Jewish law. Taking social reality into account when establishing a rule of law is not a compromise of Jewish law—it is an intrinsic part of the halakic process. As I hope to have illustrated using examples from the decision-making processes within contemporary Judaism, different halakic authorities negotiate the balancing act between the various factors involved in the process differently, but to varying degrees they all take into account social reality along with precedents within Jewish law together with theological and ethical general principles.