1. The Question

It is one of the fundamental achievements of contemporary Jesus research that it has come to appreciate the deep-rooted Jewish identity of the teacher of Nazareth. Jesus lived as a Jew, and his teaching and practice, despite all tensions, essentially sprang from the Jewish culture and religion of his day. His Jewishness comes to the fore even in his critical statements on questions of the Mosaic law. This can be seen from the fact that in a number of the legal debates related in the gospels he draws on arguments which occur in other ancient Jewish sources too.

Two important examples are found in the debates concerning divorce and healing on the sabbath. Jesus’ argument against divorce relies on the creation of the first humans as male and female according to Gen 1:27 (Mark 10:6), a verse quoted by the Damascus Document as the “principle of creation” (הבריאה which precludes the practice of remarriage permitted by other strands of Judaism. The justification of a sabbath healing by arguing that one would rescue even an animal if it fell into a well on a sabbath (Luke 4:5) in fact does not conform with any known legal teaching in ancient Judaism, but the question of helping an animal in a well is discussed both in the Dead Sea Scrolls and in the rabbinic tradition.

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2 For a prominent example it may suffice to mention the present-day German standard work by Theissen – Merz, Jesus.

3 CD-A IV.20–21 (= 6Q15 1.2–3).

4 Cf. Doering, Schabbat, 459.

5 CD-A XI.13: “And if it falls into a well or into a pit, he shall not lift it up on a sabbath” (= 4Q270 6v18 and 4Q271 5i8–9; DJD 18:161 and 181). Cf. furthermore 4Q251 1–2.3 (fragmentary; DJD 35:29) and 4Q265 6.5–6: “Let no man raise up an animal
Albeit in disagreement with his interlocutors, Jesus in both cases makes use of an argument which must have appealed to them, because it corresponds to their way of halakhic reasoning. Thus, the debates of the synoptic gospels convey an impression which easily fits into the overall picture of the legal controversies of Second Temple Judaism.

Jesus’ understanding of purity, however, as condensed in the antithetical statement that one is not defiled by what goes into one’s body but by what comes out (Mark 7:15), is taken by many New Testament scholars to lie far off the common framework of ancient Jewish legal debates. A landmark was the judgement of E. Käsemann, who tersely claimed that “wer bestreitet, daß die Unreinheit von außen auf den Menschen eindringt, trifft die Voraussetzungen und den Wortlaut der Thora und die Autorität des Moses selbst.”

Nevertheless, the saying of Mark 7:15 is firmly anchored in the gospel tradition. Moreover, its central motif, the criss-crossing of the contrast of pure and impure with the contrast of outside and inside, appears also in the sayings source Q, where Jesus inveighs against Pharisees who purify the outside of their dishes but leave the inside full of greed and excess (Matt 23:25, Luke 11:39). In view of this twofold attestation, Mark 7:15 cannot be explained away as a late coinage by a no-longer-Jewish Christianity that regarded the biblical ritual commands as generally obsolete. Even though it cannot be taken for granted that the saying goes back which falls into the water on the sabbath day” (trans. J. M. Baumgarten, DJD 35:68). For a rabbinic outlook see t. Šabb. 14(15):3: “If cattle falls into a cistern, one takes care of it on the spot, lest it die” (ed. Lieberman, vol. 2:65). This is also quoted in b. Šabb. 128b, along with the more lenient ruling that “If an animal falls into a dyke, one brings pillows and bedding and places [them] under it, and if it ascends it ascends” (trans. H. Freedman, The Babylonian Talmud, Shabbath, vol. 12, London: Soncino, 1938, 639).

For a typical example see again Theissen − Merz, Jesus, 326–27. It is, however, characteristic of contemporary Jesus research that Theissen and Merz conclude their discussion of Mark 7:15 by observing that Jesus “war und blieb ein Jude, wenn er solche Gedanken äußerte. Aber er war ein radikaler Jude.” For a substantiation of this claim cf. Theissen, “Reinheitslogion”, 251: Jesus “[stellt] den dinglichen Reinheitsgedanken grundsätzlich in Frage”.

Käsemann, “Problem”, 207. That this view was quite customary in the past decades of scholarship is illustrated by a number of similar judgements adduced by M. Kister, “Law, Morality, and Rhetoric”, 150 n. 15. For further references see Tomson, “Jewish Purity Laws”, 85 n. 46.

Cf. Kazen, Jesus, 222, who in addition to Mark and Q adduces the Gospel of Thomas (logia 14 and 89) and P. Oxy. 840.

For a different view see Räisänen, “Jesus and the Food Laws”. Räisänen argues that if the saying were authentic, it should be expected to be quoted as a teaching of Jesus in places like Acts 10 or Galatians 2. He admits, though, that this view is based “on an argument from silence” (148).