

“Legal Battles” (29Aug21)
from Mark 7; James 1:17-27

This is a dangerous Gospel reading, whether you recognized that or not.

You might think that a reading about doing the dishes would be fairly benign. But you’re about to get stuck in other people’s religious arguments and legal battles. And it’s risky to pick sides, especially if you don’t know what you’re getting yourself into.

For an obvious part of that, it would be wrong to take this as Jesus dismissing ancient Jewish ritual practices, and then propel that forward to our own time and dismiss current Jewish ritual practice as wrong-headed and separate from God. Don’t do that. Please.

Within this one Gospel reading are probably at least three layers of legal battles and religious arguments. Before you get yourself caught up in the fight, it’s worth knowing a little background. I’m no expert about biblical purity laws and 1st Century Jewish culture in Palestine and all of that, but I’ll try to offer a bit of insight to bring focus to what’s happening in the story.

The first layer of legal battling is revealed by Mark needing to offer an explanation. He has to explain the religious practice and why it matters that he’s talking about washing hands and how to do dishes. He gives two verses of background to clarify the interaction that’s going to come up. That means Mark’s original audience wasn’t familiar with this earlier conflict. It wasn’t their fight, just like it’s not ours.

And yet there are hints of another disagreement still simmering within Mark’s original community, and Mark uses this story to aid his argument. See, in verses cut out of our reading today, when Jesus has said that it’s not what goes into the mouth that defiles, Mark gives another little parenthetical comment: “(Thus he declared all foods clean.)”

Well, that isn’t how it happened historically. Jesus and his followers didn’t decide to skip the Passover lamb and instead have pork chops. Some years later, Paul and Peter were still arguing about whether converts needed to keep kosher food laws.

When he was with Jesus, Peter may have eaten with people who were ritually unclean, but he still struggled with it later on. So he doesn’t seem to have understood that Jesus declared all foods clean, which probably means Mark was trying to use this in a battle about early Christians needing to follow old food laws.

That’s not our fight. If you are wondering whether you are allowed to eat shellfish this week, it’s probably because of allergies and not because of religious restrictions. Nor are you likely to criticize somebody’s food choice as ritually unclean (at least by those standards of what’s appropriate, though maybe you’re against fast food and for local, organic food—a different kind of purity we’ll come back to). Anyway, holy eating practices behind the story are one layer of somebody else’s legal battle.

Then there are more portrayed *in* the story with the Pharisees. Now, the Pharisees were pretty strict in trying to follow practices laid out in Leviticus and elsewhere, which were—indeed—God-given instructions for how the community should conduct itself to maintain holiness and their identity.

The distinction comes in a disagreement maybe layered in ancient Judaism itself. Besides the written Torah, the Pharisees also used the so-called “tradition of the elders.” The written law gave a guideline, and then the tradition helped explain how to follow it. These were and remain important for Jewish practice, telling how to live out what is written in the Bible. In our story, the Pharisees were maintaining this oral tradition, with its interpretations and explanations to guide behavior.

Jesus may have spoken against it more because of the setting of his neighborhood around the Sea of Galilee, where the realities of life for his family and friends and followers didn’t exactly make room for following the same practices.

A book that looks at the social setting of the Gospels explains: the strict following of the laws “was largely maintained, defined and practiced by small, elite groups in towns...These minority groups expected and demanded that every Israelite please God in the way these groups believed they

must; hence they viewed unwashed Galilean peasants and fishermen as outside the law.” (For our own purposes, being outside the law goes with terms like outlaw and illegal.) To continue from the book: “Keeping such purity laws was a near impossibility for peasant farmers, who may not have the required water for ritual baths or been able to postpone [farm work] for ritual requirements. Like fishermen, they also came in constant contact with dead fish, dead animals, and the like...As a result [their religious tradition]...had adapted itself in significant measure to the realities of peasant life.”*

That shows a third layer to the legal battles; part of this may have been a religious argument, on what counts as following biblical laws, but another more cultural element is of urban elites vs. rural peasants, and when one says how another should live out or be practicing their religion. We have an indicator that, against the rule-following elites, Jesus sticks up for the outlaws.

But we don't need to see that as a battle of peasant vs. Pharisees. It could be that Jesus is concerned when only those who behave like the Pharisees could be insiders. Instead, he wants to broaden the in-club. That might yet include Pharisees, but of course also everyone else: those farmers and fishermen, poor housewives and children and the sick and so on and so on.

Yes, Jesus wants to stick up for those whose social circumstances would've precluded them by insistent practices. But it's important to see he's not doing that simply to exclude the former excluders. He's just wanting a bigger circle, against someone telling somebody else they aren't close to God.

Maybe it's less a legal battle at all and more about broad grace and the availability of an inclusive God. After all, the very next story is of Jesus healing the daughter of a non-Jewish woman, and then he'll go on to feed—and eat with—non-Jews. The availability of God's goodness supersedes practices of purity.

That flips the system on its head. Religious laws meant to maintain proximity to God, to

remain closer to God's holiness. It's a view of holiness as special and restricted, and these practices and definitions kept a holy people who were separated from other peoples as special and chosen. But Jesus shows God comes close to us even when we're impure, comes to clean our hearts.

In a meeting I was in this week for the Food, Faith, and Farming Network, another board member shared a quotation from Paul Kingsworth, whom he called the British Wendell Berry. Kingsworth said, “I was always very struck with the meaning of the word ‘holy.’ It is an Old English word—the original word is halig, which also meant whole, as in not separated, not divided.” He goes on to talk about feeling earth and nature as sacred and holy, and our sense of being part of its wholeness.

That may fit with Jesus, too: that we're all in it together, and so how do we treat each other amid that wholeness. It's not just a special people or these special practices. It's all of life, always in proximity to God.

Our questions may have less to do with how we're closer to God, but we still find our way into arguments that are essentially about purity and exclusive right ways to do things. They may take on religious tones but are much more ethical legal battles, issues of morality.

I named food choice as one, for those of us who self-righteously claim there are right kinds of food. That means if others are eating something else, they are wrong and therefore ethically impure, further from goodness.

That example may not hold a lot of emotion, but other battles are more heated, like immigration and refugees. In this case, the term “illegal” is used, for those who are outside the law, and therefore excluded. It's a question of whether somebody is able to fit in. Are they part of the whole, or restricted because of purity—unfortunately including racial purity? Of course, legal questions for a nation are different from religious battles, but with the ethical overtones, they wind up blending

* *Social-Science Commentary on the Synoptic Gospels*, Malina & Rohrbaugh, p175

together. So how might we engage the debate with love?

Even more ferocious of a battle right now involves masks and mandates. With our own cautions of purity in terms of what “comes out of our mouths,” perhaps we should be alert to how our human precepts are treated as doctrine, and how we might remain attuned to the larger whole. We may strive for health (another word related to ‘wholeness’) without judgment that condemns others as evil, as outside the law, as far from goodness. We should watch our lips and mind our tongues, as both Jesus and James encourage, and ask ourselves how we’re being Pharisaical, if we’re making the ritual of masks more important than the wholeness masks are attempting to preserve.

Again, that’s a fuzzy question, but that may help undo our self-assuredness. Just as hygiene was not the point of the discussion on hand-washing in this reading, and Jesus didn’t see hand hygiene as the most important part of religious practice. But neither did he tell the crowd to grab bacon cheeseburgers for lunch. Something may be less important, which leaves room to keep working on our interpretations and practices, with the deliberation subordinate to the larger matter of ensuring that the wholeness of God’s goodness is readily available.

We gather for worship not to pat ourselves on the back for being so appropriate and well-behaved, but to have our self-erected walls broken down when they would alienate us from our neighbors. We return our focus to the God who is with us in this sacred creation, and therefore also find our lives renewed in service to each other.