

“Do Not Eat the Owl”: Hearing Leviticus 11 as Christian Scripture

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Abstract: Christian appropriation of OT legal material is a perennial *crux interpretum*. Evident, is a spectrum of approaches, from Marcion-like dismissal on the one hand through to theonomist appeals for re-enactment on the other. Within Western Christianity, the Reformation served to enshrine one approach in particular: a threefold division of the Law that distinguished between civil, ceremonial, and moral commands. However, while undoubtedly neat, such compartmentalization is highly problematic and has resulted in a myopic view of OT legal material. Leviticus 11 is a case in point. While regulations regarding the eating and touching of (un)clean animals remain determinedly central to Judaism, Christian tradition since the early church has sidelined the pericope with equal determination. Even though the Reformation sparked a renewed interest in the reading of Scripture, the designation (and, arguably, dismissal) of Leviticus 11 as “ceremonial” merely served to perpetuate a lacuna regarding the enduring relevance of this text as Christian Scripture. In this article I tease out how Leviticus 11 might be better appropriated by employing tools derived from the fields of speech act theory and intertextuality. These tools allow for greater precision in describing what Leviticus 11 as a text is doing. It becomes apparent that while some illocutions performed by Leviticus 11 are supervened when read in light of the NT, other illocutions persist. These illocutions may be legitimately appropriated by Christian readers of the text with benefits for both faith and practice.

Keywords: Leviticus 11, food laws, hermeneutics, Old Testament preaching.

1. Reading Ritual Texts in the Church

Christian appropriation of OT law is a perennially vexed issue. The history of interpretation displays a wide spectrum of approaches from Marcion-like dismissal, through allegorical inventiveness, to theonomist appeals for re-enactment.¹

One frequently encountered “solution” for appraising OT legal material in Western confessional churches is what may be termed a “separation hermeneutic.” By “separation hermeneutic” I refer to those approaches which attempt to separate what is continually binding upon the people of God from that which is temporal and limited. In what is arguably the most common application of a separation hermeneutic, the legal material of the Pentateuch is divided into civil, ceremonial, and moral categories. According to this schema,

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¹ For a comprehensive overview, consult Magne Sæbø, ed., *Hebrew Bible/Old Testament: The History of Its Interpretation* (Göttingen: Vandenhoeck & Ruprecht, 1996–2013). For an exploration of the appropriation of OT law in the early Christian period, see Susan J. Wendel and David M. Miller, eds., *Torah Ethics and Early Christian Identity* (Grand Rapids: Eerdmans, 2016).

all three categories are understood to have been obligatory for Israel.² For Christians, however, only the so-called moral law is usually regarded as holding any ongoing force—although theologians and dispensationalists construe things differently.³

Such neat categories would be wonderful—if they worked. But, unfortunately, as many exegetes note, the matter is not so straightforward. While the separation hermeneutic outlined above rightly recognizes a measure of discontinuity between the Testaments, it faces at least three significant problems. First, both the idea of dividing the law into subcategories, as well as the designations used, run against the biblical portrayal which does not employ such labels and consistently, in both Testaments, treats the law as a whole (e.g., Josh 23:6; 2 Kgs 10:31; Matt 5:17–19; Gal 4:21; 5:3; Jas 2:10; cf. Philo *QG* 3.3).⁴ Second, a separation hermeneutic is open to the charge of subjectivism: who decides which category a given proscription or pericope belongs to? Third, there are passages that defy all attempts at categorization, thus leaving their ongoing worth undecided (for example, Sabbath observance). A separation hermeneutic, at least as it is often construed, generates as many problems as it solves.

Needless to say, it is not possible in an article-length treatment to present a comprehensive hermeneutic for OT legal material.⁵ Nor is it possible to engage with the issues at an ecumenical level, incorporating viewpoints from Roman Catholic and Orthodox perspectives. The scope of this article is more limited and remains exploratory in relation to an intramural discussion within Reformed hermeneutics. My goal is to apply insights derived from the fields of speech act theory and intertextuality—fields whose recent (re)development has proven immensely valuable for biblical studies in other regards⁶—to an example legal text.

² There is, of course, debate regarding how, if at all, the legislation was to be enacted. The year of Jubilee and the construction of the tabernacle are prime examples. For discussion of the former, see Jacob Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary* (AB 3B; New York: The Anchor Bible, 2001), 2241–48; for the latter, see Suzanne Boorer, *The Vision of the Priestly Narrative: Its Genre and Hermeneutics of Time* (SBLAIL 27; Atlanta: SBL, 2016), 296–326. Invariably, conclusions reached tend to reflect underlying presuppositions regarding dating and exigency.

³ For dispensationalists, operating with a strict divide between Israel and church, “the law as a body of stipulations defining righteousness is no longer applicable to the church” (David K. Lowery, “Christ, the End of the Law in Romans 10:4,” in *Dispensationalism, Israel and the Church: The Search For Definition* [ed. Craig A. Blaising and Darrell L. Bock; Grand Rapids: Zondervan, 1992], 246). The classic theologian text remains R. John Rushdoony, *The Institutes of Biblical Law* (3 vols.; Philipsburg: P&R, 1973). For additional discussion of the theologian position, see H. Wayne House and Thomas Ice, *Dominion Theology: Blessing or Curse?* (Portland: Multnomah, 1988).

⁴ See the helpful treatment in Brian S. Rosner, *Paul and the Law: Keeping the Commandments of God* (NSBT 31; Downers Grove: IVP, 2013), 26–31. Rosner suggests that when νόμος is used in the NT to refer to Scriptures other than the Pentateuch (as, for example, in 1 Cor 14:21), this should be understood as synecdoche.

⁵ More substantive attempts, from a range of perspectives, can be found in the literature. See, most recently, Roy E. Gane, *Old Testament Law for Christians: Original Context and Enduring Application* (Grand Rapids: Baker, 2017) and James M. Todd III, *Sinai and the Saints: Reading Old Covenant Laws for the New Covenant Community* (Downers Grove: IVP, 2017).

⁶ The literature on both fronts is vast. For summaries, see, respectively, Richard S. Briggs, “The Uses of Speech-Act Theory in Biblical Interpretation,” *CurBS* 9 (2001), 229–76, and Geoffrey D. Miller, “Intertextuality in Old Testament Research,” *CBR* 9 (2011), 283–309, Patricia Tull, “Intertextuality and the Hebrew Scriptures,” *CurBS* 8 (2000), 59–90, and Konrad Schmid, “Innerbiblische Schriftauslegung: Aspekte der Forschungsgeschichte,” in *Schriftauslegung in der Schrift: Festschrift für Odil Hannes Steck zu seinem 65. Geburtstag* (ed. Reinhard G. Kratz, Thomas Krüger, and Konrad Schmid; BZAW 300; Berlin: de Gruyter, 2000), 1–22.

My contention is that this combination of methodologies can help to clarify the enduring worth of OT ritual material for Christian readers by offering a more nuanced understanding of the range of actions the author was performing with the text.

I have chosen Leviticus 11 as a test case. That choice is not arbitrary. For Israel, food provided a mark of cultural distinctiveness vis-à-vis the *goyim*. Hence, the dietary regulations outlined in Leviticus 11 remain central to Judaism and, historically, have been strenuously defended (see, for instance, 1 Macc 1:62–63; 4 Macc 5:16–27; cf. Tob 1:10–11; m. Hul 3–10). Yet, on the other hand, most Christian traditions have ignored Leviticus 11 with the same determination, especially in light of NT passages like Mark 7 and Acts 10–11.⁷ So, for example, none of the major Protestant confessions—the Sixty-Seven Articles (1523), the Ten Theses of Berne (1528), the First Confession of Basel (1534), the Geneva Confession (1536), the French Confession of Faith (1559), the Scots Confession (1560), the Heidelberg Catechism (1563), the Second Helvetic Confession (1566), the Bohemian Confession (1575), the Book of Concord (1580), or the Westminster Confession (1647)—contain any discussion of clean and unclean animals.⁸

To proceed, I will first explore the influence of the Reformation on the appropriation and interpretation of OT ritual texts before considering how speech act theory and intertextuality can help to better assess how Leviticus 11 meaningfully contributes to life and faith post-Christ.

2. The Reformation's Call to Get Back to (Most of) the Bible

Ronald Heine notes that “[m]ajor things have happened in Christian history when individuals have rediscovered the Bible.”⁹ That was certainly true of the Reformation. The path that led to Martin Luther nailing his Ninety-Five Theses to the door of the church in Wittenberg took its decisive turn in his reading of Romans 1–3.¹⁰ Luther’s encounter with the Scriptures gave him new tools to assess the Roman Catholicism he had inherited. He found it wanting.¹¹ Scripture, not tradition, lauded Luther, is the only sure foundation for life and faith. Even when assessing his own contribution, he famously declared: “I did nothing; the Word did everything.”¹² Accordingly, catchcries of “Back to the Scriptures” and “*sola scriptura*” became intrinsic to the ideological fabric of the blossoming movement, an ideology that

⁷ Seventh Day Adventists are one notable exception. Leviticus 11 is marshalled to defend their stance on vegetarianism, or at least a non-pork diet. See Jiří Moskala, *The Laws of Clean and Unclean Animals in Leviticus 11: Their Nature, Theology, and Rationale: An Intertextual Study* (ATSDS; Berrien Springs: Adventist Theological Society, 2000), 368–69.

⁸ Moskala, *Laws of Clean and Unclean*, 68–69.

⁹ Ronald E. Heine, *Reading the Old Testament with the Ancient Church: Exploring the Formation of Early Christian Thought* (Grand Rapids: Baker, 2007), 15.

¹⁰ Luther writes, “This passage in Paul became for me a gateway to heaven” (cited by Michael S. Horton, “Scripture Alone: Luther’s Doctrine of Scripture,” in *The Legacy of Luther* [ed. R. C. Sproul and Stephen J. Nichols; Sanford: Reformation Trust, 2016], 99).

¹¹ See, for example, Luther’s comments in his Large Catechism, in Theodore G. Tappert, ed., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Philadelphia: Fortress, 1959), 416.

¹² Jaroslav Pelikan and Helmut T. Lehmann, eds., *Luther’s Works* (55 vols.; St. Louis: Concordia, 1955–1986), 51:77.

found expression in the study of original-language manuscripts and the proliferation of vernacular Bibles.¹³

The Reformation signaled a revolution in the church's engagement with the Scriptures. But what of OT ritual texts like Leviticus 11?

In the centuries that preceded the Reformation, allegorical readings of Leviticus 11 predominated.¹⁴ Jiří Moskala demonstrates how the Church Fathers used this interpretative method to de-judaize the text in order to free Christians from observing its regulations.¹⁵ Luther, however, explicitly rejected the allegorical approach of his forebears: "Jerome and Origen contributed to the practice of searching only for allegories. God forgive them. In all of Origen there is not one word about Christ."¹⁶

In contrast, Luther's appropriation of OT law was determinedly shaped along Christological lines. The law's preeminent value was that it pointed to Christ. Thus, to read OT ritual correctly, Luther avowed, one must focus on Christ, "for he is the man to whom it all applies, every bit of it."¹⁷ However, locating the primary value of the law in its anticipation of Jesus had consequences for assessing its enduring worth. Elsewhere, Luther wrote, "Moses is dead. His rule ended when Christ came. He is of no further service."¹⁸ At work here is Luther's rigid divide between law and grace, a divide made unambiguous in his commentary on John 1:17 where he states, "grace and truth were not taught by the Law or given by Moses. Grace and truth draw a line of demarcation between Christ and Moses."¹⁹ For Luther, then, the enduring value of OT law was truncated by the advent of Jesus, even though he still recommended that "we should look to [Moses] for examples of outstanding laws and moral precepts."²⁰

¹³ Key moments included the production of a Hebrew grammar by Johann Reuchlin (1506) and Erasmus's Greek NT of 1516. See further, Euan Cameron, *The European Reformation* (Oxford: Clarendon, 1991), 136-44.

¹⁴ This approach to Leviticus 11 is already evident in the *Letter of Aristeas* (c. 170 BC) and was emulated by other early Jewish and Christian commentary. For an overview of the period, see Moskala, *Laws of Clean and Unclean*, 31-52. The *Epistle of Barnabas* (c. AD 100) even denied that literal observance was intended, arguing instead that the legislation was only ever meant to teach spiritual truths through allegory. Thus, regarding Leviticus 11, "Moses spoke with a spiritual reference . . . but they [the Jews] received them according to fleshly desire, as if he had merely spoken of [literal] meats. . . . Behold how well Moses legislated. But how was it possible for them to understand or comprehend these things? We then, rightly understanding his commandments [as allegory], explain them as the Lord intended" (*Barn.* 10).

¹⁵ Moskala, *Laws of Clean and Unclean*, 51.

¹⁶ Pelikan and Lehmann, eds., *Luther's Works*, 54:47. There have been calls to reassess whether Origen and his hermeneutic have been fairly represented or merely caricatured. See Peter W. Martens, "Revisiting the Allegory/Typology Distinction: The Case of Origen," *Journal of Early Christian Studies* 16 (2008), 283-317; Frances M. Young, *Biblical Exegesis and the Formation of Christian Culture* (Cambridge: Cambridge University Press, 1997), 209-13.

¹⁷ Timothy F. Lull, ed., *Martin Luther's Basic Theological Writings* (Minneapolis: Fortress, 1989), 130. Luther's application of his own dictum (ironically) led him towards what is best described as an allegorical approach, seen, for instance, in his discussion of Leviticus 8-10 in which Aaron is "nobody but Christ alone" and Aaron's sons are interpreted "to be ourselves" (130-31). Louis Berkhof, *Principles of Biblical Interpretation: (Sacred Hermeneutics)* (Grand Rapids: Baker, 1950), 26, hits the mark: "[Luther's] hermeneutical rules were far better than his exegesis."

¹⁸ Lull, ed., *Martin Luther's Basic Theological Writings*, 139.

¹⁹ Pelikan and Lehmann, eds., *Luther's Works*, 22:140.

²⁰ Pelikan and Lehmann, eds., *Luther's Works*, 27:15.

John Calvin's interpretative approach to ritual texts was more explicit. In order to read "the whole system of religion delivered by the hand of Moses" *Christianly*, Calvin employed a hermeneutic which distinguished between moral and ceremonial law.²¹ The moral law, he argued in the *Institutes*, continues to be binding for Christians: "the Law has lost none of its authority, but must always receive from us the same respect and obedience" (2.7.15). The "case of ceremonies," however, says Calvin, "is different." "Christ by his advent put an end to their use" even while sealing their force and effect by his death. Thus, "the truth is made clearer by their abolition than if Christ . . . were still figured by them as at a distance, and as under a veil" (2.7.16). Ritual texts, therefore, while binding upon Israel of old, have their primary value for Christians in their foreshadowing of Jesus's ministry. Thus, when Calvin famously discussed the law's three uses, it was the moral law to which he referred, not the ceremonial.²²

This method of interpreting OT law during the Reformation was not *de novo*. A separation hermeneutic can be found at least as far back as Justin Martyr in the second century.²³ Although not using the same terminology, Justin nevertheless divided the law into two categories.²⁴ The first contained moral instructions which Justin avowed were universal and eternal. His second category concerned ritual matters. Some of this second category Justin understood as having "a certain mysterious import" (*Dial.* 24²⁵), by which he meant elements that had a higher spiritual or typological value—for example circumcision (see *Dial.* 114). But the bulk of the ritual law, Justin states, was given to the Jews "on account of [their] transgressions and the hardness of [their] hearts" (*Dial.* 18); applied only to Israel; and was nullified by Christ. Thus, to expect these aspects of the ritual law to have universal significance would, for Justin, "be ridiculous and absurd" (*Dial.* 23).²⁶

The separation hermeneutic evident in Luther's, and particularly in Calvin's, reading of OT ritual thus stood in a long line of tradition, reflecting one of the methods used historically by the church to interpret the law. What the Reformation succeeded in doing, however, was to codify this hermeneutical approach and to make it normative for Reformed traditions. The Westminster Confession provides a notable example of such codification:

The moral law doth for ever [sic] bind all, as well justified persons as others, to the obedience thereof; and that not only in regard of the matter contained in it, but also in

²¹ John Calvin, *Institutes of the Christian Religion* (trans. Henry Beveridge; Peabody: Hendrickson, 2008 [orig. 1559]), 2.7.1.

²² That is, the law functions (1) as a mirror to reveal sin; (2) as a means of restraining wickedness; and (3) as a means of urging obedience (2.7.6–12).

²³ Rabbinic exegesis also drew a distinction between "light" and "heavy" commands (cf. Matt 23:23–24), although the distinctions ran along different lines (circumcision, for example, was considered a "heavy" command). See C. G. Montefiore, *Rabbinic Literature and Gospel Teaching* (New York: KTAV, 1970), 316–17.

²⁴ At least part of Justin's motivation for isolating an enduring function for Mosaic legislation was to rescue the OT from Marcionite claims (Susan J. Wendel, "Torah Obedience and Early Christian Ethical Practices in Justin Martyr," in *Torah Ethics and Early Christian Identity* [ed. Susan J. Wendel and David M. Miller; Grand Rapids: Eerdmans, 2016], 186, n. 27). See further, Theodore G. Stylianopoulos, *Justin Martyr and the Mosaic Law* (SBLDS 20; Missoula: Scholars Press, 1975), 45–76; Heine, *Reading the Old Testament*, 48–52.

²⁵ Text cited from Philip Schaff, ed., *The Ante-Nicene Fathers. Volume 1: The Apostolic Fathers with Justin Martyr and Irenaeus* (Grand Rapids: Eerdmans, 1979), ad. loc.

²⁶ Justin argued that Christ, through special revelatory insight, aided interpreters to know which aspects of the law were eternal and which were not. See Wendel, "Torah Obedience," 182–83.

respect of the authority of God, the Creator, who gave it. Neither doth Christ in the gospel any way dissolve, but much strengthen this obligation.

Besides this law, commonly called moral, God was pleased to give to the people of Israel, as a Church under age, ceremonial laws, containing several typical ordinances; partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits; and partly, holding forth instructions of moral duties. All which ceremonial laws are now abrogated, under the New Testament.

To them also, as a body politic, he gave sundry judicial laws, which expired together with the state of that people, not obliging any other now, further than the general equity thereof may require.²⁷

While the Westminster Confession still regards OT law as being valuable for the regenerate—restraining corruptions, forbidding sin, portraying sin’s punishment, and so forth (see 19.6)—it is by no means apparent how its ritual or ceremonial aspects work in this regard. Instead, by making a separation hermeneutic a confessional matter for Protestant Christians, the Westminster divines contributed to the functional ignoring of the Pentateuch’s ritual material.²⁸ Texts like Leviticus 11 could, seemingly without loss, be jettisoned from lectionary and pulpit alike and left to the perusal of academics who inexplicably had a fancy for such unappealing morsels.²⁹ Reformation hermeneutics thus gave rise to a deeply ironic and no doubt unintended outcome: a call for Christians everywhere to return to the Bible, just not all of it.

The approach to OT ritual law promulgated by Reformation hermeneutics continues to wield considerable influence.³⁰ Willem VanGemeran, for instance, acknowledging his affinity with Reformed tradition, writes:

Each one of the Ten Commandments expresses the moral law of God, whereas most laws in the Pentateuch regulate the rituals and ceremonies (ceremonial law) and the civil life of Israel as a nation (civil laws). . . . The ceremonial laws, civil laws, and the penal code have been abrogated, and the moral law has received further clarification in the person and teaching of Jesus Christ.³¹

²⁷ The Westminster Confession, 19.3–5 (order altered); text cited from A. A. Hodge, *The Confession of Faith: A Handbook of Christian Doctrine Expounding the Westminster Confession* (Edinburgh: Banner of Truth, 1958), 253.

²⁸ There were, of course, other contributing factors that led to the neglect of ritual texts. The legacy of Julius Wellhausen, for instance, should not be underestimated in this regard. For a telling exploration of his influence, see Walter Brueggemann and Davis Hankins, “The Invention and Persistence of Wellhausen’s World,” *CBQ* 75 (2013), 15–31.

²⁹ The sidelining of Leviticus at pulpit level—at least in twentieth-century North America—can be provisionally substantiated by the *Best Sermons* series published in three blocks by Newton (4 vols., 1924–27), Butler (10 vols., 1944–68), and Cox (7 vols., 1988–94). Of the 879 sermons represented across the twenty-one volumes, only two (0.22%) were based on a Leviticus text (16:2–3 and 19:1–2, 15–18). For further details and analysis, see Brent A. Strawn, *The Old Testament Is Dying: A Diagnosis and Recommended Treatment* (Grand Rapids: Baker, 2017), 28–38.

³⁰ See also Walter C. Kaiser, Jr., *Toward Old Testament Ethics* (Grand Rapids: Zondervan, 1983), 44–48, who supports a tripartite division of the law while also seeking to nuance the distinctions.

³¹ Willem A. VanGemeran, “The Law is the Perfection of Righteousness in Jesus Christ: A Reformed Perspective,” in *Five Views on Law and Gospel* (ed. Wayne G. Strickland; Grand Rapids: Zondervan, 1996), 30, 37. VanGemeran also recognizes the complexity of Israelite law within which various types of commands have been intertwined (31).

For VanGemerén, then, the ritual law has been done away with by Christ.³² The moral law, however, is understood to be permanently binding.³³ VanGemerén offers Leviticus 19:18 as an example of the moral law's permanency:

the commandment 'love your neighbor as yourself' (Lev. 19:18) is defined in the context as an imitation of God: 'Be holy because I, the LORD your God, am holy' (v. 2). Humans must be 'holy' in their love for fellow humans. How can they avoid interpreting the commandment in such a way as to make it powerless?³⁴

Yet, one could feasibly apply VanGemerén's reasoning to the ritual text of Leviticus 11. Avoiding unclean animals is, like Leviticus 19:18, defined in context as an imitation of God: "Be holy, because I am holy" (Lev 11:44).³⁵ Humans, therefore, must be "holy" in their choice of food. VanGemerén's own question thus remains: How, then, can they avoid interpreting the commandment in such a way as to make it powerless?

3. Reading Leviticus 11 as Christian Scripture

How should Christian interpreters approach Leviticus 11? Employing the separation hermeneutic bequeathed by the Reformation suggests Leviticus 11 has little or no enduring force for Christian readers.³⁶ The overt ritual concerns of the pericope warrant a classification of "ceremonial." Therefore, while Leviticus 11 was binding for Israel, it carries no obligations for the church—even more so considering the NT seems to explicitly repeal the need to observe clean/unclean animal distinctions. So, while perhaps helpful as a pointer to Christ, the Westminster Confession's language of "abrogated" would seem to carry the day.

However, that conclusion is problematic. First, in Leviticus 11:44–45, as mentioned, YHWH twice commands Israel: "be holy, because I am holy." This double exhortation functions as a climax to the pericope and unmistakably resembles the holiness language of chs. 18–26 (compare 19:2; 20:7–8, 26). For this reason, many commentators view 11:44–45 as a H (or H_R) insertion into a P text.³⁷ Irrespective of whether that is the case, we must still account for how these verses form a fitting summary to what is ostensibly ritual legislation—even more so if they are, in fact, interpolation. The force of the conclusion suggests that to label the pericope as "ceremonial" would be reductionistic at best, misdirected at worst.³⁸

Second, the author of 1 Peter quotes from Leviticus in order to re-appropriate the imperative "be holy" for his Christian addressees (1 Pet 1:16; cf. Lev 11:44–45; 19:2; see also 20:7–8, 26).³⁹ The implication is direct and ongoing relevance.⁴⁰ What remains to be determined is

³² VanGemerén, "Law is the Perfection of Righteousness," 44.

³³ VanGemerén, "Law is the Perfection of Righteousness," 29–30.

³⁴ VanGemerén, "Law is the Perfection of Righteousness," 32.

³⁵ All translations of biblical texts are my own unless otherwise indicated.

³⁶ This is demonstrable by applying the methodology laid out in Hodge, *The Confession of Faith*, 255.

³⁷ Milgrom is representative: "Clearly, as the product of H, [vv. 43–45] is alien to the chapter" (Jacob Milgrom, "The Composition of Leviticus, Chapter 11," in *Priesthood and Cult in Ancient Israel* [ed. Gary A. Anderson and Saul M. Olyan; JSOTSup 125; Sheffield: Sheffield Academic, 1991], 189).

³⁸ For this reason, Trevaskis argues that the legislation in P (Lev 1–16) has at least an implicit moral or ethical value. See Leigh M. Trevaskis, *Holiness, Ethics and Ritual in Leviticus* (HBM 29; Sheffield: Sheffield Phoenix, 2011).

³⁹ The wording of the citation in 1 Peter reproduces Leviticus 19:2 LXX verbatim: ἅγιοι ἔσεσθε ὅτι ἐγὼ ἅγιος (1 Pet 1:16); ἅγιοι ἔσεσθε ὅτι ἐγὼ ἅγιος (Lev 19:2). The wording of Leviticus 11:44–45 LXX, while conceptually identical, is slightly different: ἅγιοι ἔσεσθε ὅτι ἅγιός εἰμι and ἔσεσθε ἅγιοι ὅτι ἅγιός εἰμι respectively.

whether this is true only for 11:44–45//19:2 or if, as is often the case with NT use of the Old, there is also a bringing to bear of the wider context—an instance of metalepsis or transumption.⁴¹

Thus, third, it is apparent that the NT’s appropriation of Leviticus 11 is not straightforward. The chapter’s legislation is, at the same time, deemed both directly relevant for Christians (“Be holy, because I am holy”; 1 Pet 1:16) *and* non-relevant (Jesus’s declaration that all foods are clean; Mark 7:19). For these reasons, a separation hermeneutic as it is usually formulated is simply not sufficient to handle the interpretative complexities. A more nuanced approach is required to tease out how Leviticus 11 functions as Christian Scripture.

Much contemporary discussion of Leviticus 11 focuses on historical concerns. Analysis tends to major on what this legislation reveals about the social context of ancient Israel,⁴² on determining the underlying rationale of the animal distinctions and hence the original symbolic tenor of the text,⁴³ or on how this chapter provides insights into the compositional history of the book.⁴⁴

Instead of beginning there, however, I want to take as my point of departure a recent essay by John Goldingay because it raises the nub of the issue I am seeking to address in this article—determining the enduring relevance of Leviticus 11 (if any) for Christian readers. In his essay, Goldingay bemoans the “uselessness for theologians and preachers of nearly all scholarly biblical commentaries written over the . . . [past] two centuries” because they “generated nothing that would preach.”⁴⁵ While Goldingay overstates the case, his point regarding theological fruitfulness is well made. Thus, bearing Goldingay in mind, the question I want to consider is this: beyond simply informing readers about dietary constraints that operated in ancient Israel, or stimulating allegorical moralization,⁴⁶ does Leviticus 11 generate anything

⁴⁰ Karen Jobes demonstrates the wider strategy in 1 Peter to apply OT language to the church based on the hermeneutic outlined in 1:10–12. See, Karen H. Jobes, *1 Peter* (BECNT; Grand Rapids: Baker, 2005), 98–106.

⁴¹ Hays defines metalepsis as the use of allusion that “evokes resonances of the earlier text *beyond those explicitly cited*. The result is that the interpretation of a metalepsis requires the reader to recover unstated or suppressed correspondences between two texts” (Richard B. Hays, *The Conversion of the Imagination: Paul as Interpreter of Israel’s Scripture* [Grand Rapids: Eerdmans, 2005], 2 [emphasis his]).

⁴² For instance, Walter J. Houston, *Purity and Monotheism: Clean and Unclean Animals in Biblical Law* (JSOTSup 140; Sheffield: JSOT Press, 1993).

⁴³ For example, Mary Douglas, “The Forbidden Animals in Leviticus,” *JSOT* 59 (1993), 3–23. For a helpful critique of proposed rationales, see Jiří Moskala, “Categorization and Evaluation of Different Kinds of Interpretation of the Laws of Clean and Unclean Animals in Leviticus 11,” *BR* 46 (2001), 5–41.

⁴⁴ See Milgrom, “Composition,” 182–91; Christophe Nihan, “The Laws about Clean and Unclean Animals in Leviticus and Deuteronomy and Their Place in the Formation of the Pentateuch,” in *The Pentateuch: International Perspectives on Current Research* (ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz; FAT 78; Tübingen: Mohr Siebeck, 2011), 401–32.

⁴⁵ John Goldingay, “Hearing God Speak from the First Testament,” in *The Voice of God in the Text of Scripture: Explorations in Constructive Dogmatics* (ed. Oliver D. Crisp and Fred Sanders; Grand Rapids: Zondervan, 2016), 60.

⁴⁶ Allegorical readings of Leviticus 11 persist in contemporary literature. For example, Douglas (“Forbidden,” 22) concludes: “The forbidden animal species exemplify the predators, on the one hand, that is those who eat blood, and on the other, the sufferers from injustice. Consider the list, especially the swarming insects, the chameleon with its lumpy face, the high humped tortoise and beetle, and the ants labouring under their huge loads. Think of the blindness of worms, and bats, the

that will preach? For many Christian people, this is the litmus test of enduring worth. Is this pericope also *useful* for teaching, rebuking, correcting, and training in righteousness (2 Tim 3:16)?

3.1 Speech Act Theory, Leviticus 11, and the Task of Preaching

Speech act theory provides useful tools to tackle the question. John Austin's maxim captures the essential insight that underlies the discipline: "to *say* something is to *do* something."⁴⁷ Thus, says Austin, utterances are "performative" and can do much more than merely assert.⁴⁸ Other actions may be performed by way of speaking—for instance, *asking* a question, *pronouncing* a verdict, *giving* a warning, and so on. Accordingly, Austin proposed the terms "locution," "illocution," and "perlocution" to tease out and clarify the anatomy of speech acts.⁴⁹

Regarding the ongoing relevance of Leviticus 11, speech act theory helpfully clarifies two important issues. First, in relation to the fixed locutions of Leviticus 11, it becomes evident that several illocutions can be performed simultaneously. The force of the pericope may be multivalent—a reality that NT appropriation of the text already suggests (see above). Accordingly, interpreters need to determine if Leviticus 11 is doing more than simply making assertions. Second, illocutions exist at different levels within a text. A taxonomy recently proposed by Kit Barker charts how illocutions can function at sub-sentential, sentential, super-sentential, generic, or whole-text levels.⁵⁰ Importantly, Barker demonstrates that illocutions present at higher levels have a *supervening* effect upon those operating at lower levels and may align with, support, or even negate, lower-level illocutions.⁵¹ This supervening effect is of particular importance when it comes to interpreting Leviticus 11, as the implications of reading this text as part of the *Christian* canon must be reckoned with.

Speech act theory also clarifies what it means to preach Leviticus 11. Sam Chan, in *Preaching as the Word of God*, describes the preacher's task using speech act categories:

The aim of preaching . . . is to perform a speech act on behalf of God; and in the case of expository preaching, it is to re-perform the inscripturated speech act on behalf of God. And in order to perform a speech act on behalf of God, the preacher's locution and

vulnerability of fish without scales. Think of their human parallels, the labourers, the beggars, the orphans and the defenseless widows."

⁴⁷ J. L. Austin, *How to Do Things with Words* (ed. J. O. Urmson and Marina Sbisa; 2nd ed.; Cambridge: Harvard University Press, 1975), 12 (emphasis his).

⁴⁸ Austin, *How to Do Things*, 6.

⁴⁹ Austin proposed that in each act of speaking there is "the locutionary act . . . which has a *meaning*; the illocutionary act which has a certain *force* in saying something; the perlocutionary act which is *the achieving of certain effects* by saying something" (Austin, *How to Do Things*, 121 [emphasis his]). On the reception, and modification, of Austin's work, see John R. Searle, *Expression and Meaning: Studies in the Theory of Speech Acts* (Cambridge: Cambridge University Press, 1979); Richard S. Briggs, *Words in Action: Speech Act Theory and Biblical Interpretation: Toward a Hermeneutic of Self-Involvement* (Edinburgh: T&T Clark, 2001).

⁵⁰ Kit Barker, *Imprecation as Divine Discourse: Speech Act Theory, Dual Authorship and Theological Interpretation* (JTISup 16; Winona Lake: Eisenbrauns, 2016), 82-88, 100.

⁵¹ Barker, *Imprecation as Divine Discourse*, 91-99. Barker employs the term "whole-text illocution" to nuance Vanhoozer's idea of "generic illocution," rightly noting that texts may be composed of several genres. He argues that the category of "whole-text illocution" provides greater clarity because "generic illocutions occur at a variety of literary levels and not exclusively at the whole-text level" (88). Cf. Kevin J. Vanhoozer, *The Drama of Doctrine: A Canonical-Linguistic Approach to Christian Theology* (Louisville: Westminster John Knox, 2005), 283.

illocution are to correspond with God's locution and illocution. If so, then this is a 'happy' speech act, which is sufficient to guarantee that the word of God is preached; that is, the preacher can claim that his or her proclamation is the same speech act as that of the biblical passage."⁵²

Assuming for the moment that the *BHS* text of Leviticus 11 faithfully represents God's locution, it becomes incumbent upon preachers (as well as interpreters generally) to determine the illocutionary force(s) of that locution. For only by determining the illocution(s) present in Leviticus 11 does it become possible to re-illocute the text and so generate something that will preach that is also in line with the original speech act.

Speech act theory thus clarifies important issues related to the hermeneutics and appropriation of OT ritual. Determining the potentially multifaceted force of a text like Leviticus 11 becomes an essential precursor to any consideration of ongoing relevance.

3.2 The Illocutionary Force of Allusion in Leviticus 11

One possible way to determine the illocutionary force of a text is to pay heed to its rhetorical shaping. The last two decades have witnessed an increasing interest in the literary artistry and crafting of Leviticus. Leviticus 11 is no exception.⁵³ One of the more striking features of the text—which I have explored at length elsewhere—is its repeated use of allusion to Genesis 1–3. Connections are evident at lexical and syntactical levels:

Lev 11 shares a number of rare and uncommon lexemes with the Genesis pericopes including *רמש*, *שרץ*, *מקוה* and *מין*. In addition, rare syntactical combinations are also evident: *בדל* (*hiphil* infin. const.) + *בין*; nominal and verbal forms of *שרץ* and of *זרע* used in conjunction; *שרץ* used with *רמש*; *אכל* used with *נגע* (in second person forms); the combinations *מקוה* + *מים*, *ל* + *אכלה*, *ל* + *מן*, *בהמה* + *כל* + *מן*, and the phrases *על-הארץ* and *החיה* (*החיה*). Most importantly, Lev 11 attests syntactical combinations that are found only here and in Gen 1–3. The use of *רמש* in relation to aquatic creatures is unique to Lev 11 and Gen 1, as is the shared phrase *נפש החיה הרמשת* (*כל*). Also unique are the combinations *על* + *גחון* + *הלך* and *ב* + *ימים*. Thus Lev 11 and Gen 1–3 share not only rare words and phrases, but also formulations and contextual usages that do not appear anywhere else. Moreover, the range of shared terminology (unique and otherwise) creates multiple points of connection to the same text(s). Leviticus 11 is, as it were, saturated with terminology found in, and sometimes only in, both Gen 1 and Gen 2–3.⁵⁴

The force generated by lexical and syntactical connection is furthered by several notable conceptual parallels. Leviticus 11 utilizes the same taxonomical and spatial categories as Genesis 1, although the order of spatial zones is reversed in the Leviticus text (land, sea, air)—a key marker of deliberate textual linkage often referred to as Seidel's Law.⁵⁵ A link between the legislation of Leviticus 11 and creation is thereby formed. Moreover, divine creativity in Genesis 1, repeatedly styled as acts of "separation" (*בדל*; 1:4, 6, 7, 14, 18), finds an analogue in both the priestly role description given in Leviticus 10:10 and the command to

⁵² Sam Chan, *Preaching as the Word of God: Answering an Old Question with Speech-Act Theory* (Eugene: Pickwick, 2016), 221.

⁵³ For examples, see Wilfried Warning, *Literary Artistry in Leviticus* (BIS 35; Leiden: Brill, 1999); Gary A. Rendsburg, "The Inclusio in Leviticus XI," *VT* 43 (1993), 418-21.

⁵⁴ G. Geoffrey Harper, *"I Will Walk Among You": The Rhetorical Function of Allusion to Genesis 1–3 in the Book of Leviticus* (BBRSup 21; University Park: Pennsylvania State University Press/Eisenbrauns, 2018), 135.

⁵⁵ Cf. Moshe Seidel, "Parallels between Isaiah and Psalms [Hebrew]," *Sinai* 38 (1955), 149-72, 229-40, 272-80, 335-55.

correctly separate types of animal (Lev 11:47).⁵⁶ Israel's acts of separation on the cultic plane are thus conceptually related to God's acts of separation at creation. A correlation is suggested in relation to the (re)ordering of the world, with Israel invited to share in and even further the divine task of establishing order.

This use of allusion to Genesis 1 and 2–3 in Leviticus 11 performs a number of illocutions. Lexical parallels to the opening chapter of Genesis, combined with the same spatial categories and animal taxonomy, *remind* readers of the original creation. Readers are also reminded of YHWH's generous provision of food as well as his subsequent command regarding an exception (Gen 1:29–30; 2:16–17). By doing so, allusion *declares* that YHWH is a God of order who fashioned a world in which everything had its proper place. It also declares that YHWH not only abundantly provides for his creatures but, as Sovereign Lord, decides what may and may not be eaten.

However, alluding to the garden story also functions to *remind* readers of Adam and Eve's transgression in relation to eating prohibited food.⁵⁷ Furthermore, the use of a unique syntactical formulation which connects the "land swarming creatures" of Leviticus 11 with the serpent of Genesis 3,⁵⁸ also reminds readers of the disastrous consequences that follow the ignoring of YHWH's commands. Together, these reminders of the primordial infidelity and resultant punishment act to *warn* against similar disobedience in relation to culinary matters. In fact, the piling up of multiple lexical, syntactical, and conceptual connections allows Leviticus 11 to *portray* Israel as an Adam figure; to make the primeval account of humanity's banishment from the Garden a conceptual parallel for understanding the nation's potential story. For Israel to daily face the same scenario that Adam and Eve did—divine provision of abundant food with accompanying restriction, and a penalty for infraction that involved removal from YHWH's presence (garden or tabernacle)—would act pedagogically to *dissuade* the nation from experiencing similar banishment (be that short- or long-term; cf. Lev 26:33, 38–39).⁵⁹

Yet allusion to Genesis 1–3 in Leviticus 11 also *invites* a different response from Israel. The priests, as well as the nation en masse, are invited to participate in the divine task of correctly ordering the world through careful separation of animals. In this way allusion to divine activity at the formation of the world functions to *call* Israel to imitate their God, to act as he

⁵⁶ The connection is made probable by the shared, and rare, syntax: בָּדֵל (*hiphil*) occurs twenty-one times in the Pentateuch and a further eleven times throughout the remainder of the Old Testament. However, the *hiphil* infin. const., used in conjunction with the preposition בֵּין, occurs only five times (Gen 1:14, 18; Lev 10:10; 11:47; Ezek 42:20). Thus, the only Pentateuchal occurrences of the combination are in relation to creative (Gen 1) and cultic (Lev 10; 11) acts of separation.

⁵⁷ The use of rare phraseology makes the connection: conjoined use of second person forms of אָכַל and נָגַע appears only three times in the OT: in Genesis 3:3a (לֹא תֹאכְלוּ מִמֶּנּוּ וְלֹא תִגְעוּ בוֹ) "you will not eat from it and you will not touch it" and in Leviticus 11:8//Deuteronomy 14:8 (מִבְּשָׂרָם לֹא תֹאכְלוּ) "from their flesh you will not eat and their carcasses you will not touch"). In each case the form is second masc. plural *qal yiqtol*. In this way, Leviticus alludes to the whole garden story—not just to Adam, but to Eve too: she is the one who speaks about eating and touching.

⁵⁸ Compare על־גַּחֲוֹן תֹּלֵךְ (Lev 11:42) and על־גַּחֲוֹן תֹּלֵךְ (Gen 3:14), the only two instances of this combination of terms in the Hebrew Bible.

⁵⁹ If, as Wenham argues, the garden story is both protohistorical *and* paradigmatic, then the use of allusion in Leviticus 11 appropriates the episode in line with its paradigmatic function. See Gordon J. Wenham, "Genesis 1–11 as Protohistory," in *Genesis: History, Fiction, or Neither? Three Views on the Bible's Earliest Chapters* (ed. Charles Halton; Grand Rapids: Zondervan, 2015), 73–97.

does. Perhaps also at work here is allusion to primordial conditions serving to *promise* (albeit conditioned upon obedience) the restoration within Israel of the original orderliness of creation and of humanity in the image of God. Thereby enabled is a *declaration* that God's original purposes for the world and for humanity still stand. On that basis, Leviticus 11 *invites* readers and hearers to be agents of restoration, to begin to enact a renewed creation on a microcosmic scale.

3.3 Re-Illocuting the Text of Leviticus 11

Considering the above, it is apparent that the illocutionary force of Leviticus 11 is more complex than first appears. Clearly the text makes assertions about eating and touching (un)clean animals and, styled as direct divine discourse (see Lev 11:1), implicitly *demands* compliance to its regulations. However, by alluding to Genesis 1–3, other speech acts are enabled. The text makes *declarations* about God: specifically, in relation to his character and his role as creator and provider of food. Furthermore, it *reminds* readers of Eden: the bounty and blessing once enjoyed as well as its subsequent loss. Against that backdrop, the passage *invites* Israel to live in YHWH's presence as Adam and Eve had once done but also *reminds* them that ongoing obedience to divine commands is the prerequisite. Accordingly, Leviticus 11 *warns* Israel about the consequences of disobedience, *dissuades* them from experiencing banishment, and *calls* the nation instead to imitate God by becoming holy even as he is holy.

In teasing out the enduring relevance of Leviticus 11 for Christian readers, the insights from Barker and Chan discussed earlier are especially helpful. As Chan reminds us, preaching, or at least expository preaching, involves the re-location and re-illocution of the biblical text. However, while re-location of Leviticus 11 is straightforward, re-illocution of this pericope is more complicated than Chan allows. The reason for this, using Barker's terminology, is because of the supervening effect the NT has upon the OT, especially upon OT ritual texts. The advent of Christ introduces a degree of discontinuity, one that affects Christian appropriation of Leviticus 11. As a result, not all the illocutions identified above are appropriate to re-illocute for the NT people of God. This is most clearly the case with Leviticus 11's demand for compliance. While national Israel was obligated to submit to the legislation, Christians do not have the same relationship to the OT covenant, and thus need not heed the demand in the same way.⁶⁰ NT passages which eschew dietary prohibitions recognize this shift of context (for example, Mark 7; Acts 10–11).

However, and this is the main contention of the article, the supervening effect of the NT upon the illocutions in Leviticus 11 *is not uniform*. In other words, while some illocutions are mitigated, the NT provides a context that affirms others and even enables their continued force. For Christian readers of Leviticus 11, therefore, the text continues to make assertions about which animals were (un)clean for Israel; to make declarations about God's nature and character; to remind of Eden—of blessing enjoyed and lost; to invite ongoing enjoyment of divine presence through obedience; to warn regarding disobedience; to dissuade from experiencing "exile"; and to call God's people to become holy even as he is holy. These illocutions are reaffirmed by NT illocutions that function along the same lines: remembering the past as a paradigmatic example for faith (1 Cor 10:1–11); invitation to remain in God's presence through obedience (John 15:5–10) rather than being "cut off" (John 15:2); warning based on past failure (Heb 3:7–13); a call to be holy even as God is holy (1 Pet 1:15–16).

Thoughtful readers may well ask whether, in the end, the approach advocated here is not simply another version of a separation hermeneutic. And, at one level, they would be correct.

⁶⁰ See also Calvin, *Institutes*, 2.7.15.

The NT introduces an unavoidable degree of discontinuity when appropriating OT ritual texts. Yet, while some sort of separation hermeneutic is necessary (and is, in fact, evidenced in the NT⁶¹), it must be construed in a more nuanced fashion. A failure to do so means texts like Leviticus 11 will continue to be functionally ignored, robbing the church of its full-orbed scriptural heritage.

4. Conclusion

The ritual texts of the OT have not fared well in the Christian period. Even when not allegorized away, the particular separation hermeneutic codified by the Reformation has most often resulted in their effective dismissal within the life of the Western church. Yet, as I have attempted to demonstrate, far from being obsolete and barren for Christian readers, Leviticus 11 continues to be theologically rich. Indeed, much of the text's original illocutionary force remains and is validated by NT illocutions. Thus, there is an enduring relevance for Christians that is missed whenever a reductionistic curtailing of the pericope is allowed. Instead, by (selectively) re-illocuting the text, Christians can continue to access and communicate what God is doing with Leviticus 11, giving those who dare bring this passage into the pulpit something to preach.

Again, it needs to be reiterated that what I have attempted here falls short of a universal hermeneutic that solves all problems stemming from the appropriation of OT legal material. Providing such a hermeneutic was not my aim. Rather, my goal was to provide a worked example of how recent literary developments can shed light on one ritual text and thereby clarify its enduring theological value for New Covenant readers. There is more work to be done, but my hope is that Christian readers of OT ritual might be enabled to engage more fruitfully with the *whole* counsel of God.

⁶¹ See, for instance, the discussion of 1 Corinthians 7:19 in Joe M. Sprinkle, *Biblical Law and Its Relevance: A Christian Understanding and Ethical Application for Today of the Mosaic Regulations* (Lanham: Universtiy Press of America, 2006), 23.