Purity in Ancient Judaism

Edited by
LUTZ DOERING,
JÖRG FREY, and
LAURA VON BARTENWERFFER

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Texts, Contexts, and Concepts

Edited by

Lutz Doering, Jörg Frey,
and Laura von Bartenwerffer

Mohr Siebeck

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Preface

Purity issues are a complicated field, but a field that is of central importance for discussing matters of identity and practical life in Ancient Judaism and in Early Christianity. During the last decades scholarship has made immense progress with regard to the interpretation of the purity-related texts from the Dead Sea Scrolls, to the archaeological investigation of numerous early synagogues, and to the discussion of the concepts and thought patterns behind ancient purity regulations. The present volume presents the contributions of a conference that aimed at a novel and up-to-date discussion of these matters in an international and interdisciplinary context.

The conference took place at the Katholische Akademie Schwerte in Germany from 10 to 12 February 2019. It was organized jointly by Jörg Frey (Zürich) and Lutz Doering (Münster) and kindly supported and hosted by the Katholische Akademie Schwerte, as the tenth event in a long series of conferences aimed at spreading knowledge about and promoting dialogue on the Dead Sea Scrolls and related issues. We are grateful to the Katholische Akademie Schwerte, in particular to Dr. Ulrich Dickmann, for the continuing support of these conferences for more than two decades.

The collection and editorial preparation of the contributions was done by Laura von Bartenwerffer (Münster / Essen), further support in the preparation of the manuscript was given by Dr. John Dik (Münster). We are grateful to Dr. Zhuen Wei (Zurich / Luxembourg) for compiling the index of ancient sources, and to stud. theol. Hanna Antensteiner (Münster) and stud. theol. Kolja Damm (Münster) for compiling the indexes of subjects and modern authors, respectively. The team of Mohr Siebeck publishers, primarily Elena Müller, Tobias Stäbler, and Rebekka Zech, have accompanied the long production process with all their competence and friendly support. Wie are also grateful to the Swiss National Science Foundation (SNSF) that has generously granted funding for the open access publication, so that the insights and discussions presented in this book can now be accessed anywhere for free.

We hope that the volume will promote a deeper understanding, and inspire further studies, of purity and issues related to it in Ancient Judaism and its world.

Münster / Zurich / Essen, October 2024

Lutz Doering
Jörg Frey
Laura von Bartenwerffer

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Purity in Ancient Judaism

An Introduction

Laura von Bartenwerffer, Lutz Doering, and Jörg Frey

1. Purity – Foundational Questions and Recent Research

1.1 Setting the Scene: Distinctions, Complexities, and Open Questions

Purity plays a central role in ancient Judaism. It is a prerequisite for the encounter with the sacred, for example, at the Jerusalem temple but also in the context of gatherings of communities that viewed themselves as sacred, as in the case of the meetings of the *yaḥad* mentioned in the texts from Qumran. However, ancients Jews also strove for purity far away from the temple, both in areas of the Land of Israel remote from Jerusalem and in their respective places of residence in the Diaspora, although means, procedures, and conceptualizations varied. While purity therefore seems to be "everywhere" in ancient Judaism, it is nevertheless not everywhere the same.

Purity, as well as its opposite, impurity, is a broad category. Purity is typically defined as the absence of impurity. The category of impurity, in turn, seems to encompass several forms or types, sometimes called "sources" of impurity. One important type is what is now conventionally termed "ritual impurity".[1] Such impurity in ancient Judaism is generated, to a large degree inevitably, by certain events in the human lifecycle: childbirth, genital discharges – both regular (menstrual blood, semen emission) and irregular –, various kinds of skin-disease, death, and contact with certain animal carcasses. In the Hebrew Bible, these impurities are dealt with largely in Lev 11–15 and Num 19. They are typically temporary, can be cleansed with appropriate means, and are not normally reckoned to be sinful.

Another sub-category or type of impurity is "moral impurity".[2] Based on Lev 18–20 and related texts (e.g., Num 35:33–34), chief examples of this type are sexual transgression, idolatry, and bloodshed. Impurities of this type are

[1] In earlier scholarship, the term "levitical impurity" was used; see, e.g., Adolf Büchler, *Studies in Sin and Atonement in the Rabbinic Literature of the First Century* (London: Oxford University Press, 1928) 212–374: 214.

[2] Büchler, *Studies*, 214 called this "spiritual" or "religious" defilement. For the terminology of

considered sinful and require expiation, in some particularly severe cases are punishable by death or extirpation, and may lead to the expulsion of the people from the Land of Israel. The distinction between "moral impurity" and "ritual impurity" has particularly been highlighted by Jonathan Klawans, who argued that it is only in the Dead Sea Scrolls that we find an integration of the two, while Philo of Alexandria, according to Klawans, creates an analogy between moral and ritual defilement, and Tannaitic literature compartmentalized the two.[3]

Another type of im/purity that may be taken as standing "between" these two types is addressed in the lists of clean and unclean animals in Lev 11 and Deut 14 – the dietary laws.[4] These laws, defining, as it were, the animal kingdom, seem to overlap with both types and yet represent a unique form of im/purity. Christophe Nihan has supported a priestly origin for both ritual im/purity and the dietary laws, and suggested a plausible connection within Lev 11–15: while the purity laws of Lev 12–15 promote society's control over biological events, Lev 11 takes purity as conformity to the creational order; in both, we find the development of a specifically Judaean ethos.[5]

Purity is thus relevant for the relation between Judaeans or Jews with foreigners. A matter of considerable debate, against the background of different types of im/purity, is the question whether gentiles were considered ritually defiling during the Second-Temple period. It is clear that the rabbis later held a concept of "gentile impurity",[6] but the question is whether this was a full rabbinic innovation or had some precursor before 70 CE. Scholarship is divided on the matter: While Gedalyahu Alon claimed that there was a notion of "gentile impurity" before 70 CE,[7] Adolf Büchler denied the ritual impurity of gentiles for the Second-Temple period;[8] and while Alon has followers particularly among Israeli scholars,[9] colleagues in North America tend to build on the ground laid

"moral" impurity, defilement etc., cf. Jonathan Klawans, "Idolatry, Incest, and Impurity: Moral Defilement in Ancient Judaism," *JSJ* 29 (1998) 391–415, esp. 393–94.

[3] Cf. Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (New York: Oxford University Press, 2000).

[4] Cf. Klawans, *Impurity and Sin*, 31–32.

[5] Christophe Nihan, *From Priestly Torah to Pentateuch. A Study in the Composition of the Book of Leviticus*, FAT II/25 (Tübingen: Mohr Siebeck, 2007).

[6] Cf., e. g., t. Zav. 2:1; Sifra *meṣoraʿ zavim* 1:1 [74b Weiss] (gentiles defile like *zavim*); on modes of defilement cf., e. g., m. Toh. 7:6; t. Toh. 6:11, 8:9; t. A. Z. 3:11.

[7] Gedalyahu Alon, "The Levitical Uncleanness of Gentiles," in idem, *Jews, Judaism and the Classical World. Studies in Jewish History in the Times of the Second Temple and Talmud* (trans. Israel Abrahams; Jerusalem: Magnes Press, 1977) 146–189 (Hebrew: *Tarbiz* 8 [1936–37] 137–61).

[8] Adolf Büchler, "The Levitical Impurity of the Gentile in Palestine Before the Year 70," *JQR* N. S. 17 (1926–27) 1–81.

[9] Cf., e. g., Hanan Birenboim, "Gentile Impurity in Ancient Judaism," *Cathedra* 139 (2011) 7–30 (in Hebrew); Matan Orian, "Gentiles and the House of the One God in Jewish Sources from the First Temple to the Hasmonean State," PhD thesis, Tel Aviv University, 2016 (in Hebrew); Eyal Regev, "Purity, Pottery, and Judaean Ethnicity in the Hasmonean Period," *JAJ* 12 (2021) 391–432: 393–99.

by Büchler.[10] According to the latter approach, gentiles are considered morally, not ritually, defiling. In addition, Christine Hayes has argued that, following the innovation by Ezra, the avoidance of intermarriage with gentiles and the impossibility of gentiles becoming Jews according to certain Second-Temple texts reflect an own type of impurity, "genealogical impurity".[11] It may, however, be asked whether these types of impurity can be kept apart so easily, and whether the rejection of the ritual nature of gentile impurity for the Second-Temple period sufficiently takes account of relevant New Testament texts, such as Acts 10 (esp. v. 28).[12] In addition, the distinction – yet, at the same time, common discussion – of outer and inner purity is present in New Testament texts, such as Mark 7:15, 18–23 par.; Matt 23:25–28.

Moreover, Klawans's attempt to find a coherent "system" of purity, in which "ritual" and "moral" impurity can neatly be distinguished, has repeatedly been criticized by Thomas Kazen. Thus, Kazen points to instances, already in the Hebrew Bible, in which impurities affecting the body bear a relation to sin, e. g., in the case of Miriam's "leprosy" as a means of punishment for the sin of her and Aaron's questioning Moses' authority (Num 12:9–15). In addition, Kazen suggests that the social isolation of people diagnosed with skin-diseases and irregular discharges was interpreted as punishment.[13] Kazen, in turn, suggests that a foundational background of both bodily impurities and defilement by sins is the notion of disgust.[14] Further criticism of a sharp distinction between ritual and moral im/purity has come from John Barton, who has suggested to consider impurity on a gradual spectrum from ritual to moral impurity, with mixed cases in between.[15] In addition, Tracey Lemos has problematized the systematization

[10] E. g., Sidney B. Hoenig, "Oil and Pagan Defilement," *JQR* N. S. 61 (1970–71) 63–75; Jonathan Klawans, "Notions of Gentile Impurity in Ancient Judaism," *AJS Review* 20 (1995) 285–312; Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (New York: Oxford University Press, 2002), esp. 45–67.

[11] Hayes, *Gentile Impurities*, esp. 27–34, 68–91.

[12] Building on Hayes, Thiessen has argued that Acts 10 maintains a "genealogical distinction between Jew and Gentile," similar to what we find, e. g., in Ezra-Nehemiah or the Book of Jubilees; see Matthew Thiessen, *Contesting Conversion. Genealogy, Circumcision, and Identity in Ancient Judaism and Christianity* (New York: Oxford University Press, 2011) 136. But it may be asked whether this is borne out by the verbs "associate with or visit" (κολλᾶσθαι ἢ προσέρχεσθαι; Acts 10:28). The former can hardly be limited to sexual relations (cf. Matt 19:5, rendering Gen 2:24), as it is used for close contact in Luke 5:15; Acts 5:3; 8:29; 9:26; 17:34; and the deployment of ἀθέμιτόν ἐστιν "it is forbidden" (on which Klawans, "Notions of Gentile Impurity," 301 draws to argue that the issue is not defilement) needs to be read together with the following phrase κοινὸν ἢ ἀκάθαρτον "common or unclean."

[13] Thomas Kazen, *Jesus and Purity Halakhah. Was Jesus Indifferent to Impurity?* ConBNT 38 (Stockholm: Almqvist & Wiksell, 2002) 207–11.

[14] Cf., e. g., Thomas Kazen, "Dirt and Disgust: Body and Morality in Biblical Purity Laws," in Baruch J. Schwartz et al. (eds.), *Perspectives on Purity and Purification in the Bible*, LHBOTS 474 (New York: T&T Clark, 2008) 43–64.

[15] John Barton, *Ethics in Ancient Israel* (Oxford: Oxford University Press, 2014) 187–200.

of purity constructions in the Hebrew Bible and has pointed to both shifting rituals and differing perspectives.[16]

Over the past decades, the practice of purity and purification has received increased scholarly interest. A number of studies have focused on the emergence, distribution, and function of stepped pools in the Land of Israel from around 100 BCE well into the second century CE. Many scholars have argued that these were used for ritual purification, although some have questioned their being labelled *miqva'ot* as anachronistic. What motivated the rise of such pools, and what does their persistence beyond the temple destruction tell us about the link, often made, between ritual purity and the temple? Similarly, what led to the use of stone vessels that came into use during the first century BCE and continued to be used in the second century CE?

Another open question is the form and understanding of purity practices in the Jewish Diaspora. Assuming that stepped pools and stone vessels were in use only in the historic "Land of Israel" (including the parts of Transjordan usually call Peraea), were there categorical differences in purity practices and concepts in the Diaspora? How do we make sense of the breadth of references to purity by writers such as Philo of Alexandria and of water installations connected with (often, late antique) synagogues in the Diaspora, which nevertheless look markedly different from the stepped pools mentioned above?

1.2 Some Perspectives of Recent Research

Dealing with the topic of purity in ancient Judaism, it is obvious that one cannot ignore the area of Qumran research. Both the archaeological finds from Khirbet Qumran and the contents of the Dead Sea Scrolls show the great importance the topic of purity played. Hence, it is not surprising that research in this area can look back on a broad discussion. After the fragments from Qumran Cave 4 had been made accessible in the 1990s, the discussion about purity at Qumran intensified. An overview of Dead Sea Scrolls dealing with purity is provided by both Hannah Harrington[17] and Ian Werrett.[18] But the approaches they take could not be more different. The earlier of the two works, Harrington's, after a general introduction and a brief overview of the textual sources, structures the evidence according to the sources of contamination, namely, corpse impurity, leprosy, bodily discharges, and outsiders. Thus, already the structure of the book points to clear differences in approach as compared with Werrett's monograph, which will be discussed later. The systematizing presentation of the evidence causes it to

[16] T[racy] M. Lemos, "Where There is Dirt, Is There System? Revisiting Biblical Purity Constructions," *JSOT* 37 (2013) 265–94.

[17] Hannah K. Harrington, *The Purity Texts*, Companion to the Qumran Scrolls 5 (London: T&T Clark, 2006).

[18] Ian C. Werrett, *Ritual Purity and the Dead Sea Scrolls*, STDJ 72 (Leiden: Brill, 2007).

appear as a unified "Qumran" position in which inconsistencies are levelled out. Methodologically, Harrington follows her mentor Jacob Milgrom[19] in gap filling the purity laws. Thus, the evidence of the Scrolls on purity appears as a uniform position that can be compared to other views. Such a comparison had in fact been Harrington's starting point regarding the issue of purity at Qumran: In her dissertation, she compared the Rabbis' view of purity with that of the Qumran community.[20] Harrington describes four aspects as the main elements of this unified Qumran position on purity: the tendency to extend regulations of the Torah; the determination of impurity as a malicious agent; a focus on pure food and drink; and the blending of ritual and moral impurity.[21] For this stricter interpretation, she finds three theological reasons that shape the profile of the Qumran community. First, Qumran views itself as a priestly community. Second, there is evidence of an apocalyptic orientation. And third, Qumran awaits a divine revelation. For all three aspects a higher purity level is required.[22]

A striking contrast to this attempt to present a uniform Qumran position is provided by Ian Werrett. In his published dissertation, he distinguishes himself from Harrington's approach by refraining from directly correlating the statements of various Qumran texts or other sources with each other. Moreover, the archaeological findings from Khirbet Qumran are not put into a direct relation with the texts. These features are also reflected in the structure of his book. The introduction explaining this approach is followed by the four main chapters, each dealing with one text or group of texts, that is, the Damascus Document, the Temple Scroll, 4QMMT, and Cave 4 legal texts; in each chapter, Werrett divides the purity rules into five major areas: diseases, un/clean animals, corpses, bodily discharges, and sexual misdeeds. This concentrated work on the respective individual texts is then briefly compared and summarized. Werrett traces explicit agreement and disagreement in the texts and concludes, on the basis of preponderant differences, that there is no coherent purity system in Qumran. Werrett's preferred explanatory model is diachronic: following Klawans, he assigns the various texts to three chronologically different categories: protosectarian, composite, and sectarian. Werrett sees connections between the various texts only in similar methods of textual exegesis in the interpretation of the Torah. Unfortunately, this methodological approach, which is sensible in itself, in the absoluteness pursued by Werrett leads to important comparative texts being overlooked, especially rabbinic materials that could have furthered

[19] As is well known, Milgrom attempted to show the consistency and rationality of the Priestly Source's worldview including its purity laws. See Jacob Milgrom, *Leviticus 1–16. A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), passim.

[20] Hannah K. Harrington, *The Impurity Systems of Qumran and the Rabbis*, SBLDS 143 (Atlanta, GA: Scholars Press, 1993).

[21] See Harrington, *The Purity Texts*, 13.

[22] See ibid., 36–42.

understanding but are excluded from comparison due to their late composition. Furthermore, Werrett's approach may overemphasize differences and does not sufficiently elucidate the relationship(s) between the group(s) responsible for the composition and collection of the various texts found in the Qumran caves. Nevertheless, taken together, the systematizing approach of Harrington and Werrett's emphasis of difference provide a good introduction to and overview of the subject, so they are enlightening precisely in their distinction from each other.

The ideas of purity found in the Dead Sea Scrolls relate, of course, to a larger context and can thus be compared with, and distinguished from, other positions in the Second-Temple period. Such a demarcation of Jesus' position from those of his opponents, as presented by Thomas Kazen,[23] offers enlightening insights for the debate about the emergence of different purity concepts. For Kazen Jesus shows as an example how the purity discourse shaped the society in the Second-Temple period. He develops three main aspects that characterize Jesus' concept of purity, but which can also be applied to other groups to some extent. One important aspect for the question of purity is morality. Kazen, for many instances, questions a clear differentiation between ritual and moral purity because references between impurity and sin can already be found in the Hebrew Bible. In contrast, Kazen prefers to distinguish between inner and outer purity. Under the heading "Purity and Diversity", Kazen discusses the sociocultural situation of the Jesus movement in Galilee. The purity concept has to cope with different traditions and local customs. The third important aspect is the portrait of Jesus as an exorcist who drives out impure spirits. His eschatological orientation overcomes impurity without purification rituals. Kazen's work shows the complexity of competing purity concepts. These concepts cannot easily be described as either ritual or moral: the differences are much more subtle and complex. In his psycho-biological approach, Kazen defines the unifying element of the various impurity occurrences as the feeling of disgust.[24]

In contrast to Kazen, Harrington, following her mentor Milgrom, argues that proximity to death[25] is the decisive rationale for impurity. This rationale is related to Harrington's focus on ritual impurity and is supported by the Rabbinic notion of the impurity of the dead as the highest category of impurities. Moreover, Rabbinic literature displays a complex system of different stages of impurity.

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[23] Kazen, *Jesus and Purity Halakhah*.

[24] See Thomas Kazen, *Issues of Impurity in Early Judaism*, ConBNT 45 (Winona Lake, IN: Eisenbrauns, 2010).

[25] See Jacob Milgrom, "The Rationale for Biblical Impurity," *JANES* 22 (1993): 107–11. Modifying this approach, Matthew Thiessen has explained Jesus' attitude to ritual impurity in terms of an eradication of the forces of death as causes of impurity; see Matthew Thiessen, *Jesus and the Forces of Death. The Gospels' Portrayal of Ritual Impurity Within First-Century Judaism* (Grand Rapids, MI: Baker Academic, 2020).

However, already Second-Temple texts, upon closer examination, may show a graded notion of purity. Thus, for example, Cecilia Wassén has identified such a graded notion in the Qumran community meals.[26] The term *ha-ṭohorah* ("the purity") used in some Dead Sea Scrolls likely refers to the communal meal. However, according to Wassén, this term is only used for special meals. These special meals require ritual purity while the common meals can be taken in a state of mild impurity. Thus, recent debate on purity has moved away from clear-cut assignments of ritual versus moral im/purity and even purity versus impurity, and has put greater emphasis on the grey zones that might already be identified in Second-Temple texts.

One study that takes both the wealth of material on im/purity and recent advances in scholarship into account is Yair Furstenberg's monograph on purity and community.[27] While arguing that the blurring of the boundary between ritual and moral purity is also found outside the Qumran community, Furstenberg particularly focuses on the development of Pharisaic concepts and practices related to purity and contrasts them with the concepts of other groups such as that prevailing in the Dead Sea Scrolls (for which, *pace* Werrett, he views some coherence) or that championed by Jesus of Nazareth. Moreover, Furstenberg also traces the development of the Pharisaic approach into that of the sages represented in the Mishnah. Inter alia, Furstenberg suggests that Pharisaic handwashing before meals originated in Hellenistic table manner and was secondarily connected with ritual purity. Jesus' rejection of handwashing according to Mark 7:15 therefore maintains the older approach.[28]

In his work, Furstenberg draws on important archaeological work pertinent to ritual im/purity that has been conducted since the 1990s. An early study of stone vessels, deemed insusceptible to ritual defilement in Second-Temple Judaism, was a monograph by Roland Deines, taking its cue from the "six stone water jars for the Jewish rites of purification" in John 2:6 (NRSV).[29] A detailed study of the stone vessel industry in Second-Temple Judaea was provided by Yitzhak Magen.[30] While both Deines and Magen claimed that the use of stone vessels was a Phar-

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[26] See Cecilia Wassén, "The (Im)Purity Levels of Communal Meals Within the Qumran Movement," *JAJ* 7 (2016), 102–22.

[27] Yair Furstenberg, *Purity and Community in Antiquity. Traditions of the Law from Second Temple Judaism to the Mishnah* (Jerusalem: Magnes Press, 2016) (in Hebrew), translated into English as *Purity and Identity in Ancient Judaism. From the Temple to the Mishnah* (Bloomington: Indiana University Press, 2023).

[28] Cf. already Yair Furstenberg, "Defilement Penetrating the Body. A New Understanding of Contamination in Mark 7.15," *NTS* 54 (2008): 176–200.

[29] Roland Deines, *Jüdische Steingefäße und pharisäische Frömmigkeit. Ein archäologisch-historischer Beitrag zum Verständnis von Johannes 2,6 und der jüdischen Reinheitshalacha zur Zeit Jesu*, WUNT 2/52 (Tübingen: Mohr Siebeck, 1993).

[30] Yitzhak Magen, *The Stone Vessel Industry in the Second Temple Period. Excavations at Ḥizma and the Jerusalem Temple Mount* (Jerusalem: Israel Exploration Society et al., 2002).

isaic innovation, subsequent studies have widened the perspective. Thus, Eyal Regev has traced the notion of non-priestly purity in texts such as Tobit, Judith, and the Letter of Aristeas.[31] More recently, Yonatan Adler has pointed to the wide use of stone vessels at Khirbet Qumran and has argued that both the Temple Scroll and the Damascus Document do not generally reject the insusceptibility of stone vessels to ritual impurity but do so only in the case of a vessel in a house in which a corpse is found.[32] Moreover, stone vessels have increasingly been studied alongside another installation emerging slightly earlier, purification pools, often called *miqva'ot* in rabbinic parlance. Major studies of such stepped pools have been presented by Ronny Reich, Yonatan Adler, and Stuart Miller;[33] particularly the latter's book has made important contributions to the methodological question of the relation between legal texts and material culture. A question recently raised with respect to the initial endurance beyond 70 CE of purification pools and their later disappearance is the important question of whether the main motivation for ritual purification is to be sought in the temple or elsewhere.[34] A number of contributions to the present volume will engage with issues raised by the most recent research into the "archaeology of purity".

These archaeological findings and the textual evidence are also linked by Jodi Magness. In her monograph "Stone and Dung, Oil and Spit"[35] she asks for purity practices in everyday life of Jews in Palestine in late Second-Temple period. In her research, she examines what the dominant Jewish groups in Palestine (Pharisees, Sadducees, Essenes, and the Jesus movement) contribute to the debate, thereby looking at multifaceted practices of purity. With regard to the Diaspora, she notes that there is no evidence of sectarianism there, and material finds associated with purity practices are also absent before 70 CE.

Coming from the area of New Testament research, Christina Eschner is less focussed on material culture and examines also Greek texts of early Judaism to

[31] Eyal Regev, "Pure Individualism. The Idea of Non-Priestly Purity in Ancient Judaism," *JSJ* 31 (2000): 176–202.

[32] Yonatan Adler, "The Impurity of Stone Vessels in 11QT^a and CD in Light of the Chalk Vessel Finds at Kh. Qumran," *DSD* 27 (2020): 1–31.

[33] Ronny Reich, *Miqwa'ot (Jewish Ritual Baths) in the Second Temple, Mishnaic and Talmudic Periods* (Jerusalem: Israel Exploration Society and Yad Ben-Zvi, 2013) (in Hebrew); Yonatan Adler, "The Archaeology of Purity. Archaeological Evidence for the Observance of Ritual Purity in *Erez-Israel* from the Hasmonean Period until the End of the Talmudic Era (164 BCE –400 CE)," PhD diss., Bar-Ilan University, 2011 (in Hebrew); Stuart S. Miller, *At the Intersection of Texts and Material Finds. Stepped Pools, Stone Vessels, and Ritual Purity Among the Jews of Roman Galilee*, JAJSup 16 (2nd rev. ed.; Göttingen: Vandenhoeck & Ruprecht, 2019).

[34] Cf. Yonatan Adler, "The Decline of Jewish Ritual Purity Observance in Roman Palaestina. An Archaeological Perspective on Chronology and Historical Context," in Oren Tal and Zeev Weiss (eds.), *Expressions of Cult in the Southern Levant in the Greco-Roman Period. Manifestations in Text and Material Culture*, Contextualizing the Sacred Series 6 (Turnhout: Brepols, 2017), 269–84.

[35] Cf. Jodi Magness, *Stone and Dung, Oil and Spit. Jewish Daily Life in the Time of Jesus* (Chicago: Eerdmans, 2011).

understand early Christian practices and debates on food laws.[36] In considering this, she notes that the issues debated in early Christianity regarding dietary laws are already grounded in debate within the Jewish diaspora. Her work thus also indicates that it is worthwhile to focus on the specific Diaspora position on certain purity laws.

2. The Contribution of the Present Volume

Christophe Nihan and Julia Rhyder open the collection with their article "Purity and Pollution in the Hebrew Bible. The State of the Discussion and Future Perspectives", in which they summarize the central aspects of research on purity in the Pentateuch by first addressing the problems of textual evidence and then examining important methodological approaches. A further conceptual contribution is offered by *Yitzhaq Feder* ("Reconstructing the Holy Camp. Qumran and the Evolution of Purity in Ancient Judaism"), who uses a linguistic model that distinguishes between embodiment and codes to shed light on the purity discourse of the Qumran community.

The following three chapters concern material evidence regarding purity practices. *Roland Deines* provides an overview of "Archaeological Finds as Evidence for Everyday Purity Practice in the Hellenistic-Roman Period in Judea and Galilee", focusing on ritual baths and stone vessels. Deines traces the history of research and engages recent aspects of the debate, such as the distinction between ritual baths and water reservoirs, the relationship of ritual purity with the temple, and the persistence of purity practices beyond 70 CE. This is followed by *Joseph Scales* ("The Limits of Evidence. The Miqveh as an Indicator of Jewish Purity Practices in Second-Temple Period Galilee"), who examines *miqva'ot* in Galilee and uses Magdala as an example. He concludes from the weaker findings than, for example, in Jerusalem or Qumran that the use of the *miqveh* here was less anchored in everyday life. Next, *Carsten Claußen* turns to the Jewish Diaspora ("Purity Observance and Ancient Synagogues. Ancient Jewish Water Installations in the Diaspora"). The author shows that the water installations at the synagogues in Ostia and Delos are not comparable to the *miqva'ot* as we know them from the Land of Israel. He posits that although purity also played a major role in the Diaspora, the specific form of *miqva'ot* was not adopted there.

With *Andrej Petrovic*, we remain outside the Land of Israel but turn comparatively to Greek notions of purity. In his chapter, "Inner Purity, Ritual Purity, Conscience. Perspective of the Greek Ritual Norms (on LSCG 139)", Petrovic

[36] Cf. Christina Eschner, *Essen im antiken Judentum und Urchristentum. Diskurse zur sozialen Bedeutung von Tischgemeinschaft, Speiseverboten und Reinheitsvorschriften*, AJEC 108 (Leiden: Brill, 2019).

examines Greek inscriptions concerning inner purity and shows that the purity of consciousness from Greek philosophy had an influence on Greek temple regulations.

Taking up the important conceptual question of the potential relation between purity and the Jerusalem temple, *Thomas Kazen* argues that, based material and textual evidence from the Second-Temple period and rabbinic literature, purity is not only a question of the cult and thus not only purely related to the temple, but also is also a concern of everyday life ("Purity as Popular Practice. Erasing the Anachronistic Divide between Household and Cult").

The next five chapters deal, in one form or another with purity in texts from Qumran. *Cecilia Wassén* ("Purity, Impurity, and In-Between") demonstrates a graduated understanding of purity in the Qumran writings. She describes this grey zone between pure and impure as the normal state. In his contribution, "Purity and Cult in the Qumran War Texts. A Reconsideration", *Michael DeVries* specifically examines the notion of purity in the War Texts from Qumran and identifies their heightened purity requirements, which he links to the proximity of the eschatological battle to the cultic sphere, as perceived by the *yaḥad*. Next, *Ruben Bühner* ("Purity and Messianism. Some Observations and Surprises Based on the Contrast Between the Messianic Expectations in Pss. Sol. 17 and the Dead Sea Scrolls") explores connections between messianic expectations and purity. While he cannot find any purifying activities of the Messiah in the Dead Sea Scrolls, he shows them to be in place in Pss. Sol. 17 in connection with a royal, Davidic Messiah. Two contributions address the question of gradual purification. *Yair Furstenberg*, in his chapter, "Principles of Gradual Purification in Qumran Law", compares the principles of gradual purification found in texts from Qumran and those ascribed to the Pharisees. Apart from commonalities, he points out that the Pharisees tended to hold a soft transition from impure to pure, whereas in Qumran strict guidelines are found in all degrees of purity. Moreover, *Laura von Bartenwerffer* compares "First Day Ablutions in Qumran and Philo" and determines the similarities and differences between the two concepts of graded purity.

Continuing with Philo of Alexandria, *Michael B. Cover* ("Symbolic Purity and the Temple of the Soul in Philo's Allegorical Commentary") examines Philo's understanding of purity, critically engaging the work of Jonathan Klawans, as one marked by halakhic eclecticism and spiritualization. Engaging recent research on purity, Cover discusses the specific contribution of a "symbolic" view of purity as presented by Philo.

The final two chapters of the volume address issues of purity in the New Testament and its Jewish context. *Milena Hasselmann* examines 2 Cor 6:14–7:1 for the use of purity semantics regarding identity formation. She identifies purity as a marker that clearly differentiates inside and outside the group ("'Be separate said the Lord and I will receive you'. 2 Cor 6:14–7:1 as an Example of the Connection

of Purity and Identity in the New Testament"). Finally, *Christina Eschner*, in her chapter, "Purity and Impurity of Food and People in Acts 10:1–11:18. Is the Abolition of Jewish Food Laws at the Centre of the Cornelian Narrative?" argues, based on a detailed analysis of the terms κοινός and ἀκάθαρτος, that the Cornelius narrative in Acts 10:1–11:18 is not about the abolition of the food laws, but about the abandonment of the differentiation between Jews and God-fearing gentiles; according to Eschner, this previous differentiation was due to the assumption that gentiles were ritually unclean because of their suspected idolatry.

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Purity and Pollution in the Hebrew Bible

The State of the Discussion and Future Perspectives*

Christophe Nihan and Julia Rhyder

This contribution offers a synthesis of several key issues in the study of purity and pollution in the Hebrew Bible in light of recent research. For all the scholarly attention that the language, concepts, and practices of purity and pollution in the Hebrew Bible and broader Second-Temple traditions continue to receive, several fundamental issues that these texts raise remain matters of debate.[1] Researchers disagree as to which theoretical models are best suited to analyzing the underlying concepts of purity and pollution detailed in the Bible. The degree to which purity matters can be said to conform to a coherent "system" is also contested. Moreover, scholars disagree as to how we should characterize the relationship between the rituals described in the pentateuchal purity laws and actual purity rites, and what socio-cultic functions these laws might have played in ancient Israel. Beyond this, the question as to how our discussion of purity in the Hebrew Bible might move beyond the Pentateuch to consider other biblical traditions that deal with purity matters remains somewhat underexplored.

We start from the premise that current scholarly debates need to (a) better acknowledge the complexity of the sources we have for purity and impurity in the

* This contribution is a revised and expanded version of a paper delivered at the conference Reinheit im antiken Judentum und frühen Christentum/Purity in Ancient Judaism and Early Christianity, held at the Katholische Akademie, Schwerte in February 2019. We regret that we were unable to include scholarly works published since 2020, most notably Yitzhaq Feder, *Purity and Pollution in the Hebrew Bible. From Embodied Experience to Moral Metaphor* (Cambridge: Cambridge University Press, 2022); as well as James Watts and Yohan Yoo, *Cosmologies of Pure Realms and the Rhetoric of Pollution* (London: Routledge, 2021). Unless otherwise stated, all translations of the biblical text are our own.

[1] For a representative sample of recent studies on purity and pollution, see Susan Haber, *"They shall purify themselves." Essays on Purity in Early Judaism*, EJL 24 (Atlanta, GA: Society of Biblical Literature, 2008); Baruch J. Schwartz et al., *Perspectives on Purity and Purification in the Bible* (London: T&T Clark, 2008); Carl S. Ehrlich and Susan Haber eds., *Purity, Holiness, and Identity in Judaism and Christianity. Essays in Memory of Susan Haber*, WUNT 305 (Tübingen: Mohr Siebeck, 2013); Martin I. Lockshin ed., *Purity, Holiness, and Identity in Judaism and Christianity*, WUNT 305 (Tübingen: Mohr Siebeck, 2013); Christian Frevel and Christophe Nihan eds., *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, DHR 3 (Leiden: Brill, 2013); Hannah K. Harrington, *The Purity and Sanctuary of the Body in Second Temple Judaism* (Göttingen: Vandenhoeck & Ruprecht, 2019).

Hebrew Bible, and (b) focus not only on describing the concepts and rituals of pollution and purification in the Hebrew Bible but also on exploring what these texts sought to *achieve*; that is, the degree to which they encoded power relations, ritual agency, and cosmologies. We argue that the study of purity and pollution in the Hebrew Bible requires a methodology that combines philological and socio-historical exegesis with the findings of anthropology and ritual theories, while also seeking to position the biblical purity materials within their larger West Semitic and Western Asian context. The first part of the essay identifies the key terms and sources for studying pollution and purification in the Hebrew Bible: the genre of these materials, their processes of textualization, their relationship with ritual performance in ancient Israel, as far as this can be reconstructed, as well as the evidence of their earliest reception. The second part considers broader interpretive issues, such as the differences between "physical" and "moral" impurity in the Hebrew Bible, the forms of power and agency the biblical purity texts encoded, the degree to which concepts of purity in the Pentateuch might be said to form a comprehensive system, and the role of meaning and symbolism within this system. The conclusion considers the implications of this analysis for future studies of purity and pollution in biblical studies.

1. Sources and Basic Issues

1.1 Preliminary Remarks on the Semantics of Purity and Pollution in the Hebrew Bible

The main terms for purity and impurity in the Hebrew Bible are *ṭhr* and *ṭm'* respectively. Various texts present them as an oppositional pair,[2] and we may assume that this differential relation is effectively present in other passages of the Hebrew Bible that reference only one of these terms.[3] In some passages, this oppositional pair is explicitly related to another foundational pair, holy/common (*qdš*/*ḥl*).[4] The relationship between "holiness" and "purity" in the Hebrew Bible, as well as in other cultures, has been the topic of much discussion.[5] In the Hebrew Bible, holiness refers primarily to an attribute of the (main) deity, YHWH. As such, it expresses what separates that deity from other beings, including other gods (see Exod 15:11); simultaneously, holiness is also a pervasive quality

[2] See esp. Lev 10:10; 11:47; 14:57; 20:25; Ezek 22:26; 44:23; further Deut 12:15, 22; 15:22; Job 14:4.

[3] On *ṭhr*/*ṭm'* as a basic oppositional pair in the Hebrew Bible, see esp. Saul Olyan, *Rites and Rank. Hierarchy in Biblical Representations of Cult* (Princeton: Princeton University Press, 2000), 38–62.

[4] Cf. Lev 10:10; Ezek 22:26; 44:23; further 1 Sam 21:5–6; Ezek 42:20.

[5] See, e.g., Jacob Milgrom, *Leviticus 1–16. A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 616–18.

that extends to all the aspects and attributes of YHWH, including his Name, his sanctuary, and even his community.[6] Purity, for its part, is not so much an attribute of the deity (as a matter of fact, YHWH himself is never said to be "pure") as a condition required of the Israelite community in order to access specific places and times, especially, albeit not exclusively, those places and times related to the cult.[7] In the so-called "priestly" texts of the Pentateuch, purity thus consistently denotes a state (or the absence thereof) of being able to perform rituals in their appropriate time and place; and the same notion is expressed several times in other books of the Hebrew Bible. Purification, by extension, denotes in these texts a procedure through which this state may be restored if it has become nullified. However, the use of purity and pollution language is not restricted to ritual contexts in the Hebrew Bible. Several texts, even in the Pentateuch, use the oppositional pair clean/unclean to describe human behaviors in non-ritual contexts.[8] Moreover, there is evidence that the language of purity in the Hebrew Bible is connected to notions of radiance,[9] as is the case in other Semitic languages.[10] From a cognitive perspective, as Yitzhaq Feder has already suggested, this may indicate that "radiance" is the basic experiential metaphor underlying concepts of purity in the Hebrew Bible. These remarks raise broader questions regarding purity language and purity concepts in ritual and non-ritual contexts, to which we will return later in this essay.[11]

1.2 Textual Sources for Pollution and Purification in the Hebrew Bible: A Brief Reassessment

As is the case for many ancient Israelite rituals, our sources for concepts and practices of purity and pollution in the pre-Hellenistic period are derived almost entirely from the Hebrew Bible.[12] The only partial exception concerns a passage

[6] On holiness as YHWH's primary attribute, see esp. Olyan, *Rites and Rank*, 15–37; see also Anna Angelini and Christophe Nihan, "Holiness (Hebrew Bible/Old Testament)," *EBR* 12:34–40.

[7] Purity as a necessary condition for coming into contact with sacred objects is made explicit in several passages of the Pentateuch; see e.g., Lev 7:20–21; 12:4; 15:31; for priests the rules are more stringent; see Lev 22:4–8. Cleanness as a condition for participating in festivals (sacred times) is also occasionally mentioned; see 1 Sam 20:26.

[8] See, e.g., Lev 20:21, where the term *ndh* is used to characterize a man's sexual intercourse with his brother's wife.

[9] This is already suggested by the association of the root *ṭhr* with verbs like *lbn*, "to be white"; see Ps 51:9; Dan 12:10; likewise Mal 3:3, where *ṭhr* is used in connection with *ṣpr* for the purification of silver. In Exod 24:10, *ṭhr* is used to denote a pavement of sapphire (presumably), which is compared to the brightness of heaven: *kĕʿeṣem šamayim lāṭohār*, literally "like the body of the sky for clearness", i.e., "bright as the sky itself." For these and other examples, see Helmer Ringgren, *ṭāhar*, *TDOT* 5:287–96, here 290.

[10] On this point, see the evidence analyzed by Yitzhaq Feder, "The Semantics of Purity in the Ancient Near East. Lexical Meaning as a Projection of Embodied Experience," *JANER* 14 (2014): 87–113.

[11] See below 2.1, 2.2, and 2.3.

[12] For some key sources of the Hellenistic period, see the discussion below (1.5).

from the so-called "Passover papyrus" found in the archives of the Judean community in Elephantine (*TAD* A4.1), dating to 419 BCE.[13] The letter details various instructions for the performance of the festival of Mazzot, or Unleavened Bread (l. 4),[14] including the command to the community to "purify" itself in order to take part in the festival: *ṭhwrym hyw whyzhrw*, "be pure and take heed" (l. 5). This corroborates the point made above regarding purity as a condition of participation in festivals and other ritual occasions (see further 1 Sam 20:26). Apart from this, the evidence provided by this papyrus is too limited to allow us to draw larger conclusions about concepts and practices of purity within the Judean community in Elephantine.[15] The fact that our written evidence for the pre-Hellenistic period is derived almost entirely from the Hebrew Bible raises significant issues, especially with regard to understanding the relationship between biblical concepts of purity and ancient Israelite practice – an issue to which we will return in more detail below (see 1.4 and 1.5).

In the Hebrew Bible itself, our main source for concepts of purity comprises the priestly texts of the Pentateuch, especially in the books of Leviticus and Numbers.[16] However, references to purity and pollution can be found in several other books of the Hebrew Bible, including the Former and Latter Prophets, the Psalms, and other Writings. Whether, and to what extent, these references scattered throughout other books are consistent with the concepts of purity and pollution developed in Leviticus and Numbers is an important issue, which has not received enough attention from scholars in general; we will return to it later (2.1). Although some scholars assume that the priestly laws of the Pentateuch are normative for other texts referencing matters of purity and pollution, this assumption, as we will see, is problematic in a number of instances and needs to be qualified.

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[13] Edition according to Bezalel Porten and Ada Yardeni, *Textbook of Aramaic Documents from Ancient Egypt. Newly Copied, Edited, and Translated into Hebrew and English,* 4 vols. (Winona Lake, IN: Eisenbrauns, 1986), 1:54–55.

[14] Although the term *Mazzot* itself does not occur in the extant papyrus, the date provided, from the 15th to the 21st of Nisan, corresponds to the date of this festival in Lev 23:5–8 and related texts. Whether this festival was already connected to *Pessaḥ* (Passover) at Elephantine is unclear because of the fragmentary state of the papyrus.

[15] The relationship between the instructions contained in this document and the prescriptions of the Pentateuch, especially those found in Lev 23 and Exod 12:14–20, is a complex matter, which cannot be addressed in detail here. For a recent discussion of this issue, see Julia Rhyder, *Centralizing the Cult. The Holiness Legislation in Leviticus 17–26*, FAT 134 (Tübingen: Mohr Siebeck, 2019), 323–28.

[16] On concepts of purity in Leviticus, see Christophe Nihan, "Forms and Functions of Purity in Leviticus," in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frevel and Christophe Nihan, DHR 3 (Leiden: Brill, 2013), 311–67; for Numbers, see Christian Frevel, "Purity Conceptions in the Book of Numbers in Context," in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frevel and Christophe Nihan, DHR 3 (Leiden: Brill, 2013), 369–411.

Yet even within the Pentateuch itself, the logic and coherence of the priestly laws regarding purity and pollution is not always easy to grasp. A fairly coherent and comprehensive collection on this topic is found in chs 11–16 of Leviticus. Following laws on clean and unclean animals (Lev 11), this collection describes with varying levels of detail rituals for the purification of a woman who has given birth (Lev 12), various cases of infection of human skin, fabrics, and houses (Lev 13–14), as well as various cases of genital discharges, especially (but not exclusively) abnormal discharges (Lev 15).[17] It concludes with a grand ceremony for the annual purification of the temple and the community during the seventh month (corresponding to Yom Kippur in later Jewish tradition; Lev 16). The collection therefore has significant formal and topical coherence. Things are much more complex, however, as soon as we look outside of Lev 11–16. Firstly, additional instructions on pollution and purification are disseminated throughout the Pentateuch, especially in the book of Numbers, yet how these additional laws relate to Lev 11–16 is often unclear. For instance, Num 19 contains detailed instructions for purification after contact (direct or indirect) with a corpse, but no satisfying explanation has been offered as to why this law is found at this place in Numbers, and not in Leviticus. As a matter of fact, the absence of this law from Lev 11–16 is all the more surprising because corpse pollution represents the main source of impurity in Second-Temple Judaism and later rabbinic Judaism.[18] Secondly, and no less importantly, these additional laws regarding matters of pollution and purification are often interwoven, outside of Lev 12–16, with other ritual topics such as the offering of sacrifices (e. g., *pēsaḥ* in Num 9) or participation in ritual meals (Lev 7). Thirdly, and lastly, we also need to take into account that purity laws are not found exclusively in the priestly traditions of the Pentateuch, since the laws on unclean animals also exist in chapter 14 of Deuteronomy, albeit in a shorter version (see Deut 14:3–21). In short, the corpus of purity laws is more complex and less homogeneous than the collection of Lev 11–16 may suggest at first sight.

While we must be careful to avoid projecting modern concepts of textual coherence onto ancient texts, it is likely that the complexity of the priestly laws on purity and pollution described here has to do with the compositional history of these texts. In other words, the priestly discourse on purity may have some internal logic and consistency, but it is not of one piece; rather, it appears to be the result of a process of textual growth. Within the limits of this essay, it is not possible to address here the details of this compositional process.[19] We may, however, point to three basic observations, which reflect recent discussions on

[17] On the structure and contents of Lev 11–16, see, e. g., Nihan, "Forms and Functions," 321–38.

[18] See on this, e. g., Hannah K. Harrington, *The Impurity Systems of Qumran and the Rabbis. Biblical Foundations,* SBLDS 143 (Atlanta, GA: Scholars Press, 1993), 141–79.

[19] For a more in-depth analysis, see Christophe Nihan, *From Priestly Torah to Pentateuch. A Study in the Composition of Leviticus,* FAT 2/25 (Tübingen: Mohr Siebeck, 2007), 270–301.

the origins of the priestly instructions on purity and help illuminate the compositional history of these laws.

Firstly, it is likely that the scribes who wrote the priestly texts of Leviticus and Numbers did not merely invent the laws concerning issues of purity and pollution, but rather made use of preexisting materials, especially in the laws found in Lev 11–16. This is shown, among other indicators, by the fact that references to the fictional setting of the priestly narrative (such as the mention of Aaron, his sons, or the tent of meeting) are sparse and inconsistent in these materials,[20] and that each of the laws preserved in the collection has its own subscription.[21] In this case, it seems that the priestly authors of Leviticus drew on a preexisting collection comprising some of the ritual instructions found in chs 12–15, which it edited by adding references to the setting of the priestly narrative, and by placing Lev 12 at the beginning and Lev 15 at the end, so that the purity rituals are now framed by laws dealing with cases of genital pollution.[22] Likewise, the materials shared by Lev 11 and Deut 14, the laws on clean and unclean animals, presumably derive from a common source, which has been substantially expanded by the priestly scribes when they composed the legislation of Lev 11.[23]

Secondly, most of the laws found outside of Lev 11–16 are likely to comprise later supplements to this collection, especially in the case of those laws found in Lev 17–26 (the Holiness legislation)[24] and Numbers.[25] The text of Num 9 mentioned above provides a good illustration of this point. This passage begins by describing the performance of the Passover ritual on the fourteenth day of the first month *kᵉḵōl ʾᵃšer ṣiwwâ yhwh ʾeṯ-mōšê* "according to all what Yhwh had instructed Moses" (Num 9:5); this specification appears to refer to priestly texts like Exod 12 or Lev 23, which already provide instructions for the celebration

[20] On this point, see the discussion in Nihan, *Priestly Torah*, 270–71.

[21] See Lev 11:46–47; 12:7b; 13:59; 14:54–57; 15:32–33. On this phenomenon and its significance, see esp. Michael Fishbane, "Biblical Colophons, Textual Criticism, and Legal Analogies," *CBQ* 42 (1980): 438–49.

[22] For a detailed discussion of P's sources and the priestly editorial work in these chapters, see Nihan, *Priestly Torah*, 270–83.

[23] See on this 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; for a similar model, see now the comprehensive discussion by Peter Altmann, *Banned Birds. The Birds of Leviticus 11 and Deuteronomy 14,* Archaeology and Bible 1 (Tübingen: Mohr Siebeck, 2019), 129–47, with a specific focus on the list of unclean birds in both traditions.

[24] There is now broad agreement that Lev 17–26 is a later supplement to Lev 1–16, or at least a first form thereof; see the detailed discussion of Jeffrey Stackert, *Rewriting the Torah. Literary Revision in Deuteronomy and the Holiness Legislation*, FAT 52 (Tübingen: Mohr Siebeck, 2007) and Nihan, *Priestly Torah*, 395–505.

[25] On the supplementary character of the priestly laws of Numbers, see esp. Reinhard Achenbach, *Die Vollendung der Tora. Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch*, BZAR 3 (Wiesbaden: Harrassowitz, 2003), 443–628.

of Passover on the prescribed date. The law then goes on to introduce the specific case of Israelites who could not celebrate Passover in the first month because of the corpse impurity they had contracted, and who are consequently instructed to celebrate this festival in the second month of the year (Num 9:6–14). Here, therefore, we have a secondary attempt to update the legislation on Passover in order to address the issue raised by the possibility that not all members of the community will be able to purify themselves in time to take part in the festival.[26] Similarly, Christian Frevel has recently argued that Num 5:1–4, which commands that various categories of persons suffering from serious impurities be expelled from the community, represents "a very late compositional bridge between the book of Leviticus on the one hand and the book of Numbers on the other", which "links the purity conception of the book of Numbers with the final edition of the book of Leviticus".[27] However, this does not preclude the possibility that the supplementary instructions on purity in Numbers occasionally preserve earlier materials, especially in the case of the law of Num 19 on corpse pollution, which is obviously not of one piece.

Finally, there is evidence that the core collection of purity laws in Lev 11–16 continued to be supplemented and edited long after its initial composition. This is clear, in particular, in the case of the list of unclean birds in Lev 11 (and its parallel in Deut 14), which was preserved and transmitted in two distinct textual versions. In the Old Greek, the birds are listed in a different order and the raven is consistently missing from all the main manuscripts.[28] Likewise, the conclusion to Lev 16, at vv. 29–34a, is commonly regarded as a later supplement added in order to fit the ceremony described in Lev 16:2–28 into the calendar system laid out in Lev 23 (see 23:26–32).[29] Yet other instances of revision and supplementation can be identified within Lev 11–16, although they are usually less substantial.

Taken together, these observations indicate that the composition of the purity laws of the Pentateuch was the result of a complex, non-linear process, in which *a basic core of instructions in Lev 11–16 was gradually revised and expanded through additions both within and outside of these chapters*. In a sense, this non-linear process of revision and supplementation never stopped during the Second-Temple period, but continued through the various rewritings of these laws in various compositions such as the *Temple Scroll* (*TS*), the Damascus Document (CD), or 4QTohorot (4Q274, 276–278).

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[26] On Num 9:5–14 as a later supplement to Leviticus, see, e. g., Achenbach, *Vollendung der Tora*, 547–49; also Nihan, *Priestly Torah*, 571.

[27] Frevel, "Purity Conceptions," 400–5, here 405.

[28] On the textual history of the bird list of Lev 11 and Deut 14 in the Hebrew and Greek traditions, see Anna Angelini and Christophe Nihan, "Unclean Birds in the Hebrew and Greek Versions of Leviticus and Deuteronomy," in *The Text of Leviticus. Proceedings of the Third International Colloquium of the Dominique Barthelemy Institute, held in Fribourg (October 2015)*, ed. Innocent Himbaza, OBO 292 (Leuven: Peeters, 2020).

[29] See on this Nihan, *Priestly Torah*, 346–50, with additional references.

1.3 Genre and Comparative Evidence

The previous remarks raise further questions regarding the *genre* of the purity laws, and the scribal conventions defining their textualization. Like other priestly laws (e. g., the laws about sacrifices in Lev 1–7), the purity laws do not provide a comprehensive description of how the rituals are to be performed; rather, they focus on select aspects that define what one might call the *basic structure* of the ritual. Consider, for instance, the instruction for the purification of a man suffering from morbid genital discharges (Lev 15:14–15). The law specifies the time (eight days after the discharge has ended), the animals required (two turtledoves or pigeons), the place (the central sanctuary), and the way in which the animals must be offered (as a purification and a burnt offering respectively). All other details necessary to the successful performance of the ritual, however, are left unmentioned and are assumed to be known by the priest in charge of purifying the man. This situation is not specific to the priestly texts of the Pentateuch; rather, it is entirely consistent with the ritual structure attested in Western Asian ritual check-lists.[30] These check-lists, which are abundantly documented through cuneiform tablets from Mesopotamia, Asia Minor, and Syria (Mari and Ugarit, in particular), also tend to focus on a sequence of selected actions that form the basis of the ritual, while other details are assumed to form part of the background expertise required for the performance of this ritual. Furthermore, other key features of the priestly laws, such as the casuistic structure, chronological indications, as well as lists of cultic items used in the performance of the ritual, are also well attested in the Western Asian check-lists. As various scholars have suggested, it seems very likely that some of the priestly laws also originated in a genre of Israelite check-lists, which may have been used by priests at local and regional temples.[31]

There are, however, some substantial differences between the priestly instructions and Western Asian check-lists.[32] In general, ritual check-lists are practical texts used by ritual experts. In some cases we even have evidence for their actual

[30] For Ugarit, see Dennis G. Pardee, *Les textes rituels* (Paris: Ed. Recherche sur les Civilisations, 2000). While no single, rigid pattern can be observed, ritual texts from Ugarit generally include details concerning the date of a given ritual, the materials to be sacrificed, the recipient deities, possibly also the place where sacrifices are to be made. Other significant actions required for the performance of the ritual, such as the way in which the sacrificial animals are slaughtered, the distribution of sacrificial portions among divine and human participants, or even the ritual agents involved, are usually omitted from the description. Apparently, these aspects of the ritual performance were known by the practitioners and did not need to be written down.

[31] See, e. g., Nihan, *Priestly Torah*, 215–19 (with additional references); most recently Yitzhaq Feder, "The Textualization of Priestly Ritual in Light of Hittite Sources," in *Text and Ritual in the Pentateuch. A Systematic and Comparative Approach*, ed. Christophe Nihan and Julia Rhyder (University Park, PA: Eisenbrauns 2021), 121–50.

[32] On this point, see also the helpful discussion by Feder, "Textualization."

use.[33] By contrast, the priestly laws, in their present form, are part of a foundational narrative about the origins of "Israel" as an ethnic group, in the course of which these instructions are revealed by the deity to Moses (or Moses and Aaron in the case of the purity laws[34]) in order to be further disclosed to the community as a whole. (We will have more to say about this aspect of the priestly purity laws below; see 1.4). To be sure, the narrativization of rituals (i. e., the combination of rituals with narratives) is not unattested in the Western Asian world; one may think, for instance, of the story of El's divine feast in KTU 1.114, which ends in the last lines with a recipe, apparently for curing the effects of a hangover.[35] However, this phenomenon is not widely attested, and it is never found on a comparable scale to what we have in the priestly texts, where rituals are now construed as constitutive of Israel's group identity as it is defined in the Pentateuch.

In this regard, the narrativization of ritual in the priestly traditions (including rules for purification) results in a twofold, complementary development. On the one hand, the priestly instructions that they contain (a portion of which, at least, is derived from earlier traditions) enjoy a new authority and normativity by being presented as divine oracles transmitted through Moses, and valid for "all Israel." On the other hand, the community reading (and practicing) the Torah is now conferred a form of ritual knowledge that was previously reserved to priests and similar ritual experts; while this development does not abolish the distinction between priests and non-priests (on the contrary, it reinforces it), it does endow the community with a degree of control over priestly ritual performance. We will return to discuss this aspect of the priestly purity laws in greater detail below (see 2.4). In short, while the origins of the purity laws (like similar Western Asian instructions) are arguably found in the ritual check-lists used by Israelite priests at various sanctuaries, their textualization in the context of the priestly narrative of the Pentateuch reflects a complex negotiation between priestly and communal roles and responsibilities.[36]

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[33] For instance, in Ugarit a list of deified kings that was circulated in Ugaritic and Akkadian contains marks left by a scribe alongside the names of the king. These marks have been interpreted as "check marks" pointing to the effective usage of these lists in a sacrificial context; see Daniel Arnaud, "Prolégomènes à la rédaction d'une histoire d'Ougarit II. Les bordereaux de rois divinisés," *SMEA* 41, no. 8 (1998): 153–73, here 168; also Dennis G. Pardee, *Ritual and Cult at Ugarit,* WAW 10 (Atlanta, GA: SBL Press, 2002), 200.

[34] See Lev 11:1; 13:1; 14:33; 15:1. The introduction of Aaron as a recipient of the divine speech from Lev 11 onward follows the consecration of Aaron and his sons as priests in Lev 8–10. However, this phenomenon may also reflect the fact that matters of purity and pollution are typically seen as priestly expertise; cf. Lev 13:2; further Deut 24:8; Hag 2:10–14.

[35] See KTU 1.114, lines 29'–31' for the recipe. For the edition of the text, see Dennis G. Pardee, *Les textes para-mythologiques de la 24e campagne (1961)*, Ras Shamra-Ougarit 4 (Paris: Ed. Recherche sur les Civilisations, 1988), 13–74.

[36] This point was already observed, in particular, by James Watts, *Ritual and Rhetoric in Leviticus. From Sacrifice to Scripture* (Cambridge: Cambridge University Press, 2007), 55–61 and passim, who speaks of the shift of authority "from the priesthood to the book" in Leviticus.

1.4 Purity Regulations between Ideal and Practice

These observations raise larger questions concerning the purpose of the composition of the purity laws in the Pentateuch, and how they might have related to actual ritual practice. Traditionally, the pentateuchal pollution laws were thought to be highly practical, with the textualization of the purity instructions serving to literally codify the pollution rituals that were used in the major cults of ancient Israel.[37] Recent discussions of the pentateuchal purity legislation, however, have rightly challenged this classic interpretation.[38] They point to the setting of the purity laws at the imaginary wilderness shrine of the distant past as placing them at a significant distance – indeed, in a different sphere – from the cultic practice of ancient Israel in the Iron Age II or early Persian period, or, for that matter, any other period in Israel's history. Some scholars have even gone so far as to suggest that the scribes responsible for the pentateuchal purity instructions sought to provide an alternative to the tangible performance of the rites, through communal practices such as ritualized readings of the text.[39] Wesley Bergen, for instance, argued in his 2005 monograph *Reading Ritual* that the mere existence of such elaborate ritual prescriptions in Leviticus was "the sign of the absence of ritual."[40] However, this view is difficult to reconcile with the frequent mandates found in the priestly laws that the Israelites should conform to their ritual prescriptions, applying the descriptor *ḥuqqaṯ ʿôlām* "permanent statute" to certain laws and imploring the community to observe them *lᵉḏōrōṯeḵem* "throughout your generations."[41] In addition, the divine voicing of the pollution laws invests

[37] See, e. g., Anson F. Rainey, "The Order of Sacrifices in Old Testament Ritual Texts," *Bib* 51 (1970): 485–98; Joshua R. Porter, *Leviticus* (Cambridge: Cambridge University Press, 1976), 1; Hannah K. Harrington, "Interpreting Leviticus in the Second Temple period. Struggling with Ambiguity," in *Reading Leviticus. A Conversation with Mary Douglas*, ed. John F. A. Sawyer, JSOTSup 227 (Sheffield: Sheffield JSOT Press, 1996), 214–29.

[38] See, among others, Philip R. Davies, "Leviticus as a Cultic System in the Second Temple Period. Responses to Hannah K. Harrington," in *Reading Leviticus. A Conversation with Mary Douglas*, ed. John F. A. Sawyer, JSOTSup 227 (Sheffield: Sheffield JSOT Press, 1996), 230–37, here 233; James W. Watts, *Ritual and Rhetoric in Leviticus. From Sacrifice to Scripture* (Cambridge: Cambridge University Press, 2007), 29; Bryan D. Bibb, *Ritual Words and Narrative Worlds in the Book of Leviticus*, LHBOTS 480 (New York: T&T Clark, 2009), esp. 34–69; William K. Gilders, *Blood Ritual in the Hebrew Bible. Meaning and Power* (Baltimore, MA: Johns Hopkins Press, 2004), 9, 11; Rüdiger Schmitt, "Leviticus 14.33–57 as Intellectual Ritual," in *Text, Time and Temple. Literary, Historical and Ritual Studies in Levitcus*, ed. Francis Landy, Leigh M. Trevaskis, and Bryan D. Bibb, Hebrew Bible Monographs 64 (Sheffield: Sheffield Phoenix Press, 2015), 196–203.

[39] See, e. g., Erhard S. Gerstenberger, *Leviticus. A Commentary*, trans. D. W. Stott, OTL (Louisville, KY: Westminster John Knox Press, 1996), 10–17 and Frank H. Gorman, "Pagans and Priests. Critical Reflections on Method," in *Perspectives on Purity and Purification in the Bible*, ed. Baruch J. Schwartz et al., LHBOTS 474 (London: T&T Clark, 2008), 96–110, here 107–9.

[40] Wesley J. Bergen, *Reading Ritual. Leviticus in Postmodern Culture*, JSOTSup 417 (London: T&T Clark, 2005), 7.

[41] Cf. e. g., Exod 12:14, 17; 27:21; 28:43; 29:9; Lev 3:17; 7:36; 10:9; 16:29, 31, 34; 17:7; 23:14, 21, 31, 41; 24:3; Num 10:8; 15:15; 18:23; 19:10.

them with a heightened authority that seems aimed at ensuring that they be accepted as normative by the entire community. Why would this discursive device have been employed if the priestly scribes had no expectation of their legislation influencing ritual behavior for handling impurity in ancient Israel?

It is a false alternative to argue that the pentateuchal purity instructions either constituted a rigidly-prescriptive cultic manual, or, to the contrary, a disembodied thought experiment with few practical implications. The textualization of the purity instructions arguably involved a more symbiotic relationship between text and practice than the dichotomy "codification/literary invention" can allow. The rhetoric of the pentateuchal pollution laws strongly suggests that the priestly scribes aspired to shape actual ritual performance in ancient Israel through the writing of these materials. However, this does not mean that they imagined these laws to precisely mirror historical practice, or to provide an exhaustive guide for all matters pertaining to impurity. As anthropologists and ritual theorists have decisively shown, ritual practice has a performative and thoroughly dynamic character. This makes it fundamentally dissimilar to "written rituals," which appear unified and stable in ways that are rarely achieved in actuality.[42] In the words of Catherine Bell, "textual codification" invariably causes "a gap between what is written and what is done by promoting an ideal of uniformity and the elimination or marginalization of alternatives."[43]

Hence, even ritual texts that aim at regulating ritual behavior provide only a broad approximation of how rituals were actually performed that necessarily obscures the local differentiation and change that is intrinsic to ritual action. Returning to the example of Western Asian ritual check-lists, the existence of certain lists in more than one version, with important differences in how they describe the same ritual, demonstrates that these texts do not provide definitive insights into how rituals were always performed.[44] Rather, they might

[42] See, e.g., Catherine Bell, *Ritual Theory, Ritual Practice* (Oxford: Oxford University Press, 1992), 136–40; Caroline Humphrey and James Laidlaw, *The Archetypal Actions of Ritual. A Theory of Ritual Illustrated by the Jain Rite of Worship*, Oxford Studies in Social and Cultural Anthropology (Oxford: Clarendon Press, 1994); Christian De Pee, *The Writing of Weddings in Middle Period China. Text and Ritual Practice in the Eighth Through Fourteenth Centuries*, SUNY Series in Chinese Philosophy and Culture (Albany, NY: State University of New York Press, 2007), 242–46.

[43] Bell, *Ritual Theory*, 137.

[44] See, for instance, KTU 1.41 = RS 1.3, which describes the ritual for the month of the "first wine" (*r'iš yn*), during or immediately after the harvesting of grapes. The text has an almost identical parallel in KTU 1.87 = RS 18.56. However, the end of the ritual differs in the two texts; cf. ls 50–55 of KTU 1.41 and ls 54–57 of KTU 1.87, the latter preserving a much shorter version of the final act of the ritual. KTU 1.87 is also followed by a list of names and numbers (ls 5–61), possibly comprising a record of contributions made by various persons in the course of the celebration, which has no equivalent in KTU 1.41. On this see further G. del Olmo Lete, *Canaanite Religion According to the Liturgical Texts of Ugarit*, trans. Wilfred G. E. Watson (Winona Lake, IN: Eisenbrauns, 2004), 122–26.

have been intended to promote certain versions of a given ritual as particularly effective, while positioning the list's owners as ritually competent, owing to their knowledge of an efficacious ritual sequence.[45]

This observation, in turn, suggests that the scribes responsible for the pentateuchal purity laws were less concerned with codifying rituals with realistic precision than with elevating *certain versions* of core purity rites to a position of discursive superiority. This conclusion is supported by recent archaeological findings that suggest that some of the purity rules textualized in the Pentateuch preserve customs that were well established in particular regions of ancient Israel, but less so in others. For instance, recent zooarchaeological analyses led by Lidar Sapir-Hen and Meriav Meiri suggest that the prohibition of the pig in Lev 11:7 and Deut 14:8 reflects an established dietary custom in the territory of Judah in the Iron Age II B and C, where pig bones are rarely attested in faunal deposits. By contrast, the custom of pig avoidance seems not to have been widely practiced in the kingdom of Samaria, especially the northern lowlands, where pig consumption is still well attested in the Iron II.[46] By commanding all Israel to adopt the prohibition of pig, the purity regulations preserved in Lev 11 and Deut 14 thus appear aimed at promoting a local custom, perhaps one that was especially familiar to Judean elites, as normative for the community as a whole.

Other purity laws, however, may have aimed at fostering pollution rites and dietary customs that had little or no precedent in local or regional practices but were rather largely innovative. For instance, fish bones discovered in Iron Age II strata in Jerusalem, Ramat Raḥel, and other sites in Judah include a species of fish, the Nile Catfish, which would presumably have been defined as unclean according to the biblical legislation.[47] Such evidence could suggest that the rulings on impure fish in Lev 11 and Deut 14 classified as unclean a fish species that most

[45] On these aspects of Western Asian ritual texts, see further Patrick M. Michel, "Between Text and Ritual. The Function(s) of the Ritual Texts from Late Bronze Age Emar (Syria)," in *Text and Ritual in the Pentateuch. A Systematic and Comparative Approach*, ed. Christophe Nihan and Julia Rhyder (University Park, PA: Eisenbrauns, 2021), 107–20.

[46] See Meirav Meiri, et al., "Ancient DNA and Population Turnover in Southern Levantine Pigs. Signature of the Sea Peoples Migration?" *Scientific Reports* 3, no. 3035 (2013), doi:10.1038/srep03035; Lidar Sapir-Hen et al., "Iron Age Pigs. New Evidence on Their Origin and Role in Forming Identity Boundaries," *Radiocarbon* 57 (2015): 307–15; Lidar Sapir-Hen, et al., "Pig Husbandry in Iron Age Israel and Judah. New Insights Regarding the Origin of the 'Taboo'," *ZDPV* 129 (2013): 1–20.

[47] See further Hanan Lernau and Omri Lernau, "Fish Bone Remains," in *Excavations in the South of the Temple Mount. The Ophel of Biblical Jerusalem*, ed. Eliat Mazar and Benjamin Mazar, Qedem 29 (Jerusalem: Hebrew University of Jerusalem. Institute of Archaeology, 1989), 155–61.While the Nile Catfish does have scales, these are not visible to the naked eyes, which is why the Talmudic law does not include it among the kosher animals. See, e.g., Abra Spiciarich, "Identifying the Biblical Food Prohibitions Using Zooarchaeological Methods," in: *Food taboos and biblical prohibitions* (ed. Peter Altmann, Anna Angelini and Abra Spiciarich; ArBi 2; Tübingen: Mohr Siebeck, 2020), 57–72, here 61.

people had no qualms about eating. A further example is the law of Lev 12 concerning pollution caused by bleeding during childbirth. While several biblical texts refer to mandatory donations to the temple for the firstborn of both humans and animals, the obligation defined in Lev 12 for the new mother to bring sacrifices to the temple for *every* newborn is never mentioned in any other biblical text.[48] Although it is difficult to know for certain, owing to the nature of the surviving evidence, there is a strong possibility that the obligation imposed on the mother in Lev 12 is not traditional, but rather reflects the innovation of the scribes who composed the priestly purity regulations.

The relationship of the pentateuchal pollution laws to ancient Israelite purity customs was therefore complex; and we need to consider a range of possibilities, extending from the adaptation of regional customs (as in the case of the prohibition of the pig) to the introduction of wholly new practices and obligations.[49] What seems clear, however, is that the textualization of the pentateuchal purity rules encouraged the community to adopt a *common set of purity regulations*, such that purity matters were no longer determined on a purely local or regional level. Hence, one possibility worth considering when seeking to reconstruct the purposes of the textualization of the purity laws is that these regulations were intended to provide a shared "standard," of sorts, for determining the most important rites for the handling of impurity in Israel.[50] Such a standard left room for innovation and custom – it did not require total congruence between the letter of the law and cultic practice – but it affirmed the need to recognize at least a core set of norms and practices that might unite the community in its shared task of mitigating the risk of defilement.[51] Despite the probable origins of some of the rites as local customs, and others as the innovations of a (presumably) small group of priestly scribes, they are positioned as forming an idealized standard for the community as a whole, normative at all times and in all locations.

This articulation of a standard for the handling of impurity is facilitated by the framing of the pollution laws as the revelation of Yhwh during an idealized time of socio-cultic unity – when all Israel joined in service to a shared shrine, which housed the god *bᵉṯôḵ* "in the middle" of the community.[52] In such a context of

[48] As pointed out by James W. Watts, "Texts Are not Rituals and Rituals Are not Texts, with an Example from Leviticus 12," in *Text and Ritual in the Pentateuch. A Systematic and Comparative Approach*, ed. Christophe Nihan and Julia Rhyder (University Park, PA: Eisenbrauns, 2021), 172–87.

[49] Thus, it is too simplistic to claim that the legislation of Lev 11–15 merely builds upon existing practices; see, e.g., T. M. Lemos, "Where There Is Dirt, Is There System? Revisiting Biblical Purity Constructions," JSOT 37 (2013): 265–294, here 282.

[50] On the link between textualization and standardization, see further Catherine Bell, "Ritualization of Texts and Textualization of Ritual in the Codification of Taoist Liturgy," *HR* 27 (1988): 366–92, here 390.

[51] For a similar point, see also the recent essay by Frevel, "Texture of Rituals," 206–211.

[52] See, e.g., Exod 29:45–46; 40:34–35; Num 2:17 etc.

unified service to a single shrine, it followed that there had to be a central set of purity regulations to adequately ensure its protection. Indeed, the importance of the priestly rules for protecting the central shrine is explicitly affirmed at key points of the priestly purity regulations; for instance, Lev 15:31 concludes the pollution regulations of Lev 11–15 by commanding Moses and Aaron "You must set apart the Israelites from their impurity, lest they die because of their impurity by defiling my habitation that is in the middle of them (*ʾeṯ-miškāni ʾašer bᵉṯôḵām*)." The purity regulations found in the book of Deuteronomy likewise form part of a larger description of how the community of Israel must organize key socio-cultic practices once Yhwh has chosen a central *māqôm* "place" in the land for his sacrificial cult.

The concern to articulate a written standard for the handling of impurity in the Pentateuch might therefore have originated as part of a broader strategy of normalizing the value of cultic centralization.[53] By mobilizing the authority of a foundational narrative of the past, it establishes a set of norms on ritual matters, which would have typically been negotiated by local shrines within specific locales, to function as a communal standard for the handling of impurity throughout all Israel, and beyond. This, in turn, entrenched the expectation that the Israelites would not embrace myriad approaches to the handling of impurity without regard for the pentateuchal regulations. Rather, they should conceive their ritual obligations according to the set of cultic norms that emanated from a central shrine, whose protection and maintenance was their collective responsibility.

Thus, despite all the uncertainty that surrounds the context in which the pentateuchal purity regulations were written, and their relationship with actual ritual practice in ancient Israel, the textualization of the pentateuchal pollution laws might be read as shedding valuable light on how the priestly families associated with (a) central shrine(s) in ancient Israel sought to consolidate their authority and direct communal attention towards their temple institutions. The question of which central shrine such a process of textualization might have been associated touches on the issue of the dating of these texts. While, as mentioned (see 1.2), the purity laws of the Pentateuch are the result of a complex compositional process, which most likely began in the Iron Age II, the decision to embed the purity regulations within the narrative context of Israel's foundational cult is arguably not earlier than the Neo-Babylonian or (more likely) Persian period.[54] In such a context, the pentateuchal purity regulations might provide insights into how scribes associated with the rebuilt temple of Jerusalem, and perhaps also the newly constructed shrine on Mount Gerizim, used the textualization of

[53] On the connection between cultic centralization and standardization in ancient Israel, see further Rhyder, *Centralizing the Cult*, 10–11, 136–42.

[54] See further the detailed discussion at Nihan, *Priestly Torah*, 379–94.

purity instructions to direct collective attention towards their central sanctuaries and priestly officiants.[55] In particular, the purity regulations entrench the socio-cultic value of deferring to a central standard when deciding the most important matters of purity and pollution, in recognition of the collective responsibility to service and protect a shared, central sanctuary. In turn, the promotion of standardized pollution regulations would have invested the priesthoods associated with these sanctuaries with augmented authority. Presumably, the priestly groups at Jerusalem and Gerizim could claim the greatest affinity with, and competence in, interpreting and applying the texts in situations of impurity. The Israelite community, meanwhile, was presented with an obligation to defer, as much as was feasible, to the authority of the priestly tradents from which the ritual standard was emanating, as the deity's appointed specialists in controlling pollution.

This would not have afforded the priestly groups at the central shrines of Jerusalem and Gerizim absolute control over the handling of impurity in Israel (see further 2.4). Indeed, one of the key consequences of the textualization of ritual was the emergence of a written authority that could be used in different ways by different groups – ways which were not necessarily anticipated by the priestly scribes who composed them.[56] As the direct speech of Yhwh, the pollution laws could effectively supersede the authority of the priests, such that their ritual conduct could be deemed improper if its flouts the standard that the deity had allegedly laid out in the text. The Pentateuch could thus eventually offer a source of cultic authority whereby Judeans and Samaritans, beyond the priestly families associated with Gerizim or Jerusalem, could comment on the ritual conduct of the priesthood, or claim legitimacy for themselves on the grounds that their practice stands in greater alignment with the ritual standard laid out in the text.[57] As the ritual standard laid out in the Pentateuch grew in authority, so too

[55] On the question of the potential influence of both Judean and Samarian scribes in the formation of the Pentateuch, see, among others, Christophe Nihan, "The Torah Between Samaria and Judah. Shechem and Gerizim in Deuteronomy and Joshua," in *The Pentateuch as Torah. New Models for Its Promulgation and Acceptance*, ed. Gary N. Knoppers and Bernard M. Levinson (Winona Lake, IN: Eisenbrauns, 2007), 187–223; Gary N. Knoppers, "Parallel Torahs and Inner-Scriptural Interpretation. The Jewish and Samaritan Pentateuchs in Historical Perspective," in *The Pentateuch. International Perspectives on Current Research*, ed. Thomas Dozeman, Konrad Schmid, and Baruch J. Schwartz, FAT 78 (Tübingen: Mohr Siebeck, 2011), 507–31, here 530; Walter J. Houston, "Between Salem and Mount Gerizim. The Context of the Formation of the Torah Reconsidered," *JAJ* 5 (2014): 311–34.

[56] On this aspect of ritual textualization, see further Bell, *Ritual Theory*, 137.

[57] This can be observed in the various Second-Temple traditions that level critiques against the priests officiating at the temple of Jerusalem for their apparent failure to properly implement the law in the handling of impurity. This seems to apply to some of the writings of the community at Qumran. While it can be difficult to precisely reconstruct the relationship between this community and the Jerusalem temple institution, there remain strong grounds to assume that many of the polemics against ritual defilement found in materials such as 4QMMT and CD are directed, at least in part, against the priests at Jerusalem, who are accused of having compromised the temple cult by failing to properly implement the purity laws; on this see, e. g.,

would the need to balance claims to ritual agency in handling impurity with those of textual expertise in interpreting and commenting upon the law in the mitigation of pollution among the community.

1.5 The Reception of the Pentateuchal Purity Regulations

How, then, can we measure the influence of the purity texts of the Pentateuch and their standardizing tendencies on how purity was handled in ancient Israel? The lack of surviving historical evidence makes it very difficult to answer this question with reference to the period prior to the Hellenistic era. However, we do have at our disposal select texts of the Prophets and the Writings from the Persian or early Hellenistic periods that imagine the ritual texts of the Pentateuch as providing a standard of sorts for shaping later purity practices, even if these were characterized by considerable innovation and adaptation of the pentateuchal legislation.

For instance, in the account of Hezekiah's Passover in 2 Chr 30 the king is said to send an invitation to all of Israel and Judah to travel to Jerusalem to celebrate a centralized Passover in the second month, rather than the first, "because the priests had not been consecrated in sufficient number, nor had the people been gathered to Jerusalem" (2 Chr 30:3). When the pilgrims gather to celebrate in Jerusalem, they fail to perform the Passover according to written precedent, "for a multitude of the people, many from Ephraim, and Manasseh, Issachar and Zebulun, had not purified themselves, yet they ate the Passover – not as it is written (*bᵉlōʾ ḵakkāṯûḇ*)!" While the Chronicler does not state which specific text the pilgrims violated by eating the Passover in an unclean state, the claim that the Passover was eaten *bᵉlōʾ ḵakkāṯûḇ* seems most likely to be a reference to Num 9. As mentioned above (see 1.2), this text is the only passage of the Hebrew Bible that raises the possibility of moving the Passover to the second month, and which forbids the consumption of the Passover by unclean members of the community.[58] The Chronicler's concern that the pilgrims engaged in behavior that

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Charlotte Hempel, *The Damascus Texts*, CQS 1 (Sheffield: Sheffield Academic Press, 2000), 60–65 and Hanne von Weissenberg, "The Centrality of the Temple in 4QMMT," in *The Dead Sea Scrolls. Texts and Context*, ed. Charlotte Hempel, STDJ 90 (Leiden: Brill, 2010), 293–305. The emergence of the Pharisees during the Hasmonean period also reveals how the textualization of the pollution laws enabled new groups in Israel, with no claim to priestly authority, to claim a greater level of expertise in applying the purity laws than that of the Jerusalem priesthood; see further Eyal Regev, "Pure Individualism. The Idea of Non-Priestly Purity in Ancient Judaism," *JAJ* 31 (2000): 176–202. Such cases helpfully illustrate how the textualization of the pollution laws eventually opened new avenues for the negotiation and construal of authority in Second-Temple Judaism.

[58] Certain similarities in the wording of 2 Chr 30:3 (*lōʾ yoḵlû laʿᵃśōṯô bāʿeṯ hahiʾ*) and Num 9:6 (*wᵉlōʾ-yoḵlû laʿᵃśōṯ-happesaḥ bayyôm hahûʾ*) add weight to the idea that the Chronicler had the text of Num 9 in mind. On this see further Thomas Schaack, *Die Ungeduld des Papiers. Studien zum alttestamentlichen Verständnis des Schreibens anhand des Verbums katab im Kon-*

contravened written purity regulations suggests that he considered the purity texts of the Pentateuch to offer relevant guides for how ritual action should be ideally configured – a conclusion that is consistent with the theory that the pentateuchal texts served to establish a central ritual standard. However, the normative authority of the law still left room for ritual interpretation, adaptation, and supplementation, according to the context and the ruling of communal officials. This can be clearly seen in the solution the Chronicler presents for the pilgrims who ate the Passover while unclean: the king prays for the people, asking Yhwh to atone for their mistake, and successfully ensures that the people are healed (vv. 18b–19). While this royal intervention has no precedent in the pentateuchal purity texts, it illustrates the apparent flexibility with which written norms could be applied and new ritual solutions found to mitigate impurity, even by those who accepted the normative authority of the pentateuchal purity regulations.

This creativity when applying the pentateuchal purity regulations can be observed in other texts of the late Persian and early Hellenistic periods that use the priestly language of pollution to justify new social prohibitions aimed at preserving the purity of the Israelite community. This can be most notably observed in the narratives of Ezra 9–10 concerning the expulsion of foreign wives from Judah. As we discuss in greater detail below (see 2.4), these narratives draw on the vocabulary of priestly texts, such as Lev 18:24–30, as well as other pentateuchal materials, especially Deut 7:1–3 and 23:2–9, so as to cast the ban on intermarriage as reactivating an older Mosaic custom that had not yet been properly implemented.[59] Ezra 9–10 therefore again suggests that, while the pollution laws were thought to serve as exemplars for later purity practices by the late Persian and early Hellenistic periods, there remained much fluidity and flexibility in their interpretation and application, such that they could be used to justify new social regulations that had not been anticipated by the pentateuchal authors.

By Hellenistic times, we have at our disposal a much larger range of sources that attest to the influence of the pentateuchal pollution regulations on purity practices of ancient Judeans. However, even within these sources, the evidence for the reception of these texts remains complex and diverse. First of all, many of the texts that describe the application of the pentateuchal pollution laws remain of a highly literary nature and lack extra-textual evidence against which they might be compared. For instance, the *Letter of Aristeas* from the late second century BCE provides one of the earliest claims that Jews followed the Mosaic laws for clean and unclean animals, which the author contrasts to Egyptian

text administrativer Vorgänge (BZAW 262; Berlin: de Gruyter, 1998), 108 and Julia Rhyder, "The Reception of Ritual Laws in the Early Second Temple Period. Evidence from Ezra-Nehemiah and Chronicles," in *Text and Ritual in the Pentateuch. A Systematic and Comparative Approach*, ed. Christophe Nihan and Julia Rhyder (University Park, PA: Eisenbrauns, 2021), 255–79.

[59] See further Juha Pakkala, *Ezra the Scribe. The Development of Ezra 7–10 and Nehemia 8*, BZAW 347 (Berlin: de Gruyter, 2004), 108–18 and Harrington, *Purity*, 117–18.

dietary customs and hails as evidence of the superior wisdom of the Jewish divinity, and the lawgiver Moses (*Let. Aris.,* see 128–138).[60] This passage seems to presuppose that the Jews living in Alexandria were assumed to follow a diet that was informed by the pentateuchal purity laws, and which they considered to differentiate them from non-Judeans in Egypt. Nonetheless, the main concern of the text is not to promote the literal application of Lev 11 // Deut 14 among Alexandrian Jews, but rather to demonstrate that Jewish traditions, especially the Mosaic laws, have the same cultural prestige as Hellenistic cultural patterns. The letter therefore offers an allegorical and symbolic interpretation of the dietary laws that has no real parallel in the Hebrew Bible.[61] Furthermore, the absence of external evidence makes it is difficult to verify whether ordinary Jews in Alexandria did indeed conform their diet to the pentateuchal pollution laws in the manner which the *Letter* describes, or whether alternative approaches to determining the purity of food might have persisted among other communities of Jews living in Ptolemaic Egypt.

The books of 1 and 2 Maccabees likewise contain highly literary accounts of how Judeans living under Seleucid rule in Judea sought to uphold the pentateuchal purity laws. Most notably, 2 Macc 6:18–7:38 describes how a certain scribe named Eleazar, as well as seven brothers and their mother, refused to eat the meat of sacrificed pig because it transgressed *tous patrious nomous* "the laws [or customs] of our fathers." While *nomoi patrioi* is a complex expression in Greek that does not always refer to a specific corpus of laws, in the case of 2 Macc 6:18–7:38 there seems little reason to doubt that the pentateuchal laws that deemed the pig unclean would have been included in the ancestral customs that the brothers considered pig sacrifice to transgress. This story therefore strongly suggests that, in the eyes of the author of these accounts, the pentateuchal purity regulations played an important role in determining which animals the Judeans were permitted to sacrifice and eat.[62] However, the clearly legendary character of the stories of 2 Macc 6:18–7:38 makes it difficult to reconstruct, on the basis of these materials alone, how the dietary laws actually shaped purity practices in second-century Judea.[63]

A second and related complication is therefore how scholars might establish the relevance of Hellenistic texts that describe the application of pentateuchal

[60] On this see further Anna Angelini, "The Reception and Idealization of the Torah in the *Letter of Aristeas*. The Case of the Dietary Laws," *HeBAI* 9.4 (2020): 435–47.

[61] On this see further Benjamin G. Wright, *The Letter of Aristeas. 'Aristeas to Philocrates' or 'On the Translation of the Law of the Jews'*, CEJL 8 (Berlin: de Gruyter, 2015), 276–77.

[62] On the literary history of 2 Macc 6:18–7:38, and the possibility that these verses stem from a distinct source within the book of 2 Maccabees, see Daniel R. Schwartz, *2 Maccabees*, CEJL (Berlin: de Gruyter, 2008), 20–25.

[63] Legendary details include the claim in 2 Macc 7 that Antiochus IV was present in Judea and personally compelled the sons to eat the sacrificial pig meat, as well as the symbolic number of sons – seven – who notably remain anonymous.

purity instructions beyond the small pockets of the Judean community with which the texts were primarily associated. This problem is especially apparent when analyzing the manuscripts from Qumran, such as *Serekh ha-Yaḥad* or CD that seek ways to apply the pentateuchal pollution instructions in everyday practice.[64] While these documents give vivid insights into how the purity rituals at Qumran were influenced by pentateuchal instructions, the relevance of these sources *beyond* that community is difficult to determine. Little evidence survives with which we might reconstruct the purity practices of the broader population of Judea in the second and first centuries BCE; and that which does remain is often difficult to interpret. For instance, the archaeological evidence of stepped pools in Judea has long been considered to demonstrate the ubiquity of ritual bathing in Judea at the turn of the common era. However, a substantial scholarly debate now surrounds the possible non-ritual function of many of these pools in the context of agricultural or other domestic practices.[65] Moreover, the archaeological remains of stepped pools in themselves do not affirm a general concern to apply the pentateuchal pollution instructions in Greco-Roman Judea, since such pools are not assigned a specific role in the biblical purity regulations.[66]

Finally, certain Hellenistic sources that claim to implement authoritative purity traditions actually contain significant additions when compared to the biblical materials. This suggests that the biblical text, while undoubtedly influential, did not hold a monopoly on how matters of purity and pollution were conceived during this time. Rather, a complex and multifaceted set of rituals and customs seems to have been in play. This is particularly illustrated by Josephus's report (*Ant.* 12.145–47) of the alleged decision made by Antiochus III (242–187 BCE) in favor of the city of Jerusalem. The historicity of the decision is difficult to verify; and some of Josephus's claims, such that Antiochus published the decision as a decree "throughout his empire," are historically improbable.[67] Nonetheless, it seems likely that Josephus drew on an earlier source of Antiochus's decision concerning Jerusalem, which recorded certain actions that were prohibited in the city so as to prevent the purity of the city and its temple from being

[64] See, for instance, 1QS 3:4–5, 8–9 and their interpretation and expansion of biblical instructions for the use of *my nḏh* "purification water" in various types of purification rituals; on this see further Michael A. Daise, "Ritual Density in Qumran Practice. Ablutions in the *Serekh ha-Yaḥad*," in *New Perspectives on Old Texts. Proceedings of the Tenth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 9–11 January, 2005*, eds. Esther G. Chazon and Betsy Halpern-Amaru, STDJ 88 (Leiden: Brill, 2010), 51–66.

[65] On this complex issue, see now the contribution by Joseph Scales in this volume and the literature cited there.

[66] On this matter see Cecilia Wassén, "Stepped Pools and Stone Vessels. Rethinking Jewish Purity Practices in Palestine," *BAR* 45, no. 4 (2019), doi:https://www.baslibrary.org/biblical-archaeology-review/45/4/10.

[67] See further Sylvie Honigman, *Tales of High Priests and Taxes. The Books of the Maccabees and the Judean Rebellion against Antiochos IV*, HCS 56 (Oakland, CA: University of California Press, 2014), 400–401.

compromised.[68] Crucially, the content of the decree stipulates that no visitor to Jerusalem may bring the flesh or skins of non-sacrificial animals into the city, or breed them within its precincts. There is no biblical law concerned with the impurity of animal skins. The concern to avoid the transportation of non-sacrificial animal skins in Jerusalem seems rather to reflect the attempts of the Jerusalem priesthood to exert their right to control the city's market. A similar restriction on bringing non-sacrificial animals into the city is also preserved in the Temple Scroll, which prohibits the action of transporting the skin of clean animals slaughtered outside the sacred city into its precincts (11Q19 47:7–8, 13–17).[69] 4QMMT B 18–23 likewise call on the priesthood to refrain from bringing vessels made from the hides of unclean animals into the temple.[70] Neither 11Q19 nor 4QMMT precisely mirrors the customs cited in Antiochus's edict; for instance, 11Q19 and 4QMMT show no concern to prohibit live non-sacrificial animals from being bred within the city.[71] Rather, they illustrate the plurality of customs related to the purity of animals that were at play in the Hellenistic period.

In sum, the earliest reception of the pentateuchal purity laws suggests that later readers considered these regulations to provide authoritative guides for how pollution should be handled in the community of Israel. However, the state of the surviving evidence makes it difficult to reconstruct the precise extent to which the laws were, in fact, known and practiced by ancient Judeans in the Second-Temple period beyond small groups of literate elites. In addition, the acceptance of the authoritative status of the purity laws by later readers did not preclude new interpretations of the pentateuchal text that produced significant innovations in the practice of purity rites. Entirely new purity customs could also be instigated, even while claiming to faithfully follow the law in regulating impurity.

2. Broadening the Scope

While the first part of this essay was devoted to presenting the evidence for concepts of purity and impurity in the Hebrew Bible and the earliest reception of the pentateuchal pollution laws, the second part moves on to broader interpretive and theoretical issues. In particular, we will discuss four related topics: (a) the

[68] See further Elias J. Bickerman, "A Seleucid Proclamation concerning the Temple in Jerusalem," in *Studies in Jewish and Christian History. A New Edition in English including "The God of the Maccabees"*, ed. Amram D. Tropper, Ancient Judaism and Early Christianity 68/1 (Leiden: Brill, 2007), 357–75.

[69] Yigael Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983), 2:201–5.

[70] Elisha Qimron and John Strugnell, *Qumran Cave 4, V. Miqṣat Maaśe Ha-Torah*, DSS (Oxford: Clarendon Press, 1994), 48–49.

[71] As noted by Lawrence H. Schiffman, "The Prohibition of the Skins of Animals in the Temple Scroll and Miqsat Ma'aseh haTorah," in *Proceedings of the Tenth World Congress of Jewish Studies (Division A)* (Jerusalem: World Union of Jewish Studies, 1990), 191–98, here 193.

distinction between various types of impurity in the Hebrew Bible and the extent to which they can be seen as forming one or more "system(s)"; (b) the relevance but also shortcomings of structuralist and symbolic approaches to purity and impurity, especially in the wake of Mary Douglas's seminal 1996 monograph, *Purity and Danger*;[72] (c) the role of metaphor and metaphorization processes in the formation and transmission of concepts of purity and impurity in the Hebrew Bible; and (d) the social dynamics involved in biblical impurity and purification rituals, especially from the perspective of ritual agency.

2.1 Two Systems of Purity and Pollution in the Hebrew Bible?

Scholars have long observed that the Hebrew Bible seems to distinguish two main sources for impurity.[73] One, which is described in detail in Lev 11–16, Num 19, and other priestly texts of the Pentateuch, is concerned with various forms of unintentional defilement, which have their source in diverse biological phenomena such as birth (Lev 12), death (Num 19), various forms of skin-disease (Lev 13), or morbid genital secretions (Lev 15).[74] Such impurities temporarily prohibit access to the cult,[75] although they can usually be removed with the appropriate ritual, depending on their degree of severity; for this reason, they have typically been designated "ritual" impurities. The other main source of impurity is frequently mentioned in the Latter Prophets (especially Jeremiah and Ezekiel), although it is also found in the Pentateuch and some Writings (like Psalms), and is related to various forms of moral transgression, such as worshipping other deities or illicit sexual interactions. Jonathan Klawans devoted an important monograph to these two categories, which he believes form two distinct yet complementary "systems" of pollution in the Hebrew Bible and later Jewish traditions.[76] Klawans observes, in particular, that both systems identify categories of impurity according not only to their source, but also according to other parameters, such as their duration and their effects.[77] "Ritual" impurities are typically unintentional (since they are caused by unwanted biological phenomena), temporary, and cause contamination through direct contact; as noted above, they can usually be removed by performing the appropriate ritual. "Moral" impurities, on the other hand, are

[72] Mary Douglas, *Purity and Danger. An Analysis of Concepts of Pollution and Taboo* (London: Routledge and Kegan, 1966).

[73] The distinction between these two basic sources of impurity in the Hebrew Bible is already found, for instance, in Adolf Büchler, *Studies in Sin and Atonement in the Rabbinic Literature of the First Century* (London: Oxford University Press, 1928), 212–69. Büchler terms them "levitical" and "spiritual" or "religious" impurity, respectively.

[74] On the various sources of biological pollution in Lev 11–16 and related passages of Leviticus, see Nihan, "Forms and Functions," 321–38, with additional references.

[75] See, e.g., Lev 15:31.

[76] Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (New York: Oxford University Press, 2000).

[77] For the Hebrew Bible, see Klawans, *Impurity and Sin*, 21–42.

unnatural and intentional, since they represent transgressions of the social order. They tend to be permanent, or at least have no assigned duration (contrary to what is the case for most ritual impurities), and do not appear to be communicated through direct contact, although they are said in several texts to pollute the land and/or the sanctuary. Unlike the first category of impurities, they cannot be removed through ritual performance, but rather require atonement or punishment.

Klawans's work is important because, building on the work of other scholars like Adolf Büchler or Jacob Milgrom, it offers an attempt to identify the main native classification of impurities within the Hebrew Bible, and to understand the logic of that classification. Consequently, since the publication of his monograph in 2000, Klawans's analysis has been adopted by a number of scholars.[78] Arguably the main strength of Klawans's argument is that it demonstrates that the distinction between the two types of impurities needs to consider other parameters beyond merely the source of the pollution, and to offer a comprehensive model that can accommodate such additional factors. Having said that, there are issues with his idea that the two categories of impurity comprise distinct "systems" in the Hebrew Bible.[79]

To begin with, Klawans's attempt to designate these two categories as "ritual" and "moral" impurities is not entirely felicitous. The notion that ritual and ethics would have comprised separate domains in ancient Israel goes back to nineteenth century protestant theologians (especially from the liberal tradition), but has long been proven to be in many ways inaccurate and anachronistic.[80] Likewise, it is questionable whether the use of the ritual/moral pair to denote the two categories of impurity can do justice to what effectively differentiates them.[81] After all, "moral" impurities also have substantial ritual implications, since various texts of the Hebrew Bible describe them as polluting the sanctuary of Yhwh.[82] Conversely, the instructions devised for dealing with ritual impurities

[78] See, e. g., Christine E. Hayes, *Gentile Impurities and Jewish Identities. Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002) and John Barton, *Ethics in Ancient Israel* (Oxford: Oxford University Press, 2014), 185–210.

[79] For a critique, see already Jacob Milgrom, "Systemic Differences in the Priestly Corpus. A Response to Jonathan Klawans," *RB* 112 (2005): 321–29; also Thomas Kazen, "Dirt and Disgust. Body and Morality in Biblical Purity Laws," in *Perspectives on Purity and Purification in the Bible*, eds. Baruch J. Schwartz et al., LHBOTS 474 (London: T&T Clark, 2008), 43–64, esp. 44–45.

[80] In the case of prophetic texts, see, e. g., Göran Eidevall, *Sacrificial Rhetoric in the Prophetic Literature of the Hebrew Bible* (Lewiston, ME: The Edwin Mellen Press, 2012), esp. 77–136 regarding the meaning of prophetic passages that are critical of the cult.

[81] To be fair, Klawans himself is aware of the difficulties involved in the use of these terms, and insists (*Impurity and Sin*, 22) that he does not oppose the categories of "ritual" and "moral." He does not, however, acknowledge that these terminological difficulties actually point to larger issues in the attempt to systematically delineate between these types of impurity. See further the discussion below.

[82] See esp. Jer 7:30; 32:34; Ezek 5:11; 23:28. See also Lev 16:16; 20:2–5, and further below on this.

are not merely concerned with participation in rituals and access to the sanctuary. Many of the phenomena described in the core collection of Lev 11–16 and related texts are concerned with what the Indologist Louis Dumont called "the irruption of the biological into social life" (*l'irruption du biologique dans la vie sociale*), and thus with the generally unintentional character of those impurities.[83] These texts are therefore primarily concerned with issues of one's control over one's body and physical environment. Loss of control over one's body, either through ingestion of unclean food (Lev 11:2–23), contact with a carcass (Lev 11:24–40) or through the sudden eruption of uncontrolled biological phenomena, such as the appearance of marks on the flesh (Lev 13), or morbid genital discharges (Lev 15), signifies a temporary incapacity to participate in the cult. But it also goes beyond this: loss of control over one's body also means seclusion within one's household (e. g., Lev 15), and in some instances, such as *ṣārāʿat* "skin disease", even expulsion from the community.[84] The description of these impurities as "ritual impurities" fails to capture the full range of the phenomena described in Leviticus and Numbers. In short, the distinction between two categories of impurities, one originating in biological sources, the other in transgressions of the social norm, is not easily mapped onto the distinction between "ritual" and "moral." "Moral" impurities can also have ritual implications, while the so-called "ritual" impuries are not only concerned with participation to ritual activities but also, more broadly, with the integrity of the body and of the community. Here, biblical scholars should consider the relevance of categorial distinctions adopted in other areas of ancient studies, such as, especially, the distinction between "external" and "internal" impurities, which is common in scholarship on ancient Greece. In the end, however, it must be acknowledged that no designation is entirely free of problems, and therefore satisfying.

Yet there is a more basic issue with Klawans's interpretation of the evidence, which has to do with his attempt to define moral impurities as a distinct, fully articulated, and consistent system alongside physical impurities. As a matter of fact, there is no comprehensive set of rules for dealing with moral impurities equivalent to those for unintentional impurities in Lev 11–16, be it in the Pentateuch or in other parts of the Hebrew Bible. As a result, a substantial portion of the "system" reconstructed by Klawans for moral impurities is, in effect, based on

[83] Louis Dumont, *Homo hierarchicus. Le système des castes et ses implications* (Paris: Gallimard, 2015), 85. For an attempt to apply more systematically this category to the impurities described in Lev 11–16, see Nihan, "Forms and Functions," 321–38, esp. 329–34. Klawans himself comes close to a similar definition when he states (*Impurity and Sin*, 23) that "[r]itual impurity comes from direct or indirect contact with a number of natural sources including childbirth (Lev 12:1–8), scale disease (Lev 13:1–14:32), genital discharges (Lev 15:1–22), the carcasses of certain impure animals (Lev 11:1–47) , and human corpses (Num 19:1–22)."

[84] See Lev 13:45–46 and also Num 5:1–4, which lists additional cases of severe impurities requiring expulsion from the camp, including men and women affected by morbid genital discharges and persons affected by corpse impurity.

inferences and arguments from silence. For instance, on the basis of certain passages like Num 5:11–31, where a woman suspected of adultery by her husband is brought before the priest at the sanctuary, Klawans infers that moral impurities, contrary to physical ones, "do not produce ritual defilement."[85] However, a different view is expressed in other passages of the Hebrew Bible. Haggai 2:12–14 compares the Israelites with a person affected by corpse impurity (*ṭĕmē'-nepeš*): just as holy foods are inevitably defiled through contact with this person (2:13),[86] so are the offerings brought by the Israelites *ṭm'*, ritually "unclean" (2:14). The larger context of this passage implies that the state of defilement associated with the Israelites is rooted in their behavior, especially their refusal to rebuild the temple.[87] Here, therefore, we have an example of moral impurity producing ritual defilement. The analogy used in this text also implies that moral impurity can have ritual effects similar to those of the most serious form of physical pollution, namely, corpse impurity. The same notion is also found, for instance, in Mal 3:3, which announces the coming of an angel to "purify" (*ṭhr* Piel) the Levites, so that they will again present to Yhwh an acceptable offering; here again, the context indicates that the purification is primarily directed toward moral rather than strictly ritual transgressions,[88] but these moral transgressions have concrete effects in terms of ritual defilement. Other passages likewise imply that moral impurities can ritually defile, and even contaminate by touch. Lamentations 4:14–15 describes the fate of the inhabitants of Jerusalem, who are *nĕgo'ălû baddām* "defiled with blood"; the previous verse makes it clear that the blood is the blood of the "righteous", which was spilt "in the midst" of Jerusalem (v. 13b). As a result, other people do not dare to touch their clothes, and tell them to stay away: "'Turn away, you are unclean!' they cry; 'turn away, turn away, do not touch us!'" (Lam 2:15). It would be difficult to express more clearly the idea that homicide (and the spilling of human blood in general) can generate serious defilement through direct contact.

Second Chronicles 29 and 34 also recount how the temple of Jerusalem was "purified" (*ṭhr* Piel) in the reigns of Hezekiah and Josiah from various illegitimate cultic objects, including images and symbols of other deities that were stored in

[85] Klawans, *Impurity and Sin*, 29.

[86] The reference to *bĕkōl 'ēleh* "any of these" in Hag 2:13 goes back to 2:12, which enumerates various foods. The context of 2:12 also implies that these foods are holy, and therefore presumably donated as offerings to the temple, since the question asked by the prophet is whether they can "sanctify" a garment that comes into contact with them. See further, e. g., Carol L. Meyers and Eric M. Meyers, *Haggai, Zechariah 1–8*, AB 25B (New York: Doubleday, 1987), 55–56.

[87] For this interpretation, see, e. g., Meyers and Meyers, *Haggai*, 57–58, with additional references to scholars holding this view.

[88] See Mal 2:17, and further 3:5. The formulation at the end of 3:3, which mentions that after being purified the Levites will present their offering *biṣĕdāqāh*, arguably involves a play on words. It means that the offering will be ritually and cultically appropriate, but also that it will be offered by righteous ritual agents.

it.[89] In the first passage, 2 Chr 29:16 uses the term *ṭum'āh* to denote these illegitimate cultic objects, which in this context should be understood in its technical sense as something ritually defiling; earlier in the account, at 2 Chr 29:5, the term used is *niddāh*, which elsewhere in the Hebrew Bible typically denotes impurity related to menstrual blood.[90] Here, therefore, the idea that images and symbols of other deities ("idols") are morally but not ritually defiling is clearly problematic. Yet other instances could be mentioned, which likewise show that at least some of the features considered by Klawans to be specific to moral impurities, such as their inability to ritually defile, are not consistent with the evidence found in corpuses outside of the Pentateuch.

Even in the case of the Pentateuch, things are not as clear cut as Klawans suggests. To begin with, there are several instances where the distinction between physical and moral impurities is unclear.[91] Klawans himself notes that the laws about unclean animals are a borderline case, which cannot fit his model.[92] For instance, transgression of the prohibition to touch the carcass of an animal (Lev 11:8), which is an intentional act (and therefore should fall under the category of "moral" impurity) does not pollute the land but causes a minor physical impurity until the evening (Lev 11:24–28).[93] A person who has been in contact with a physical impurity, and has not been aware of it, must present a *ḥaṭṭā't*-offering (Lev 5:1–6), exactly as in the case of a person who commits an inadvertent sin (Lev 4).[94] Hence, for the priestly legislators, inadvertent (*bišĕgāgāh*) sins and physical impurities that have been unconsciously contracted are considered to be taxonomically identical. Other passages in the Hebrew Bible suggest that major physical impurities, like *ṣārā'at*, are caused by transgressions of the moral order;[95] and this notion is arguably presupposed in the ritual for the purification of the *mĕṣorāh*, the person afflicted with serious skin disease (Lev 14:1–31), which requires the offering of an *'āšām* – a type of sacrifice otherwise only required for serious offences against the deity (see Lev 5:14–26). The

[89] See 2 Chr 29:15–19 and further 34:3–7.

[90] See Lev 12:2, 5; 15:19, 20, 24, 25, 26, 33; 18:19; 20:21; Ezek 18:6; 22:10; 36:17.

[91] This point has already been observed by other authors. See, e. g., Thomas Kazen, *Emotions in Biblical Law. A Cognitive Science Approach*, Hebrew Bible Monographs 36 (Sheffield: Sheffield Phoenix Press, 2011), 20–31, who concludes that "a clear dividing line between ritual and moral issues, between purity and morality, is not supported by ancient comparative textual evidence." (31) Cf. also Barton, *Ethics in Ancient Israel*, 206 and *passim*, who observes that "[t]here is thus a considerable overlap between sin and impurity."

[92] Klawans, *Impurity and Sin*, 31–32.

[93] Note, however, that in Lev 20:22–26 the non-observance of the dietary laws of Lev 11 is presented as the paradigmatic example of the moral impurities that led the land of Israel to "vomit out" (*qy'* Hiphil) its former inhabitants.

[94] On Lev 5:1–6 and its relation to the legislation of Lev 4, see Milgrom, *Leviticus 1–16*, 299, 312–13 and Nobuyoshi Kiuchi, *A Study of Ḥāṭā' and Ḥaṭṭā't in Leviticus 4–5*, FAT 2/2 (Tübingen: Mohr Siebeck, 2003).

[95] See Num 12:10–12 and Deut 24:9.

legislation of Num 19 appears to indicate that severe forms of physical impurity, such as corpse pollution, have a "miasmic" quality comparable to the one ascribed to moral impurities in certain texts of Leviticus (e.g., Lev 20:2–5).[96] In several cases, therefore, the distinction between physical and moral impurities appears to be fluid rather than rigid within the priestly texts of the Pentateuch. Yet even more importantly, while it is certainly true that the distinction between physical and moral impurities is more consistently defined in the (priestly) books of Leviticus and Numbers than in other collections of the Hebrew Bible, the two categories are nonetheless articulated into an overarching scheme of pollution and purification, as Milgrom already observed in his response to Klawans.[97] According to this scheme, minor physical impurities require one-day seclusion, usually with ritual washing;[98] major non-permanent physical impurities and inadvertent sins require the offering of a *ḥaṭṭā't*-offering;[99] major intentional sins are eliminated from the sanctuary and the community during the annual ceremony of Lev 16,[100] in addition to the various sanctions imposed upon the guilty individual.[101]

Overall, the evidence surveyed here suggests that the distinction between two main types of impurities, ritual-external and moral-internal, is well documented across various traditions of the Hebrew Bible, and that it was presumably well-known in ancient Israel. However, the evidence also indicates that the relationship between these two types of impurities could be construed in diverse ways, and that the boundaries between them were fluid rather than rigid. In the Pentateuch, the distinction between ritual-external and moral-internal impurities is more clearly articulated, in terms of their respective properties, than in other parts of the Hebrew Bible. However, this articulation serves an overarching scheme of pollution and purification, in which both types of im-

[96] In particular, Num 19:13 states that a person affected by corpse impurity who does not perform the appropriate ritual of purification will defile (*ṭm'* Piel) the sanctuary; see further Num 19:20.

[97] Milgrom, "Systemic Differences"; see also David P. Wright, "The Spectrum of Priestly Impurity," in *Priesthood and Cult in Ancient Israel*, ed. Gary A. Anderson and Saul M. Olyan, JSOTSup 125 (Sheffield: JSOT Press, 1991), 150–81, esp. 164–65, who acknowledges the existence of two distinct categories of impurity in the priestly texts of the Pentateuch, but situates them within a single "spectrum" of impurity.

[98] See, e.g., Lev 11:24–28, 39–40. For further analysis of the relevant passages in the priestly texts of the Hebrew Bible, see the detailed and comprehensive analysis by David P. Wright, *The Disposal of Impurity. Elimination Rites in the Bible and in Hittite and Mesopotamian Literature*, SBLDS 101 (Atlanta, GA: Scholars Press, 1987), 163–228.

[99] See, e.g., Lev 12:6–7a; 15:12–15, 28–30 in the case of major, impermanent physical impurities, Lev 4 in the case of inadvertent transgressions. As Wright, "Spectrum," 164, aptly comments, the two forms of impurity thus share not only "loci of pollution" (i.e., the sanctuary), but "similar ways of removing that pollution (mainly *ḥaṭṭā't* sacrifices)."

[100] See Lev 16:16 and 21.

[101] For more detail on this comprehensive system of pollution and purification in Leviticus, see Nihan, "Forms and Functions," 342–50.

purities are positioned along a spectrum of pollutions threatening the sanctuary. Additionally, several specific instances in the priestly legislation of Leviticus and Numbers indicate that the distinctions between both types of impurities is relative rather than absolute. In the Prophets and the Writings, ritual impurities are less frequently mentioned, and the focus lies much more on moral impurities. Furthermore, the description of these moral impurities frequently blurs the lines with ritual impurities, especially as far as the possibility for moral impurities to ritually defile is concerned. As already mentioned (see 1.3), several passages in the Hebrew Bible suggest that ritual-external impurities were originally a highly technical domain reserved to priestly expertise.[102] This may explain why such impurities are described in detail in the priestly texts of the Pentateuch, but less so in other collections. The use of impurity terminology for moral transgressions, on the other hand, may have been less exclusive, as is already suggested by its distribution across a wide range of biblical traditions. Additionally, there is also some evidence suggesting that such use of impurity terminology for moral transgressions was perceived to be derivative vis-à-vis the use of this terminology to denote physical impurities (whether this is genetically true or not). In particular, it is striking to observe that moral impurities are explained in some texts in comparison with physical impurities,[103] while the opposite situation is *never* documented in the Hebrew Bible.[104] This observation raises important questions with regard to the relationship between the various domains to which concepts of purity and pollution are applied, as well as the processes of transfer and metaphorization in the interlinking of these domains – an issue to which we will return below (see 2.3).

2.2 Purity and Pollution after Mary Douglas

The previous comments raise a larger issue as to whether, and to what extent, we can reconstruct the general meaning and cultural logic of the texts concerned with pollution in the Hebrew Bible. Following the influence of structuralist approaches, and especially in the wake of Douglas's *Purity and Danger*, many scholars continue to employ symbolic approaches to the biblical purity texts in which the various impurities they describe are thought to serve primarily to communicate core meanings. According to this view, rituals, such as those described in the purity legislation of the Pentateuch, serve to dramatically enact the ideas most central to a social group, enabling these largely static values held by the broader collective to be aligned with the individual actor, integrating thought

[102] See esp. Lev 10:10–11; Deut 24:8; Ezek 22:26; 44:23; Hag 2:10–14.

[103] See esp. Isa 64:5; Ezek 36:17; Hos 9:4; Hag 2:12–14.

[104] Such a development occurs, however, in later Jewish and Christian allegorical interpretations of physical impurities as symbols of moral defaults. This line of interpretation is already documented in the *Letter of Aristeas* and especially Philo.

and action, or self and society.[105] The role of the ritual interpreter is similar to that of an audience member in a theatre, decoding the "subtext" of the ritual performance in the search for the foundational meanings that the ritual acts are expressing. In the case of biblical texts for which we cannot observe the rites being described, the challenge is rather to "'see behind' the priestly evidence … the priestly system of impurity and its larger system (or systems) of religion"[106] that the authors of the purity texts wished to communicate.[107]

However, several factors caution against reducing the purity laws to a set of cosmological symbols or statements, which would together reveal a comprehensive purity system that was operative in ancient Israel. Firstly, the priestly texts provide minimal information on the meaning of the rituals they describe, such that symbolic readings of these rituals are often speculative and problematic. Like many ancient ritual texts, the pentateuchal purity texts are not accompanied by overt statements explaining their deeper meaning, which has forced scholars to find their alleged meaning within the descriptions of the ritual acts themselves. However, this not only generates highly subjective interpretations, but also perpetuates the view that the way ritual actions are performed is secondary and of diminished importance when compared to the symbolic systems of meaning that are thought to stand behind the rites being described.[108]

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[105] For the anthropological foundations of this idea, see e. g., Arnold van Gennep, *The Rites of Passage*, trans. Monika B. Vizedom and Gabrielle L. Caffee, 13th ed. (Chicago: University of Chicago Press, 2007); Edward E. Evans-Pritchard, *Nuer Religion* (Oxford: Clarendon Press, 1956); Edmund Leach, *The Political Systems of Highland Burma. A Study of Kachin Social Structure* (London: Athlone Press, 1977); Victor W. Turner, *The Forest of Symbols. Aspects of Ndembu Ritual* (Ithaca, NY: Cornell University Press, 1967); Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973). For its application to the study of the biblical rituals, see e. g., Jacob Milgrom, *Leviticus. A Book of Ritual and Ethics*, Continental Commentaries (Minneapolis, MN: Fortress Press, 2004), 105, who went so far as to state that the priestly authors of the Pentateuch were expressing via their legislation the "fundamental tenet for a viable society." Baruch J. Schwartz, "'Profane' Slaughter and the Integrity of the Priestly Code," *HUCA* 67 (1996): 15–42, here 41, likewise argues that the "aim" of ritual text (in this specific case, Lev 17) is to "concretize beliefs in absolute, idealized, 'utopian' laws."For a critique of such approaches, see, especially, the important article by Lemos, "Where There Is Dirt."

[106] Wright, "Spectrum," 152.

[107] The work of Naphtali Meshel on the "grammar" of the priestly texts partially shares the same approach; see, especially, Naphtali S. Meshel, *The "Grammar" of Sacrifice. A Generativist Study of the Israelite Sacrificial System in the Priestly Writings with a "Grammar" of* Σ (Oxford: Oxford University Press, 2014), 21; Naphtali Meshel, "Hermeneutics and the Logic of Ritual," *HeBAI* 7 (2018): 466–82; Naphtali Meshel, "Some New Questions in the Fundamental Science of P," in *Writing a Commentary on Leviticus. Hermeneutics – Methodology – Themes*, ed. Christian A. Eberhart and Thomas Hieke, FRLANT 276 (Göttingen: Vandenhoeck & Ruprecht, 2019), 127–38. However, the specifics of Meshel's grammar would require further discussion.

[108] See further Gilders, *Blood Ritual*, 5; on this problem in symbolic interpretations of ritual more generally, see Bell, *Ritual Theory*, 47–54.

As one of Douglas' early critics already voiced it, "[c]ultures and social systems are, after all, not only thought but also lived."[109]

Secondly, the idea that the purity texts preserve a bounded and coherent "system" fails to recognize the dynamic nature of these materials and their complex diachronic development. Perpetuating what Roger Keesing describes as "the coral-reef conception of how cultures cumulate,"[110] symbolic approaches often treat the purity texts as if they were static entities, impervious to change, and guided by fixed rules on which conflict and change over time have little impact.[111] Yet the previous remarks (see 1.2) regarding the complex diachronic growth of the purity laws, as well as their fluid transmission during most of the Second-Temple period, already imply that such an approach to these laws is inherently weak and problematic. Indeed, there is no evidence that the purity texts emerged with a fixed system of meaning already in place, in which all the relevant texts that describe the key sacrificial and pollution rites were necessarily included. Rather, the purity texts of the Pentateuch appear to have been multivalent and fluid, leaving room for scribal amendment, adaptation, and reinterpretation.

Thirdly, the biblical descriptions of purity rites frequently include numerous gaps and ambiguities, which are difficult to reconcile with the theory that their authors were concerned to articulate a comprehensive system, in which each element was essential to maintaining the symbolic meaning of the whole. For instance, Lev 12:3 prescribes the circumcision of male newborns seven days after birth, but omits virtually all relevant details about the rite, including who should perform the ritual and the precise steps it involves.[112] In the earliest reception of the pentateuchal purity laws we can observe how later scribes sought to overcome the various gaps and ambiguities in their interpretations of the pentateuchal text. However, their attempts at gap-filling gave rise to diverse, and sometimes even contradictory solutions that did not conform to a consistent or systematic interpretive process.[113]

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[109] Stanley J. Tambiah, "Animals Are Good to Think and Good to Prohibit," *Ethnology* 8 (1969): 423–59, here 457.

[110] Roger Keesing, "Theories of Culture Revisited," *Canberra Anthropology* 13 (1990): 46–60, here 52.

[111] Note, for instance, Meshel, *"Grammar" of Sacrifice*, 21, who states that the systematic and rule-based nature of the priestly ritual system ensured "the relative stability of the grammar of [sacrifice] and its rituals' resilience to change."

[112] On this see further Dorothea Erbele-Küster, "The Ritual Texts of Leviticus and the Creation of Ritualized Bodies," in *Text and Ritual in the Pentateuch. A Systematic and Comparative Approach*, ed. Christophe Nihan and Julia Rhyder (University Park, PA: Eisenbrauns, 2021), 240–54.

[113] This is clearly illustrated in the Second-Temple sources that seek to clarify a point that is ambiguous in Lev 11 and Deut 14; namely, whether *all* swarming creatures are considered unclean, including those found in water, or whether only the eight species named in Lev 11:29–30 are to be considered the unclean swarmers. CD understands the purity regulation to prohibit

Finally, communicative approaches to ritual are often characterized by far too easy a movement between reading the ritual descriptions found within the biblical text to "reading" the ritual actions themselves, blurring any distinction between text and practice in the process. Because symbolic interpretations consider the biblical rituals to communicate, reproduce, and internalize the social meanings that their authors sought to promote, they often assume that they must have been essentially realistic, if they were to serve as a mechanism for ensuring that these, and not other rites and meanings were correctly performed and internalized by ancient Israelites. Yet, as has been demonstrated at length above (see 1.4), the idea that the purity instructions are transparent reflections of ritual practice fundamentally misunderstands the difference between written rituals and ritual performance. We cannot assume that the pentateuchal priestly texts reveal the full set of purity rites that were performed in ancient Israel, let alone the definitive meanings of those rites for those who performed them.

In short, major issues plague the sort of structuralist approach inherited from Douglas' 1966 monograph. It wrongly assumes that the language of purity and pollution is best analyzed when we reduce it to a more or less stable set of core statements and symbols. At the same time, it treats the texts that articulate the distinction between "clean" and "unclean" as if they necessarily form a fairly coherent "system" within the Hebrew Bible. This is not to deny, however, that the structuralist approach can provide insights into *some* of the evidence found in the Hebrew Bible. There are instances where purity regulations are clearly interpreted within a symbolic framework, ascribing them a broader social or even cosmological meaning (e. g., Lev 20:22–26). Likewise, there are instances where attempts have been made to systematize concepts of purity and pollution, such as the priestly texts in Leviticus discussed above (see 1.2 and 2.1). Yet such instances remain limited, and cannot account for the complexity of the evidence surveyed in the first part of this essay.

Instead of a structuralist approach, what we need are new models that are not inherently symbolic, but are able instead able to account for the variety and complexity of the dynamics involved in the texts dealing with purity and impurity

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the consumption of all swarming creatures, including those found in water that are not explicitly named in Lev 11 or Deut 14. CD 12:12–13, 19–20 therefore adds a new stipulation that any swarming insect found in liquids, including the larvae of bees, is a source of impurity. The rabbinic interpreters responsible for *b. Huh* 66b–67, by contrast, concluded that only the eight swarmers listed in Lev 11:29–30 are polluting. They therefore add a new permission to consume insects and larvae found in liquid or foodstuffs, provided these creatures have never crawled on the ground. See further Ian C. Werrett, *Ritual Purity and the Dead Sea Scrolls*, STDJ 72 (Leiden: Brill, 2007), 94–95; Jodi Magness, *Stone and Dung, Oil and Spit. Jewish Daily Life in the Time of Jesus* (Grand Rapids, MI: Eerdmans, 2011), 32–26; Anna Angelini, "The Reception of the Food Laws in the Second Temple Period. Between Discourse and Practice," in *To Eat or Not to Eat? Collected Essays on the Biblical Dietary Laws*, Archaeology and Bible (Tübingen: Mohr Siebeck, forthcoming).

in the Hebrew Bible.[114] In the remainder of this essay, we would like to briefly suggest two such approaches, one focusing on the dynamics of purity language in the Hebrew Bible and the role of metaphorization within a cognitivist framework, the other focusing on the dynamics of power and agency involved in purity texts and purification rituals found in the Hebrew Bible. As we will briefly explain in the conclusion, these two approaches should be seen as complementary rather than mutually exclusive. While they by no means exhaust the spectrum of possible approaches to purity and impurity in the Hebrew Bible, they offer an initial attempt to redefine and remap the field.

2.3 Purity and Metaphor

Earlier studies of impurity in the Hebrew Bible have often understood moral impurities as a figurative or metaphorical extension of a more basic concept of pollution associated with physical impurities.[115] This view has been subjected to detailed criticism by Klawans in his 2000 monograph.[116] Specifically, Klawans argues that moral impurities have no less concrete effects than physical impurities, and that on the basis of the sources that survive, it cannot be proven that the concept of moral impurity is historically secondary to and derived from a more basic notion of physical impurity. Klawans is arguably correct that the distinction between physical and moral impurities cannot be merely mapped onto the distinction between "literary" and "metaphorical," as the evidence at hand is indeed more complex. However, his critique does not exhaust the discussion of the role of metaphor and metaphorization in the use of concepts of pollution in ancient Israel and early Judaism. As Douglas correctly perceived, the ascription of properties such as "clean" or "unclean" to a given phenomenon, whether one with a biological or social origin, is first and foremost a taxonomic activity. Put simply, it involves a complex classification of the world, which varies from culture to culture and is likely to reflect some basic aspects of these cultures.[117] This observation means that *any form of impurity necessarily entails the conceptual mapping of a domain of experience onto the clean/unclean division*. Such mapping, in turn, is closely linked to metaphorical activity in a broad sense.

Earlier approaches to the role of metaphor and metaphorization in concepts of purity and impurity in the Hebrew Bible have usually operated with a classical

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[114] On the importance of more dynamic models for the study of purity in the Hebrew Bible, see already the comments in Christian Frevel and Christophe Nihan, "Introduction," in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frevel and Christophe Nihan, DHR 3 (Leiden: Brill, 2013), 1–46, here 10–21.

[115] See, e.g., Ringgren, *ṭāhar*, 5:287–96, here 294–95; Milgrom, *Leviticus 1–16*, 37; Wright, "Spectrum," 163.

[116] Klawans, *Impurity and Sin*, 32–36.

[117] Douglas, *Purity and Danger,* 137–153 and *passim*. See also the comments on this issue in Frevel and Nihan, "Introduction," 10–21.

understanding of "metaphor" as being primarily a linguistic phenomenon. However, such approaches are necessarily limited, because this understanding of metaphor cannot do justice to the complex taxonomic processes involved when forming concepts of purity and pollution. A more relevant approach, which has already been explored by some scholars, is to use a cognitivist approach to metaphor.[118] In a cognitivist perspective, initiated by the seminal study of George Lakoff and Mark Johnson from 1980, *Metaphors We Live By*,[119] metaphors are primarily seen not as a linguistic phenomenon (although they are also that) but more fundamentally as a basic thought process – a "pervasive activity" that is instrumental to both thought and action.[120] As a fundamental thought process, metaphorization (the creation and use of metaphors) is also closely related to the classification of phenomena. As such, one could say, the application of a cognitivist approach to the analysis of concepts of purity and pollution is a logical development of Douglas' incisive insights in *Purity and Danger* about the taxonomic nature of designating phenomena "clean" or "unclean," but one which does not rely on her symbolic interpretation.[121] In the limits of this essay, our intent is not to provide a fully fleshed-out description of a cognitivist approach to issues of purity and pollution in the Hebrew Bible; such a topic would rightly deserve a monograph-length study of its own. More modestly, we would like to suggest some ways in which such an approach could be fruitfully developed, as a basis for future studies.[122]

We will begin here with some comments on moral impurity in the Hebrew Bible, before returning to the issue of physical impurity. From a cognitivist per-

[118] In addition to Feder, "Semantics of Purity," see also, especially, Thomas Kazen, "The Role of Disgust in Priestly Purity Law: Insights from Conceptual Metaphor and Blending Theory," Journal of Law, Religion and State 3 (2014): 62–92. A detailed engagement with the important insights found in these two articles is beyond the scope of the present essay.

[119] George Lakoff and Mark Johnson, *Metaphors We Live By*, 2nd ed. (Chicago: University of Chicago Press, 2003).

[120] See Lakoff and Johnson, *Metaphors We Live By*, 4–6.

[121] Douglas gradually developed her initial insights to form an approach to purity and impurity as prime cultural symbols; this line of analysis in her work somehow culminates with her 1999 monograph *Leviticus as Literature* (London: Routledge, 1999). A similar approach has been taken by other scholars, such as Jonathan Klawans, *Purity, Sacrifice, and the Temple. Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: Oxford University Press, 2009). While we do not deny that categories like "clean" and "unclean" can operate as powerful symbols in a given society, we remain of the opinion that this approach has limited value for describing ancient societies; see further 2.2. above.

[122] The field of cognitivist approaches has become increasingly complex, and it is not possible here to address or include the range of studies on metaphors in that field. The following remarks are based on Lakoff and Johnson, *Metaphors We Live By*. The various essays collected in Raymond W. Gibbs Jr. ed., *The Cambridge Handbook of Metaphor and Thought* (Cambridge: Cambridge University Press, 2008) provide a valuable and helpful overview of some of the main directions in which cognitivist approaches have developed since the publication of Lakoff and Johnson's 1980 monograph.

spective, one could say that moral impurities in the Hebrew Bible are informed by a common basic metaphor that could be described as follows: SIN IS IMPURITY. This metaphor is actually made explicit in a number of texts, such as Ps 51:4 (see further Ps 51:9): "Wash away my crime, cleanse me from my sin!" Consider also Ezek 22:4: "You are guilty because of the blood you shed, and unclean because of the idols you made." However, the same metaphor is arguably at work in all the references to moral impurity in the Hebrew Bible and gives them their overarching conceptual coherence. As in the case of the classical example *argument is war* provided by Lakoff and Johnson,[123] *sin is impurity* as a basic metaphor, does not mean that "sin" is identical with "impurity" (otherwise, it would not be a case of metaphor), or that "sin" is a subcategory of "impurity." Rather, it means that the source in the metaphor, in this case "sin," is partially (but not fully) "structured, understood, performed, and talked about" in terms of the target, in this case "impurity." Furthermore, from a cognitivist perspective, such mapping does not merely concern concepts, but rather whole *domains* of experience in which these concepts are rooted.[124] *Sin is impurity*, in this perspective, is a way to interpret a basic domain of human experience – the transgression of social and religious norms in a given culture (in this case, ancient Israel) – which itself entails various terms and notions, by mapping it onto another basic domain of experience which likewise entails various terms and notions, namely, impurity.

The approach briefly sketched here opens new ways to understand and classify the various instances of moral impurity in the Hebrew Bible (and of course in later Jewish and Christian writings). In particular, moral impurities correspond essentially to what Lakoff and Johnson initially termed "structural" metaphors, namely, metaphors that serve to structure and organize human experience; as they observe, such structuring is always partial and selective, highlighting some aspects in the source domain while hiding others.[125] This could help us answer a question which, to our knowledge, has not been satisfactorily addressed, namely, why moral impurity in the Hebrew Bible tends to be ascribed to a limited number of transgressions (and not just to any crime), especially to worshipping other deities,[126] murder,[127] and illegitimate sexual relations.[128] It seems that these three domains of experience, in particular, share specific "interactional properties" with the domain of impurity that make them particularly apt to be described and interpreted in terms of impurity language. At the same time, *sin is impurity* as the basic metaphor underlying moral impurities in the Hebrew

[123] See Lakoff and Johnson, *Metaphors We Live By*, 5.
[124] Lakoff and Johnson, *Metaphors We Live By*, 115–26.
[125] Lakoff and Johnson, *Metaphors We Live By*, 7–10.
[126] See, e. g., Lev 20:2–5; Jer 2:23; 7:30; 32:34; Ezek 20:7, 18, 30–31; 22:3, 4; 23:8, 13, 17, 30; 36:18; 37:23; Hos 5:3; 6:10; Ps 106:38–39.
[127] Num 35:33–34; Ezek 22:4; 36:18; Ps 106:38–39.
[128] Lev 18:20, 23, 24–30; Ezek 18:6, 11, 15; 22:10, 11.

Bible also shares features with what Lakoff and Johnson termed "ontological" metaphors, which are essentially characterized by the fact that the metaphor is used to construe the source domain as an entity (e. g., *mind is a machine*) or substance.[129] This category would account well for those passages where moral impurity is represented as a substance that attaches itself to the guilty person, as in the following examples:

SIN IS IMPURE SUBSTANCE
- Lam 4:14: "They wander blindly (?) through the streets, defiled by the blood they shed, while no one dares to touch their garments".[130]
- Ps 51:4: "Wash away my crime, cleanse me from my sin!"
- Compare also Isa 6:5–7, where the prophet is purified from his "unclean lips" (v. 5) through the removal of his sins (v. 7).

A further possibility would be to use this cognitivist framework to reinterpret the relationship between physical and moral impurities. In this case, ritual impurity should also be seen as related to a conceptual metaphor, although that metaphor would admittedly be more difficult to identify than in the case of moral impurity. Provisionally, and along the lines of the preceding discussion, we would propose something like *uncontrolled substance is impurity*. Such a conceptual metaphor is broad enough to account for virtually all the instances of physical impurities identified in the Hebrew Bible, be it the sudden appearance of a spot on human skin or on fabrics (Lev 13), uncontrolled loss of blood (Lev 12 and 15), or contact with a corpse (Num 19).

This approach suggests, in turn, that the difference between ritual and moral impurities should be seen as a difference between two conceptual metaphors using the same target (*impurity*) but *within distinct metaphorization strategies*. In particular, the conceptual metaphor associated with physical impurities is arguably more directly grounded in *bodily* experience.[131] This could provide an explanation for the phenomenon noted above, namely, that moral impurities can be compared in the Hebrew Bible with ritual impurities, but the reverse is never attested. Furthermore, this interpretation supports the view, already advocated in some recent studies, that the concept of impurity itself is deeply rooted in bodily experiences, especially those related to experiences and feelings of disgust and repulsion.[132] At the same time, this way of conceptualizing ritual and moral impurities would also allow us to describe and analyze the various inter-

[129] Lakoff and Johnson, *Metaphors We Live By*, 25–32.
[130] Translation from NETS.
[131] On the role and significance of embodiment in the formation and use of metaphors, see, e. g., Zoltán Kövecses, *Metaphor in Culture. Universality and Variation* (Cambridge: Cambridge University Press, 2005), 17–34 and *passim*. On the "embodied" dimension of ritual impurities, see Kazen, "Role of Disgust"; Feder, "Semantics of Purity."
[132] See, especially, Kazen, *Emotions in Biblical Law*; cf. also Kazen, "Dirt and Disgust."

actions between these two metaphorization strategies. For instance, the conceptual metaphor in which sin is represented as a substance that attaches itself to the guilty person (*sin is impure substance*) can be viewed as a specific case of bending moral and ritual metaphors of impurity. Finally, an important avenue of research is opened by comparing the role of metaphors in concepts of impurity with rituals of purification in the Hebrew Bible. Lakoff and Johnson already observed that rituals share significant connections with conceptual metaphors, especially because both are used to structure reality, albeit in distinct ways.[133] The idea of mutually reinforcing dynamics between metaphor and ritual performance has already been explored in other areas,[134] but to our knowledge remains largely unexplored in the case of concepts of purity and impurity in the Hebrew Bible.

2.4 Purity, Power, and Agency

The second interpretive issue that we believe can open new avenues for the study of the purity texts of the Hebrew Bible concerns the complex power dynamics and forms of ritual agency that these materials affirm and promote. The previous discussion has already suggested that the biblical traditions present diverse views of the agents who are particularly empowered by purity and pollution rites. In the Pentateuch, the purity rules tend to affirm priestly agency, while nonetheless conferring a certain degree of autonomy to the domestic sphere. Leviticus 10:10 identifies one of the central tasks of the priesthood, besides that of teaching the Torah, as being *l[a]haḇdil ben haqqōḏeš ûḇen haḥōl ûḇen haṭṭāmeʾ ûḇen haṭṭahôr* "to separate between the holy and the common, and between the pure and the impure." This statement positions the priests as possessing a particular form of "ritual mastery"[135] – borrowing here Bell's phrasing – that sets them apart from the non-priestly members of the community. This mastery is affirmed throughout the regulations of Lev 11–16 via the repeated mention of Aaron alongside Moses as the direct recipient of Yhwh's revelation of his purity standards.[136] Moreover, the most severe cases of pollution in Lev 11–16, namely those that involve instances of *ṣārāʿat* (Lev 13–14), are not accompanied by an instruction for Aaron and Moses to transmit them to the community, which may suggest that they were to constitute expert priestly knowledge.[137] Finally, the central importance of priestly agency is most strongly affirmed in Lev 16, which specifies the ritual means by which the high priest might purge the sanctuary and its furniture from the impurities of the priesthood and wider community. This rite

[133] Lakoff and Johnson, *Metaphors We Live By*, 233–35.

[134] See, e. g., Thomas J. Csordas, "Genre, Motive and Metaphor. Conditions for Creativity in Ritual Language," *Cultural Anthropology* 2 (1987): 445–69.

[135] Bell, *Ritual Theory*, 141.

[136] See Lev 11:1; 13:1; 14:33; 15:1. Note, however, that Lev 12:1 and 14:1 do not mention Aaron alongside Moses for reasons that remain unclear.

[137] On this see further Nihan, "Forms and Functions," 356–57.

is exclusively reserved for the high priest, thereby dramatically illustrating his unique ability to mitigate pollution so as to ensure the continued presence of the deity in its sanctuary.

This emphasis on priestly agency in the Pentateuch, however, is not totalizing. As mentioned above (see 1.3), the vast majority of the purity instructions are revealed to the community as a whole, and not the priesthood alone. This includes instructions for how to undertake basic pollution rituals at home without priestly involvement, such as washing clothes and ritual bathing (e. g., Lev 15:4–11), as well as information about how to determine the severity of various bodily pollutions, most notably of morbid discharges (e. g., Lev 15:2–3). That being said, the gravest cases of pollution remain matters in which priestly intervention is required, as is especially clear in the case of the *ṣārāʿat* rites of Lev 13–14. In addition, the purity regulations consistently encourage the Israelites to regularly defer to the sanctuary with sacrificial offerings when mitigating serious forms of pollution, thereby reinforcing the community's dependence on the agency of the priesthood to present the necessary offerings to the deity to ensure the riddance of impurity.[138] Hence, while the priestly pentateuchal rites empower the community in matters of pollution, they nonetheless reinforce the community's responsibility to regularly defer to the sanctuary and its priestly officiants in order to maintain a suitable level of purity.

When we turn to the purity traditions beyond the Pentateuch, different agents to those emphasized in the pentateuchal materials often come to the fore. For instance, 2 Chr 29 places considerable emphasis on the importance of royal and levitical agency to ensuring the purity of the Jerusalem temple (see further 2.1). Here Hezekiah plays an essential role in the pollution rites by gathering the Levites and instructing them to purify the interior of the sanctuary and remove *kol-haṭṭumʾâ* "every impure thing" from within it (2 Chr 29:16). The purification of the temple, described in 29:16–19, is jointly operated by the priests and the levites. The priests are necessary because they alone can enter the sanctuary and take away the unclean objects. However, the Levites are also essential because they are apparently responsible for actually eliminating these unclean things (see v. 16). The role of the Levites in this account is further highlighted by the preceding description in 29:12–14, which provides the genealogy of seven levitical families (with the mention of two members of each family),[139] whereas nothing is said about the genealogy of the priests involved in the reform (who are merely mentioned as "the priests").

A similar form of cooperation between royal and levitical agents is also suggested in the narrative of Hezekiah's cultic reforms discussed above (2 Chr 30:16–20;

[138] On the economic benefits of the purity regulations for the priesthood, see further Watts, "Texts Are not Rituals."

[139] For a detailed discussion of these families, see, e. g., Ralph W. Klein, *2 Chronicles. A Commentary*, Hermeneia (Minneapolis, MN: Fortress Press, 2012), 417–18.

see 1.5). While the Levites are responsible for slaughtering the Passover animals on behalf of those members of the community who did not purify themselves before partaking in the festival (2 Chr 30:17), Hezekiah himself successfully intercedes on their behalf so that they are not punished by the deity despite eating the flesh of the sacrifice while in an impure state (vv. 18–20).[140] Overall, while the account does not deny the reality of priestly agency in matters of purity and purifying the community, it definitely suggests that priestly agency is not sufficient on its own to guarantee communal purity. Additional agents, especially the king and the Levites, are required.

In other passages, further communal leaders assume key roles in mitigating the risk of impurity within the community. Ezra 9–10, for instance, applauds *haśśārim* "the leaders" in Jerusalem for identifying the risk of defilement posed by intermarriage and alerting Ezra to the problem (see 9:1–2). After a night of mourning and a lengthy prayer to the deity, Ezra is then joined by *qahāl raḇ-mᵉʾōḏ* "a very great assembly" (10:1) of Israelites who commit to removing the source of pollution by sending away (*yṣʾ Hiphil*) their foreign wives. In this way, the pericope of Ezra 9 affirms the community's potential, when under proper communal leadership, to mitigate the risk of collective impurity. What is particularly striking about Ezra 9–10 is that, apart from Ezra himself, it does not identify the priests as the main communal agents to lead the community in protecting *zeraʿ haqqōḏeš* "the holy seed" (9:3) from defilement.[141] To the contrary, Ezra 9:1 identifies "the priests and the Levites" as joining the rest of the population in the practice of intermarriage, and thereby failing in their duty to "separate themselves" (*ḇḏl* Niphal) from the peoples of the lands and *ṯôʿᵃḇōṯehem* "their abominations." This allegation seems to echo, among other texts, the statement at Lev 21:15 that the high priest must not marry a widow, divorcee, defiled woman, or prostitute *wᵉlōʾ-yᵉḥallel zarʿô bᵉʿammāyw* "so he shall not profane his seed among his people."[142] The language of separation (*ḇḏl*) also recalls key passages of Leviticus that refer to the need to distinguish between clean and unclean elements, most notably Lev 10:10 (*ûlᵃhaḇdil ben haqqōḏeš ûḇen haḥōl ûḇen haṭṭāmeʾ ûḇen haṭṭahôr*).[143] While neither of these passages identifies inter-

[140] For a discussion of this passage, see, e. g., Hee-Sook Bae, *Vereinte Suche nach JHWH. Die Hiskianische und Josianische Reform in der Chronik*, BZAW 355 (Berlin: de Gruyter), 130–33.

[141] Ezra is identified as a priest, belonging to the lineage of Aaron, in the genealogy that opens the second part of the Book (Ezra 7:1–5).

[142] Ezra 9:1, however, expands these requirements to the priesthood as a whole, as well as the general population, who are now all required to avoid practices of intermarriage. On this expansion of Lev 21:15 in Ezra 9, see further Harrington, *Purity*, 105, as well as the remarks at 1.5 above.

[143] See further Benedikt J. Conczorowski, "All the Same as Ezra? Conceptual Differences between the Texts on Intermarriage in Genesis, Deuteronomy 7, and Ezra," in *Mixed Marriages. Intermarriage and Group Identity in the Second Temple Period*, ed. Christian Frevel, LHBOTS 547 (London: T&T Clark, 2011), 89–108, here 105.

marriage as a possible source of defilement for the priesthood as a whole, let alone for the general population, Ezra 9:1–2 seems to have appropriated and expanded their terminology so as to construe the Jerusalem priesthood's marriage practices as a failure to uphold their duty to mitigate the risk of defilement.

The topic of priestly failure to uphold purity regulations within the community is continued throughout Ezra 9–10. In Ezra 10, the list of male members of the community responsible for marrying "foreign" women, and thereby defiling the community, begins with a detailed enumeration of priests (10:18–22), before moving on to the Levites (10:23–24) and other members of the community (10:25–43). While the episode can be construed, at least to an extent, as an inner-priestly conflict between Ezra (identified as a priest at Ezra 7:1–5) and the local priesthood of Jerusalem, it is important to note that Ezra's critique of the Jerusalem priests with regard to purity matters is narratively represented as being backed up from the very beginning by other segments of the population, in this case the "leaders" of the community (9:1).[144]

Another important episode is Neh 13:4–9, which identifies a certain priest named Eliashib as deserving sanction for his role in preparing a room for the Ammonite Tobiah to stay within the courts of the Second Temple.[145] Tobiah is mentioned elsewhere in the book of Nehemiah as "Tobiah the Ammonite servant"[146] and as a high-ranking official in the imperial administration, presumably in charge of the administration of Ammon, one of the regions surrounding the province of Yehud.[147] Upon discovering Tobiah's presence in the sanctuary, the governor Nehemiah removes the Ammonite's belongings and orders the purification (*ṭhr Piel*) of the room occupied by Tobiah (according to the Greek versions), or even of several rooms (according to the Masoretic text).[148] The succinct nature of the account means that several details remain unclear, especially concerning

[144] The question of whether, and to what extent, the account of Ezra 9–10 has any sort of historical background is not significant for the present argument and can be left open here. For further comments on the topic of purity and pollution in this account, and its connections with other parts of the book of Ezra, see, especially, Benedikt Rausche, "The Relevance of Purity in Second Temple Judaism according to Ezra-Nehemiah," in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frevel and Christophe Nihan, DHR 3 (Leiden: Brill, 2013), 457–75, here 462–67.

[145] The identity of Eliashib is disputed. While he probably should not be identified with the high priest of the same name, he must have been a priest of a certain rank since he is said to be in charge of "the rooms of the House of our God" (v. 4).

[146] Neh 2:10, 19.

[147] See on this especially Stefan Pfeiffer, "Der eponyme Offizier Tubias. Ein lokaler Vertreter der ptolemäischen Herrschaft in Transjordanien," *APF* 562 (2010): 242–57, as well as Klaus-Dietrich Schunck, "Tobija und Nehemia. Ihre Feindschaft und deren Motive," in *The Land of Israel in Bible, History, and Theology. Studies in Honour of Ed Noort*, ed. Jacques van Ruiten and J. Cornelis de Vos, VTSup 124 (Leiden: Brill, 2009), 209–15.

[148] Which version should be preferred here is unclear. Rausche, "Relevance of Purity," 468 n. 40, observes that the MT can be construed as preserving the *lectio difficilior*: the singular in the Greek would represent a facilitating reading. While this may be the case, it is also possible

the procedure for purifying the room occupied by Tobiah, as well as the nature of the defilement caused by Tobiah's stay inside the sanctuary. Saul Olyan and Rainer Albertz connect Tobiah's status as a foreigner to his defilement of the temple.[149] Others, however, identify the cause of the defilement as the illegitimate usage of a room inside the temple by a non-priest.[150] Both interpretations are not necessarily mutually exclusive: the account may indeed be primarily concerned with the access given to a non-priest inside the temple complex, but Tobiah's status as foreigner was probably an aggravating factor. Either way, Neh 13:4–9 provides a telling example of an account in which purity matters stand at the center of a communal conflict with the local priesthood of Jerusalem. Nehemiah, despite not being a priest himself, is described as being more stringent about issues of purity than the priest in charge of the rooms of the temple. This, in turn, provides him with a certain degree of control over the management of the temple, since he can successfully order the purification of the room occupied by Tobiah, possibly alongside other rooms (according to MT).

These examples of the complex issues of power and agency involved in purity matters are by no means exhaustive. They would deserve further expansion into a comprehensive study of the relationship between purity and ritual agency in the Hebrew Bible.[151] Nonetheless, some conclusions can already be derived from the present discussion. Firstly, there appear to be substantial differences between the Pentateuch and other portions of the Hebrew Bible with regard to matters of purity and agency. In the Pentateuch, purity and impurity are primarily linked to the agency of the priesthood. While such priestly agency does not exclude other forms agency, as we have seen, such alternative forms are clearly marginalized to the benefit of what we might call a priestly ritual hegemony in matters of purity and ritual purification. However, the situation is clearly different in other

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that MT's plural represents a later revision intending to highlight the gravity of the defilement caused by Tobiah's stay inside the sanctuary.

[149] Saul Olyan, "Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community," *JSJ* 35 (2004): 1–16, here 10–11 and Rainer Albertz, "Ethnische und kultische Konzepte in der Politik Nehemias," in *Das Manna fällt auch heute noch. Beiträge zur Geschichte und Theologie des Alten, Ersten Testaments*, ed. Frank-Lothar Hossfeld and Ludger Schwienhorst-Schönberger, Herders biblische Studien 44 (Freiburg: Herder, 2004), 13–32, here 27.

[150] See, especially, Rausche, "Relevance of Purity," 469. He also notes that Tobiah is not specifically designated as "the Ammonite" in this account (469 n. 43).

[151] For example, the critique of the priesthood for upholding purity rules is a topic found in some prophetic texts; see, e. g., Jer 2:7–8; Ezek 22:26. This is consistent with the notion, mentioned above, that the control of impurity was traditionally a domain of priestly expertise, although that expertise is considered in these prophetic texts negatively – namely, from the viewpoint of the priests' failure to control impurity – rather than positively. Nonetheless, the majority of prophetic texts appears to be concerned with impurity as a *communal* issue, rather than as a strictly priestly one. As noted above, this phenomenon has to do with the fact that prophetic texts are generally more concerned with "moral" impurities rather than with "physical" or "ritual" ones; see, e. g., Jer 2:23; 7:30; 32:34; 20:7, 18, 26, 30, 31, 43, etc.

traditions outside of the Pentateuch, where such priestly hegemony in matters related to purity and pollution appears to be less absolute. Specifically, the three accounts surveyed here all involve distinct agents in addition to, and sometimes even in opposition to the priests: the king and the Levites (2 Chr 29–30), Ezra and the "leaders" of the community (Ezra 9–10), as well as the governor Nehemiah (Neh 13). Ritual agency in purity matters therefore appears much more as a broader *communal* issue in these traditions than in the priestly texts of the Pentateuch.[152]

Secondly, the communal dimension of the non-pentateuchal purity texts appears to reflect the actual importance and significance of purity matters for the community, as opposed to a merely invented concern for purity that might have benefitted a small circle of priestly elites. Specifically, the range of texts dealing with the fear of purity and pollution across the Hebrew Bible suggests that a concern to maintain purity was shared by a substantial segment of the population, at least within the literate groups that produced and circulated these texts. We could say, in this regard, that the purity texts of the Hebrew Bible presuppose and exemplify something like a shared "cosmology" among this community, in which the removal of impurity was considered essential to ensuring that the community could relate to its patron deity without fear of divine disapproval or retribution.

Finally, the texts discussed above also show how such concerns for purity were effectively embedded into power struggles for control over key communal institutions, especially the temple and its ritual cult (2 Chr 29–30; Neh 13), but also marriages (Ezra 9–10). Control of purity and impurity is, therefore, inseparable from strategies of empowerment for diverse groups within the community. Crucially, in the three examples discussed above (2 Chr 29–30; Ezra 9–10; Neh 13), the key notion articulated in the Pentateuch that control of purity is somehow linked to a form of centralized ritual control (see further 1.4) is not fundamentally questioned. Rather, what is questioned is the notion that such centralized ritual control should *exclusively* belong to the priests. The three texts we have surveyed therefore reveal the broad spectrum of alternative agents to the Aaronide priesthood, so firmly championed by the Pentateuch, that could claim centrality in the handling of pollution in Israel.

3. Conclusion

The aim of the present chapter was to survey some key issues in the study of purity and pollution in the Hebrew Bible. The first part of the essay has been devoted to the main problems raised by the nature of the evidence at our disposal:

[152] This trend can also be observed in the prophetic traditions, although more studies on this topic are required.

the compositional history of the pentateuchal legislation on purity (see 1.2); the genre of these texts (see 1.3) and their relationship with actual ritual practice (see 1.4); as well as the earliest reception of purity traditions in the Second-Temple period (see 1.5). The second part was devoted to larger interpretive and theoretical issues, including the distinction between two types of impurity (physical and moral) in the Hebrew Bible, and the interpretation of this distinction (see 2.1); the limitations of a symbolic approach to purity and impurity in the Hebrew Bible (see 2.2); the relationship between purity, pollution, and metaphor, and possible insights from a cognitive perspective (see 2.3); and finally, the relationship between purity, power, and agency in diverse traditions of the Hebrew Bible (see 2.4).

While this survey by no means exhausts the issues involved in the study of purity and pollution in the Hebrew Bible, or the approaches that are relevant to the analysis of such issues, it allows us to nonetheless reach some general conclusions. In particular, much of the complexity involved in the study of this topic has to do with the fact that purity and impurity in the Hebrew Bible are both highly pervasive, in the sense that these notions are found across a wide range of texts, and also highly fluid, in the sense that they tend to resist any quick or superficial characterization. Furthermore, such fluidity is manifested at various levels, including (but not limited to) the compositional history of the texts, the complex interaction between ideal and practice in their application, the variety of interpretations and responses documented by their earliest reception, and the complex interactions between "ritual" and "moral" impurities. This fluidity therefore requires the development of approaches that (a) do not project essentialist models onto the evidence of the Hebrew Bible, and (b) can address and articulate philological and anthropological issues in the study of biblical impurity simultaneously. In light of this, the second part of this essay has sought to articulate some perspectives for future research on this topic. In particular, it has argued that a successful approach is one that includes both an analysis of purity and impurity as *conceptual metaphors* as well as an approach focusing on their *social dynamics*. It is only by combining these two perspectives that a comprehensive account of biblical impurity can be effectively provided.

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Reconstructing the Holy Camp

Qumran and the Evolution of Purity in Ancient Judaism

Yitzhaq Feder

Like most areas of academic research, the study of pollution and purity (henceforth P&P) has been vexed by confusions of language. The purpose of this contribution will be to address some of these pitfalls and propose a theoretical framework that can hopefully overcome them. The key to this approach will be to trace how discourses on P&P are based on the imagery of embodied experience, while showing how these raw materials are shaped through cultural codes and discourse in a dynamic historical process. The test case for this framework will be the Qumran scrolls.

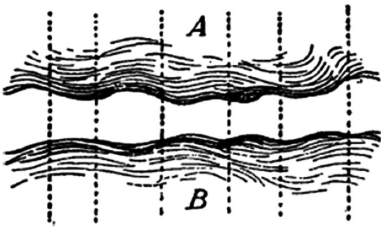
More specifically, this contribution will advance a three-tiered approach, isolating the following discrete levels or stages in the analysis of purity: *images* – recurrently meaningful bodily experiences (not necessarily visual) and gestures; *codes* – incorporating these images, a culture's conventional linguistic and behavioral repertoires; and *discourse* – the entirety of a culture's verbal and non-verbal capacity for interaction, which incorporates these codes in both traditional and novel ways.

This evolutionary argument will be represented in the structure of this essay. The first section will present the role of embodiment as the foundation for pollution beliefs, understood as a pan-human psychological and anthropological phenomenon. The second section will summarize very briefly some results of my previous research in applying this framework to the Hebrew Bible (HB). These two layers – expressed in my model as *images* and *codes* – will provide the basis for the third section, which will examine how the linguistic and practical repertoires of earlier Israelite texts and practice are appropriated within the purity *discourse* of the Qumran corpus.

1. Grounding Language in Experience

As a first step in making sense of P&P discourse, it is necessary to address some fundamental issues pertaining to the origins and use of language.[1] Ferdinand de Saussure's *Course on General Linguistics,* which provided the theoretical foundation for structuralist and post-structuralist linguistic theories, views the linguistic system as built on arbitrary correspondences between acoustic signifiers and otherwise indiscrete concepts. De Saussure writes:

> The linguistic fact can therefore be pictured in its totality, i. e. language as a series of contiguous subdivisions marked off on both the indefinite plane of jumbled ideas (A) and the equally vague plane of sounds (B). The following diagram gives a rough idea of it:



> The characteristic role of language with respect to thought is not to create a material phonic means for expressing ideas but to serve as a link between thought and sound, under conditions that of necessity bring about the reciprocal delimitations of units. Thought, chaotic by nature, has to become ordered in the process of its decomposition.[2]

This scheme provided the foundations for the notion of linguistic relativity, as here articulated by Benjamin Whorf:

> We dissect nature along lines laid down by our native languages. The categories and types that we isolate from the world of phenomena we do not find there because they stare every observer in the face; on the contrary, the world is presented in a kaleidoscopic flux of impressions which has to be organized by our minds – and this means largely by the linguistic systems in our minds.[3]

In other words, thought is dependent on arbitrary distinctions imposed by language. This implication is expressed clearly by de Saussure himself: "In the language itself, there are only differences … the language includes neither ideas nor sounds existing prior to the linguistic system, but only conceptual and phonetic differences arising out of that system."[4] This overly simplistic scheme

[1] This section is a highly abbreviated summary of the theoretical framework outlined in Yitzhaq Feder, *Purity and Pollution in the Hebrew Bible. From Embodied Experience to Moral Metaphor* (Cambridge, UK: Cambridge University Press, 2022), 13–57.

[2] Ferdinand de Saussure, *Course in General Linguistics*, trans. W. Baskin (London: Peter Owen, 1959), 112.

[3] Benjamin Lee Whorf, *Language, Thought and Reality*, ed. J. B. Carroll (Cambridge, MA: MIT Press, 1956), 213.

[4] De Saussure, *Course*, 120.

leads to many absurdities, especially when serving as the springboard for structuralist and post-structuralist cultural theories.[5]

The alternative approach is to view language as inextricably connected with extralinguistic experience. One of the major contributions of cognitive linguistics has been to illuminate the relationship between human experience and semantic structure. This connection is commonly formulated in the assertion that word meaning is encyclopedic. William Croft summarizes this view as the recognition that "everything you know about the concept is part of its meaning."[6] In communication, the exchange of linguistic meanings by communicating parties is dependent on their shared world knowledge. In her book *Meaning and Experience,* Patrizia Violi offers a systematic program for relating lexical semantics to experience, claiming that "all language is intrinsically indexical, referring to the extralinguistic dimension of our experience."[7] Whereas de Saussure's scheme was dyadic, focusing only on the relation between sounds and concepts, the approach described here recognizes the necessity to incorporate a third element, experience, to produce a semiotic triad.

Here one might refer to the ground-breaking linguistic theory outlined by Daniel Dor in his monograph *The Instruction of Experience*, who attempts to describe the relationship between the semantic system ("the symbolic landscape") and experience. In this account, the organization of the semantic system is in part autonomous, yet it remains inextricably tied to the world of experience to which it refers.[8] Clearly, experience is indispensable for any account of language: the emergence of particular linguistic systems and their idiosyncratic lexical repertoires (e.g., the Eskimo vocabulary for snow), the individualized acquirement of a system through reference, and the usage of language in actual speaking contexts.

1.1 Linguistic Pitfalls: What Are We Talking About Anyway?

In addressing the topic of P&P, the potential for terminological confusion is twofold. First of all, it is necessary to recognize that our (etic) analytic vocabulary is fluid and often lacks any criteria delineating what distinguishes purportedly scientific anthropological concepts from the vernacular semantics of the relevant terms. Just as products boasting of their "purity" beckon to us from every shelf

[5] See Edward Slingerland, *What Science Offers the Humanities* (Cambridge: Cambridge University Press, 2008), 74–147.

[6] William Croft, "The Role of Domains in the Interpretation of Metaphors and Metonymies," in *Metaphor and Metonymy in Comparison and Contrast*, eds. R. Dirven and R. Pörings (Berlin: de Gruyter, 2003), 163.

[7] Patrizia Violi, *Meaning and Experience*, trans. J. Carden (Bloomington: Indiana University Press, 2001), 46.

[8] Daniel Dor, *The Instruction of Imagination. Language as a Social Communication Technology* (Oxford: Oxford University Press, 2015), 34–59.

of the supermarket, on the packages of anything from toilet cleaners to chewing gum, so too the language of pollution is found in a wide array of domains (most obviously the environmental) which have little bearing on the question at hand. This fluidity would not pose a problem if it weren't for the fact that academic conferences and volumes on P&P are often structured by these contemporary usages, seeing it worthwhile to include discussions of aesthetics, health food and urban planning.

The obvious remedy is to pay attention to the correspondence between our analytic terminology and the emic terms of the culture being studied, but here a second, more subtle source of confusion awaits. The frustrating fact is that even the 'native' terminologies are imprecise, serving as generic terms for a heterogeneous group of phenomena. For example, the biblical Hebrew term for pollution *ṭum'ah* is relatively rare (36x in the Hebrew Bible) and constitutes a reification of the much more common adjective *ṭam'e* (87x). In other words, the noun is derivative from the adjective, just as the English "im/purity" and German "Un/Reinheit" are derivative of their respective adjectives ("im/pure"; "un/rein"). More importantly, this lexicographical observation has semantic implications, since *ṭum'ah* can have different usages, referring to the source causing pollution as well as the state transferred to the recipient of pollution. Moreover, even when referring to the causes of pollution, this term serves as a generic umbrella category for a heterogeneous array of sources, including disease, unclean animals, and corpses, which each operate according to very different rules.

Here we might keep in mind Ludwig Wittgenstein's famous discussion of "games":

> Consider, for example, the activities we call "games". I mean board-games, card-games, ball-games, athletic games, and so on. What is common to them all? – Don't say: 'They *must* have something in common, or they would not be called "games"' – but *look and see* whether there is anything common to all.[9]

In short, we cannot take these terms as being self-understood. This danger was appreciated by no less than Mary Douglas herself, reflecting on *Purity and Danger,* thirty-eight years later:

> 'Purity' is one of those traps for the scholarly that Wittgenstein warned us about, a typical philosophical problem about words. Sometimes the screen of my PC goes blank and a little box appears with the message: 'You have done an illegal action,' then appears an error number and a penalty. It is often like this when we use the word 'purity': we get into trouble when we seem to assign it some specific existence.[10]

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[9] Ludwig Wittgenstein, *Philosophical Investigations*, trans. G. E. M. Anscombe, P. M. S. Hacker, and J. Schulte (Chichester: Wiley-Blackwell, 2009), 36e (see 66).

[10] Mary Douglas, *Jacob's Tears. The Priestly Work of Reconciliation* (Oxford: Oxford University Press, 2006), 159.

When seeking to reconstruct native conceptions based on texts, it is necessary to ask whether they are systematic or even coherent. These problems bear also on the distinction between literal and rhetorical usages: is it possible to distinguish "real" impurity from "metaphorical" impurity?

1.2 Pollution and Embodied Discourse: Where Genes Meet Culture

Having outlined some basic pitfalls that have often undermined previous research on the problem at hand, it is now possible to show how an embodied approach can address these dangers. Reviewing some key landmarks in twentieth century research, one sees the gradual emergence of such an approach. Responding to the widespread dismissive attitude of anthropologists towards pollution behavior as primitive and irrational, Mary Douglas set forth her account focusing on the role of purity and pollution in establishing "symbolic patterns" by which cultures could make order out of their experience. Yet, in defining impurity (=dirt) as "matter out of place,"[11] she did not adequately address the reasons for the high level of cross-cultural uniformity in the material causes of pollution, such as bodily fluids, disease, death and decomposition.

In an important critique of Douglas' theory based on field work in Papua New Guinea, Anna Meigs points out that not every disordered phenomenon is considered defiling. Whereas a toy boat on the kitchen table may be "messy," it is not considered defiling like shoes on the kitchen table. The reason for this discrepancy, Meigs suggests, is that shoes are potential carriers of substances such as feces, urine and saliva from the street. More generally, she relates notions of defilement to a visceral sense of disgust from decay and waste matter, particularly when these threaten to access another person's body, such as through eating or sexual relations.[12] This general approach was developed from a more psychological perspective in the research of Paul Rozin and Carol Nemeroff, who studied the role of disgust in shaping the "contagion" response in which an undesirable invisible essence is inferred as having been transferred between a disgust-elicitor (e. g., a cockroach) and a target. This definition of contagion can be applied to culture-specific ideas of pollution.[13]

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[11] Mary Douglas, *Purity and Danger. An Analysis of the Concepts of Pollution and Taboo* (London: Routledge, 1992 [1966]), 35.

[12] Anna S. Meigs, "A Papuan Perspective on Pollution," *Man* 13 (1978): 304–18.

[13] Carol Nemeroff and Paul Rozin, "The Contagion Concept in Adult Thinking in the United States. Transmission of Germs and Interpersonal Influence," *Ethos* 22 (1994): 158–86; Carol Nemeroff and Paul Rozin, "The Makings of the Magical Mind. The Nature and Function of Sympathetic Magical Thinking," in *Imagining the Impossible. Magical, Scientific and Religious Thinking in Children*, ed. K. S. Rosengren et al. (Cambridge: Cambridge University Press, 2000), 1–34; Carol Nemeroff and Paul Rozin, "Sympathetic Magical Thinking. The Contagion and Similarity 'Heuristics,'" in *Heuristics and Biases. The Psychology of Intuitive Judgment*, ed. T. Gilovich et al. (Cambridge: Cambridge University Press, 2002), 201–16.

Along these lines, evolutionary psychological accounts of disgust offer to fill the aforementioned lacuna in Douglas' account. Specifically, they have focused on the universality of disgust elicitors (particularly from the bodily/physical domain) and their probable evolutionary function in pathogen avoidance.[14] The drawback of these accounts is their failure to recognize the role of fear (not just disgust) in shaping contagion responses and more generally their exaggerated emphasis on prepared emotional dispositions at the expense of learning and cultural transmission.[15]

The widespread tendency in research to interpret P&P as "religious" concepts has led scholars to overlook the fact that they often serve as causal theories. Here it is important to keep in mind that just as animals and infants can competently interact with regularities of experience (i. e., the natural world) without a linguistic framework, so too cultures must deal with the effects of causal forces which are not understood.[16] From this perspective, it can be observed that the distinction between natural and supernatural causal forces is anachronistic for premodern cultures. More specifically, a survey of pollution beliefs from the ancient and modern worlds reveals that they are frequently related to folk conceptions of infectious disease. In this light, pollution beliefs did not originate as matters of theological reflection but served as a means of explaining and coping with unseen forces which cause disease and death in daily existence, as was observed by the medical anthropologist Edward Green in his monograph *Indigenous Theories of Infectious Disease*:

> Pollution […] is not so mystical when examined closely. In the anthropological sense, pollution denotes a belief that people will become ill as a result of contact with, or contamination by, a substance or essence considered dangerous because it is unclean or impure […] They involve an impersonal process of illness through contact or exposure. Polluted individuals are not singled out for illness or misfortune by a human or superhuman force; they typically become polluted from mere contact, from being in the wrong place at the wrong time.[17]

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[14] E. g., Megan Oaten, Richard J. Stevenson, and Trevor I. Case, "Disgust as a Disease Avoidance Mechanism. A Review and Model," *Psychological Bulletin* 135 (2009): 303–32; Valerie Curtis, Míchéal de Barra, and Robert Aunger, "Disgust as an Adaptive System for Disease Avoidance Behavior," *Philosophical Transactions of the Royal Society B. Biological Sciences* 366 (2011): 389–401; Valerie Curtis, *Don't Look, Don't Touch, Don't Eat. The Science Behind Repulsion* (Oxford: Oxford University Press, 2013).

[15] For discussion, see Yitzhaq Feder, "Contamination Appraisals, Pollution Beliefs and the Role of Cultural Inheritance in Shaping Disease Avoidance Behavior," *Cognitive Science* 40 (2016): 1561–85.

[16] This intuitive understanding of "nature" builds on G. E. R. Lloyd, *Magic, Reason and Experience. Studies in the Origin and Development of Greek Science* (Cambridge: Cambridge University Press, 1979), 49, who points out that a farmer knows that he cannot grow a crop of wheat unless he sows seed; a hunter takes it for granted that his arrows will fly straight without being deflected.

[17] Edward Green, *Indigenous Theories of Contagious Disease* (Walnut Creek, CA: AltaMira, 1999), 13–4.

This appreciation for pollution beliefs as causal theories provides a framework for understanding the metaphysical implications of defilement, including the distinct dynamics of transfer of different types of pollution (e. g., genital emissions, corpses) and the threat posed to varying loci of purity (e. g., the person, the community, the sanctuary).

For the purpose of this essay, the important point to stress is that the role of evolutionarily shaped predispositions and culture can be viewed as complementary rather than contradictory. The advantage of such a consilient approach is its potential to account for both universalistic aspects of purity behavior as well as culture specific variations.[18]

An appreciation for the importance of cultural discourse enables us to preserve one of the key insights of Douglas, namely the social implications of impurity.[19] In particular, it is possible to identify two mechanisms by which purity concerns are translated into social boundaries and hierarchies. Though a sharp distinction is not always possible, it is helpful to differentiate between

- the social ramifications and distinctions emerging as natural outgrowths of fear and repulsion from pollution (*purity praxis*); and
- the deliberate and novel appropriation of purity terminology for rhetorical purposes (*purity language*).

The first type corresponds with Louis Dumont's observations regarding the Hindu caste system, where purity rules serve to produce social divisions when these values are manipulated by competing factions for the sake of aggrandizement:

> In general a caste will be recognized as inferior to some and superior to others. To settle its rank, a certain number of criteria will be used … For example one can imagine the members of a caste saying: 'We are vegetarians, which places us above X, Y, Z, who eat meat; but we allow the remarriage of widows, which places us below A, B, C, who forbid it.'[20]

The result of this system is that "superiority and superior purity are identical; it is in this sense that, ideologically, that distinction of purity is the foundation of status" (ibid.).

In the first mechanism (purity praxis), a primary concern with purity for its own sake becomes a social issue when situated in contexts of intra-group competition or inter-group assimilation. For example, Priestly traditions assume a prohibition on priests to consume dead or torn animals (Lev 22:8; Ezek 4:14; 44:31), which differentiates them from lay Israelites, who were permitted to

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[18] See Edward Slingerland and Mark Collard, eds., *Creating Consilience. Integrating the Sciences and the Humanities* (Oxford: Oxford University Press, 2012).

[19] See further Feder, *Purity and Pollution,* 175–206.

[20] Louis Dumont, *Homo Hierarchicus. The Caste System and its Implications,* trans. M. Sainsbury, L. Dumont, and B. Gulati (Chicago: University of Chicago Press, 1970), 56–57.

consume these types of meat provided that they subsequently underwent purification (Lev 11:40; 17:15). Accordingly, these gradated purity requirements help solidify the distinction between the priesthood and the laity. Whereas these priestly sources indicate that the complete avoidance of non-slaughtered meat was a stringency specific to priests, other sources (apparently later) extend this priestly distinction to all of Israel, supplying the rationale: "for you are a holy nation to Yhwh, your God." (Deut 14:21; also Exod 22:30).[21]

The second mechanism by which purity has social implications is through the rhetorical extension of purity language. A salient example is the discourse on intermarriage in Persian and Hellenistic period Jewish sources, from Ezra's defense of the "holy seed" through the even more explicit exhortations in the Book of Jubilees.[22]

In summary, the theoretical framework presented here (all too briefly!) can be broken down to the following levels of analysis: *images* – recurrently meaningful bodily experiences and gestures; *codes* – incorporating these images, a culture's conventional linguistic and behavioral repertoires (most explicitly in the biblical purity laws: Lev 11–15, Num 19); and *discourse* – the culture's appropriation of these codes in traditional and novel ways. Taken together, embodied images inform the trajectory of codes and discourse, but ultimately cultural discourse has considerable freedom to shape these resources, including attitudes towards the body itself. Much confusion has been centered on attempts to understand P&P as static concepts, without properly acknowledging their dynamic nature, which can only be adequately appreciated by a historical account.

These levels of analysis serve as the blueprint for the present essay. Having now showed the key role of embodied images in shaping P&P, the next section will briefly discuss how these concepts are codified in the terminology and normative practices of the Hebrew Bible, especially the Priestly Source. The third and final section will examine how the Qumran scrolls develop their own discourse on purity through the appropriation of these embodied concepts as mediated by authoritative texts and behavioral norms.

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[21] See Yitzhaq Feder, "Defilement and Moral Discourse in the Hebrew Bible. An Evolutionary Framework," *Journal of Cognitive Historiography* 3 (2016): 157–89 (174–76). Cf. 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*, eds. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz (Tübingen: Mohr Siebeck, 2011), 401–32 (421–22).

[22] Feder, "Defilement and Moral Discourse," 172–73. See also Lutz Doering, "Purity and Impurity in the Book of Jubilees," in *Enoch and the Mosaic Torah. The Evidence of Jubilees*, eds. Gabriele Boccaccini and Giovanni Ibba (Grand Rapids, MI: Eerdmans Publishing, 2009), 261–75; Christian Frevel, "'Separate Yourself from the Gentiles' (Jubilees 22:16). Intermarriage in the Book of Jubilees," in *Mixed Marriages. Intermarriage and Group Identity in the Second Temple Period*, ed. Christian Frevel (New York: T&T Clark, 2011), 220–50.

2. Pollution in the Hebrew Bible

Before discussing the conceptions of P&P in the HB, it is necessary to differentiate the literary materials. The Priestly Source of the Pentateuch (P), especially in Leviticus and several passages in Numbers, provides the most extensive and systematic treatment of purity laws and rituals.[23] Outside of this source, there are several scattered references to P&P, which provide important glimpses of attitudes that are sometimes at odds with P. In particular, whereas P seems to limit the ramifications of impurity to the sacred domain (Lev 15:31; Num 5:1–4; Num 19:13, 20), a few non-P sources suggest that the relationship between disease and pollution was related to danger, not sanctity. For example, the story of four "lepers" banished from their city in 2 Kings 7 is clearly a case of quarantine from infection. Furthermore, David's curse of Joab in 2 Sam 3:28–29 treats gonorrhea and "leprosy" as divine punishments resulting in ostracism.[24] In Lev 13–15 (P), these conditions are treated more neutrally, focusing on the need for purification and lacking any explicit reference to sin, though the requirement to bring expiatory offerings serves as a reminder of the traditional connection between disease and sin. Despite this overt concern with *purity*, which seemingly bears consequences only in relation to the sanctuary (Lev 15:31), P's requirement to banish lepers, as expressed in Lev 13:45–6, strongly suggests that the sanctuary was not the only consideration: "As for the person with a leprous affection, his clothes shall be rent, his head shall be left bare, and he shall cover over his upper lip; and he shall call out, 'Impure! Impure!' He shall be impure as long as the disease is on him. Being impure, he shall dwell apart; his dwelling shall be outside the camp."

Still, P goes out of its way to assert that the primary concern regarding pollution pertains to the sanctuary. The laws of normal and pathological genital emissions conclude with the following exhortation, which seals the corpus of purity rules in Lev 11–15: "You shall set apart the Israelites from their impurities lest they die in their impurities by defiling my Tabernacle that is among them" (Lev 15:31). The rule for banishing severe impurity bearers from the camp in Num 5 has a similar emphasis: "Command the Israelites to remove from the camp any leper or gonorrheic and anyone defiled by a corpse. Remove males and females alike; put them outside the camp so that they will not defile the camp where I reside in their midst" (Num 5:2–3). This focus on the divine presence seems especially suspect in light of the evidence from the First- and Second-Temple periods for

[23] I will use Priestly writings or P to include also the Holiness Legislation (H) and possibly later layers. On a few occasions, a more differentiated view will be presented, as will be clear from the context.

[24] "Leprosy" is the conventional translation for the biblical term *ṣara'at*, which seems to conflate several different types of skin diseases. See Jacob Milgrom, *Leviticus*, 3 vols., AB 3, 3A, 3B (New York, 1991–2001), 1:816–20.

the banishment of lepers irrespective of possible sanctuary defilement.[25] As I have argued elsewhere, these sources seem to represent a deliberate attempt of the Priestly authors to deny dangerous aspects of pollution and thereby to delegitimize apotropaic ritual traditions intended to counteract it.[26]

This centralization of bodily pollution to the space of the central sanctuary constitutes a geographical limitation. This implication can be seen clearly from the law of cultic centralization in Deuteronomy 12, where the centralization of sacrificial worship is accompanied by permission to eat secular meat throughout the land: "But whenever you desire, you may slaughter and eat meat in any of your settlements, according to the blessing that Yhwh, your God, has granted you. The impure and the pure alike may partake of it, as of the gazelle and the deer" (15). This dispensation suggests that initially sacrificial worship in local sanctuaries required strict observance of purity, but that now such stringencies would be confined to the central place that God chooses. By focusing on the site of the divine presence, the purity laws of Leviticus and Numbers are also limited to the central sanctuary. Yet, this restriction of the concern for cultic purity to the central sanctuary was accompanied by a new concern for non-cultic (moral) impurity that defiles the land, specifically tabooed sexual behaviors (Leviticus 18 and 20) and bloodshed (Num 35:34).[27]

Summarizing the treatment of pollution in P, it can be observed that the term *ṭum'ah* referred to a heterogeneous group of potential sources of contagion with implications for the private and public (cultic) domains. These are summarized in the following table.[28]

Experiential Image	Uncleanness	Infection	Stain of transgression
Core Emotion	Disgust[29]	Fear	Outrage
Examples	Normal genital discharges, unclean animals	Abnormal genital discharges, corpse impurity, leprosy	Blood-guilt Sexual immorality
Normative implications/concerns	Separation from sacred	Spread of misfortune	Defilement of land
Methods of purification	Passage of time, washing	Banishment, passage of time, washing and sacrifice	Expiatory act (if possible), punishment

[25] 11Q19 48:14–17; Josephus, *C. Ap.* 1.281. For evidence of exclusion in the NT, see Thomas Kazen, *Jesus and Purity Halakhah* (Stockholm: Almqvist & Wiksell, 2002), 116–18.

[26] See Yitzhaq Feder, "Behind the Scenes of a Priestly Polemic. Leviticus 14 and its Extra-Biblical Parallels," *Journal of Hebrew Scriptures* 15.4 (2015): 1–26 http://www.jhsonline.org/Articles/article_207.pdf.

[27] See Yitzhaq Feder, "The Wilderness Camp Paradigm in the Holiness Source and the Temple Scroll. From Purity Laws to Cult Politics," *Journal of Ancient Judaism* 5 (2014): 290–310 (294–95).

The systematic presentation of laws of pollution in the final form of the Priestly Source, reflected in Leviticus and Numbers, restricts the implications of physiological pollutions to the cultic domain, specifically the singular site of the divine presence (Tabernacle) in the Israelite camp. The complementary notion of non-cultic (moral) pollutions that defile the land (specifically sex and bloodshed) fills a vacuum in religious life for Israelites pursuing holiness at a distance from Jerusalem. This gradated, hierarchal scheme achieves a more comprehensive conception of holiness while still upholding the utmost sanctity of the sanctuary. It may be added that these gradations of holiness are represented by the structure of the book of Leviticus itself, in which chapters 1–16 focus on the sanctuary, chapter 17 emphasizes the centralization of the cult, and chapters 18–26 deal with holiness beyond the narrow purview of the sanctuary, including the entire land.

3. Purity Discourse in Qumran

The previous two sections have outlined the embodied foundations of pollution, taken as a pan-cultural phenomenon and its culture-specific codification – in language and practice – in the Hebrew Bible. This third and final section will examine how these two foundations are developed in the discourse of the Dead Sea Scrolls. By tracing this trajectory in both psychological and historical terms, it will be possible to identify both continuities and innovations in the Qumran discourse vis-à-vis earlier Jewish traditions. Needless to say, this line of investigation needs to take into consideration the idiosyncrasies of the Qumran texts, including their compositional complexity, genre (liturgical, legal, programmatic) and their sectarian or non-sectarian characteristics.[30] Only by clarifying the nature of the rhetoric of each text is it possible to distinguish whether the usage of purity language was understood ontologically, evocatively or both.

For the most part, the discussion will be structured around the three primary loci of purity represented in the Scrolls, specifically:

- Spatial (temple city + other settlements)
- Communal (the *Yaḥad* and its food)
- Individuals (*ruaḥ*)

[28] For further discussion, see Yitzhaq Feder, "Contagion and Cognition. Bodily Experience and the Conceptualization of Pollution (*ṭum'ah*) in the Hebrew Bible," *Journal of Near Eastern Studies* 72 (2013): 151–68.

[29] "Disgust" as used here may vary from a mild sense of dirtiness following contact with semen to a more intense repulsion, e. g., as a reaction to menstrual blood.

[30] For a helpful survey of this territory, see Ian C. Werrett, *Ritual Purity and the Dead Sea Scrolls*, STDJ 72 (Leiden: Brill, 2007).

This line of investigation will offer a basis for reassessing some widespread characterizations of Qumran's purity discourse, specifically its emphasis on so-called "moral" impurity and its relation to the notion of the community as a substitute temple.

In order to understand the delineation of spatial boundaries of purity in the Scrolls, it is necessary to return to the law of exclusion in Num 5, which was taken as paradigmatic by numerous writers of the Second-Temple period:

[1]Yhwh spoke to Moses, saying: [2]'Command the Israelites to remove from the camp (מחנה) anyone with leprosy or a discharge and anyone defiled by a spirit (from a corpse). [3]Remove male and female alike; put them outside the camp (מחנה) so that they will not defile the camp(s) (מחניהם) where I reside in their midst.' The Israelites did so, putting them outside the camp (מחנה); as Yhwh had spoken to Moses, so the Israelites did.

The Hebrew term מחניהם is ostensibly ambiguous, allowing for both singular and plural renderings, hence "camp(s)" in the translation above. Upon further examination, this indeterminacy can be resolved in favour of the singular (as it appears three times in the adjacent verses), but it remains hardly surprising that ancient and modern interpreters alike found a basis in this verse for banishing severe impurity bearers from *all* settlements.[31] Indeed, in addition to the ostensible linguistic ambiguity, there is a logical point of confusion. Although this verse emphasizes the banishment from the site of the divine presence, we have seen in the previous section that the banishment of lepers was motivated by concerns of infection (2 Kgs 7), not sanctity.[32]

The most elaborate development of Num 5 represented in the Qumran corpus is in the Temple Scroll's (TS) laws of cities other than the "temple city." Having already set forth the extreme sanctity of the temple city through its banishment rules which are more stringent than even Num 5 (45:7–18; 46:16–18),[33] it lays out the stipulations for other cities as follows:

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[31] The plural rendering is found already in the LXX. Note, however, that the form מחניך appears alongside מחנך in Deut 23:15, both meaning "your camp" (singular). Among the moderns, the fact that מחניהם in our verse is singular has been noted by several recent commentators. See Jacob Licht, *A Commentary on the Book of Numbers,* vol. 1 (Jerusalem: Magnes, 1985), 59–60 (in Hebrew); B. A. Levine, *Numbers 1–20*, AB, vol. 1 (New York: Doubleday, 1993), 182, 186; so too the JPS translation. For further discussion, see Feder, "Wilderness Camp," 292–95.

[32] Just to underscore this point, we may compare the rabbinic compromise: "Walled cities are more sanctified than [the land of Israel], as lepers are banished from them and corpses may be circulated within them as they wish; if [the corpse] leaves, they cannot return it" (m. Kelim 1:7). On one hand, this Mishnah is consistent with Second-Temple period practice, as lepers were in fact banished and corpses were buried outside settlements. On the other hand, the limitation to "walled cities from the times of Joshua" appears arbitrary, not relating to either sanctity or infection!

[33] The author outlines strict requirements to expel "lepers," gonorrheics and people defiled by corpses or semen from the city. The unique stringency of this city is underlined by the expulsion of men defiled by semen for a three-day duration (45:7–12), based on an analogy with

ובכל עיר ועיר תעשו מקומות למנוגעים בצרעת ובנגע ובנתק אשר לוא יבואו לעריכמה וטמאום וגם לזבים ולנשים בהיותמה בנדת טמאתמה ובלדתמה אשר לוא יטמאו בתוכם בנדת טומאתם[34]

And for every city you shall establish places for those stricken with 'leprosy,' skin affliction or scall so that they will not enter your cities and defile them, and also for gonorrheics and women in their menstrual impurity and parturition, so that they will not cause defilement within them with their impure flow (48:14–17).

Leaving aside the numerous fascinating exegetical issues this passage has raised, the key point for the present discussion is that this law constitutes a partial application of Num 5, leaving its full realization (albeit elaborated) to the temple city, where also semen emitters (45:7–12) and those defiled by corpses (45:17) are banished. In other words, the partial application of the laws of the wilderness camp to other cities is an expression of its gradated model of holiness.[35]

In this regard, TS seems to reflect a similar model to that of 4QMMT, which designates Jerusalem as "the holy camp" (מחנה הקדש) and the "capital of the [c]amps of Israel" (ראש [מ]חנות ישראל),[36] from which it is clear that the other cities were considered "camps." In TS 47:3–18, a similar hierarchy governs the law forbidding the import into the temple city of vessels made of the skins of clean animals slaughtered in other cities. This regulation is followed by the rule-of-thumb (15–17): "If you slaughter it in my temple, it will be pure for my temple, and if you slaughter it in your cities, it will be pure for your cities."[37]

Aside from these spatial boundaries, largely derivative from the biblical wilderness camp model, the sectarian texts, programmatic and legal alike, depict the *Yaḥad* community as a locus of purity, which in practical terms relates to the maintenance of purity of communal property and especially food and drink. This common pure food (and property) is usually referred to as הטה(ו)רה ("the

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the Sinai theophany (Ex 19:10–15). See Yigal Yadin, *The Temple Scroll,* 3 vols. (Jerusalem: Israel Exploration Society, 1977–83), 1:287–89; Lawrence H. Schiffman, "Exclusion from the Sanctuary and the City of the Sanctuary in the Temple Scroll," *HAR* 9 (1985): 301–20.

[34] Elisha Qimron, *The Temple Scroll. A Critical Edition with Extensive Reconstructions* (Beersheva & Jerusalem: Ben-Gurion University & Israel Exploration Society, 1996), 70.

[35] See Cana Werman, "The Price of Mediation. The Role of Priests in the Priestly Halakhah," in *The Dead Sea Scrolls and Contemporary Culture,* eds. Adolfo D. Roitman et al. (Leiden: Brill, 2011), 377–409 (390–92).

[36] B 60–62 (Elisha Qimron and John Strugnell, *Qumran Cave 4.V. Miqṣat Maʿaśe Ha-Torah*, DJD 10 [Oxford: Clarendon Press, 1994], 52). Compare also the reworking of Lev 17 in B 25–33 in which the temple is designated as equivalent to the wilderness tabernacle, following the plausible reconstruction of Qimron and Strugnell (ibid., 48–51). See also David Henshke, "The Sanctity of Jerusalem: The Sages and Sectarian Halakhah," *Tarbiz* 67 (1997): 5–28 (17–28; Hebrew); Menachem Kister, "Studies in 4QMiqṣat Maʿaśe ha-Torah and Related Texts. Law, Theology, Language and Calendar," *Tarbiz* 68 (1999): 317–71 (335–9; Hebrew), with slightly different textual reconstructions; Reinhard Kratz, "'The Place Which He has Chosen'. The Identification of the Cult Place of Deut. 12 and Lev. 17 in 4QMMT," *Meghillot* 5–6 (2007): *57–*80; Hanan Birenboim, "The Halakhic Status of Jerusalem According to 4QMMT, 1 Enoch, and Tannaitic Literature," *Meghillot* 7 (2009): 3–17 (Hebrew).

[37] Qimron, *Temple Scroll*, 68.

Purity"), which seems to be an abbreviated form of the idioms "the purity of the Many" (טהרת הרבים) and "the (pure) liquids of the Many" (משקה הרבים).[38] On one hand, these rules show continuity with biblical precedents to the extent that this "Purity" is protected from the categories of bodily impurity-bearers detailed in Lev 12–15.[39] On the other hand, the Rule of the Community and related texts construe the significance of the Purity somewhat differently by excluding it from outsiders and using it as a disciplinary measure. This latter role of food purity in Qumran, as well as among other Second-Temple period groups (e.g., the *Ḥaberim*), as an expression of socio-religious elitism, represents a salient example of the mechanism whereby social distinctions emerge naturally from purity practices as suggested by Louis Dumont.[40]

How does this concern for the purity of the community and its food relate to the wilderness camp model? Though one might have entertained the possibility that they were unrelated, it is significant that the halakhic text 4Q27, which focuses on concern for the Purity as it relates to contact between bodily impurity bearers, uses the idiom of "camp" in its exhortation to the menstruant: "so as not to contaminate the ca[m]ps of the ho[ly ones of] Israel" (1 i 6).[41] This restoration, which associates the holiness of the camp with the presence of angels, is attested unambiguously in several other sectarian texts. Most interesting in the present context is the reinterpretation of the law of the war camp in Deut 23:10–15 found in the War Scroll (1QM 7:7). This rule banishes people with defects and

[38] The idiom "the Purity of the holy men" (טהרת אנשי הקודש), which appears in 1QS 5:13 and 8:17, is an alternative designation (not an additional category), substituting אנשי הקודש for הרבים, contrasted with the "men of iniquity" (אנשי העול). See Cecelia Wassén, "The (Im)purity Levels of Communal Meals within the Qumran Movement," *JAJ* 7 (2016): 102–22. In terms of the levels of pure food, it appears that the sect distinguished between three levels of purity: 1) first-day ablutions enabling the ordinary food of the community; 2) completion of the purificatory period with nightfall for eating the "Purity" of the community; and 3) completion of sacrifices on the eight-day (in the cases of leprosy and gonorrhea) with nightfall for sacred foods. For discussion, see Wassén, "(Im)purity Levels," 117–9; Yair Furstenberg, *Purity and Community in Antiquity. Traditions of the Law from Second Temple Judaism to the Mishnah* (Jerusalem: Magnes, 2016), 162–4 (in Hebrew). Regarding the period of time preceding first-day ablutions, which could be prolonged in the cases of disease, it is possible that the impure person needed to forage for him/herself. Compare Josephus, *B.J.* 2.143.

[39] E.g., Lev 12:4; 22:3–7. See Furstenberg, *Purity*, 156–70.

[40] See Albert I. Baumgarten, "Finding Oneself in a Sectarian Context A Sectarian's Food and Its Implications," in *Self, Soul and Body in Religious Experience,* eds. Albert Baumgarten, Jan Assmann, and Guy G. Stroumsa (Leiden: Brill, 1998), 125–47.

[41] Text edition: Elisha Qimron, *The Dead Sea Scrolls. The Hebrew Writings,* 3 vols. (Jerusalem: Yad Ben Zvi, 2010–2014), 2.212. I read the text in questions as: ישראל [שי] קדו[ש] מחני את תגאל ול[ו]א. Due to a lacuna in the fragment, it is not possible to determine if the camp relates to the "Holy One" (קדוש ישראל), i.e. God (so Qimron); cf. the expression מחני אל in 1QM 4:9, or more likely in light of the parallels (see also following note): "holy ones," i.e. angels, in light of 1QM 3:5: יכתובו שלום אל במחני קדושיו. For analysis of this text and references., see Thomas Kazen, "4Q274 Fragment 1 Revisited – Or Who Touched Whom? Further Evidence for Ideas of Graded Impurity and Graded Purifications," *DSD* 17 (2010): 53–87.

impurities from the war camp but replaces the Deut 23:15's rationale "for Yhwh, your God, walks in the midst of your camp" with the presence of angels: "for holy angels are with their legions" (כיא מלאכי קודש עם צבאותם). Whereas the source in Deuteronomy implies the localized presence of God in the form of the ark that would go to war with the Israelites (Num 10:35), the War Scroll's emphasis on angels appeals to the fact that the community was a residence for angelic beings. Regarding the exclusion of people with defects in this and similar texts,[42] they seem to derive from reading the preceding laws in Deut 23:2–9 dealing with those who are permitted into the "community of YHWH" as continuous with the laws of the war camp, thereby moving the emphasis from the divine presence in the Israelites' midst to the sanctity of the community itself. These intertextual links connect what might otherwise appear as contradictory rationales for purity: the camp as site of the divine presence, the pure food and the presence of angelic beings. Together they share a shift in the center of gravity from the centralized site of the divine presence (wilderness camp = Jerusalem temple) to the marginalized holy community.

The third locus of purity depicted in the Scrolls is the spirit or soul (*ruaḥ*) of the individual. Here it is important to recognize continuity with the HB, though this point is overlooked in many modern translations and commentaries.[43] In particular, the biblical dietary laws consistently refer to the defilement of the *nepeš* ("spirit") by means of unclean meat, though this polyvalent term is often rendered as a reflexive pronoun in these contexts, for example Lev 11:43:

אל תשקצו את נפשתיכם בכל השרץ השרץ ולא תטמאו בהם ונטמתם בם

You shall not defile yourselves (NJPS translation of *napšotekem*) through anything that swarms; you shall not make yourselves impure therewith and thus become impure.

Yet, *nepeš* in this context is better rendered as "spirit." Along these lines, the reworking of this passage in the Damascus Document leaves no room for ambiguity:

ולהבדל מכל הטמאות כמשפטם ולא ישקץ איש את רוח קדשיו כאשר הבדיל אל להם[44]

... and to separate from all of the impurities according to their laws, and let no person defile his holy spirit, as God has separated for them (7:3–4).

[42] See also 1QSa 2: 3–9; CD 15:15–8 (4Q268 6 2). See Aharon Shemesh, "'The Holy Angels Are in Their Council'. The Exclusion of Deformed Persons from Holy Places in Qumranic and Rabbinic Literature," *DSD* 4 (1997): 193–201.

[43] For example, the term *nepeš* is rendered as a reflexive pronoun in NJPS and RSV ("yourselves"). Milgrom (*Leviticus*, 1:684) renders it as "gullet," citing Ezek 4:14. Yet, the repeated conjunction of references to *nepeš* as the agent of consumption (אכ״ל) together with warnings that the *nepeš* will be "cut-off" (כר״ת) suggests that the term refers specifically to the soul or spirit of the individual which is defiled and ultimately cut off. See Lev 7:18 (*piggul*/"putrid meat"), 20 (eating sacrificial meat while impure), 25 (blood), 27 (suet); 17:10, 12, 15 (blood). For further discussion, see Feder, *Purity and Pollution,* 131–44.

[44] Text edition: Qimron, *Dead Sea Scrolls*, 1:13.

The use of the term *ruaḥ* instead of *nepeš* is consistent with the prevalence of this term in the Scrolls.[45] A further significant deviation from the biblical text is the reference to the defilement of the person's "*holy* spirit" (also in CD 5:11). This expression transfers the holiness-impurity opposition from the cultic to the private domain, describing the potential defilement of the individual's spiritual essence.

In sum, the discussions of bodily pollution in the Scrolls appropriate biblical categories as well as the biblical wilderness camp model, particularly as depicted in Num 5:1–4. At the same time, the application of this model to other cities, the communal food, and to the spirit of individual community members appears to reflect a tendency to relocate the primary locus of purity from the temple in Jerusalem to the decentralized camps of the sect. In other words, these ostensibly different loci are highly compatible with one another, sharing a common conception which moves the focus of purity behavior away from the centralized sanctuary.

Before discussing the implications of these observations, it is necessary to comment briefly on the topic of "moral impurity" in the Scrolls, which has generated much discussion in research since the publication of Jonathan Klawans' monograph *Impurity and Sin in Ancient Judaism* in 2000. In this seminal work, Klawans reached the conclusion: "At Qumran, sin was considered to be ritually defiling, and ritual defilement was assumed to come about because of sin."[46] This assessment is based on the observation that the Serekh texts and especially liturgical texts seem to merge the categories of sin and impurity. For example, the oft-quoted passage from the Rule of the Community makes its initiatory purification rites conditional on allegiance to the sect's covenant in the following terms:

אל יבוא במים לגעת בטהרת אנשי הקודש כיא לוא יטהרו כי אם שבו מרעתם כיא טמא בכול עוברי דברו

He shall not enter the water to touch the purity of the men of holiness, for they will not be purified until they have turned away from their wickedness, but (he is) impure with all who transgress His word (1QS 5:13–14)[47]

Even more prevalent is the terminology of filth and shame associated with the bodily condition found in liturgical texts, especially the Hodayot, where one finds expressions like "Purify me from the shame of uncleanness" (ותטהרני מערות

[45] See further, Furstenberg, *Purity*, 60–62.

[46] Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (New York: Oxford University Press, 2000), 88.

[47] Similar sentiment in 4Q414 2 ii, 3, 4 lines 7–8/ 4Q512 42–44 ii; see Esther Eshel, "Ritual of Purification," in *Qumran Cave 4. XXV: Halakhic Texts*, DJD 35 (Oxford: Clarendon Press, 1999), 135–54 (141):

כי ממוצא פיכה נפרשה טהרת כל...
אנשי נדה כא[שמתם בל יטהרו במי רחץ]

נדה).[48] These prayers express praise to God for enabling lowly humans to escape this shameful corporeality.[49] In terms of the theoretical framework outlined in the beginning of this paper, this innovative conception derives directly from embodied experience (*images*), particularly the body viewed as an object of disgust and shame, bypassing to a large degree the biblical discourses of purity (including their underlying linguistic and ritual *codes*). In reference to these texts, it is not surprising that scholars have detected an innovative merging of categories, blurring the distinction between impurity and sin.

Upon further reflection, however, it appears that such claims have been overstated. As insinuated at the beginning of this essay, there lurks a danger that analytic categories (ritual vs. moral) obscure the trajectories of emic discourse. The key question is: to what extent do these texts innovate in their use of biblical categories and ritual practice? From the outset, an important source of confusion that cannot be fully addressed here is the need to separate the semantics of purity from pollution. Cross-linguistically, the terminology of purification refers to the removal of an unwanted force or entity, regardless of its precise nature. For example, Mesopotamian incantations refer repeatedly to purification (*elēlu; ebēbu*), even though there is no reified concept in Akkadian corresponding to biblical pollution; rather, these expressions refer to demonic influence, witchcraft, curses and the like.[50] In short, expressions that refer to purification from sin are hardly surprising, since purification terminology is often used in a generic sense to refer to the removal of negative metaphysical influences.

As such, the crucial issue is the use of pollution terminology, specifically derivatives of the root טמ״א. Here awaits a surprise: contrary to the impression given by discussions of the Qumran corpus which refer repeatedly to "moral impurity," an overview of the liturgical texts reveals that the use of the root טמ״א is exceedingly rare. Often English translations such as "uncleanness" refer to Hebrew terms such as נדה. For example, in the Hodayot, the term נדה appears seven times compared to two appearances of טמ״א. While the term נדה does have a technical sense as "menstrual pollution" (Lev 12:2, 5; 15:19–24), it seems clear that it is being used here evocatively as something despised, used as an expression of condemnation, not as a legal category (e. g., Lev 20:21; Ezek 7:19–20;

[48] 4Q512 29 32:9. Similarly 1QS 11:14–15 (edition: Qimron, *Dead Sea Scrolls*, 1.230; my translation): "He will purify me from mortal uncleanness and the sin of humans" (יטהרני מנדת אנוש וחטאת בני אדם).

[49] Gudrun Holtz suggests the label "constitutional impurity" for these statements; see "Purity Conceptions in the Dead Sea Scrolls: 'Ritual-Physical' and 'Moral' Purity in a Diachronic Perspective," in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean and Ancient Judaism*, eds. Christian Frevel and Christophe Nihan (Leiden: Brill, 2013), 522–29.

[50] See my articles: "The Semantics of Purity in the Ancient Near East. Lexical Meaning as a Projection of Embodied Experience." *JANER* 14 (2014): 87–113; "Disgust, Disease and Defilement. The Experiential Basis for Akkadian and Hittite Terms for Pollution," *JAOS* 136 (2016): 99–116.

Ezra 9:11).[51] Interestingly, it should be noted that even the above-cited reference to pollution from the 1QS 5:13–4 is absent from the parallel formulations in the Cave 4 scrolls.[52]

So far these comments may appear as semantic hair-splitting, but there is a more fundamental point which cannot be avoided. The choice of specific pollution-related terminology and the precise usage in context is clearly governed by the genre of the text. As can be seen from an examination of the legal texts from Qumran, especially those dealing with purity, the authors are exceedingly capable of imitating the style of P. From this perspective, it becomes clear that the authors of non-legal texts deliberately avoided the terminology of pollution when dealing with non-biblical categories of pollution or used idioms which clearly distinguished themselves from the ritual categories. These observations corroborate the impressions of Martha Himmelfarb, over two decades ago: "I think it is fair to conclude that the association of sin and impurity in 1QS and 4Q512, and perhaps at Qumran altogether, was primarily evocative rather than halakhic."[53] From a theoretical perspective, the important implication is that careful attention to the trajectories of discourse reveal that the authors were much more conservative than many scholars have recognized: even in their creative conjunction of impurity and sin, they were generally careful to avoid undermining the legal categories of pollution, so carefully outlined in halakhic texts.

The evidence reviewed here has interesting implications for the view that the *Yaḥad* viewed itself as a substitute temple.[54] Indeed, the transferal of the focus of purity behavior from the Jerusalem temple to the community would fit such a conception. A clear expression of this tendency can be found in Temple Scroll's purity laws where one finds a structural analogy between the temple city and other cities. In the former, purification enables entrance into the city, whereas in the latter it enables contact with and consumption of the *ṭahara* (11Q1949:19–21; 63:14–15). Moreover, Michael O. Wise argued that the redaction of the TS was a member of the Qumran sect based on the formal similarity between these laws and 4Q514:[55]

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[51] For discussion of this term, see Elizabeth W. Goldstein, *Impurity and Gender in the Hebrew Bible* (Lanham, PA: Lexington Books, 2015), 51–60.

[52] See Elisha Qimron and James H. Charlesworth, "Cave IV Fragments," in *The Dead Sea Scrolls. Hebrew, Aramaic and Greek Texts with English Translations*, vol. 1, ed. James H. Charlesworth (Tübingen: Mohr Siebeck, 1994), 53–107 (63, n. 16).

[53] Martha Himmelfarb, "Impurity and Sin in 4QD, 1QS, and 4Q512," *DSD* 8 (2001): 9–37 (37).

[54] Devorah Dimant, "4QFlorilegium and the Idea of the Community as Temple," in *Hellenica et Judaica: hommage à Valentin Nikiprowetzky*, ed. A. Caquot, M. Hadas-Lebel, and J. Riaud (Leuven: Peeters, 1986), 165–89; Eyal Regev, "Abominated Temple and a Holy Community: The Formation of the Notions of Purity and Impurity in Qumran," *DSD* 10 (2003): 243–78.

[55] Michael O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11* (Chicago: University of Chicago, 1990), 153; see also the helpful "Form Critical Analysis of the Purity Laws" in Table 6, p. 138.

TS: 11Q1945:15–17	4Q514
אחר יבוא אל עיר המקדש	ואחר יאכלו את לחמם
afterward he may enter the temple city	afterward they will eat their food

While a full assessment is beyond the purview of this essay, Wise's suggestion regarding the redactor of TS, responsible for the scroll's purity laws, has much to commend it, considering that its loci of purity are strikingly compatible with sectarian documents, both halakhic and programmatic.[56] Note, in particular, the rationale given by TS for the purity requirements of other cities given in the admonition that closes Columns 48–51, a collection of laws based primarily on Lev 11 and 15:

והזהרתמה את בני ישראל מכול הטמ(ו)אות .vac ולוא יטמאו בהמה אשר אני מגיד לכה בהר הזה ולוא יטמאו .vac כי אני ה׳ שוכן בתוך בני ישראל וקדשתמה והיו קדושים ולוא ישקצו את נפשותמה בכול אשר הבדלתי להמה לטמאה והיו קדושים[57]

And you shall warn[58] the Israelites regarding all of the impurities, so that they shall not be defiled with those impurities that I ordain for you on this mountain, so that they shall not be defiled. For I am YHWH, *who dwells amidst the Israelites*. You shall sanctify them and they shall be holy, and they shall not make themselves abominable with all that I have set apart for them to be defiling, and they shall be holy (11Q1951:5–10).

This passage combines the rationale of Lev 11, which emphasizes the threat of defiling one's own spirit with language taken from Num 35, which describes defilement of the land caused by bloodshed: "You shall not defile the land in which you live, in which I myself abide, for I, Yhwh, abide among the Israelite people" (34). Yet, the emphasis in the TS has moved from the land to the community. As Aharon Shemesh pointed out, "The Temple Scroll understands this passage not as a geographical designation, but rather as an abstract description of the God Who dwells among the people, that is, within the community."[59]

Still, it is necessary to stress that the community was not a full substitute for the temple, or in the idiom of Num 5 – *the* wilderness camp. As far as the purity laws are concerned, a clear distinction is made throughout the Scrolls between the requirements for eating the *ṭahara* and those for eating sacred foods (קודשים), i. e. those consecrated in sacrificial contexts. Whereas the Purity can be eaten on the night after purification on the seventh day for extended impurity-bearers, sanctified foods must wait until after the offerings on the eight day, following

[56] I hope to evaluate this proposal in a future study.

[57] Qimron, *Temple Scroll*, 75.

[58] Against MT והזרתם "and you shall separate yourselves" (derived from the root נז״ר), the reading here והזהרתמה (derived from זה״ר), parallels the LXX, Samaritan and Peshitta. See Milgrom, *Leviticus*, 1:945.

[59] Aharon Shemesh, "The Holiness According to the Temple Scroll," *RQ* 19 (2000): 369–82 (373). The emphasis on God's presence among the people is maintained even when referring to the temple (45:14; 46:3–4, 10–12).

sunset. This consistent halakhic attitude fits additional evidence, specifically the continued concern for the temple in the Scrolls despite their scathing critiques of it and the explicit emphasis on cult centralization expressed in TS and 4QMMT.[60] Interestingly, this conclusion also emerges from the ambiguous evidence for "moral impurity" in the Scrolls. Whereas the ostensible blurring of the categories of impurity and sin might appear to support an attempt to undermine the emphasis on ritual purity associated with the functioning Jerusalem temple in favor of the community as a spiritual substitute, the analysis of the textual evidence above leads to the opposite conclusion: the authors were generally careful to distinguish the technical usage of pollution terminology related to halakhic (ritual) texts and the evocative terminology of filth and shame in liturgical and programmatic texts. This conscientious distinction reinforces the impression that the authors had no intention of subverting traditional categories and looked forward to the future implementation of their halakhic views in the Jerusalem temple.

4. Conclusion

In conclusion, this essay has attempted to understand the purity discourse of the Qumran Scrolls within the evolutionary framework of *images*, *codes,* and *discourse*. While one of the objectives of this framework was to account for both universal (embodied, experience-based) and culture-specific factors contributing to purity discourse, the present discussion has focused on the place of the Qumran discourse within the historical development of ancient Judaisms. To a large extent, this discourse can be viewed as conservative in its appropriation of biblical precedents, particularly its emphasis in halakhic texts on the same types of pollution represented in P. One of the more innovative aspects, the use of impurity-related terminology to describe the lowliness of corporeal existence, draws on the imagery of the body in a way lacking any comparable biblical precedent. Overall, however, one is struck by the care taken by the authors to avoid subverting authoritative codes. Here the evolutionary framework, by drawing attention to trajectories of discourse within a diachronic perspective, offers a corrective to modes of analyses that are overly dependent on analytic categories (e.g., "moral impurity"), at the expense of closer attention to the careful structuring of discourse by means of genre distinctions and lexical markers employed by the scribes of the Scrolls. Despite this high level of continuity with traditional categories, the authors of the Scrolls afforded themselves considerable room for

[60] See Martin Goodman, "The Qumran Sectarians and the Temple in Jerusalem," and Hanne von Weissenberg, "The Centrality of the Temple in 4QMMT," in *The Dead Sea Scrolls. Texts and Contexts,* STDJ 90, ed. Charlotte Hempel (Leiden: Brill, 2010), 263–73 and 293–305 (respectively).

creativity in adapting the raw materials of embodiment and existing halakhic frameworks to address – through innovative purity praxis and language – the challenges faced at the end of days.

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Archaeological Finds as Evidence for Everyday Purity Practice in the Hellenistic-Roman Period in Judea and Galilee

Roland Deines

For some years now, purity has been a topic on the rise: in Jewish Studies, in New Testament Studies, in Mediterranean Studies there is no dearth of books published and conferences held. Regularly, the credit for this new interest in purity is given to Mary Douglas's *Purity and Danger* from 1966, which became one of the most influential studies on this topic and has remained a key reference point ever since despite the fact that Douglas has changed her initial position to no small degree. This signals something of the dynamics of these questions and the liveliness of the discussion. The fact that her first book includes a long chapter on Leviticus made it especially easy for Biblical and Jewish Studies students to engage with it. In her subsequent work she not only continued to engage biblical texts but even intensified her interest in them.[1] In Jewish Studies, the burst of interest followed the twin triggers of Jacob Neusner's *The Idea of Purity in Ancient Judaism* (along with his subsequent work and that of his students mainly

[1] Mary Douglas, *Purity and Danger. An Analysis of the Concepts of Pollution and Taboo* (London: Routledge 1966, 2nd version 1969). The German translation only appeared in 1985 (Reinheit und Gefährdung. Eine Studie zu Vorstellungen von Verunreinigung und Tabu [Berlin: Reimer, 1985]) which became widely known when the paperback edition appeared a few years later in the then famous Suhrkamp-Taschenbuch Wissenschaft series (stw 712, Frankfurt: Suhrkamp, 1988). The seminal importance of Douglas is acknowledged i.a. by Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000), 3, 7–10, 18–19, which in the meantime has become a classic in its own terms, see further Jonathan Klawans, "Review Essay. Rethinking Leviticus and Rereading Purity and Danger," *AJS Review* 27 (2003): 89–102; Susan Haber, "They Shall Purify Themselves." *Essays on Purity in Early Judaism*, ed. Adele Reinhartz, SBLEJL 24 (Atlanta, GA: Society of Biblical Literature, 2008), 13–15. In Classics, the renewed interest can be traced to Robert Parker, *Miasma. Pollution and Purification in Early Greek Religion* (Oxford: Clarendon, 1983), who also takes Douglas's "brilliant book" as one of his key interlocutors (61). For New Testament studies John P. Meier's chapter 35, "Jesus and Purity Laws" in his *A Marginal Jew*, vol. 4. *Law and Love*, ABRL (New Haven: Yale University Press, 2009), is a good example, where Douglas is the first name mentioned in the text (342, see also 349) and in the chapter's endnotes (n. 2 on p. 426). The first endnote is what Meier labels "a basic bibliography" on "Jewish purity laws, purity issues in the New Testament … and allied topics" covering eleven pages in small (and continuous) print (*Marginal Jew*, 415–26). For more on this "basic bibliography" see below n. 4.

in the field of Rabbinic Literature),[2] and the beginning of halakhically informed Qumran studies, with Joseph M. Baumgarten and Lawrence Schiffman as the seminal figures.[3] Baumgarten's and Schiffman's first contributions were accompanied by the publication of the Qumran halakhic corpus, starting with Yigael Yadin's lavish edition of the Temple Scroll first in Hebrew (1977) and then in 1983 in English. Biblical Studies joined in, somehow belatedly, only in the 1980s, when a number of incisive treatments appeared which established a different way to look at everything connected with what can be called "ritual" purity.[4]

1. The Old Paradigm: Deprecation of Purity

Most importantly, this new interest in purity was no longer tainted by enlightenment and (mainly) liberal Protestant prejudices against everything related to ritual expressions of religions which had been regularly described as the opposite of a pure and true religious mindset. Scholars of that era tended to speak disdainfully of "ritualistic" religious elements. For them, true religion was regarded as an attitude of the soul rather than a practice of the body, preferably in a nuanced and romantic Schleiermacherian sense of a "feeling of absolute dependence"[5] that is – and remains – just that: a feeling or a notion which is in the heart and mind but nothing so ordinary and superstitious as a ritual cleansing from

[2] Jacob Neusner, *The Idea of Purity in Ancient Judaism*, SJLA 1 (Leiden: Brill, 1973), followed by the 22 volumes of *A History of the Mishnaic Law of Purities*, SJLA 6 (Leiden: Brill, 1974–77). In his preface to *The Idea of Purity* he reflects on his surprise realisation, lecturing at various European universities, "of the importance of purity in the study of religions" (X). He also acknowledges the influence of Douglas and discusses her earlier work quite extensively (119–29). Douglas was invited to a response which is published at the end of Neusner's *Idea of Purity* ("Critique and Commentary," 137–42).

[3] Lawrence H. Schiffman, *The Halakhah at Qumran*, SJLA 16 (Leiden: Brill, 1975); Joseph M. Baumgarten, *Studies in Qumran Law*, SJLA 24 (Leiden: Brill, 1977).

[4] Cf. for example the 1968/69 doctoral dissertation of Wilfried Paschen, *Rein und Unrein. Untersuchungen zur biblischen Wortgeschichte*, SANT 24 (München: Kösel, 1970), where Mary Douglas is not even mentioned, as are the most important Jewish scholars from a generation earlier, Adolf Büchler and Gedalyahu Alon. The already mentioned 11-page bibliography of Meier (above n. 1), illuminates the rapid change of the discipline quite vividly: it starts in 1906 with Büchler, whose importance has since been widely recognized, and ends 2007 with a contribution of Eyal Regev. Studies from 1906 to Douglas's Purity and Danger in 1966 cover about half a page, another two thirds of a page is needed to cover up to 1976, i. e. slightly more than one page is enough for the first 70 years, but a good 10 pages are necessary for the subsequent 30 years.

[5] Hueston E. Finlay, "'Feeling of Absolute Dependence' or 'Absolute Feeling of Dependence'? A Question revised," *Religious Studies* 41 (2005): 81–94. On Schleiermachers's rejection of Judaism as "the example of what religion is not or should not be" see Anders Gerdmar, *Roots of Theological Anti-Semitism. German Biblical Interpretation and the Jews, from Herder and Semler to Kittel and Bultmann*, Studies in Jewish History and Culture 20 (Leiden: Brill 2009),

imagined impurities. Famous names such as Julius Wellhausen, Emil Schürer, Wilhelm Bousset, Adolf von Harnack and all the way up to the scholars of the second quest for the historical Jesus exhibited this tendency: they defined what a worthwhile religion should look like, and ritual purity, dietary restrictions, and similar signs of excessive "ritualism" were not included. For them, rituals are rather a sign of a deficient religion as can be seen in the orthodox and catholic churches and – of course – most of all in "late Judaism" or "Spätjudentum."[6] Jonathan Klawans describes Wellhausen's influential "evolutionist" picture of Israel's religion as "the ritualistic turn away from prophetic ethics" which is equivalent to "the devolution … of Second Temple Judaism."[7] The key culprits in this declension narrative are the Pharisees and their heirs, the rabbis of rabbinic literature.[8]

61–76 (quote 65). The root of this total antagonism against any form of a "ceremonial" religion goes back, according to Gerdmar, to the English Deists (ibid., 29–38).

[6] A summary of all these prejudices can be found in Adolf von Harnack, Das Wesen des Christentums, his famous lectures for the inauguration of the new century in 1899/1900. In his lecture on eastern orthodox Christianities he names "ritualism" as a further sign of degradation: „Nichts ist trauriger zu sehen als diese Umwandlung der christlichen Religion aus einem Gottesdienst im Geist und in der Wahrheit zu einem Gottesdienst der Zeichen, Formeln und Idole! Man braucht gar nicht bis zu den religiös und intellektuell völlig verwahrlosten Gliedern dieser Christenheit, zu Kopten und Abessyniern herunterzusteigen, um diese Entwicklung schaudernd zu erkennen – auch bei Syrern, Griechen und Russen steht es im Ganzen nur um weniges besser. Wo aber ist in der Verkündigung Jesu auch nur eine Spur davon zu finden, daß man religiöse Weihen als geheimnisvolle Applikationen über sich ergehen lassen soll, daß man ein Ritual pünktlich befolgen, Bilder aufstellen und Sprüche und Formeln in vorgeschriebener Weise murmeln soll? *Um diese Art von Religion aufzulösen, hat sich Jesus Christus ans Kreuz schlagen lassen*; nun ist sie unter seinem Namen und seiner Autorität wieder aufgerichtet!" Adolf von Harnack, *Das Wesen des Christentums. Sechzehn Vorlesungen vor Studierenden aller Fakultäten im Wintersemester 1899/1900 an der Universität Berlin*, ed. C.-D. Osthövener (Tübingen: Mohr Siebeck, 2005), 135 (emphasis in the original). On Harnack's discussion of Judaism and Jewish reactions to it see Roland Deines, *Die Pharisäer. Ihr Verständnis im Spiegel der christlichen und jüdischen Forschung seit Wellhausen und Graetz*, WUNT 101 (Tübingen: Mohr Siebeck 1997), 194–237.

[7] Jonathan Klawans, *Purity, Sacrifice, and the Temple. Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: Oxford University Press, 2006), 50.

[8] For the history of anti-pharisaic and anti-rabbinic scholarship see (in chronological order) Charlotte Klein, *Theologie und Anti-Judaismus*, ACJD 6 (München: Kaiser, 1975); Karl Hoheisel, *Das antike Judentum in christlicher Sicht*, StOR2 (Wiesbaden: Harrassowitz, 1978); Deines, *Pharisäer*; Hans-Günther Waubke, *Die Pharisäer in der protestantischen Bibelwissenschaft des 19. Jahrhunderts*, BHTh 107 (Tübingen: Mohr Siebeck, 1998); Gerdmar, *Roots of Theological Anti-Semitism*. The first who distinguished sharply between pre-exilic Israel and post-exilic Judaism was the Old Testament scholar Johann Gottfried Eichhorn (1752–1827), but it was Julius Wellhausen who made the distinction widely felt, most visible in the title of his book *Israelitsche und jüdische Geschichte*, which first appeared in 1894 and is even today a widely used and available resource (9th ed., Berlin: de Gruyter 1981, repr. 2019; a study edition appeared as 10th ed. in 2004); equally successful was his *Prolegomena zur Geschichte Israels* (first appearance under the title, *Geschichte Israels*, vol. 1: *Prolegomena*, 1878, 6th ed. 1905, with reprints 1927, 1981 and 2001, ET *Prolegomena to the History of Israel*, with a preface by W. Robertson Smith, first publ. 1885, the latest reprint is a part of the *Cambridge Library Collection*, Cambridge: Cambridge

It would be easy to provide long lists of quotes to demonstrate this deeply rooted anti-ritualism in mainly protestant scholarship. Even defenders of the Pharisees and rabbis from Adolf Büchler to Ed P. Sanders unwittingly fell into this trap when they tried to rescue Second-Temple and Rabbinic Judaism by reducing the influence of ritual purity either to a small portion of the population (i. e., priests, therefore often dubbed "levitical [im]purity") or to a very limited set of occasions (namely visits to the temple in Jerusalem, and therefore dubbed "cultic [im]purity").[9]

To take the great *Wissenschaft des Judentum*-scholar Adolf Büchler (1867–1939) as an example: in his classic monograph *Der galiläische 'Am-Ha'areṣ des zweiten Jahrhunderts* (Wien 1906; repr. Hildesheim: Olms 1968) he defended classical Judaism against this charge of ritualism with the argument that the priestly purity halakhah was extended to the laity only after 135 CE – and was therefore no point of conflict between Jesus and the Pharisees nor in anyway connected to Second-Temple Judaism, which could therefore be presented as a religion more to the tastes of the liberal Protestant scholars who dominated the field during that time.[10] In addition, Büchler represents very strongly the position that purity regulations were regarded as mandatory only for priests during their time serving in the temple and for non-priestly Israelites only when they actually visited the temple; in other words, ritual purity as a requirement concerns only the priestly specialists while on duty and the laity only on the rare occasions when they were visiting the temple.[11] In addition, he wrote a number of impressive studies on

University Press, 2013), which laid the foundation for his understanding of the Torah in Israel's history and its negative influence in post-exilic Judea; on Wellhausen see now Paul Michael Kurtz, *Kaiser, Christ, and Canaan. The Religion of Israel in Protestant Germany, 1871–1918*, FAT 122 (Tübingen: Mohr Siebeck, 2018).

[9] There is no need to discuss the question of "moral impurity," because this concept has no accompanying rite. In this metaphorical sense purity, respectively impurity, was much more acceptable for modern notions of religion. For example, Harnack can write about "Reinheit" (purity) as a necessity for a true religion, but this is purity of the heart and has nothing to do with ritual purity, see e. g. *Wesen des Christentums*, 35, 91, 94, 99 et al.

[10] See Büchler, *'Am-Ha'areṣ*, 3: "Die allgemeine, durch nichts begründete Annahme der protestantischen Forscher, daß das Leben der gesetzestreuen Juden auf Schritt und Tritt vom Reinheitsgesetze belastet war und dieses ihm jeden Umgang mit dem Volke unmöglich gemacht hat, erweist sich als völlig haltlos." For a critique of Büchler's apologetic approach see A. Oppenheimer, *The 'Am Ha-Aretz. A Study in the Social History of the Jewish People in the Hellenistic-Roman Period*, ALGHJ 8 (Leiden 1977), 6–10.156 etc.; Daniel Sperber, *A Commentary on Derech Erez Zuta. Chapters Five to Eight* (Ramat Gan: Bar-Ilan University Press, 1990), 56 f.167; See further Isaiah M. Gafni, "Adolf Büchler and the Historiography of Talmudic Judaism," in *Modern Jewish Scholarship in Hungary. The 'Science of Judaism' between East and West*, eds. Támas Turán and Carsten Wilke (Berlin: de Gruyter Oldenbourg, 2016), 295–305 (on Büchler's *'Am-Ha'areṣ* s. esp. 301–3).

[11] See his: *Die Priester und der Cultus im letzten Jahrzehnt des Tempelbestandes* (Vienna, 1895). For the importance of ritual purity in Galilee after 135 he further adduced that a substantial portion of its population had been Aaronites, *'Am-Ha'areṣ*, 336: "Viele Anzeichen in den behandelten religionsgesetzlichen Bestimmungen sprechen deutlich dafür, daß ein großer

Jewish piety in the time of Jesus to demonstrate against mainly Protestant professors (with Bousset as his most often named target) that Judaism was not driven by external obedience to strange purity rituals but by devotion and commitment to the electing God of Israel, and within this covenantal relationship any form of ritual purity plays only a minor part. Instead he explains "the biblical idea of purity as freedom from sin." And this would mean, that Judaism past and present is as respectable a religion as Christianity and especially Protestantism.[12] This is not said explicitly but part of the underlying "need" of his work, as Gafni phrases it, was "to respond to the Christian historiography of his day as it described first-century Judaism."[13]

Only for the temple and for the very few, so the argument goes, do the purity rules apply; otherwise, they do not matter much and are just a minor element. This line of argument is taken up by Ed P. Sanders. He asserts with regard to the Pharisees, who were more concerned with everyday purity matters than other Jews, that this was mainly a concern *within their own party* and that they had no interest in or need of requiring it from other Jews. Both Daniel Schwartz and Jacob Neusner protested against this 'defense' of Judaism, because, as they rightly pointed out, Sanders tried to turn Judaism into a form of enlightened Protestantism, where works or deeds of the law count for nothing and purity matters are only a trifle.[14]

Bruchteil der galiläischen Bevölkerung aus Ahroniden [sic] bestand, für die das levitische Reinheitsgesetz besondere Wichtigkeit hatte."

[12] Adolf Büchler, *Studies in Sin and Atonement in the Rabbinic Literature of the First Century* (New York: Ktav, 1967; first published as vol. 11 of Jews' College Publication, London: Oxford University Press, 1928), 319; see also his *Types of Jewish-Palestinian Piety from 70 BCE to 70 CE The Ancient Pious Men*, Jews' College Publication 8 (London: Oxford University Press, 1922). On the pertinent influence of Büchler see Klawans, *Impurity*, 5–7; Haber, "They Shall Purify Themselves," 11–12.

[13] Gafni, "Adolf Büchler," 304.

[14] Ed P. Sanders, *Jewish Law from Jesus to the Mishnah. Five Studies* (London: SCM, 1990), 130–254 on "Did the Pharisees Eat Ordinary Food in Purity", a chapter which raised a still ongoing discussion (on his indebtedness to Büchler see 162); in addition see also idem, *Judaism: Practice and Belief 63 BCE–66 CE* (London: SCM, 1992). A. S. van der Woude wrote in his review of *Jewish Law* that Sanders' book "shows a Protestant theological apologetic for a Judaism in the liberal Protestant model" (JSJ 23 [1992]: 168); similar comments can be found in Jacob Neusner, *Judaic Law from Jesus to the Mishnah. A Systematic Reply to Professor E. P. Sanders*, SFSHJ 84 (Atlanta, GA: Scholars Press, 1993), 272–3; Daniel R. Schwartz, *Leben durch Jesus versus Leben durch die Torah. Zur Religionspolemik der ersten Jahrhunderte*, Franz-Delitzsch-Vorlesung 1991 (Münster: Institutum Judaicum Delitzschianum, 1993), 10–13; Deines, *Pharisäer*, 25–6. For my own discussion with Sanders see Roland Deines, *Jüdische Steingefäße und pharisäische Frömmigkeit. Ein archäologisch-historischer Beitrag zum Verständnis von Johannes 2,6 und der jüdischen Reinheitshalacha zur Zeit Jesu*, WUNT 2/52 (Tübingen: Mohr Siebeck, 1993), 19–21, 171–74, 269–71, and together with Martin Hengel, "E. P. Sanders' 'Common Judaism', Jesus, and the Pharisees. A Review Article," *JTS* 46 (1995): 1–70; an expanded version of this article in German is: "E. P. Sanders' *Common Judaism*, Jesus und die Pharisäer," in M. Hengel, *Judaica et Hellenistica I. Studien zum antiken Judentum und seiner griechischen Umwelt*, Kleine Schriften 1, WUNT 90 (Tübingen: Mohr Siebeck, 1996), 392–479.

Contemporary scholarship is much more aware of its anti-Jewish biases, and especially New Testament scholarship has given up an understanding of Jesus as the one who fights against a ritualistic Judaism, setting the ignorant masses free from the 'captivity' they were held in by the Pharisees' insistence on purity and instead offering them a light yoke to replace that heavy burden. In general, the third quest for the historical Jesus was accompanied by a new interest in halakhah (with Sabbath law most prominently), because the historical Jesus came to be regarded by many as a Jewish sage who discussed the Torah with his contemporaries and as one who himself lived an halakhically regulated lifestyle, rather than any kind of rebel, radical reformer or messianic pretender, whose main aim was to overcome Jewish "legalism."[15]

2. Archaeology and the New Appreciation of Purity

This new interest in and awareness of the importance of halakhah was, however, not solely due to a new understanding of *texts* but to a large degree also the result of two epic *archaeological discoveries*: the Dead Sea Scrolls and the excavation of Masada by Yigal Yadin in the years 1963 to 1965.

In the *scrolls*, messianic expectations, inspired exegesis of biblical texts, prayers and psalm-like compositions appeared which could stand even the "Schleiermacherian test" as they express a "feeling of absolute dependence" on God's mercy and his saving actions. For some, perhaps the most astonishing revelation was that they were found *side by side* with extensive and detailed halakhic texts. Suddenly, halakhah could no longer be seen as merely the sign of a 'petrified' religion close to its extinction, but became visible as *one element of an overall religious setting* that affected body, soul, and mind in equal measure. However, it took some time before the halakhic texts from Qumran received the attention they deserved, because initially, as Larry Schiffman recalls, "most colleagues, including even some Israelis, regarded the Dead Sea Scrolls as of primary interest for the history of Christianity and not for Judaism."[16]

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[15] A helpful summary of the discussion can be found in Meier, *Marginal Jew*, vol. 4: *Law and Love* (see n. 1).

[16] Lawrence H. Schiffman, "Second Temple Jewish Law in Light of the Dead Sea Scrolls. Widening the Paradigm," in *Law, Literature, and Society in Legal Texts from Qumran. Papers from the Ninth Meeting of the International Organization for Qumran Studies, Leuven 2016*, eds. Jutta Jokiranta and Molly M. Zahn, STDJ 128 (Leiden: Brill, 2019), 1–26 (1). Similarly Yonatan Adler, "The Decline of Jewish Ritual Purity Observance in Roman Palaestina: An Archaeological Perspective on Chronology and Historical Context," in *Expressions of Cult in the Southern Levant in the Greco-Roman Period. Manifestations in Text and Material Culture*, eds. Oren Tal and Zeev Weiss, Contextualizing the Sacred Series 6 (Turnhout: Brepols, 2017), 269–284, who refers especially to the publication of the halakhic texts from Qumran Cave 4, which began in the mid-1980s as trigger "for this newfound scholarly interest" (269).

On the other hand, the impact of the findings at *Masada* was felt immediately – not least because of Yadin's publicity coup, when he brought a group of six Rabbis, one an expert in the laws regarding *miqva'ot*, to the top of Masada to examine a water installation his team had excavated in the casemate wall. The picture of two men in their traditional orthodox clothing, David Muntzberg and Eliezer Alter, examining with a yardstick a tri-partite water installation with steps leading into two of its parts and an adjacent basin, has become the icon of what may be labelled "rabbinic archaeology," in analogy to the first phase of "biblical archaeology": that is, archaeology as a tool to prove the credibility of rabbinic traditions – and in so doing to affirm the status of the rabbis as leaders and teachers of the Jewish people since the end of the prophetic age. With the help and consent of Muntzberg and Alter, the water installation on Masada was finally interpreted as a ritual bath, which was connected to a storage pool (*otzar*) and combined with a further basin for hand- and foot washing.[17] What was even more significant, however, was not just the interpretation as a *miqveh*, but the fact that the Rabbis declared the installation as a *halakhically valid* "kosher" *miqveh*. At this time, "halakhically valid" meant – as it continues to mean to a certain degree even today – "valid" with regard to the rabbinic corpus.[18]

This event was foundational for the modern study of *miqva'ot* and is recounted in nearly every publication on ritual baths ever since.[19] But it stands not only as the icon of "rabbinic archaeology" but also for the ensuing dispute between 'pure' archaeological data and their interpretation based on religious texts which are held as authoritative and binding by influential groups within contemporary societies eager to buttress their present-day agendas with historical – in this

[17] Yigael Yadin, *Masada. Der letzte Kampf um die Festung des Herodes* (Hamburg: Hoffmann und Campe, 1972; this is the transl. of the 3rd ed. of *Masada. Herod's Fortress and the Zealots' Last Stand* [London: Weidenfeld & Nicolson, 1966]), 164–67. Ronny Reich, *Miqwa'ot (Jewish Ritual Baths) in the Second Temple, Mishnaic and Talmudic Peri*ods (Jerusalem: Israel Exploration Society and Yad Ben-Zvi, 2013) (in Hebrew), indicates in his own ground-breaking study that this incident is the beginning of archaeological research on *miqva'ot* (for an accessible summary of Reich's monograph see Yonatan Adler's review in *JRA* 27 [2014]: 858–62).

[18] For a recent example see Ronny Reich and Marcela Zapata Meza, "A Preliminary Report on the *Miqwa'ot* of Migdal," *IEJ* 64 (2014): 63–71. In their description of the first groundwater-maintained *miqva'ot* found so far in Israel they concluded that "the Migdal *miqwa'ot* are in keeping with the specifications set by the rabbinic authorities" (70) because groundwater counts as "living water" (Lev 15:13) according to m. Miqw. 1,8 (69). This simply presupposes that something can only be halakhically valid if it is in accordance with the *rabbinic* authorities, although they were simply not present in the time when the Magdala *miqva'ot* were built and used.

[19] See e.g. Sanders, *Jewish Law*, 216; Jürgen Zangenberg, "Pure Stone. Archaeological Evidence for Jewish Purity Practices in Late Second Temple Judaism (Miqwa'ot and Stone Vessels)," in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, eds. Christian Frevel and Christophe Nihan, Dynamics in the History of Religions 3 (Leiden: Brill, 2013) 537–572 (531); Stuart S. Miller, *At the Intersection of Texts and Material Finds. Stepped Pools, Stone Vessels, and Ritual Purity Among the Jews of Roman Galilee*, JAJ Sup 16 (Göttingen: Vandenhoeck & Ruprecht, 2nd ed. 2019), 17–19.

case archaeological – "proof". Yonatan Adler (whom I mention at the beginning of the archaeological discussion because I depend to a large degree on his research, which I regard as currently the most intriguing contribution to our topic) refers to the Masada event in numerous places and it is quite obvious that he takes a reserved position on this conflation of historical scholarship and current religious affairs with its privileging of rabbinic orthodoxy as norm for what is to be regarded as "kosher" and/or as appropriate Jewish practice.[20] Adler himself prefers the label "purity archaeology" or "archaeology of halakhah" – as long as halakhah is not restricted to rabbinic halakhah but as reference "to any Jewish approach to the practical implemention of Torah law."[21]

While Yadin (wrongly) declared the Masada *miqveh* as the first ever found from this epoch („daß das [sic] *mikwe* in Masada bisher das einzige aus der Epoche darstellt, in der man viele der wichtigsten Gesetze über das rituelle Baden niedergeschrieben und eingeführt hat" [166]), numbers have grown since then – not only because of new excavations but also because previous finds of stepped pools were subsequently interpreted as *miqva'ot*.[22] Their full scholarly recognition came with Ronny Reich's 1990 PhD thesis, which was itself the result of the excavations carried out by Nahman Avigad in the Jewish Quarter of Jerusalem between 1969 and 1982. Reich, who did his MA under Yadin, worked as assistant of Avigad and took part in the excavations of the numerous *miqva'ot* in the Jewish quarter. In his thesis, he listed nearly 300 *miqva'ot* from all around Israel; the updated book version from 2013 roughly doubles the number, and every new issue of *Excavations and Surveys*, *Atiqot* or a similar journal further extends this corpus. Adler estimates the number of *miqva'ot* in his review of Reich's 2013 edition to be about 900.[23]

[20] Cf. e.g. the description of the Masada visit in quite some detail in Yonatan Adler, "The Myth of the *'ôṣār* in Second Temple-period Ritual Baths. An Anachronistic Interpretation of a Modern-era Innovation," *JJS* 65 (2014): 263–83, for Masada see esp. 264–5, 269, and 282–3. On p. 282, he speaks of the "*Ultra*-Orthodox Rabbi David Münzberg" (emphasis RD), on whose expertise the decision about the Masada *miqveh* was based. In this paper he challenges the idea of an *otzar* completely before the 19th century, which seems to me rather far-fetched and motivated mainly by his concerns against the rabbinic 'captivity' of purity halakhah. His suggestions for "the function of the so-called *'ôṣār* installations" (280–1) are hardly convincing as is his dismissal of rabbinic evidence that is usually provided to explain this unusual phenomenon. Nevertheless, this is a helpful reminder for caution in interpreting archaeological data. See also Miller, *Intersection*, 62–73, and below pp. 111–12 on this question.

[21] Yonatan Adler, "Toward an 'Archaeology of Halakhah'. Prospects and Pitfalls of Reading Early Jewish Ritual Law into the Ancient Material Record," *Archaeology and Texts* 1 (2017): 27–38 (28): "One extremely common mistake is to read the material finds exclusively through the prism of rabbinic halakhah" (33).

[22] Cf. Adler, "Review," 859, who mentions the 'rediscovery' of "a number of ritual baths … as Reich surveyed the archaeological literature from the 19th and 20th c., in which dozens of *miqwa'ot* were erroneously identified as cisterns, wine-presses, bath-houses, industrial installations, or even burial tombs." Cf. also Sanders, *Jewish Law*, 215–6.

[23] Adler, "Review," 861; see also Reich and Zapata Meza, "Migdal," 63, where the number is "800."

3. Sobering the Purity Enthusiasm

To be sure, some voices cautioned against this early '*pan-Miqvaism*', which tended to declare every plastered water-installation with steps to be a *miqveh*. The latter was undoubtedly the result of a premature and overconfident conflation of archaeological finds with textual evidence, in this case rabbinic literature. Or, as Adler recoins the old adage related to Biblical archaeology: "scholars who proverbially hold the spade in one hand and the Mishnah in the other."[24]

Those who are careful to distinguish between the archaeological evidence and its interpretation as an indication of either Jewish presence at a certain site or a more specific Jewish religious practice, tend to talk about "stepped pools" to avoid hasty identification with a Jewish ritual bath. Jürgen Zangenberg is one of the more prominent "sceptics."[25] Others would be Jonathan Reed,[26] Stuart Miller,[27] Shimon Gibson,[28] and Günter Stemberger,[29] but their arguments

[24] "Archaeology of Halakhah," 33.

[25] I use this label in the following for those colleagues who are cautious and rather reluctant in identifying archaeological evidence with the help of literary texts, sometimes also called "minimalists," without any negative implication. On the contrary, their reluctance and methodological scrutiny force the sometimes overconfident "maximalists" (a label occasionally used for my own work) to constantly rethink and further substantiate their position. I am convinced that by such mutual effort, similar to nested intervals in Mathematics, we are able to come closer to what was thought and practised regarding purity in first century Judaism.

[26] Jonathan L. Reed, "Stone Vessels and Gospel Texts. Purity and Socio-Economics in John 2," in *Zeichen aus Text und Stein. Studien auf dem Weg zu einer Archäologie des Neuen Testaments*, eds. Stefan Alkier and Jürgen Zangenberg, TANZ 42 (Tübingen: Francke, 2003), 381–401. See also his review of my *Steingefäße* in *JSJ* 27 (1996): 78–81, and his remarks in Jonathan L. Reed, *Archaeology and the Galilean Jesus. A Re-examination of the Evidence* (Harrisburg: Trinity Press, 2000), 18 n. 52, 44, 49–51, 56–57.

[27] Miller, *Intersection* (from his many publications on the topic I mention only this most recent monograph, which incorporates, wholly or in part, many of his previous research papers). He describes vividly his own initial reservation during the excavations at Sepphoris "in referring to the stepped pools as 'miqva'ot'," which obviously inspired students to dub them "PMLS – "possible miqveh-like structures!" (5). The focus of his studies is however the "evolving and undergoing transformation" of ritual purity practices "after 70 CE" (7) and its continuation beyond the 3rd century. The main thrust of his 'sceptical' approach is directed against an understanding of the rabbis (or halakhic rules as set out by them) as the driver of these changes visible in the material culture. According to him halakhic decision-making often *follows* already established practices which originated in "the overall determination to follow biblically–derived ritual purity practices as best as they were understood by ordinary people" (43).

[28] "Stone Vessels of the Early Roman Period from Jerusalem and Palestine. A Reassessment," in *One Land – Many Cultures. Archaeological Studies in Honour of Stanislao Loffreda OFM*, eds. Giovanni C. Bottini and Stanislao Loffreda, SBF. Collectio Maior 41 (Jerusalem: Franciscan Press), 287–308.

[29] "Pharisäer, Sadduzäer, Essener. Religiöse Vorstellungen und Lebensweise," in *Judaica Minora I*, TSAJ 133 (Tübingen: Mohr Siebeck, 2010), 341–65 (359). His scepticism against identifying these baths as *miqva'ot* is partly based on his assumption that ritual purity refers mainly to priests and visits in the Temple (356). As a result, he accepts that baths in Jericho, Qumran and the Upper city in Jerusalem, where many priests lived, might have served as

mostly point in the same direction and I will use Zangenberg as an indicative example. He begins his critique by asking: "Were all stepped pools used for ritual purposes? Are all products of the Second Temple stone industry, or even all stone vessels for that matter, signs of a widespread interest in purity ideals?"[30]

I do not think Zangenberg's phrasing of the question is the most helpful, as the answer can only be: "Of course not." Even those who favor the interpretation he criticizes are careful *not* to interpret "all stepped pools" and "all products of the Second Temple stone industry" as indicative of purity halakhah without qualification. But this obvious answer to Zangenberg's question is not all that can be said on what is historically probable. Rather, it remains possible to offer a more nuanced understanding of these finds as indicative of an *increased widespread interest in a halakhically structured religious purity practice*.

One of the main arguments in favor of such an understanding is the nearly simultaneous local appearance of both, stepped pools and stone vessels (including ossuaries), in the archaeological records. Stepped pools begin to appear some time in the late 2nd or early 1st century BCE with stone vessels in the second half of the 1st century, and both are absent in the find records outside of Israel.[31] Even within the country itself, they appear in very different concentrations. The evidence invites an explanation, and in the search for a coherent, compelling ac-

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miqva'ot, but in other contexts he remains sceptical. In the same way he relates stone vessels to priestly concerns about purity, therefore initially used only by priests. In his view they were "Luxusgegenstände," which only upper-class priests could afford, and this explains why they were found mainly in Jerusalem (which is not true, as was well known when he wrote this article). Later, stone vessels became fashionable ("Mode") and due to higher production numbers also available for more and more people (360).

[30] Zangenberg, "Pure Stone," 538.

[31] Which is acknowledged by Zangenberg, "Pure Stone," 543: "No stepped pools for ritual washings are known from outside Palestine." On stone vessels see 546: "no comparable examples are known from the diaspora" – and, one has to add, from any other place in the Levant aside from territories with Jewish population; this is accepted, as far as I see, unanimously by all involved in this discussion. This distribution pattern is also a key argument against the interpretation of them as fashionable luxury items (see below n. 46). For the dating of *miqva'ot* see Zangenberg, "Pure Stone," 543: "time of Alexander Jannaeus, i. e. the early to mid–1st c. BCE." Adler, "Archaeology of Halakhah," 29: 100 BCE to c. 650 (end of the Byzantine era in Palestine); Jonathan D. Lawrence, *Washing in Water. Trajectories of Ritual Bathing in the Hebrew Bible and Second Temple Literature* (Atlanta, GA: Society of Biblical Literature, 2006), 158: "beginning around the mid-second century BCE"; Robert Darby, "Baths," in *T&T Clark Encyclopaedia of Second Temple Judaism*, 2 vols., eds. Loren T. Stuckenbruck and Daniel M. Gurtner (London: T&T Clark, 2020), 2.99–100. Ehud Netzer found evidence for a *miqveh* as part of a larger bathroom complex in the first of the Hasmonean winter palaces in Jericho, the so-called "Buried Palace," which "was apparently built between 125 and 115 BCE by John Hyrcanus I.," see idem, *Hasmonean and Herodian Palaces at Jericho. Final Reports of the 1973–1987 Excavations*, vol. I. *Stratigraphy and Architecture* (Jerusalem: Israel Exploration Society, 2001), 2 (for details see 39–43). The same building contained also a bathroom with a large bathtub (35), not connected directly to the *miqveh*. All palace buildings constructed thereafter had baths and *miqva'ot* with increased sophistication and especially with the *miqva'ot* integrated more fully to the typical series of Roman bathrooms.

count, many scholars turned to contemporary (or, nearly contemporary) texts which allude to an increasing interest in religious purity practices, starting with the literature of the Hasmonean era.[32] Admittedly, these texts do not describe the details of where such purifications took place, but starting in the 3rd century rabbinic literature provides detailed discussions of various water installations and vessels made of stone in the context of discussions regarding everyday purity.[33] It is evident from the sophistication of these discussions that the texts do not define what should be done from now on, but they reflect and sort existing practices, some of which with approval and others which they rejected. In fact, more or less everybody who deals with stone vessels or *miqva'ot* does this with reference to mainly rabbinic texts. They are simply too good and too precise to be ignored.

For Zangenberg this means "constructing connections *a priori* that may or may not be there in the first place" (539). He presents two caveats, namely (1) the diversity of the material, and (2) the lack of clarity with regard to the function of these objects, arguing they need to be addressed before necessarily "*cautious* statements about purpose and ideological context" can be made (539, emphasis original). But despite the cautions he offers, Zangenberg himself cannot give an alternative explanation of the evidence: in the end, he has nothing else to offer than that the stepped pools and the stone vessels were "means to practically fulfill the demands of purity through material objects or installations" (569). Thus, his comments, which are meant to undermine the primarily halakhic interpretation, offer some valid qualifications but are not able to alter the overall picture in any substantive way.

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[32] See Roland Deines, "The Pharisees Between 'Judaisms' and 'Common Judaism'," in *Justification and Variegated Nomism. A Fresh Appraisal of Paul and Second Temple Judaism*. Vol. 1: *The Complexities of Second Temple Judaism*, eds. Donald A. Carson, Peter T. O'Brien, and Mark A. Seifrid, WUNT 2/140 (Tübingen: Mohr Siebeck, 2001), 443–504 (456–7); Morton H. Jensen, "Purity and Politics in Herod Antipas's Galilee. The Case for Religious Motivation." *JSHJ* 11 (2013): 3–34 (25–32); Lawrence, *Washing in Water*, 56–64 on "New Uses of Washing in the Second Temple Period". The reason for this new interest in purity (as one element of a more comprehensive Torah obedience) is the experience during the fights against the Seleucids: God was on Israel's side, when Israel kept the Torah. This deuteronomistic insight is the theological foundation of Pharisaism. To keep the Torah, the people need to know how to do it, and they need help to do it in a way that is not too disruptive in their everyday life. The Pharisees, as a group whose roots are going back to the time of the Hellenistic crisis and the failure of parts of the Jerusalem priesthood, taught Israel how to protect the sanctity of the temple and therefore the spiritual integrity of Israel by integrating purity in everyday life as the main condition for holiness (Exod 19:6), which God requires from his people (see ibid., 495–503).

[33] E. g. Deines, *Steingefäße*, 166–246; Yitzhak Magen, *The Stone Vessel Industry in the Second Temple Period. Excavations at Hizma and the Jerusalem Temple Mount*, Judea and Samaria Publications 1 (Jerusalem: Israel Exploration Society, 2002), 138–47; Yonatan Adler, "The Impurity of Stone Vessels in 11QT[a] and CD in Light of the Chalk Vessel Finds at Kh. Qumran," *DSD* 27 (2020): 1–31. For *miqva'ot* see Miller, *Intersection*, 73–102, and the tractate Miqwa'ot in both Mishnah and Tosefta.

3.1 Stone Vessels and Instruments

The same goes for another of his points, when he criticises "representatives of the purity-paradigm" for "lumping together" very different kinds of stone implements like:

- small stone vessels comprising mainly various forms of bowls, mugs, and cups, made either on a small lathe or hand-crafted with a chisel, which form the majority of the stone vessel corpus
- large lathe-turned vessels, called *qallals*, which are heavy and relatively rare
- tabletops (round or square, to which one could add the column-shaped leg also made from stone on a lathe)
- spice bowls
- sundials
- ossuaries
- not mentioned by Zangenberg, but surely appropriate additions to this list would include inkwells and oil lamps made of stone.[34]

His basic point is: "By no means were all objects produced from *nari* limestone directly connected to purity halakha." To underline this, he further states: "It makes no sense, e. g., to store bones in a stone ossuary to hold back impurity" (553). However, if I understand the halakhah of corpse impurity correctly, then there clearly *is* an advantage: the person who places the bones into an ossuary will become defiled with death impurity, there is no doubt about that (Num 19:10b–20). But if we consider a possible scenario after the ossuary has been filled, the impact becomes apparent: once a person has placed all bones in the ossuary and left the tomb, and assuming that no other body parts or bones of a deceased person are openly displayed in the tomb then there is no corpse impurity left to spread in the tomb and a person would be safe to enter it. It might be that the seven-day ritual of cleansing from corpse impurity must be performed for the tomb first, similarly to the cleansing of a house in which a dead body has been – but in any case, bones stored in a sealed stone ossuary or sarcophagus are no longer defiling, and could, for example, be transported from one tomb to another. Admittedly, this further argument is based on rabbinic assumptions that stone vessels do not transmit impurity and it is quite possible that during the Second-Temple period (and presumably thereafter) competing halakhic rules were discussed and practiced among the Jews and that not all would agree to such an interpretation. But this does not affect the validity of the argument made above. Because the decisive point is that *at least for one halakhic school* of which we know quite a lot a container made of stone would offer a real practical

[34] For pictures see Deines, *Steingefäße*, 69, 105, 158, with pls. 1c–d, 2a.

advantage. It is enough to demonstrate that, for some, stone provides a solution.[35] This does not mean that all who used a stone ossuary for their deceased did this out of a concern for purity: it is possible and even probable that many did so following what has become a fashion or a tradition in which they discerned no deeper meaning for themselves. But for those who *were* concerned about death impurity the use of stone clearly had an advantage.

And the same applies to all other stone implements as well: the purity of various types of tables and trays is extensively discussed in the Mishnah, as is the possible impurity of the needle of a sundial (m. Kelim 12:4–5 and m. ʻEd. 3:8). The mishnaic designation for a sundial is *even shaʻot* (literally "stone of hours") indicating that the material usually used for a sundial was stone. This does not mean that the use of stone was initially triggered by its halakhic advantage of not being able to contract impurity but the instant purity becomes important – which is clearly the case in a context where there is a discussion of the impurity of the needle – the advantage of stone is obvious (and the absence of a discussion of the impurity of the body of the sundial might not be by chance either). Moreover, even the purity of inkwells is a matter of debate (m. Kelim 2:7).[36] A close reading of the tractate Kelim in Mishnah and Tosefta demonstrates beyond doubt that more or less every vessel, tool or implement is scrutinized regarding possible impurities. It is therefore no wonder that in a time when the stone industry flourished in Israel, artisans tried to increase the range of items available in stone even if – as find numbers make clear – not all of them became widespread and popular.

It is also worth emphasizing at this point that stone vessels as archaeological pointers to purity *are not limited to Jerusalem and the temple* (and therefore its

[35] Cf. also Yonatan Adler, "Ritual Baths Adjacent to Tombs. An Analysis of the Archaeological Evidence in Light of the Halakhic Sources," *JSJ* 40 (2009): 55–73, who explains how the somehow odd appearance of a *miqveh* close to a tomb or cemetery can be understood on some assumptions of rabbinic halakhah. The problem is that the biblical (and rabbinic) prescriptions about corpse impurity refer to a seven-day purification process, which concludes at the seventh day with a ritual bathing (for which the use of a purpose-built pool has become widespread in Israel as we have seen). This means that a *miqveh* close to a cemetery (most likely to facilitate ablution from impurity after visiting the cemetery or tomb) does not actually seem to make sense (because the prescribed ablution is only at the seventh day) for a person following the biblical and/or rabbinic ruling. In Qumran halakhah, ritual ablutions are prescribed for the first and third day as well (11QT[a] XLIV 7, 17–20; 4Q414 2 ii 3–4; perhaps Tob 2:9 is pertinent as well), and so it is possible "that some of the *miqwa'ot* found adjacent to tombs were in fact used by Jews who followed the extra-biblical *halakhic* regulations found in these Qumran documents" (Adler, "Ritual Baths Adjacent to Tombs," 64). But Adler then goes on and explains on the basis of the various degrees of impurity in the rabbinic halakhah, why a *miqveh* close to a tomb can make sense in the context of funeral celebrations. That is to say: a *miqveh* close to a tomb which makes no sense following only the Biblical tradition can be incorporated as meaningful and beneficial in two halakhic schools known from this period.

[36] A short review of the halakhic discussion of stone implements (including tables, sundials and inkwells) can be found in Deines, *Steingefäße*, 237–42 (for the sundials see 102).

personnel). Recently published studies allow a more precise gauge of the ratio between stone and clay vessels in Jerusalem and other parts of the country. Yuval Gadot and Yonatan Adler made the first large quantitative analysis of stone vessels from a garbage dump of early Roman Jerusalem, which revealed more than a thousand fragments of limestone vessels. They compared their quantity to ceramic vessels from the same source. The estimated result (based on the number of diagnostic rim sherds) is 478 clay vessels to 25 chalk vessels – that is, less than 1% of the discarded vessels were made of stone.[37] Two other sites allowed for similar comparisons, one in Jerusalem (a different part of the garbage dump), and one in Gamla in the North of the country. The second Jerusalem site provided even less stone vessels in comparison (2 against at least 360 ceramic vessels), whereas Andrea Berlin asserts for Gamla Area R an amount of about 75 to 100 stone vessels against 1594 to 1952 made of clay. In this case about 5% of the vessels would have been made of stone.[38] The main difference between Gamla and the two Jerusalem locations is that the Gamla numbers come from a residential destruction layer: that is, it represents the *actual content of the houses* in this area at the moment of the destruction of Gamla in 67, whereas the other two come from a garbage dump with slowly growing layers. The longevity of the stone vessels compared to those made of clay is clearly one reason why there are comparatively few in the garbage dump. As Gadot and Adler rightly conclude, more comparative studies of such ratios need to be done. However, the high ratio in Gamla may still be revealing. Recorded at a site far away from the Jerusalem temple, it is a clear indication that the use of stone vessels should not be explained by reference "to the ritual purity practices of the city's priests or Temple cult"[39] – as many scholars have done and still do in their attempt to minimize the importance of purity concerns in everyday life. The ratio between stone and clay vessels also hints toward the usage of stone vessels as 'occasional tableware' – i.e. they might not be the day-to-day tableware, being used rather for specific purposes in which their advantage pays off (e.g. scooping liquids or food from large storage containers), and for special occasions, e.g. when purity of foodstuff and table ware is at risk during a time of lasting impurity (e.g. genital discharges, menstruation, or an expected event of death in a household).

[37] Yonatan Adler and Yuval Gadot, "A Quantitative Analysis of Jewish Chalk Vessel Frequencies in Early Roman Jerusalem. A View from the City's Garbage Dump," *IEJ* 66 (2016): 202–19.

[38] Ibid. 216. For a comprehensive study of the stone vessels from Gamla see Andrea Berlin, *Gamla I. The Pottery of the Second Temple Period. The Shmarya Gutmann Excavations 1976–1989*, IAA Reports 29 (Jerusalem: Israel Antiquities Authority, 2006); Shimon Gibson, "Soft Limestone Vessels," in *Gamla III. The Shmarya Gutmann Excavations 1976–1989. Finds and Studies, Part 2*, ed. Danny Syon, IAA Reports 59 (Jerusalem: Israel Antiquities Authority, 2016), 49–81.

[39] Adler and Gadot, "Quantitative Analysis," 217.

Going back to Zangenberg's argument, it is obvious that there were of course stone implements which were not primarily made with regard to purity concerns – something nobody really claimed. Stone vessels in various forms are clearly older than any rules about their purity status and belonged to the corpus of ordinary household items from the beginning of human craftsmanship; their production did not start as a result of any halakhic decision. The soft *nari* limestone was always available in Israel, and the ability to work even much harder stone like basalt is evident by the many basalt tools and vessels since the Bronze age. Nearly every household would have contained mortars and pestles, grinding stones, mills and querns to grind wheat and treat seeds, cereals and spices.[40] Biblical laws did not cover stone objects when they dealt with death impurity (the area where the rules are to be found about metal, wood and clay vessels) and obviously no regulation about the purity of them was regarded as necessary.[41] This might have changed, however, once stone crockery (initially made from a different, harder stone) became a more regular household *item from which one would eat* in the Persian-Hellenistic period.[42]

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[40] For a short summary see Deines, *Steingefäße*, 39–46 (on the technology used to process stone); 60–70 (on the development of stone implements). Stone tools belong to human culture from the very beginning (stone age) and are the main surviving artefacts before the use of metal and clay. Around the 7th millennium BCE, clay vessels largely replaced stone vessels, although they continued to be used for luxury items, and as special tools (mortars, pestles etc.) and equipment. In this usage of stone equipment, the ancient Israelites showed no difference to their neighboring cultures. Research on stone artefacts from the Middle Bronze Age II to Iron Age I in the Levant is brought to a new level through Rachael Thyrza Sparks, *Stone Vessels in the Levant*, Palestine Exploration Fund Annual 8 (Leeds: Maney, 2007); additional material and an updated bibliography can be found in Jennie Ebeling and Danny Rosenberg, "A Basalt Vessel Workshop and its Products at Iron Age Hazor, Israel," *Journal of Field Archaeology* 40 (2015): 665–74.

[41] Against Adler's assumption ("Impurity of Stone Vessels," 23), I do not assume or claim "that prior to the second half of the 1st century BCE, the consensus among Jews was that stone vessels (such as grinding and crushing implements – which had always been in existence) were susceptible to impurity." My point is that no such decision was made because it was not regarded as necessary as long as stone implements formed only a rather negligible part of the average household equipment. But when a decision became necessary, the Pharisees (or, to be more precise, the evidence as reflected in the rabbinic texts) most likely opted for an interpretation which allowed for as many people as possible to practice the biblical purity laws with regard to food and vessels in their own homes without too many inconveniences and costs.

[42] The Persian empire under the Achaemenids possessed a flourishing stone vessel industry, and influences from Persia can be seen especially in the "shallow ledge-rim bowls" and "ledge-rim pedestal bows" which were found in many places. They are handmade but smoothly polished from a hard, richly mineralized chalk that looks similar to marble; the first comprehensive treatment is Jane M. Cahill, "Chalk Vessel Assemblages of the Persian/Hellenistic and Early Roman Periods," in *Excavations at the City of David 1978–1985,* Vol. 3. *Stratigraphical, Environmental, and Other Reports*, eds. Alon de Groot and Donald T. Ariel, Qedem 33 (Jerusalem: Institute of Archaeology, Hebrew University of Jerusalem, 1992), 190–274 (191–8); for a short summary see Deines, *Steingefäße*, 68. The initial chronology by Cahill to "the 4th–3th centuries BCE" (197) was refined by Amit and Adler on the basis of a larger assemblage found in Jaffa. Their conclusion is: "These vessels first appeared in the Persian period and continued to be in use into the Hellenistic

Only then, after it became an ordinary *household item from which one would eat* (with the attendant possibility that one might use them in the temple to eat sacrificial food, or to bring tithes or offerings to the priests), was a decision about their treatment in case of impurities regarded as necessary. But once a decision was made – and we know neither by whom nor when this was done, nor whether all agreed on it[43] – that stone tools and containers could not become impure, the situation changed. At this point, stone gained – at least for those who accepted this halakhic decision as valid – a clear advantage over other materials and a dedicated local stone industry could develop. Amit and Adler, based on their analysis of the Jaffa assemblage, make the convincing suggestion that the Persian–Hellenistic period hard chalk bowls served as technological prototypes for the Early Roman period chalk vessel industry. A tradition of stone vessel workmanship, developed over the course of centuries, laid the groundwork for the rise of the large-scale chalk vessel production centers of the Early Roman period. While the earlier hard chalk vessels enjoyed a broad geographic distribution throughout the country, the quantity of vessels produced was small and the repertoire limited. These were apparently luxury vessels which fulfilled quite a different function than that of domestic stone vessels used on an everyday basis in the Early Roman period. When the evolution of Jewish ritual purity law brought about an acute need for stone tableware and common domestic stone vessels on a large scale, Jewish artisans engaged in the production of a new class of stone ware were able to benefit from the technological experience garnered over the course of generations in the stone vessel workshops of the Persian and Hellenistic periods. The growing demand for stone vessels in the Jewish market necessitated mass production techniques, bringing about the introduction of new lathe-manufacturing technologies, and a modification in the choice of raw material from hard chalk to soft chalk.[44]

Zangenberg and the other 'sceptics' usually bypass the question of *why* we suddenly have such a rapid increase of stone vessels made of soft limestone – from the common types similar to ceramic vessels to a more experimental level and to totally new forms (like the hand-carved mugs and pitchers, initially mis-

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period. Evidence from the Jewish Quarter excavations has shown that these vessels continued to be in use into the late 2nd or early 1st century BCE," David Amit and Yonatan Adler, "The Stone Vessels," in Orit Tsuf, *Ancient Jaffa from the Persian to the Byzantine Period. Kaplan Excavations (1955–1981)*, ÄAT 89 (Münster: Zaphon, 2018), 538–72 (539).

[43] See Adler, "Impurity of Stone Vessels," who discusses the possibility that the Qumran scrolls do not acknowledge the complete exemption of stone vessels from impurity; he interprets 11QT[a] 49:5–19 and CD 12:15b–19 as to mean that in case of corpse impurity "in a tent" even stone vessels and tools become impure and need to be purified, following a more literal understanding of Num 19:14 (13–22); for a very similar interpretation see Deines, *Steingefäße*, 187–91. This means, that within the wider consensus about stone vessels being advantageous with regard to purity, *halakhic differences about the details could continue*.

[44] Amit and Adler, "Stone Vessels," 552.

leadingly called measuring cups).[45] These have no real technical or aesthetic advantage over other materials, which makes it highly unlikely that they were designed as fashionable or decorative luxury items.[46] Typical luxury items of the time are the "Jerusalem painted bowls" (or "Judean painted ware") which began as a local tradition around 100 BCE. Another imported luxury item was red-glazed pottery, which appeared in Jerusalem around the middle of the 1st century BCE.[47] Glass vessels should be counted as luxury items as well; they became available through trade from the middle of the 2nd century BCE and a local production in Jerusalem is attested from the mid-first century BCE.[48] The distribution pattern of these luxury items differs clearly, with concentrations in the center of Jerusalem as against the periphery, indicating a gradient from the affluent quarters to the poorer ones on the outskirts, whereas stone vessels can be found in simple farmsteads as well as in royal palaces.[49] Even the large stone kraters (*qelalim*) are unlikely to be luxury items, although their overall appearance is more impressive and prestigious compared to the smaller hand-made or lathe-turned vessels. The argument that only Roman technology facilitated the processing of stone in such a way that mass production of stone vessels was possible, is surely part of the answer, but not nearly sufficient.

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[45] For the wide repertoire see e. g. Mason, *Stone Industry*, 9; Deines, "Stone Vessels," 757–59 with figure 4.140. Indeed, any site with a larger amount of stone vessels usually provides a fair sample of the usual variants, see e. g. the repertoire found in Gamla and its detailed presentation in Gibson, "Soft Limestone Vessels." For the newly published corpus from Sepphoris see Maya Sherman, Zeev Weiss, Tami Zilberman, and Gal Yasur, "Chalkstone Vessels from Sepphoris. Galilean Production in Roman Times," *BASOR* 383 (2020): 81–95, who identify a number of forms which they describe as "unique" (83, 87, which should, however, be taken with some caution, as no complete or nearly complete vessels were found and the "unique" types are mainly variants from known ones).

[46] That stone vessels should be seen as fashionable luxury items is hypothesized i. e. by Gibson, "Stone Vessels," 304, and reaffirmed in idem, "Soft Limestone Vessels," 78; Stemberger (see above n. 29). In this case one would have to ask: why was this *only a Jewish fashion* and *only in the Jewish populated regions of the land of Israel* without attracting anybody else? See also Andrea Berlin, "Jewish Life Before the Revolt," 433, who connects them with "ethnic pride and attentiveness to Judaism" because they were made of a material "that was religiously privileged"; but even if this understanding, which has no textual support whatsoever, is true it still presupposes the commonly held assumption that stone vessels do not attract impurity (the phrase "religiously privileged" cannot be understood otherwise).

[47] Renate Rosenthal-Heginbottom, "Hellenistic and Early Roman Fine Ware and Lamps from Area A," in *Jewish Quarter Excavations in the Old City of Jerusalem, Conducted by Naham Avigad, 1969–1982, Final Report,* vol. 2: *The Finds from Areas A, W and X-2*, ed. Hillel Geva (Jerusalem: Israel Exploration Society, 2003), 192–223 (219 f.); Tali Erickson-Gini, "Pottery," *The Eerdmans Dictionary of Early Judaism*, eds. John J. Collins and Daniel C. Harlow (Grand Rapids, MI: Eerdmans, 2010), 1091–96 (1094–95).

[48] Yael Gorin-Rosen, "Glass Vessels from Area A," in *Jewish Quarter Excavations in the Old City of Jerusalem, Conducted by Naham Avigad, 1969–1982, Final Report,* vol. 2: *The Finds from Areas A, W and X-2*, ed. Hillel Geva (Jerusalem: Israel Exploration Society, 2003), 364–86.

[49] Doron Ben-Ami and Yana Tchekhanovets, "The Lower City of Jerusalem on the Eve of Its Destruction, 70 CE. A View from Hanyon Givati," *BASOR* 364 (2011): 61–85 (69–71).

3.2 Clay Vessels Fit for Holy Things

When it comes to purity halakhah and especially the question of 'kosher' dishes, it is often forgotten that clay vessels marked out for food set aside for priests or for tithes are evidenced from as far back as the Iron Age period until the fall of Masada. Purity concerns with regard to vessels have a very long tradition within Israel. Biblical prescriptions regarding vessels (as part of the wider category of "tools", *kelim*) can be found in Lev 11:32–35; 15:4–12, 22–23; Num 19:14–18; 31:20–23; Isa 66:20; Jud 10:5; 12:1–2 (and then in Mark 7:4; Matt 23:24), and are therefore securely attested only for the post-exilic period.[50] However, there is clear evidence that the relevant ideas and related practices were much older. Inscriptions, made on clay vessels from the ninth to the seventh century (some of them incised before firing the clay, some incised or inked after the firing), indicate their content as *qdš* (which would imply also the purity of the vessels).[51] Some other marks or inscriptions – mainly individual letters which are understood as abbreviations – are explained in a similar way.[52] A large corpus of such

[50] The dating of the relevant Pentateuchal texts is a matter of debate, with the majority view allocating Lev 11–15 and the Holiness Code Lev 17–26 to the post-exilic priestly source and its final redaction; as helpful introductions see e.g. Christophe Nihan, *From Priestly Torah to Pentateuch*, FAT 2.25 (Tübingen: Mohr Siebeck, 2007); Thomas Hieke, *Leviticus 1–15*, HThKAT (Freiburg: Herder, 2014), 65–74; the most impressive voice for a date of P during Iron Age II is Jacob Milgrom in his monumental commentary, *Leviticus*, AB 3, 3A, 3B (New York: Doubleday, 1991–2001); for a recent discussion of the Pentateuch as a whole see Jan C. Gertz et al. (eds.), *The Formation of the Pentateuch. Bridging the Academic Cultures of Europe, Israel, and North America*, FAT 111 (Tübingen: Mohr Siebeck, 2016). For the development of the texts regarding vessel-purity in the Targumim see Deines, *Steingefäße*, 181–83. In the Septuagint, only two minor changes can be noticed: the Greek text of Lev 15:12 clarifies the effect of purification; the second case is more interesting: in the Hebrew text of Isa 66:20, the Israelites bring their gifts to the House of the Lord in "pure vessels", which LXX renders "with Psalms." The reason for this change becomes clear from the context: it is the returning diaspora, described in Isa 66:18–22, which is mixed with representatives of those people under whom the Israelites lived in the foreign land who are now invited to see the glory of the Lord together with the Israelites (the Masoretic text is not easily understood and has produced various attempts to differentiate a universal and a more particular perspective, see Klaus Koenen, *Ethik und Eschatologie im Tritojesajabuch*, WMANT 62 [Neukirchen-Vluyn: Neukirchener, 1990], 208–14). For these very mixed Diaspora returnees, "pure vessels" are not appropriate as they would have not been able to live in a state of purity fit for the Temple. This is another small indicator of the increased concern about purity of vessels in the Hellenistic age.

[51] Helga Weippert, *Palästina in vorhellenistischer Zeit*, Handbuch der Archäologie. Vorderasien II/1 (München: Beck), 585, on vessels which are marked as "holy" (for which she assumed usage in the cult ["Bei im Kult verwendeten Gefäßen hat man eine Profanierung durch entsprechende Aufschriften zu verhindern versucht"]); Gabriel Barkay, "A Bowl with the Hebrew Inscription קדש," *IEJ* 40 (1990): 124–29; Deines, *Steingefäße*, 102–3; Johannes Renz, *Handbuch der althebräischen Epigraphik,* vol. II/1: *Die althebräischen Inschriften: Zusammenfassende Erörterungen, Paläographie und Glossar* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1995), 27 on „QDŠ-Gefäße"; he refers to the Masada inscriptions (see below) as close parallels.

[52] Weippert, *Palästina*, 585–6, assigns the two letters ק and כ on two plates from Arad as abbreviation meaning קדש כהנם "holy for the priest(s)," in reference to the inscription on the

inscriptions was found on Masada but they are rarely discussed when it comes to purity archaeology, although Yadin mentioned them prominently in his preliminary publications. The final report was written and published by Joseph Naveh, who incorporated Yadin's earlier statements in a comprehensive way.[53] This is helpful as the two scholars differ heavily in their interpretation. Whereas Yadin is eager to understand the large group of ostraca with only one letter or a group of letters (not forming words) in accordance with m. Maʿaser Sheni 4:11 to indicate vessels containing food that is designated as *tebel*, *Maʿaser* or *Qodesh*/*Qorban*, Naveh is much more hesitant. The problem, as he points out, is that most of the c. 300 sherds do not bear letters that allow any meaningful interpretation. Accordingly, the other option, that these letters have something to do with the organization of the large storerooms on Masada (where the ostraca had been found) is *a priori* more likely. While this may remain an unresolvable enigma, it is still worthwhile to look at the relevant Mishnayot, which state:

(m. Maʿaser Sheni 4:10) Whoever finds a vessel and on it is written *qorban*, Rabbi Jehudah says: If it was of clay it [i. e. the vessel] is *ḥulin* [profane] and what is in it *qorban*; if it was of metal, it [i. e. the vessel] is *qorban* what is in it *ḥulin*. They said to him: It is not the way of the people to collect what is *ḥulin* into what is *qorban*.

(m. Maʿaser Sheni 4:11) Whoever finds a vessel and on it is written ק (the letter *qof*) – (it is) *qorban*; מ (*men*) – (it is) *maʿaser*; ד (*dalet*) – (it is) *demai*; ט (*tet*) – (it is) *tevel*; ת (*taw*) – (it is) *terumah*, for in the time time of danger ת was written instead of *terumah*. Rabbi Jose says: All of them are (maybe) personal names?! R. Jose says: Even if one finds an (earthen) jar full of fruits and it is written on it *terumah* [i. e. not only the abbreviation

(once) famous ivory object in the form of a pomegranate, which was regarded as possibly "the only object and inscription which can be related directly to the temple of Jerusalem during the Biblical time," so Amihai Mazar, *Archaeology of the Land of the Bible 10,000–586 BCE*, ABRL (New York: Doubleday, 1990), 518. The inscription, which reads לבי[ת יהו]ה קדש כהנם, is regarded by many as a forgery in the meantime (while the ivory pomegranate itself is accepted as authentic), see the discussion between Shmuel Aḥituv, Aaron Demsky, Yuval Goren and André Lemaire, "The Inscribed Pomegranate from the Israel Museum Examined Again," *Israel Exploration Journal* 57 (2007): 87–95 (Lemaire still defends the authenticity of the inscription).

On the discussion of various abbreviations which were linked by their editors to purity, priestly gifts or sacrifices see Renz, *Inschriften* II/1, 26 and 28, and idem, vol. I: *Die althebräischen Inschriften. Text und Kommentar* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1995), 53, on קר as possible abbreviation for קרבן (*qorban*), the biblical *terminus technicus* for a *gift*, esp. *sacrificial gifts*, to the sanctuary (Lev 2:1, 4–5, 7, 12–13; 7:13 etc.; Num 5:15; 6:14, 21; 7:3 etc.; Ezek 20:28; 40:43). Evidently, when offerings were transported in such vessels, these had to be pure; like with the *qdš*-vessels, the assumption is that vessels had been especially marked with an inscription to serve as *qrbn*-containers, a practice which is also mentioned in the Mishnah (m. Maʿaser Sheni 4:10).

[53] Yigael Yadin and Joseph Naveh, "The Aramaic and Hebrew Ostraca and Jar Inscriptions," in *Masada I. The Yigael Yadin Excavations 1963–1965 Final Reports* (Jerusalem: Israel Exploration Society and The Hebrew University of Jerusalem, 1989), 1–68 and pl. 1–60. For a digest of the most significant parts see Amnon Ben-Tor, *Back to Masada* (Jerusalem: Israel Exploration Society, 2009), 148–66.

but the word written-out], they should be regarded as *ḥulin*, because I could say that it was (once) *terumah* and emptied (afterwards).

(t. Ma'aser Sheni 5:1) One found a vessel and on it is written (the letter) א, ד, ה, ת – this is *terumah*; י, מ – this is *m'aser*; פ, ש – this is *ma'aser sheni*, but the sages say: All of them are (maybe) personal names?![54]

Without going into any details, these and similar texts[55] clearly indicate a rather sophisticated system of abbreviations and tokens to identify the halakhic status of various commodities.[56] The fact that such items have been found in archaeological excavations allows the assumption that the later textual tradition reflects actual practice, most likely from the time when the temple still stood and possibly going back a very long time, as vessels with individual letters are also among the Iron-Age finds mentioned above.[57]

But aside from these slightly dubious pointers towards purity concerns, the Masada corpus contains some items which undoubtedly indicate halakhic concerns including purity, namely the "inscriptions designating priestly shares" (as the portions set aside for the priests must be pure and kosher).[58] Within this group we find the label מעשר כהן "priest's tithe" (no. 441, p. 32) and four *dipinti* differentiating wine which is "suited for the purity of hallowed things (לטהרת הקדש)" from that which is not (nos. 449–452). Naveh concludes that these four inscriptions on wine or oil jars seem to follow "in general outline a formula": "This means that the store-rooms contained jars arranged in rows; the first jar of each row bore an inscription defining whether the vessels in the row were ritually clean."[59] Even if the precise details are not clear, Naveh indicates some further insights into the purity praxis of the last inhabitants of Masada: "It seems likely that each inscription was written from top to bottom on a whole jar that stood at the head of a row. After the contents of the jar had been emptied, the

[54] The continuation discusses, like the cited Mishnayot, the case when vessels were found with *terumah* or *ma'aser* written-out on them and the probability that the *dipinti* were referring to an earlier usage of the vessel.

[55] Just before the cited Mishnah, in *m. Ma'aser Sheni* 4:9, the case of a sherd with the word *ma'aser* (tithe) found together with coins is discussed. Further inscriptions on vessels are mentioned in 5:2–3, specifying for example that a personal name on a vessel ("for Joseph" or "for Simeon") is no indication for the halakhic status of its content; for an interpretation of the less obvious letters (א, ד, ה, י) see Jacob Neusner, *The Tosefta* (Peabody, MA: Hendrickson, 2002), 1:323; these texts are also discussed in Catherine Hezser, *Jewish Literacy in Roman Palestine*, TSAJ 81 (Tübingen: Mohr Siebeck, 2001), 337–40, 343–46.

[56] For further references see *m. Sheqalim* 3:2 with discussion of the letters א, ב, ג written either in Hebrew or Greek (A, B, Γ); according to the *Yerushalmi* this is to indicate the sequence in which the baskets should be emptied (y. Sheqalim 3:2 47b); b. Shabbat 104a; b. Yoma 62a, 64a; *b. Megillah* 21b.

[57] See above n. 51 and Renz, *Inschriften*, I.52–4 (with a comprehensive list of suggestions to interpret these single letter inscriptions), 72–73, 195–96, 213–14; II/1.8.

[58] Yadin and Naveh, "Ostraca," 32–39.

[59] Yadin and Naveh, "Ostraca," 35.

jar was deliberately destroyed so that it should not be reused for other contents, that did not fit the inscription."[60] I think it more likely that these large and full inscriptions were written on older or dysfunctional jars as mere signposts for the row, and that the filled jars in this row were only marked with a single letter (see the examples nos. 442–448: all either ת or ט), following Naveh's suggestion that these letters should not be seen as ostraca/tags but more likely "have been written on the shoulder of the whole jar, of which the preserved sherd is a fragment"[61]; two other inscriptions mark jars as "disqualified" (פסולא, nos. 454–455) and two as טהור לקדש (nos. 456–457) or לקדושא "for hallowed things" (no. 458, and perhaps also nos. 459–60).

Further hints of the custom of marking vessels with regard to the purity of their content might be found in nos. 672–674, but in these three instances (found on jars in one locus) the reading is not without doubt. One possibility is that the inscriptions marked wine suitable ("holy") for libation (or for "holy libation"). Yadin wrote in 1965 (and Naveh confirms this as "still valid"): "The epigraphical material proves, among other things, that the Jewish defenders observed scrupulously the ritual laws concerning tithes, etc.; it not only throws light on the laws themselves, but also on the Revolt and the character of its supporters."[62]

To conclude: starting in pre-exilic Israel, there is evidence for concerns about the purity of food and the vessels used to carry or hold them. It is therefore easy to imagine that in times of a renewed interest in a life according to the Torah, new products like stone vessels, utilizing the latest developments in technology to address the latest developments in halakhah, were designed to meet the need. Obviously, there was demand and a market for 'kosher' vessels and tools inspired by the biblical texts: religion is a strong economic factor, no doubt about that. And because religion is a cultural factor as well, it is quite possible that some used stone vessels because they became symbols of a Jewish identity or had simply become fashionable. Such a development, from an originally religious context to a wider and more 'mundane' usage, seems to me much more plausible than the other way round.

3.3 Ritual Baths

The same goes for ritual washings. The biblical commands were surely kept by many people before the 1st century BCE in ways we know nothing about because of the lack of any textual description of how such a ritual washing was done. 2 Samuel 11:2–4, where David saw Bathsheba "purified herself from her impurity" (JPS translates "purified herself after her period") on a roof-top, and

[60] Ibid.
[61] Ibid. 33.
[62] Ibid. 39.

2 Kings 5:10–14 about Naaman washing himself seven times in the Jordan are perhaps the only descriptive text in the Hebrew Bible which come close. There are no special washing tools or water installations which could be connected to any ritual practice in the Iron Age period and thereafter, which means that all biblical precepts requiring washing were done either in natural collections of water, regular cisterns, or in moveable troughs, basins or large water bowls.[63] Bathing for comfort was clearly a Greek and, even more, Roman custom which came to Israel in the wake of Greek and Roman culture. The first artificial bathing installations in Eretz Israel are the Hellenistic sitting bathtubs which were found in, for example, Samaria and Maresha.[64] In this case, the introduction was indeed the result of accommodating to Hellenistic custom or fashion and was not motivated by any religious motives.[65] These 'modern' bathtubs enabled the washing of the whole body – in one act – without recourse to a natural source of water. When such bathtubs became more widespread their practicality for ritual washings 'in-house' became obvious, in the sense that people most likely used these new facilities to perform the requirements for purity set out in the Torah. In addition, in the first century BCE (or even earlier) rooms and buildings dedicated to bathing became common, beginning with the Hasmonean and then especially the Herodian fortresses and palaces, where stepped pools were part

[63] Hayah Katz, "'He Shall Bathe in Water; then He Shall Be Pure.' Ancient Immersion Practice in the Light of Archaeological Evidence," *VT* 62 (2012): 369–80, discusses the available textual and archaeological evidence from the Iron Age; see also the widely ignored or overlooked paper by Frank Crüsemann, "Ein israelitisches Ritualbad aus vorexilischer Zeit," *ZDPV* 94 (1978): 68–75, who attempted to interpret an isolated building on Tel Masos (El-Mschasch), which contained a water installation similar to a bathtub, as a facility to accomplish the ritual washings described in the Torah in an area where regular natural water supply was rare. This was taken up by Othmar Keel and Max Küchler, *Orte und Landschaften der Bibel*, vol. II: *Der Süden* (Göttingen: Vandenhoeck & Ruprecht, 1982), 348 ("Im n Teil von Feld C wurde über den Resten der frühen Siedlung die Ruine eines isolierten Gebäudes gefunden, das wie die Wegstation auf dem Tell in die ausgehende EZ gehört, und ein rituelles Bad, einen Vorläufer des späteren Tauchbades, der Miqwe enthielt"); Weippert, *Palästina*, 638–9, interprets it as belonging to a tannery, which used the bassin for the softening of pelts "in mit Tierexkrementen vermischte[m] Kalkwasser" (639). Aharon Kempinski, "Masos, Tel," *NEAEHL* III 986–89, does not even mention it.

[64] For the absence of any facilities "for the immersion of the entire body in Iron Age Judah" and before the Hasmonean period see Katz, "'He Shall Bath in Water'," 373–6; for the later periods see Stephanie Hoss, *Baths and Bathing. The Culture of Bathing and the Baths and* thermae *in Palestine from the Hasmoneans to the Moslem Conquest; with an Appendix on Jewish Ritual Baths (*miqva'ot*)*, BAR International Series 1346 (Oxford: Archaeopress, 2005); Yaron Z. Eliav, "Baths," The *Eerdmans Dictionary of Early Judaism*, eds. John J. Collins and Daniel C. Harlow (Grand Rapids, MI: Eerdmans, 2010): 432–4; Sean Freyne, "The Archaeology of Bathing. Religious and Cultural Aspects of First Century Palestine," in *A City Set on a Hill. Essays in Honor of James F. Strange*, eds. Daniel A. Warner and Donald D. Binder (Mountain Home, AR: BorderStone, 2014), 98–127.

[65] This is underlined by the fact that these types of bathing installations can be found throughout the Hellenistic world and are not typical for Jewish inhabited areas.

of the larger bathroom complexes of these palaces. The earliest evidence (based on the dating provided by Ehud Netzer) is the first of the Hasmonean winter palaces in Jericho, which Netzer ascribes to John Hyrcanus (134–104 BCE).[66] The identification as *miqveh* (and not as a cistern) rests on the fact that next to it is a second pool with no steps which is connected to it via an outlet. The steps are one of the main features that sets these pools apart from any other known from the Greco-Roman world. Another is that these pools were built at least partially in bedrock wherever possible.[67] The fact that they were found as part of 'ordinary' baths and next to bathtubs (and 'ordinary' cisterns) clearly indicates that the stepped pools (which have no parallels outside the Jewish world, see above n. 31) had a function particular to their *Jewish* builders.[68] Addressing this question, Ronny Reich offered the groundbreaking observation that in the Jewish context a *miqveh* is found where one would expect a *frigidarium* in the Roman sequence of bath-rooms. Around the same time, David Small provided a spatial analysis of the Hasmonean and Herodian baths which also demonstrates quite clearly the prominent and regular place of the stepped pools (which he identified with *miqva'ot*) as a genuine local feature without parallel in the Hellenistic or Italian bathing tradition.[69] He further observed that the rooms identified as *miqva'ot* in these palaces are not directly linked to the other bathrooms. This allows for the use of the recreational bathing facilities independently from that of the *miqveh* and vice versa: whoever wanted to immerse for ritual purposes could do so without being involved in the bathing sequence.[70]

A plausible scenario of this development is that the man-made bathing pools started as non-ritual absorption of Greek culture. It then seems likely that at some point after the initial praxis, but surely long before the rabbinic period, discussions took place about the possibility of doing the biblically required

[66] Ehud Netzer, "Ancient Ritual Baths (*Miqvaot*) in Jericho," *The Jerusalem Cathedra* 2 (1982): 106–19 (108–10); in this early publication no date is given; later he developed a chronological sequence of the palaces, see above n. 31; Freyne, "Archaeology of Bathing," 106–7. For other *miqva'ot* from the Hasmonean era see Mordechai Aviam, "The Hellenistic and Hasmonean Fortress and Herodian Siege Complex at Qeren Naftali," in idem, *Jews, Pagans and Christians in the Galilee*, Land of Galilee 1 (Rochester, N.Y.: University of Rochester Press, 2004), 59–88 (69–71, 85).

[67] For the newly found ones in Jerusalem that did not reach bedrock but were dug into the ground see Ben-Ami and Tchekhanovets, "Lower City," 66 (and 67 for the usual rock-hewn ones in Jerusalem); for Migdal/Magdala s. above n. 18.

[68] For a recent find of a bathtub next to a *miqveh* see e. g. Ben-Ami and Tchekhanovets, "Lower City," 66 with references to further examples in Jericho and Jerusalem.

[69] Ronny Reich, "The Hot Bath-House (*balneum*), the Miqweh and the Jewish Community in the Second Temple Period," *JJS* 39 (1988): 102–7; David B. Small, "Late Hellenistic Baths in Palestine," *BASOR* 266 (1987): 59–74, see esp. the differences between fig. 8 (p. 67) "Spatial models of Palestinian baths" and fig. 10 (p. 69), "Spatial models of Italian baths." This idea is further developed by Eyal Regev, Herod's Jewish Ideology Facing Romanization. On Intermarriage, Ritual Baths, and Speeches, *JQR* 100 (2009/10): 197–222 (206–12).

[70] Small, "Late Hellenistic Baths," 68–9, 71; Freyne, "Archaeology of Bathing," 110–11.

immersions or washings in these new, man-made bathing facilities. During the later Hasmonean reign, as it seems, an increasing number of people in Israel obviously agreed that the biblically required washing should be done by way of immersion of the whole body in an appropriate, 'natural' collection or gathering of water (this is what Hebrew מִקְוֶה means[71]). The key biblical reference is Leviticus 11:36, according to which "a spring or cistern in which water is collected" remains pure even when the carcass of an unclean animal has fallen in it, in contrast to water detached from the ground mentioned in v. 34 which "can make foodstuffs susceptible to impurity" after contact with such carcasses.[72] Miller indicates that the Greek translation sees not just two water sources in Leviticus 11:36, namely a spring and a cistern for gathering water, but three: πλήν (1) πηγῶν ὑδάτων καὶ (2) λάκκου καὶ (3) συναγωγῆς ὕδατος, ἔσται καθαρόν ("with the exception of *springs of water* and a *cistern* and *a gathering of water* – it shall be clean").

For the understanding of λάκκος (meaning a *hewn pit*, see Exod 21:31; Deut 6:11; Isa 51:3) he refers to Sirach 50:3, where the same word is used for a new water installation in Jerusalem, which was built by the High priest Simon II., son of Onias I., who held this office c. 218–192 BCE (the dates vary in the literature): "In his days a cistern for wather was quarried, a reservoir like the see in circumference" (ἐλατομήθη ἀποδοχεῖον ὑδάτων, λάκκος ὡσεὶ θαλάσσης τὸ περίμετρον). Unfortunately, the Hebrew original is fragmented but there is enough preserved to see that ἐλατομήθη ἀποδοχεῖον ὑδάτων was rendered with נברה מקוה, followed by a short gap (perhaps for מים), whereas λάκκος translates אשיח, a word found in the Copper Scroll (but not the Hebrew Bible) and usually understood as *cistern* or *rectangular water reservoir*.[73] What does Ben Sira describe here? Max Küchler and others identify the work of Simon II. as the southern basin of the Sheep Pool – what is by most scholars identified with the Pool(s) of Bethesda mentioned in John 5:2.[74] According to Küchler, the beginning of this water installation goes back to Iron Age II, when a dam was built to collect water from this valley north of the temple area. This was the "upper pool" mentioned in Isa 7:3 and 36:2 par. 1 Kings 18:17. At the end of the 3rd century

[71] It first appears in Gen 1:10 when God called the "collection of water" the seas (see also Ex 7:19 where it is used as a summary term for all kind of smaller "bodies of water"). For a detailed study of the terminology see Miller, *Intersection*, 32–44.

[72] Miller, *Intersection*, 38, with a detailed exegesis.

[73] Wilhelm Gesenius, *Hebräisches und Aramäisches Handwörterbuch über das Alte Testament*, 18th edition, ed. Herbert Donner (Berlin: Springer, 2013), 107 s. v. אשיח, tentatively translates the last part of Sir 50:3 with "eine Zisterne wie das Meer i. seiner Fülle."

[74] The archaeological discussion is complicated due to the lack of detailed reports from the excavations done here in the past and the complicated history of the place within the densely populated Muslim Quarter of Jerusalem's Old City. A clear presentation of the site can be found in Max Küchler, *Jerusalem. Ein Handbuch und Studienführer zur Heiligen Stadt*, Orte und Landschaften der Bibel IV.2 (Göttingen: Vandenhoeck & Ruprecht, 2007), 313–46.

BCE the southern pool was added (presumably with alterations to the "upper pool" to create an architectural unit) and connected to the upper pool via a sophisticated inlet-system which allowed the regulation of the water level in the southern pool.[75] Along the western side of the new pool at a length of c. 53 m descends "an impressive flight of hewn and built steps." These "one to six sets of steps" are interspersed with landings (wider steps forming a kind of pedestal). "These steps clearly facilitated access to the very base of the pool, depending on the amount of water available there for bathing." And this "bathing" is according to Gibson not for entertainment but "for ritual purification."[76] Gibson not only identifies the southern pool as a *miqveh* but interprets the northern pool as *otzar*, which unnecessarily reads later rabbinic discussions into it. The idea of Gibson was taken up by Urban von Wahlde and others in a number of publications.[77] They link the Bethesda pools with the pool of Siloam (also mentioned in John's Gospel in connection with a miracle of Jesus, John 9:7), and interpret both as large public *miqva'ot* for the sake of those who want to visit the temple during the pilgrimage festivals.

The dating of these water installations is a crucial issue and needs more expertise discussion than can be offered here. I rely solely on dates suggested in the literature, based on which I will formulate a thesis for further discussion. Regarding the excavated Siloam pool-*miqveh*, the excavators date its first phase to the middle of the first-century, but an earlier structure, not yet excavated, is as-

[75] Küchler, *Jerusalem*, 316–19.

[76] Shimon Gibson, "The Excavations at the Bethesda Pool in Jerusalem. Preliminary Report on a Project of Stratigraphic and Structural Analysis," in *Sainte-Anne de Jérusalem. La Piscine Probatiquen de Jésus à Saladin*, ed. Claudine Dauphen, *Proche-Orient Chrétien* Numéro Spécial (2011): 17–44 (24, 26). For the interpretation of the southern pool as a large *miqveh* see Shimon Gibson, "The Pool of Bethesda in Jerusalem and Jewish Purification Practices of the Second Temple Period," *Proche-Orient Chrétien* 55 (2005): 270–93. The suggestion that the pools served as swimming pools for pleasure was proposed by Yoel Elitzur, "The Siloam Pool – 'Solomon's Pool' – was a Swimming Pool," *PEQ* 140 (2008): 17–25. See also Roland Deines, "Non-literary Sources for the Interpretation of the New Testament. Methodological Considerations and Case Studies Related to the Corpus Judaeo-Hellenisticum," in *Neues Testament und hellenistisch-jüdische Alltagskultur – Wechselseitige Wahrnehmungen*, eds. idem et al., WUNT 274 (Tübingen: Mohr Siebeck 2011), 25–66 (61–63).

[77] Urban C. von Wahlde, "Archaeology and John's Gospel," in *Jesus and Archaeology*, ed. James H. Charlesworth (Grand Rapids, MI: Eerdmans, 2006), 523–86 (568–69); idem, "The Puzzling Pool of Bethesda," *Biblical Archaeology Review* 37.5 (2011): 40–65; idem, "The Gospel of John and Archaeology," in *The Oxford Handbook of Johannine Studies*, eds. Judith M. Lieu and Martinus C. de Boer (Oxford: Oxford University Press, 2018), 101–20 (102–6). The interpretation as a large public ritual bath is supported by Boaz Zissu and David Amit, "Common Judaism, Common Purity, and the Second Temple Judean Miqwa'ot (Ritual Immersion Baths), in *First-Century Jewish and Christian Identities* (FS E. P. Sanders), ed. Fabian Udoh, CJAn 16 (Notre Dame: University of Notre Dame Press, 2008), 47–62, 237–42 (57). Against this interpretation see Miller, *Intersection*, 38 n. 27 and 103 n. 152, but without considering the arguments in any detail.

sumed going back as early as the late Iron Age II.[78] This would fit with Küchler's date for the northern pool of Bethesda. Based on Sirach 50:3, he further suggests a date of the southern pool in the time of Simon II, around 200 BCE. Gibson however suggests a date in the first-century based on the dressing of the stones of the dam without excluding "some form of ancient predecessor."[79] Taken these points together the following scenario emerges: two older water installations, one north of the temple, the other at the deepest point of the City of David (which is the most southern point as well), were converted sometime between 200 and the middle of the first century BCE into large public facilities to allow for ritual purification before visiting the temple. The numbers of such visitors might have increased in the time of Simon II or even earlier due to the good relation between the Egyptian diaspora and the motherland during the Ptolemaic period and continued growing during the Hasmonean period due to the expansion of the Judean territory. If this was indeed the case, we would need to reconsider the above outlined history of *miqva'ot*. If Sirach 50:3 refers to a water installation that was not primarily a large reservoir but served the purifications of the temple visitors and was indeed build by Simon II to whom Ben Sira ascribes it, then we have here a public archetype for the *miqva'ot* in the Hasmonean palaces in Jericho. Interestingly, the first ritual bath in Jericho, the so-called "palace *miqveh*" (see above n. 31) is a two-pool-structure, one with steps leading into it and one without. If we ignore the usual 'rabbinic' interpretation of the second pool as an *otzar* there is perhaps a possibility to see the Jericho pools as an adaptation of the Bethesda pools in the private residence of the high priestly family (and one would imagine that the Hasmoneans had them in their Jerusalem palace as well). This would mean: private *miqva'ot* had been inspired by the already existing purification pool(s) for the temple visitors. The parallel development of Hellenistic bathing traditions and their growing influence in the land of Israel

[78] Ronny Reich, Eli Shukron, and Omri Lernau, "Recent Discoveries in the City of David, Jerusalem. Findings from the Iron Age II in the Rock-cut 'Pool' near the Spring," *IEJ* 57 (2007): 153–69 (164–66).

[79] Gibson, "Bethesda Pool," 22–3, who sees in the two pools the result of a single pre-planned structure for ritual purification surrounded by the five porticoes mentioned in John 5:2. There are some doubts, however, about the widespread interpretation of the layout of these five porticoes, cf. Küchler, *Jerusalem*, 319–25; a critical review of Gibson's argument and dating can also be found in the review of Jerome Murphy O'Connor, "Sainte-Anne de Jerusalem," *RB* 119 (2012): 429–33 (430), who allows for a dating of the public ritual bath in the Hasmonean period. Further discussions of this question should include the large pool south of the temple in front of the Hulda Gate, which went out of use before Herod extended the Temple Mount and built the large staircase to access the southern temple gates, see Meir Ben-Dov, *In the Shadow of the Temple. The Discovery of Ancient Jerusalem* (New York: Harper & Row, 1985), 69 (for the location see the plan on p. 66); Küchler, *Jerusalem*, 302. I think it is possible that this pool was an earlier equivalent to the Bethesda *miqveh*, serving those visitors coming from the south, which later became replaced by the Siloam *miqveh* due to Herod's modifications of the southern temple side.

could have facilitated this development further, not least because the technology (channeling water and the waterproof plastering of the walls) was made available due to the new technology brought to the land under the Ptolemies. In light of the above it is perhaps not surprising that the first evidence of a reflection on the *quality* of the water necessary for fulfilling the biblical commandment of washing is to be found in the Damascus Document (CD 10:10–13 = MS A col. 10), which also fits a late 3rd or early 2nd century BCE date:

> Concerning one who purifies himself in water. Let no man bathe in water which is dirty or insufficient to cover a man; neither let him purify a vessel in it. And any pool in a rock insufficient to cover (a person), which is touched by an unclean person, its water becomes unclean, like the water of the vessel.[80]

With this in mind, let's return to the initial question raised by the "sceptics," as to whether it is legitimate to deduce the practice of purity halakhah from the archaeological evidence by interpreting "stepped pools" with the help of texts which are considerably later, as is the case with rabbinic literature. To be sure, without an interpretation based on textual evidence and ethnographic comparisons, one could only say that stepped plastered pools are a typical feature of Jewish households, public institutions (temple, synagogues and cemeteries), and certain work places like pottery, wine, and oil production sites;[81] they were used alongside cisterns, swimming pools, baths, and bath tubs, and were occasionally combined with other water installations (like supply tanks, channels, and filling funnels). One could further add that they appeared for the first time late in the 2nd century BCE (or earlier as suggested above) and that their distribution pattern changed markedly around the 2nd/3rd century CE. In addition, one could mention the fact that similar plastered stepped pools are rarely (if at all?) found outside of Jewish-inhabited areas outside the land of Israel, leaving open for a moment the question of how one decides what a "Jewish inhabited area" is. But not even the strictest archaeological purist goes so far, because the overlap between written sources and archaeological evidence is so impressive that it simply makes no sense to deal only with one set of sources. As Adler states:

> Without archaeology, we would have had no idea that in the late Second-Temple period Jews were immersing in artificial, purposely built installations designed for ritual immersion. Although the subject of purity, purification, and ritual immersion appears not infrequently in Second-Temple period literature, incredibly enough, nowhere in the writings which have come down to us from this period is any mention made of where ritu-

[80] Trans. Joseph M. Baumgarten and Daniel R. Schwartz, "Damascus Document (CD)," in *Damascus Document, War Scroll, and Related Documents*, PTSDSSP 2 (Tübingen: Mohr Siebeck / Louisville, KY: Westminster John Knox, 1995), 4–57 (44–47).

[81] A "Classification of the Ritual Baths by Their Function" is provided by Zissu and Amrit, "Common Judaism, Common Purity," 51–61.

al immersions actually took place. It is *exclusively the archaeological finds* which teach us that by the first century BCE, Jews were immersing themselves in artificial stepped pools.[82]

In other words: what it meant to practice the biblical laws of purity in the first century of the common era cannot be established without the archaeological data. The texts alone are not sufficient for a complete picture because most references, like the one in John 2:6 about stone vessels in connection with Jewish purity concerns (but also Mark 7:4), or the water installations mentioned in the Theodotos inscription, allow only for a glimpse into a much more complex reality.[83] This is, despite the call to caution, widely accepted in the meantime and the more sceptical voices against the conflation of archaeology and textual evidence seem to have softened in the more recent discussion. The reason is most likely that their insistence that not every stepped pool is a *miqveh* has not gone unheard. In addition, the methodological reflection on the combination of archaeological and textual evidence has clearly advanced and the simplistic equation of material and textual evidence has gone largely out of use. There is a new hermeneutic of reading in place, which interprets archaeological artefacts like a text and with the same scrutiny.[84] With due care, these artefacts are better understood in light of written sources and in some cases are only understandable with the help of such texts – as some texts are only fully understandable with the help of archaeological data.

Moreover, archaeological data not only help to understand certain texts better but they are able to expand the range of these texts. To achieve this, one has to accept that the texts at our disposal, from biblical to rabbinic, are neither encyclopedias nor systematic compendia. This means in particular that they offer no comprehensive definitions of the topics they address. To illustrate the point I

[82] Adler, "Toward an 'Archaeology of Halakhah'," 30 (emphasis not in the original); Deines, "Non-literary Sources," 58–65.

[83] CIIP I/1, no. 9 "Theodotos son of Vettenos … built the synagogue for the reading of the Law and teaching of the commandments, and the guest-house and the (other) rooms [δώματα] and water installations(?) [χρηστήρια] for the lodging of those who are in need of it from abroad …" (p. 54). The editors explain the δώματα as "ancillary rooms which were part of the guest-house." Regarding χρηστήρια they state that it "is not classical but paralleled amply in Greek texts from the 1 c. and later; the word is vague, however, and could signify just cisterns, or more sophisticated structures perhaps connected to other sources of the city's water … The water was provided both for the lodgers' personal needs and for ritual purification" (55). The fact that "reading of the Torah and teaching of the commandments" was part of the service offered by the synagogue, and the otherwise attested relation of synagogues with *miqva'ot* (see Yonatan Adler, "The Ancient Synagogue and the Ritual Bath. The Archaeological Evidence and its Relevance to an Early Rabbinic Enactment", *Cathedra* 128 [2008]: 51–72 [in Hebrew]) makes it more than likely that the advertised "water facilities" were not simply cisterns or water provisions one could expect in any guest accommodation but the specific ones necessary for attending synagogue services (and in Jerusalem surely also the Temple rituals).

[84] With further bibliography see Deines, "Non-literary Sources," 25–31; Miller, *Intersection*, 30–31, etc.

take one example for 'over-expectation' from Stuart Miller's highly information study on the *Intersection*, where he states:

> The rabbis expend considerable effort in Mishnah and Tosefta *Miqva'ot* describing situations that would either validate or invalidate the *waters* of a ritual bath, but at no point do they actually describe one in detail. What the rabbis considered to be a 'typical' *miqveh* would be hard to depict, very likely because they had no such fixed conception of the ritual bath.[85]

The problem of this argument is to expect from the rabbis first to describe a ritual bath in detail before they should discuss related issues. Equally problematic is the consequence drawn from this silence that they had no "fixed conception of the ritual bath." Adler in his contention about the non-existence of an *otzar* follows the same line of argumentation when he states that the rabbinic texts contain "no mention … of a specific type of installation which may have been used for this rite."[86] But rabbinic literature, as well as the literature from the Second-Temple period, never provide definitions of the underlying concepts before they discuss specifics, which are simply presupposed – even in such cases which are not derived from a direct biblical command. Examples abound, starting with m. Berakhot 1:1. The obligation for the recitation of the *Shema*' in the morning and evening is presupposed but not explained; to understand the first sentence of the Mishnah the reader has to know beforehand what the *Shema*' is and that a Jew is obligated to recite it twice a day; similarly, m. Eruvin 1:1 starts without explaining what an *eruv* is, how it functions, where this idea came from, who is responsible for it and who should care. It simply starts with the measurements and implements required to turn a street into an *eruv*. Or take m. Megillah 1:1: the feast of Purim is not explained, it is not even clear that this has anything to do with Purim; the name "Esther" does not even appear in the Mishnah and nevertheless we are quite confident that *megillah* refers to the book of Esther and the

[85] Miller, *Intersection*, 32.

[86] Adler, "Myth," 269. In support of his argument, he points out that "written sources from the late Second Temple period abound in references to the practice of purificatory immersion in water." The footnote refers to exactly three passages and they only mention washings but say nothing whatsoever how and *where* the washing takes place! Without the existence of such unusual stepped-pools from this period there would be no way to know from these texts (or any other text from before the Mishnah, perhaps with the exception of the Theodotos inscription) that these washings took place regularly and throughout Judea and Galilee in purpose-built pools. This is not to deny that there are indeed plenty of texts from the Second-Temple period about ritual washings, for which see Lawrence, *Washing in Water*, 43–154. But in the whole corpus examined by him, no specific location for these washings is mentioned (aside from the rare occasions, where natural sources like springs, rivers or the Sea are mentioned). Strangely enough, the Theodotos inscription is neither mentioned by Lawrence nor by Miller, and Adler pays it little attention as well, undecided whether the "water facilities" mentioned in it should be regarded as *miqva'aot*, see Adler, "The Ancient Synagogue and the Ritual Bath," 56.

feast of Purim.[87] The same goes for the more historically oriented sources which mention things in passing without detailing it. The argument that something does not exist just because its basic concept and outline is not described explicitly before some seemingly secondary details are discussed simply fails to convince. We should assume therefore that the rabbis and their predecessors had indeed a "fixed conception of a ritual bath" (or a synagogue, where we also lack a defining description). This means not that they all agreed on the specifics or had the same "fixed conception," but they knew what they were talking about and other Jews as well.

4. Refined Purity – Wherefrom and Whereto?

Taken together, and with all due care, there is a fairly wide consensus that the preferred way of following the biblical requirement of everyday purity changed visibly in the two centuries before the common era (if we allow the Bethesda pool to be an early *miqveh*). That means that something has triggered a large number of the Judeans living in Israel to do things differently from their ancestors and their neighbors by installing stepped pools to bathe next to the Temple and in the basement of their houses, but also close to their working places and worship places. They started to use a fair amount of newly devised stone vessels as *occassional tableware*, and ossuaries made of the same material to collect the bones of their deceased. What is more, these best known examples of a particular Jewish material culture are accompanied by other indicators which point towards a stronger differentiation between Jewish and non-Jewish, for example, Kfar Hananiah ware instead of Galilean Coarse Ware, Hasmonean coins instead of Hellenistic city coins, local glass industry instead of glass imports, and the decline of evidence for imported wine.[88] The latter points are less clearly

[87] Günter Stemberger, "Die Megillot als Festlesungen der jüdischen Liturgie," in *Judaica Minora I*, ed. idem, TSAJ 133 (Tübingen: Mohr Siebeck, 2010), 234–47 (236–40).

[88] Cf. M. Aviam, "Distribution Maps of Archaeological Data from the Galilee. An Attempt to Establish Zones Indicative of Ethnicity and Religious Affiliation," in *Religion, Ethnicity and Identity in Ancient Galilee*, eds. Jürgen Zangenberg, Harold W. Attridge and D. B. Martin, WUNT 210 (Tübingen: Mohr Siebeck, 2007), 115–32; idem, "Borders Between Jews and Gentiles in the Galilee," in idem, *Jews, Pagans and Christians in the Galilee*, Land of Galilee 1 (Rochester, NY.: University of Rochester Press, 2004), 9–21; D. R. Edwards, "Identity and Social Location in Roman Galilean Villages," in *Religion, Ethnicity and Identity*, 357–74; Deines, "Non-literary Sources," 33–4; idem, "Gab es eine jüdische Freiheitsbewegung? Martin Hengels ‚Zeloten' nach 50 Jahren," in *Die Zeloten. Untersuchungen zur jüdischen Freiheitsbewegung in der Zeit von Herodes I. bis 70 n. Chr.*, eds. idem and Claus-Jürgen Thornton, WUNT 283 (3rd ed., Tübingen: Mohr Siebeck, 2011), 403–48 (434–36); Jensen, "Purity and Politics," 10–25, on "Archaeological 'Peculiarities'," which he thinks cannot be explained by fashion or political ends alone but only as religiously motivated; Adler, "Archaeology of Halakhah," 29, presents a similar list of topics according to his own question, namely halakhah more generally and not related to purity: "syn-

halakhically loaded but they do all have – beyond ethnic, political, economic and identity aspects – a halakhic component related to purity. The synagogue appears in Israel around this time as a new religious institution, and there is also a renewed interest in the textual forms of the Jewish Scriptures. This can be seen in developments towards a standardised (proto-masoretic) text of the Jewish Scriptures and a closer alignment of the Old Greek translation towards its Hebrew *Vorlagen*.[89] A standardised biblical text can also be seen as a pre-requisite of a more uniform obedience to God's commands, and the synagogue as the place where Torah was heard and could be learned is necessary to spread this message across the wider population.

If we see these diverse developments together they all converge in an *increased commitment* of a large proportion of the Jewish inhabitants of Judea and Galilee towards a halakhically grounded biblical religious praxis in their everyday life.[90] The fact that stone vessels, especially in connection with *miqva'ot* in private houses (to name just the two most prominent items), became such a common feature of everyday Jewish life in the time between Herod and the destruction of the temple, points to a *concern for purity matters in individual households* which is attested by neither archaelogical nor literary evidence before the second century BCE. Certain events or developments obviously acted as catalysts to accelerate *individual purity concerns*. In particular the Hellenistic crisis under Antiochus IV Epiphanes and, connected to this, the dramatic failure of parts of the priestly aristocracy, became decisive factors within Judaism for the origin and development of religiously motivated parties with differing interpretations of how a Jewish lifestyle should proceed.[91] The focus of religious commitment shifted more and more from the centralised cult in the temple to the individual household, from priest to lay-person. In other words, religious commitment became, to a large extent, the task of the individual for the sake of their people and the integrity of the temple and the land. The Pharisees for one are described in all available sources as a Jewish group with a strong interest in widening participation in the required sanctity of God's people.[92] They were not the only

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agogue architecture, restrictions on idolatry and figural art, *mezuzot* and their placement on doorposts, the four species ritual on Sukkot, and the dietary laws as reflected in archeozoological remains." In the paper itself he focused on *miqva'ot*, stone vessels, and – a topic so far hardly taken into account – *tefillin* (phylacteries).

[89] Emanuel Tov, *Scribal Practices and Approaches Reflected in the Texts Found in the Judean Desert*, STDJ 54 (Leiden: Brill, 2004).

[90] See above n. 32 and Katz, "'He Shall Bath in Water'," 380. Andrea Berlin labels this in her highly informative article as "household Judaism," see her "Jewish Life Before the Revolt. The Archaeological Evidence," *JSJ* 36 (2005): 417–70.

[91] On the decline of the priestly status and influence see Hengel/Deines, "Sanders," 472–76; Volker Gäckle, *Allgemeines Priestertum. Zur Metaphorisierung des Priestertitels im Frühjudentum und Neuen Testament*, WUNT 331 (Tübingen: Mohr Siebeck, 2014), 122–42.

[92] Cf. e.g. Erickson-Gini, "Pottery," 1094: "From the mid first century BCE there appears to have been an increase in piety and influence of Jewish sects such as the Pharisees, who

one and their efforts coincided with those of other groups for sure. What distinguished the Pharisees is arguably that they were successful where others were not. But this is a matter of debate and not decisive for the overall picture of an increased interest in an halakhically regulated form of purity in the Eretz Israel.

5. Recent Debates

I want to finish by outlining three areas where the combining of texts and artefacts in what Adler terms the "archaeology of halakhah" has yielded important results:

5.1 Decentralization – Away from Jerusalem and the Temple

Perhaps the most important shift in the debate about purity and its archaeological footprint is the *decentralization thesis* of Yonatan Adler. This means that the widespread finds of purity-related archaeological evidence in Jerusalem and its surroundings are *not* the result of a higher demand for purity because of the temple (and the large number of priests and their families in Jerusalem and its vicinity), as often argued.[93] Even Zangenberg follows this line of reasoning. He rightly states in his short description of purity that "purity is the only quality that favorably relates to God, the source of all holiness (Lev 11–16, esp., e. g., 11:44a; 20:26; 1 Sam 2:2; Isa 6:3)." He further points out that "God's holiness does not tolerate impurity" but then continues with hints to the temple and the priests to claim that "it was first and foremost this group that had to maintain purity more strictly" (540), which is at least misleading. The command to be holy because God is holy is addressed *to all Israel* and not to the priests only, or even

transmitted a rigorous ideal of ritual purity, formerly a monopoly of the priestly class, to the common people"; see also Stemberger, "Pharisäer," 356–57. For my own attempts to analyse the Pharisees' efforts as motivated by their wish to secure the nation's spiritual wellbeing and blessedness through Israel's fulfillment of the covenant obligations see Deines, *Pharisäer*, 540–55; idem, "Die Pharisäer und das Volk im Neuen Testament und bei Josephus," in *Josephus und das Neue Testament. Wechselseitige Wahrnehmungen*, eds. Chistfried Böttrich and Jens Herzer, WUNT 209 (Tübingen: Mohr Siebeck, 2007), 147–80; idem, "Pharisees," *T&T Clark Encyclopaedia of Second Temple Judaism*, 2 vols., eds. Loren T. Stuckenbruck and Daniel M. Gurtner (London: T&T Clark, 2020), 2.602–6. Pharisaism should be "understood as a non-exclusive Jewish group whose adherents simply wanted to promulgate a covenantal-faithful Jewish life for the benefit of the nation (cf. Gal 1:13)" (606).

[93] Adler, "Between Priestly Cult and Common Culture," 231–32, provides some recent quotes; one could add i. e. Reich and Zapata Meza, "Migdal," 70, who explain the unusual *miqva'ot* in Migdal with the "many inhabitants" who "belonged to the priestly families" and the resultant higher "demand for purification facilities"; Byron R. McCane, "Miqva'ot," *The Eerdmans Dictionary of Early Judaism*, eds. John J. Collins and Daniel C. Harlow (Grand Rapids, MI: Eerdmans, 2010), 954–56: "Early Jewish concerns about purity were primarily related to ideals about the Temple" and impurity makes one "simply unfit to participate in the Temple ritual" (955).

particularly, as is clearly evident in the references Zangenberg himself provided (see the previous quote and in addition Ex 13:2; 19:10–12, which affects all Israel, even where the priests are mentioned in addition as in Ex 19:11–12). He further tries to connect the sources of impurity, which were "according to halakhah … ubiquitous" to periods of "status transition" (540) which is simply wrong, as his own examples demonstrate. Semen and menstrual blood, to refer only to the impurities which appear most regularly, have nothing to do with "status transition:" it is not just first-time sex that causes impurity, and impurity after childbirth does not affect only the first birth but also the second and the third etc. When he discusses the use of stone vessels found on Masada – and in this case also that of "dung vessels" which share the same advantageous status of being unaffected by impurity according to the rule contained in the Mishnah – Zangenberg relates their use to the "strict purity observance of this radical group."[94] But the profile of the Masada community with regard to purity halakhah is not different to that of Gamla or other contemporary sites in Judea or Galilee. The only reason for this comment seems to be to somehow reduce the importance of purity/impurity for the wider population, that is, all those who were not members of this "radical group." He also states that the "lack of parallels from other sites" for the "dung vessels" is further proof that the purity concerns of the Masada group were extreme. But again, this is not a convincing argument at all: the so-called "dung vessels" were made from animal dung and unfired clay which makes it nearly impossible for them to survive for long: only the particular climate of Masada allowed such vessels to survive, and parallels from other sites simply cannot be expected.[95]

Against all attempts to reduce purity concern to a limited group of people or restricted periods of time, I think Adler is right to say that during the late Second-Temple period "observance of purity was regular, lay, and widespread."[96] The evidence provided by Adler, Reich, and others taken together illustrates vividly the widespread practice of a halakhically informed Jewish life-style in which striving

[94] Zangenberg, "Pure Stone," 552 n. 56. The analysis of small finds by Ronny Reich shows that the community living on Masada was not uniform, and hardly comprised of a radical gang of Sicarii. In addition to families, who sought refuge, he assumed members of the Qumran community lived there as well who fled here with their writings, see R. Reich, "Women and Men at Masada. Some Archaeological Observations Based on Small Finds (coins, spindles)," *ZDPV* 117 (2001): 149–63; idem, "Baking and Cooking at Masada," *ZDPV* 119 (2003): 140–58; idem, "Spindle Whorls and Spinning at Masada," in *Masada VIII. The Yigael Yadin Excavations 1963–1965 Final Reports*, ed. Yosef Aviram et al. (Jerusalem 2007), 171–94; Deines, "Freiheitsbewegung," 433–34.

[95] Cf. Rachel Bar-Nathan, *The Pottery of Masada. Masada VII: The Yigael Yadin Excavation 1963–1965 Final Reports*, Jerusalem: Israel Exploration Society 2006, 235–43; on their possible function see Deines, *Steingefäße*, 193–94.

[96] Adler, "Between Priestly Cult and Common Culture," 245.

for purity of food, body, and the various living spaces was an important element of Jewish piety and identity.

But having made this point, I would argue that Adler's laudable insistence on purity as "regular, lay, and widespread" goes perhaps too far in diminishing the role of the temple and the priesthood. As Jacob Milgrom especially has shown, the purity concept of P is temple-centered but in such a way that impurities throughout the country pollute the temple. This means that by maintaining purity in a lay household in Galilee a family contributes their share to Israel as a holy nation in whose midst God is dwelling. The alternative is therefore not temple and priesthood on one side and non-priestly Israelites outside Jerusalem and the temple on the other. It is rather *a shared purity economy* where all Israelites are active shareholders. Every one of them has their specific function as man, woman, or priest – and in the end all are stakeholders as well as they benefit from the blessings that are promised to Israel within her covenant with God. Adler slights this temple-related element too strongly which is why he struggles with the fact that the form of purity practice that dominated the previous c. 200 years, collapsed after the mid-second century CE. According to his chronological conclusions (see my next point) stone vessels and *miqva'ot* show no evidence of decline prior to the middle of the second century. The subsequent drop off in chalk vessel usage in the Galilee, probably beginning sometime around the middle of the second century, suggests that the decline in purity observance as a central part of daily life for Jews in Roman Palaestina in all likelihood occurred roughly around this period of time. As this process took place decades after the events of 70 CE, it is hard to imagine how the decline in purity at this time could have had anything to do with the destruction of the temple and the cessation of its cult, as has commonly been thought. How else then can a decline in ritual purity observance that began around the middle of the second century be explained within the historical context of this period?[97]

I think the answer Adler is looking for cannot be given by ignoring the importance of the temple as he does. The mid-second century CE was the time when it definitively became clear that the temple would not be rebuilt in the foreseeable future. Thus, the Second-Temple period ends not with the destruction of the Second Temple but 70 years later, when all hopes for its resurrection were lost. As a consequence, it was at this point that the still numerous Jewish populations in Judea and Galilee had to process and internalise the fact that they would have to live without the temple and the purity it provided, not just for a limited period, but on an ongoing basis. When, for example, the supply of the ashes of the red heifer had finally ran out, the most severe form of everyday impurity, the one caused by contact with a corpse, could no longer be

[97] Adler, "Decline of Jewish Ritual Purity Observance," 277–78.

remedied.[98] As a consequence, minor impurities like contact with semen or menstruation, i. e. areas where *miqva'ot* and stone vessels were advantageous, no longer made sense. Corpse impurity could not be cleansed in a *miqveh*, which means that even immersing in a *miqveh* after sex would leave a person remaining halakhically impure. The continuation of the ritual bath as part of the Niddah-tradition is therefore not simply a continuation of an older practice but the result of a reframing of purity regulations without the temple at its centre. This fits with the observation that, in the tannaitic tradition, ritual purity is sometimes downplayed in an astonishing way. According to Vered Noam, the Tannaitic Midrashim especially, without negating the biblical request for purity, try hard to deflect from their obvious meaning. One motivation behind this "dual strategy" (expansion of purity to the realm of "unconsecrated things" on the one hand and on the other a dissociation of such purity praxis from "the biblical verses whose plain meaning assumes its existence") could have been pastoral care for those people who suffered from the lack of the temple and the purity it provided.[99]

5.2 Extension – Beyond the Year 70

Closely related to the first point is the other vital shift relating to the period in which halakhic purity was observed. As Adler points out:

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[98] This is true for all periods of impurity which required a sacrifice (e. g. after childbirth) for purification at their end. There is, however, the possibility that ashes of the red heifer was available until the fourth century, see David Amit and Yonatan Adler, "The Observance of Ritual Purity after 70 CE. A Reevaluation of the Evidence in Light of Recent Archaeological Discoveries," in *"Follow the Wise". Studies in Jewish History and Culture in Honor of Lee I. Levine*, eds. Zeev Weiss et al. (Winona Lake, IN: Eisenbrauns, 2010), 122–143 (122–24); Moshe Blidstein, *Purity, Community, and Ritual in Early Christian Literature*, Oxford Studies in the Abrahamic Religions (Oxford: Oxford University Press, 2017), 100–101; this fits the scant evidence for the continuation of certain elements of purity halakhah typical for the time until Bar Kokhba in a small segment of the Jewish population in mainly Galilee, see Y. Adler, "Tosefta Shabbat 1:14 – 'Come and See the Extent to Which Purity Had Spread.' An Archaeological Perspective on the Historical Background to a Late Tannaitic Passage," in *Talmuda de-Eretz Israel. Archaeology and the Rabbis in Late Antique Palestine*, eds. Steven Fine and Aaron Koller, Studia Judaica 73 (Berlin: de Gruyter, 2014), 63–82 (80–81).

[99] See Vered Noam, "The Dual Strategy of Rabbinic Purity Legislation," *JSJ* 39 (2008): 471–512 (493); Noam proposes as one possible reason for this dual strategy to "ascribe the rabbinic restriction of impurity to the sacred sphere and the sanctuary to the destruction of the Temple, which blocked access to purification for the needs of daily life" (508–9), although she herself is reluctant to adopt this view. The reason is her conviction that this dual strategy already goes back to the time before the destruction of the Temple; see also Adler, "Between Priestly Cult and Common Sense," 246–7 with n. 54. Tosefta Sotah 15:11–12 describes tellingly the behavior of a growing number of "*perushim* in Israel" (whether *perushim* should be translated as Pharisees or as "abstainers" or "ascetics" is a matter of dispute), who refused to eat meat or to drink wine because the Tamid offer was no longer possible and wine could no longer poured out as drink-offering. Rabbi Joshua ben Hananiah engaged them and convinced them that "to mourn too much is not possible" and advised them to express their feelings in a more symbolic way.

One fascinating result of this archaeological investigation has been the recognition that chalkstone vessels remained in widespread use for decades after the destruction of the Jerusalem Temple in 70 CE, a discovery which seems to indicate that the observance of purity laws in general may have had very little to do with the Temple cult and much more with concerns over personal.[100]

The archaeological finds discussed here are an important source in illuminating this transitional period in Jewish history, because they indicate how long it takes before the new situation arising after a crisis actually has settled within those who are affected by it. Helpfully, Social Studies works with a three (sometimes four) generation model to demonstrate how reaction to a crisis or social challenge is modified across three subsequent generations.[101] The first generation has to endure the full effect of the crisis and reacts with shock, unbelief, and various attempts to go back to the pre-crisis situation. The next generation, the children of the traumatized, are in a situation between resignation and looking for help: should they look backward or forward? In the third generation, however, the outlook is more positive. It is as if a lesson is learned and can now be transformed into energy for the future. This is, of course, an ideal and abstract scenario, and often there is no time for three generations to work it out and actually harvest the fruits of a crisis. But despite such limitations, the three-generation scheme is able to provide an interpretive grid for possible changes within a given society. If we look at the destruction of the temple as such a crisis, we should expect continuities and hopes for restoration of the glorified past, as well as signs of resignation (the book of 4 Ezra would come to mind) and new hopes and energy for a better future (which resulted in the Bar Kokhba war and set a new cycle in motion). The continuities and changes to purity halakhah after 70 could therefore be understood as indication for the hope that the temple will be rebuilt, at the latest after 70 years! The *Antiquities* of Josephus (which represents the more optimistic perspective of the second generation in contrast to the more pessimistic of 4 Ezra) from the end of the first century CE, with the vivid description of the rebuilding of the temple after its first destruction with the help of the Persian kings, point in this direction.[102] This means that the expectation of a return to a renewed halakhic lifestyle with a rebuilt temple at its centre has not yet been

[100] Adler, "Archaeology of Halakhah," 32.

[101] Yael Danieli (ed.), *International Handbook of Multigenerational Legacies of Trauma* (New York: Springer, 1998); Gabriele Rosenthal (ed.), *Der Holocaust im Leben von drei Generationen: Familien von Überlebenden der Shoah und von Nazi-Tätern* (Gießen: Psychosozial-Verlag, 3rd ed. 1999); Anne Drescher, Uta Rüschel and Jens Schöne (eds.), *Bis ins vierte Glied. Transgenerationale Traumaweitergabe* (Schwerin: Publikation zur Fachtagung der Landesbeauftragten für die Stasi-Unterlagen in Mecklenburg-Vorpommern und Berlin, Schwerin, 16. Oktober 2014, 2nd ed. 2018); see further Jeffrey C. Alexander et al. (eds.), *Cultural Trauma and Collective Identity* (Berkeley: University of California Press, 2004).

[102] Roland Deines, "How Long? God's Revealed Schedule for Salvation and the Outbreak of the Bar Kokhba Revolt," in idem, *Acts of God in History. Studies Towards Recovering a Theo-*

abandoned. It was only the failure of Bar Kokhba's revolt and the subsequent transformation of Jerusalem into Aelia Capitolina which made it clear that the temple would not play any role in the foreseeable future. But again, the full impact of this second crisis would only become visible in the third generation, which brings us to the time of Jehuda ha-Nasi and the formation of the Mishnah as one successful way of overcoming the two intertwined previous crises.

But it is not only the extension of purity halakhah beyond the second century CE that offers new insights and allows for new theories;[103] at least as interesting is the challenge and the growing opportunities to move beyond the threshold of the first century BCE into at least the second century BCE as indicated above.

5.3 De-rabbinization of Halakhic Practice

The label "de-rabbinization" is used to indicate that interest in purity praxis should not be seen as something that is necessarily directly and solely connected to and influenced by the developments that came together in the later rabbinic tradition. "Halakhic" and "rabbinic" appear like inseparable twins, and although we know that the community of the Dead Sea Scrolls, the Samaritans, and perhaps also the early Christians, had different sets of halakhah, the default position for many is still the equation of halakhic Judaism with Rabbinic (or Pharisaic) Judaism. As a result, what is not in line with rabbinic halakhah is regularly labelled "sectarian," which means that "rabbinic" is seen – although this is rarely expressed clearly – as representative for non-sectarian orthopraxy against which other forms of Judaism were measured and qualified. And the most iconic representation of this conflation is indeed, as Adler and others have shown, the examination of the Masada *miqva'ot* by contemporary rabbinic authorities as described above. One might speculate that the hand-in-glove relationship between archaeology and rabbinate at this point was not solely the result of historical interests but served in its own time a political end as well. On the one hand, we have the secular state of Israel, represented by the famous

logical Historiography, ed. Christoph Ochs and Peter Watts, WUNT 317 (Tübingen: Mohr Siebeck, 2013), 191–225 (211–19).

[103] A recent article tries once more to demonstrate that stone vessels were used (and perhaps even produced) up until the 4th century in Galilee, see Maya Sherman, Zeev Weiss, Tami Zilberman, and Gal Yasur, "Chalkstone Vessels from Sepphoris. Galilean Production in Roman Times," *BASOR* 383 (2020): 79–95. The evidence, however, is very scant with many of the small sherds from mixed loci. Much depends on a single vessel (a large jar) from a sealed stratum beneath the synagogue dating to the 3rd/4th century, but the authors allow that "it may have produced and used as early as the 2nd century" (88). For the continuation of *miqva'ot,* although in ways differing from the period up to the 2nd century, see esp. Miller, *Intersection*; Amit and Adler, "Observance of Ritual Purity," 126–42; one has to read this article, however, in light of the partial retraction in Adler, "Decline of Jewish Ritual Purity Observance," 270–77, where he also questions the Sepphoris evidence as indicative for a widespread and regular use of stone vessels in the 3rd or 4th century.

Zionist, military man, politician, scholar, and educator of a new generation of archaeologists, who represents the pioneering spirit of the new State of Israel's first two decades like no other. And on the other, the representatives of the orthodox community, the epitome of Jewish tradition for more than 1,000 years, the keepers of the Torah as Israel's mobile home and preservers of Jewish identity through countless persecutions, pogroms, and the death camps of their most recent past, who find themselves struggling to acknowledge the religious legitimacy of their new country of Israel. They were brought together by ancient water installations, which the rabbis declared to be a *kosher miqveh*:[104] the rebels at Masada made their "last stand" while keeping the purity regulations as best they could. This can be seen as a societal utopia for a unified nation no longer divided between the secular and the religious. But this vision did not live long. The matter of ultra-orthodox communities is still heavily disputed in Israel's society, and an underlying issue is who decides what is *kosher*.

Is a halakhah only valid if it is a *rabbinic* halakhah? From a historical and archaeological point of view the answer is a clear no.[105] What is true, however, is, that both records provide strong evidence of an increased halakhic concern for the Jewish population of Eretz Israel starting in the 2nd century BCE. This does not mean that Judeans before that time were not interested in a halakhically oriented Torah praxis as a result of their commitment to the biblical precepts, but only that there is not much positive proof for this in either contemporary texts or the archaeological record. But the observance of these halakhic practices is not – at least not initially – the result of any decision-making body, but the result of different influences that shaped the religious basis of the Jewish world: societal changes, technological advances, questions of identity in a more open 'pluralistic' world after Judea became part first of the Greek and then the Roman orbit, which presented new opportunities and new challenges. Purity halakhah, then, is the result of the development of Judean piety in the Hellenistic-Roman era and is thus a phenomenon that arose during the late Second-Temple period. And what becomes visible of it from the archaeological record is a clear movement

[104] The charisma of Yadin is vividly described by the personal reflections of Jodi Magness on her first encounter with him as a young student of archaeology in one of his classes, see Jodi Magness, *Masada. From Jewish Revolt to Modern Myth* (Princeton: Princeton University Press, 2019), 187–200 (which provides also a short biography of Yadin); the spirit of the excavation itself is brought to life in Amnon Ben-Tor's introductory remarks in *Back to Masada* (see above n. 53), 1–2: These were the early years of the State of Israel, a time of innocence, before the Six Day War created radical changes in so many areas"; see also his spirited epilogue "Archaeology and the Masada Myth" (269–309, esp. 271–73; also the identification of the *miqveh* features quite prominently, see 278, 287–8; in the main part of the book, this one *miqveh* features prominently as well [91–93], but the visit of the rabbis is not mentioned at all, indicating perhaps to the rather difficult relationship between the ideological camps). He also concedes (and defends) that in these early years, "archaeological research was indeed also used in the service of political ends" as one important proveyer for the new state's ideological claim on the Land of the Bible (273).

[105] For examples of differing halakhic decisions see above notes 35 and 43.

from a temple and priest-based religious praxis to a halakhically regulated piety of the wider populace throughout the land of Israel. The obvious attractiveness of the latter, visible in the abundance and still increasing number of finds, is not so much the result of pharisaic or rabbinic *dominance* over the people but of the appealing offer to participate in the required holiness of Israel and to become active shareholders in Israel's purity economy.

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The Limits of Evidence

The *Miqveh* as an Indicator of Jewish Purity Practices in Second-Temple Period Galilee*

Joseph Scales

An often-discussed aspect of Jewish religious identity and practice in Second-Temple period Galilee is the widespread introduction of ritual baths across the region. These baths, commonly called *miqva'ot*, are connected to purity practices. Ritual bathing in purpose-built installations is conceptually linked with injunctions in the Torah to bathe after contracting impurity.[1] *Miqva'ot* begin to be found in the Palestinian archaeological record from the late 2nd century BCE and have been frequently used as evidence to indicate that Jewish purity practices were extended and expanded during the Hasmonean and Herodian periods.[2] Among others, Eyal Regev points to evidence from Tobit (2:4–5, 9,

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[1] Drawn from principally Leviticus 11–15 and Numbers. These are summarized in Hannah K. Harrington, *The Purity Texts* (London: T&T Clark, 2004), 11.

[2] See Yonatan Adler, "Religion, Judaism: Purity in the Roman Period," in *The Oxford Encyclopedia of the Bible and Archaeology*, eds. Daniel M. Master, Beth A. Nakhai, Avraham Faust, L. M. White and Jürgen K. Zangenberg (Oxford: Oxford University Press, 2013), 240–49, 247; Andrea M. Berlin, "Manifest Identity. From *Ioudaios* to Jew – Household Judaism as Anti-Hellenization in the Late Hasmonean Era," in *Between Cooperation and Hostility. Multiple Identities in Ancient Judaism and the Interaction with Foreign Powers*, eds. Rainer Albertz and Jakob Wöhrle, JAJSup 11 (Göttingen: Vandenhoeck & Ruprecht, 2013), 151–75, 169; Chancey, "Archaeology, Ethnicity," 215; Roland Deines, "Non-literary Sources for the Interpretation of the New Testament: Methodological Considerations and Case Studies Related to the Corpus Judaeo-Hellenisticum," in *Neues Testament und hellenistisch-jüdische Alltagskultur. Wechselseitige Wahrnehmungen – III. Internationales Symposium zum Corpus Judaeo-Hellenisticum Novi Testamenti 21.–24. Mai 2009, Leipzig*, eds. Roland Deines, Jens Herzer and Karl-Wilhelm Niebuhr, WUNT 274 (Tübingen: Mohr Siebeck, 2011), 25–66, 37–38; Annlee E. Dolan and Debra Foran, "Immersion is the New Ritual: The *Miqveh* at Khirbat al-Mukhayyat (Jordan) and Hasmonean Agro-Economic Policies in the Late Hellenistic Period," *Levant* 48.3 (2016): 286–87.

corpse contact but also possibly eating as in 7:9), Judith (12:7–9, prayer or possibly gentile contact), and Pseudo-Aristeas (305–307, washing hands before praying) as indicators of this expansion of purity during the late Second-Temple period, specifically purity observed by non-priests.[3] In each of these texts and in almost all other Second-Temple period texts, ritual bathing is described, if at all, as occurring in natural bodies of water.[4] We cannot determine how frequently many Jews actually bathed. It is probable that Jews of the 1st century BCE bathed in the Sea of Galilee, but we have no mention of this in any surviving Second-Temple period text as far as I am aware. I do not doubt that many did observe purity regulations, including the regulations concerning bathing, but this is an inference from usually non-documentary textual sources. The appearance of *miqva'ot* offers an opportunity to explore the extent to which ritual bathing was practiced in "common Judaism."[5] Previous studies on the matter have, in my view, over-valued the use of such installations in our assessment of ancient Jewish purification practices. This chapter will discuss the limits of information about Jewish ritual immersion which can be gained from examining the *miqva'ot* in late Second-Temple period Galilee.[6]

First, I will discuss some attendant issues with the current state of dating such installations, and the use of textual sources to interpret these remains. Second, I discuss how these pools were thought to have developed in the late Second-Temple period, and how this development should limit scholars' often direct association between *miqva'ot* or *miqva'ot*-like pools and Jewish users. This further indicates that immersion for the sake of purification may not have been the sole purpose for such pools. Third, I present the total number of recorded pools currently known but offer some nuances around their prevalence and distribution which further limit conclusions around the use and meaning of such installations. Fourth, I distinguish known Galilean pools according to the context they have been reported in. This observation further limits the number of pools known to have been used for particular purposes or in specific settings.

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[3] See Eyal Regev, "Pure Individualism. The Idea of Non-Priestly Purity in Ancient Judaism," *JSJ* 31.2 (2000): 177–178. See further Stefanie Hoss, "Die Mikwen der späthellenistischen bis byzantinischen Zeit in Palästina," *ZDPV* 123.1 (2007): 52. The distance between many of these *miqva'ot* and the Jerusalem temple suggests that their usage was not related to participation in the temple cult. Regarding Judith's bathing, see Joseph Scales, "Preparing for Military Action. Judith's Purificatory Washing in Judith 12:7," *VT* 71.4–5 (2022): 687–703.

[4] Some texts do not mention where bathing took place, such as in Tobit, and the clearest specifications for what could be considered an installation can be found in CD A 10:10–12 (=4QD^{e} 6 iv 20–21) which specifies what constitutes enough water for proper immersion.

[5] For *miqva'ot* as a key archaeological indicator of "common Judaism," see E. P. Sanders, *Judaism: Practice and Belief 63 BCE–66 CE* (London: SCM; Philadelphia: Trinity Press International, 1992), 222–223. Here, Sanders states that "the use of immersion pools was common to one and all: aristocrats, priests, the laity, the rich, the poor, the Qumran sectarians, the Pharisees and the Sadducees."

[6] I also include the settlement of Gamla, which strictly speaking was located in the Gaulanitis.

Fifth, I examine three key sites which offer insights into issues surrounding the interpretation of particular installations across Galilee. The contexts of these discoveries suggest that *miqva'ot* usage varied more widely than has previously been presented.

1. Problems for Interpreting *Miqva'ot*

1.1 Dating

There are some complexities in dating the *miqva'ot*. As they are typically carved into bedrock, it is often difficult to determine when they were constructed as no material culture can be found beneath the pool's floor. Often, we can only provide a date for when they fell out of use. In some cases, we can date them roughly if another structure was contemporary with them.[7] Therefore it is likely that at least some of the *miqva'ot* usually associated with the 1st centuries BCE and CE were built later. This makes it more probable that the development and introduction of *miqva'ot* in Galilee was a long process of incremental construction instead of a sudden outbreak of construction. The diversity of locations, contexts and dates suggests that *miqva'ot* should not be understood as an indicator of a unified concern for purity.

1.2 Contemporary Textual Explanations

There are around three centuries of development between the first appearance of *miqva'ot* and the first description of something approaching a purpose-built installation.[8] This description can be found in the Mishnah, in the tractate on

[7] An example of this difficulty is the widely accepted dates for the earliest *miqva'ot* on the Sepphoris acropolis, which have been assigned to the Hasmonean period (before 50 BCE). See for instance Katharina Galor, "The Stepped Water Installations of the Sepphoris Acropolis," in *The Archaeology of Difference. Gender, Ethnicity, Class and the "Other" in Antiquity – Studies in Honor of Eric M. Meyers*, eds. Douglas R. Edwards and C. Thomas McCollough, AASOR 60/61 (Boston: ASOR, 2007), 201–13, 206. Jonathan Reed dates twenty *miqva'ot* to between 100 BCE and 70 CE, see Jonathan L. Reed, *Archaeology and the Galilean Jesus. A Re-examination of the Evidence* (Harrisburg, PA: Trinity Press International, 2000), 49. Mordechai Aviam dates one of the pools to the Hasmonean period, see Mordechai Aviam, "First Century Jewish Galilee: An Archaeological Perspective," in *Religion and Society in Roman Palestine. Old Questions, New Approaches*, ed. Douglas R. Edwards (New York: Routledge, 2004), 7–27, 15. Stuart Miller notes that the excavators at Sepphoris have redated the contexts of these earliest pools to the 1st century CE, although there may be a further pool which can be dated to the 1st century BCE. See Stuart S. Miller, *At the Intersection of Texts and Material Finds: Stepped Pools, Stone Vessels, and Ritual Purity Among the Jews of Roman Galilee*, JAJSup 16 (Göttingen: Vandenhoeck & Ruprecht, 2015), 184.

[8] Textual references which may relate to ritual bathing in a purpose-built installation can be found in Joseph Scales, *Galilean Spaces of Identity. Judaism and Spatiality in Hasmonean and Herodian Galilee*, JSJSup 214 (Leiden: Brill, 2024), 88–102.

miqva'ot. There are two issues which limit the complete identification between the practices described in the tractate and the Second-Temple period *miqva'ot*.[9] The first issue is the length of time between the earliest material finds and the compilation of the Mishnah. Thus, it is quite possibly anachronistic to apply Mishnaic regulations to the first *miqva'ot*. What was recorded in the Mishnah may describe how these pools were used quite closely, or it may not. The second issue is related to the normativity of regulations in the Mishnah. Catherine Hezser questions whether rabbinic halakhah was widely followed in the Mishnaic period. Hezser suggests that one could "allow for limits of interpretability and set clear boundaries for the kind of questions material remains can and cannot answer."[10] In light of these considerations, I will here exclude the use of the Mishnah as a source for a description of how *miqva'ot* were used in the 1st centuries BCE and CE.

2. Development and Cultural Association

Yonatan Adler has recently argued that *miqva'ot* could have developed from Hellenistic *sitz*- or hip-baths. These installations were made of stone or terracotta and would then be decorated with stucco.[11] Such hip-baths can be found in Hellenistic Palestine from at least thirteen sites.[12] Adler suggests that in order to differentiate Jewish stepped pools from the hip-baths, the rabbis proscribed that water should be free-flowing and not drawn. Adler argues that there is some similarity between hip-baths and the *miqva'ot* and I would suggest that these similarities could have been reflected in their usage. I do not see why domestic *miqva'ot* should only be discussed in terms of purificatory practices; they could be a Palestinian type of water installation which was used for both conventional and ritual bathing. If *miqva'ot* were indeed developed from hip-baths,

[9] Yonatan Adler, "Toward an 'Archaeology of Halakhah'. Prospects and Pitfalls of Reading Early Jewish Ritual Law into the Ancient Material Record," *Archaeology and Text* 1 (2017): 33–34 presents these issues. See also Rick Bonnie, *Being Jewish in Galilee, 100–200 CE. An Archaeological Study*, Studies in Eastern Mediterranean Archaeology 11 (Turnhout: Brepols, 2019), 289.

[10] See Catherine Hezser, "Correlating Literary, Epigraphic, and Archaeological Sources," in *The Oxford Handbook of Jewish Daily Life in Roman Palestine*, ed. Catherine Hezser (Oxford: Oxford University Press, 2010), 9–27, 20–21.

[11] Monika Trümper records that most baths were between 1 and 1.25 meters long and between 70 and 75cm wide which makes then significantly smaller than the *miqva'ot*. See Monika Trümper, "Bathing Culture in Hellenistic Domestic Architecture," in *Städtisches Wohnen im östlichen Mittelmeerraum 4. Jh.v.Chr.–1. Jh.n.Chr. Akten des Internationalen Kolloquiums vom 24.–27. Oktober 2007 an der Österreichischen Akademie der Wissenschaften*, eds. Sabine Ladstätter and Veronika Scheibelreiter, OAW Philosophisch-Historische Klasse Denkschriften 397 (Vienna: OAW, 2010), 529–572, 531.

[12] See Yonatan Adler, "The Hellenistic Origins of Jewish Ritual Immersion," *JJS* 69.1 (2018): 1–21, 13–14.

then their usage and the social connotations of having such a bath could have been similar. Monika Trümper argues that the introduction of domestic baths and bathing suites in Hellenistic and Roman period Mediterranean households were indicators of a household's high social status.[13] In domestic contexts then, *miqva'ot* may have been viewed as a luxurious addition to a household for the purpose of physical cleansing alongside purification. Furthermore, it appears the design of the *miqveh* was pre-empted by the Idumeans at Maresha, where according to Amos Kloner, four *miqva'ot* were found in a stratum earlier than the Hasmonean conquest. These *miqva'ot* were found along with other bathing systems, some of which Kloner argues were for the purposes of purification, and others which were more typical bathhouse installations.[14] The development of the earliest *miqva'ot* seems to have taken place in bathhouses, within the Hasmonean palaces and in the subterranean bathing complexes at Maresha. This leads me to question the assumption that the sole use of a *miqveh* was for the user to ritually purify themselves. I will further argue that we cannot be certain that many Galilean households were actively observing ritual purification practices. *Miqva'ot* were not exclusively a Judean innovation, and they may have had wider uses than purity practices.

3. Prevalence

The first major work on Jewish ritual immersion pools was that of Ronny Reich. He completed his PhD on the subject in 1990. It has been frequently cited and discussed, becoming the foundation of scholarly literature in the field. It was published in 2013, updating the 1990 list of 307 possible "*miqva'ot*" to 533.[15] Reich has since stated that over 800 installations have been identified in Judea, Galilee and Perea.[16] Already in 2011, Adler had complied a list of around 850 in-

[13] Trümper, "Bathing Culture," 543. Cf. Danielle Steen Fatkin, "Invention of a Bathing Tradition in Hasmonean Palestine," *JSJ* 50.2 (2019): 155–77, 156–64, who argues that these installations were an innovation of John Hyrcanus I, Hasmonean ruler and high priest (134–104 BCE).

[14] Amos Kloner, "The Identity of the Idumeans Based on the Archaeological Evidence from Maresha," in *Judah and the Judeans in the Achaemenid Period. Negotiating Identity in an International Context*, eds. Oded Lipschits, Gary N. Knoppers and Manfred Oeming (Winona Lake, IN: Eisenbrauns, 2011), 563–73, 565–69.

[15] See the review of the published book by Yonatan Adler, "Jewish Ritual Baths in Judaea-Palaestina – Ronny Reich, *Miqwa'ot (Jewish Ritual Baths) in the Second Temple, Mishnaic and Talmudic Periods* (Yad Ben-Zvi and Israel Exploration Society, Jerusalem 2013). Pp. 352, figs. 289. ISBN 978-965-217-354-6 [Hebrew]." *JRA* 27 (2014): 858–62.

[16] See Ronny Reich and Marcela Zapata Meza, "A Preliminary Report on the *Miqwa'ot* of Migdal," *IEJ* 64.1 (2014): 63–71, 63. See also Jodi Magness, *Stone and Dung, Oil and Spit: Jewish Daily Life in the Time of Jesus* (Grand Rapids, MI: Eerdmans, 2011), 16–17.

stallations, and in 2014 reported over 900.[17] More pools are being added annually to these totals. These numbers are clearly impressive and attest to a widespread culture of bathing, in many cases probably for ritual purposes. The time and effort it would have taken to construct these pools demonstrates the importance of bathing in a purpose-built installation throughout the Hasmonean and Herodian kingdoms. The prevalence of *miqva'ot* in a wide variety of locations leads Boaz Zissu and David Amit argue that ritual bathing was a common concern for the Jews of the late Second-Temple period.[18] However, as far as can be known from the current published evidence, in the physical landscape of ancient Galilee *miqva'ot* would not have been a common sight. Furthermore, the wide variety of contexts wherein these installations are found raises issues around how such pools are categorised according to an assumed ritual usage. That these pools are not universally associated with one particular context, and that they do not have a singular typology could suggest instead that they were used for multiple purposes, some ritual, some non-ritual. *Miqva'ot* are found in various locations, both in lavish and more rudimentary domestic settings, but also in association with agricultural installations, communal buildings, cemeteries, and in military or refuge locations.[19] These are all spaces which would have had some plausible need for a purification pool, but other uses can also be envisioned, such as more conventional washing or water storage. That the pools have "easy access" in many cases is not sufficient reason to assume that users would bathe themselves, and that such bathing would be to purify themselves.[20]

4. Contextual Categories of *Miqva'ot*

Second-Temple period *miqva'ot* have been found all over Galilee, mostly in Lower Galilee, but also in the north and around the Gennesaret. In this geographical count, I have also included the site of Gamla, located in the Golan Heights/ancient Gaulanitis.[21] I have excluded some places where their construction can

[17] See Yonatan Adler, "The Archaeology of Purity. Archaeological Evidence for the Observance of Ritual Purity in *Ereẓ-Israel* from the Hasmonean Period until the End of the Talmudic Era (164 BCE–400 CE)" (PhD diss., Bar-Ilan University, 2011) (in Hebrew), *ii, English summary. See also Adler, "Jewish Ritual Baths in Judaea-Palaestina," 861.

[18] Boaz Zissu and David Amit, "A Classification of the Second Temple Period Judean *Miqwa'ot* (Ritual Immersion Baths)," in *Speleology and Spelestology. To the Centenary of A.V. Ryumin's Birth, Proceedings of the V International Scientific Correspondence Conference* (Nabereznye Chelny, 2014), 246–61, 259.

[19] Adler, "Religion, Judaism," 244. I have added the category of military/emergency sites.

[20] For easy access as a criterion for identifying a *miqva'ot*, see Stefanie Hoss, *Baths and Bathing: The Culture of Bathing and the Baths and Thermae in Palestine from the Hasmoneans to the Moslem Conquest, with an Appendix on Jewish Ritual Baths (Miqva'ot)*, BARIS 1346 (Oxford: Archaeopress, 2005), 111.

[21] Gamla is a suitably useful site for comparison with other Galilean sites, not least due to its

be dated after the 1st century CE. Due to the difficulty in dating the installations, some which have been included in my total may also have been constructed after 70 CE. I have grouped *miqva'ot* according to their apparent context, these groups being: domestic, agricultural, bathing complexes, military/emergency, synagogue, and unclear settings.[22] The total number of installations recorded below is at least 52 pools distributed across perhaps as many twenty-six sites, an average of one to two pools per site.

4.1 Domestic Contexts

Within this category, I have gathered at least 17 pools distributed across eight sites. This total could be somewhat higher, but any further published pools are documented only from Sepphoris.[23] There are also reports of additional pools in Magdala beyond the four recorded, although these pools are currently unpublished.[24] For a pool to be associated with a domestic context, it has been found within or connected to buildings that have a reasonable amount of domestic pottery such as cooking vessels and table ware.

4.2 Agricultural Contexts

This category includes pools which were found close to wine or oil presses. Some of these could be associated with domestic settings. There are 10 pools in this category distributed across eight sites.[25]

4.3 Bathing Complexes

The third group is of pools which are integrated into bathing complexes or rooms. There are at least 2 pools, distributed across two sites.[26]

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shared material culture, but also what I ascribe to the continued influence of Hasmonean expansion into this region into the 1st century CE. See further Scales, *Galilean Spaces*, 2–3.

[22] An updated and more detailed catalogue of ritual immersion pools can be found in Scales, *Galilean Spaces*, 72–81.

[23] Sites include Arbel (3), Er Reina (1), Gamla (1), Karm er-Ras (2), Kefar 'Othnai (1), Magdala (4), Sepphoris (at least 3) and Yodefat (2). For Sepphoris I have assumed that at least 3 recorded pools were in use during the 1st centuries BCE and CE following Stuart Miller, but there could have been as many as 27, with a further 9 pools with no clear date. See Bonnie, *Being Jewish*, 330–331. For Stuart Miller's dating, see Miller, *Intersection of Texts*, 184, 186.

[24] I thank Yonatan Adler for this information.

[25] Sites include el Ma'aser (1), Gamla (1), Horvat Usha (1), Huqoq (1), Karm er-Ras (2), Kefar 'Othnai (1), Khirbet Qana (2), and Sheikh Nashi (1). I interpret the Yodefat pools as domestic, although they lie close to an agricultural press. See discussion below.

[26] Sites include Gamla (1) and Magdala (1). There may be further pools in the Magdala bathhouse. See discussion below.

4.4 Military/Emergency Contexts

The fourth group are pools that have been discovered in the military outpost of Qeren Naftali, and in refuge caves. There are 7 pools from five sites in this category.[27]

4.5 Communal Structures

The fifth group consists of the single large pool outside the Gamla synagogue.[28]

4.6 Poorly Preserved Contexts

The sixth and final group are pools which have been found without any clear context noted by the excavators. I would provisionally suggest that most of these are for either domestic or agricultural use. There are 15 or 16 pools from twelve sites in this final group.[29]

Thus, there is currently at least 52 known installations from twenty-six sites in Galilee and the Gaulanitis which appear to have had *miqva'ot* during the late Second-Temple period.[30] Further excavations will reveal more of these installations, but at this stage, the evidence for *miqva'ot* usage in Second-Temple period Galilee is more meagre than sometimes suggested, especially when the context of each pool is recorded.[31] The appearance of *miqva'ot* in varied locations does not necessarily mean that all Jews approached ritual purification in the same way but only that Jews in very different contexts had a need for a purpose-built installation.

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[27] Sites include the refuge caves at Akhbara (1), Arbel (1), Evlayim/'Ibellin (1), and Kul'at Ibn Man (3), and also the fortress of Qeren Naftali (1).

[28] See a full discussion in Scales, *Galilean Spaces*, 110–12, 207.

[29] Sites include 'En Tut (1), Gush Ḥalav (1), Horvat Kamon (1), Huqoq (2/3), Kefar Shikhin (3), Khirbet Qana (1), Khirbet Shema' (2), Nazareth (1), Suwa'id Humeria (1), Tel Rekhesh (1, although unclear what the installation functioned as) and Yafi'a (1).

[30] Since this paper was originally presented, a new volume has been published which expands my *miqva'ot* totals a little. For the most up to date list, see Bonnie, *Being Jewish*, 329–32. Bonnie's list includes many pools which were constructed much later than my period of investigation, and Bonnie further determines that the date of many *miqva'ot* included in my total to be uncertain. This publication does not affect my conclusions but should be consulted on this subject. The total sites where *miqva'ot* have been found can be compared to the number of sites where Bonnie reports stone vessels to have been found. Bonnie lists 54 such sites, see Bonnie, *Being Jewish*, 333–35. I have also found reports of stone vessels at an additional 30 or so sites in Galilee and the Gaulanitis. Stone vessels are more likely to be reported as they can be found in survey finds and test pits. Their greater quantity reported probably reflects the greater prevalence of the stone vessels in antiquity. Stone vessels are documented in around three times the number of sites as *miqva'ot*. See further, Scales, *Galilean Spaces*, 120–30.

[31] For instance, see comments in Zissu and Amit, "Common Judaism," 248, where they claim that "in Jewish rural settlements, one to seven ritual baths have been found per village." This is not the case for Galilean settlements.

I will now discuss three example sites: Magdala, Gamla and Yodefat. A brief examination of each of these settlements will show how limited *miqva'ot* are as an indicator of Second-Temple period Galilean purity practices. Each of these has been chosen as they are relatively well documented and can be dated to the Second-Temple period.

5. Example Sites

5.1 Magdala

Magdala has two principal excavation areas, the Israel Antiquities Authority and Universidad Anáhuac México Sur (IAA/UAMS) in the north and the Studium Biblicum Franciscanum (SBF) in the south.[32] *Miqva'ot* have been proposed in both excavations. The Magdala residential *miqva'ot* are found in a pair of richly apportioned houses in the IAA/UAMS excavations (Mkv1–4, Areas A and F, see below), one with ten rooms, the other with fifteen. Each of these houses has two pools. Ronny Reich and Marcela Zapata Meza identify these pools as *miqva'ot* in part due to the fact that they are fed by groundwater. This reasoning draws from rabbinic halakhah which stipulates that a *miqveh* should be fed by "living water."[33] This identification has been questioned by Stefano De Luca and Anna Lena who suggest that there is enough similarity between these installations and *thermae* to justly believe that these pools were actually thermal baths. They are similar to the *thermae* of the SBF excavations in the south of Magdala. The Magdala bathhouse of the SBF excavations is far more complex than these houses, with a large number of rooms and pools. De Luca and Lena suggest that rooms E2 and E7 contain a *miqveh*.[34] They propose that similar installations in rooms C3, D1, D3, E11, E12, E22 and E19 were thermal baths.[35] What can be seen

[32] Good overviews of the excavations can be found in Stefano De Luca and Anna Lena, "Magdala/Taricheae," in *Galilee in the Late Second Temple and Mishnaic Periods. Volume 2: The Archaeological Record from Cities, Towns, and Villages*, eds. David A. Fiensy and James Riley Strange (Minneapolis: Fortress, 2015), 280–342. See further discussions of the excavations in *Magdala of Galilee. A Jewish City in the Hellenistic and Roman Period,* ed. Richard Bauckham (Waco, TX: Baylor University Press, 2018).

[33] Reich and Zapata Meza, "*Miqwa'ot* of Migdal," 63–71. This is interpreted from the phrase מַיִם חַיִּים (Lev 14:5, 6, 50, 51, 52; 15:13; Num 19:17).

[34] The bathhouse *miqveh* proposed by De Luca and Lena is in part identified because of its proximity to the bathhouse entrance.

[35] Stefano De Luca and Anna Lena, "The Mosaic of the Thermal Bath Complex of Magdala Reconsidered. Archaeological Context, Epigraphy and Iconography," in *Knowledge and Wisdom. Archaeological and Historical Essays in Honour of Leah Di Segni*, eds. Giovanni C. Bottini, L. Daniel Chrupcała and Joseph Patrich, SBFCMa 54 (Milan: Edizioni Terra Santa, 2014), 1–33, 4. Pools D2, E2, some oval tubs and building D1 belong to the LH phase (late 2nd–1st century BCE). During the ER period (first half of 1st century CE) stepped pools were added. See De Luca and Lena, "Magdala/Taricheae," 319–20.

here is the mixing of typological forms for different purposes. It is possible that all or none of the pools in the Magdala bathhouse could theoretically have been used for ritual purity purposes, but just as easily may have been used for other purposes.[36] The same can be said for the supposed *miqva'ot* in the domestic areas of Magdala (IAA/UAMS).

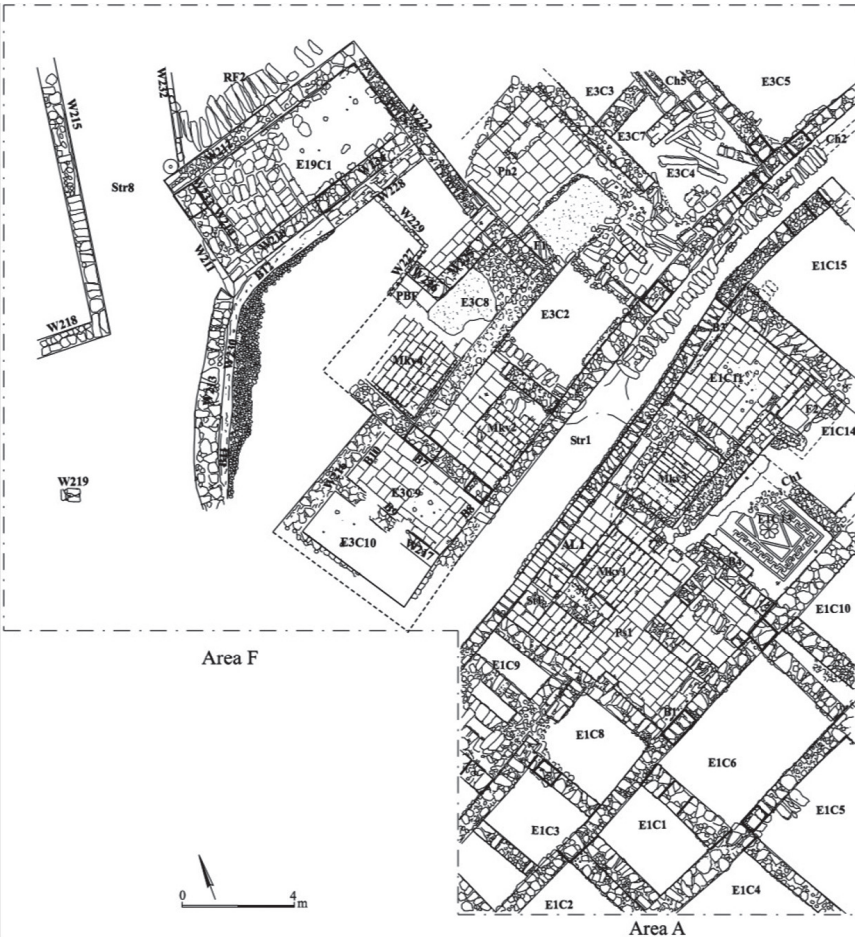

Figure 1: Magdala Residential *Miqva'ot*, Plan (IAA/UAMS Excavations). Plan courtesy of the Magdala Archaeological Project digital file. My thanks to Marcela Zapata Meza and Rosaura Sanz Rincón for their permission to use this image.

[36] Ronny Reich, "The Hot Bath-House (*balneum*), the *Miqweh* and the Jewish Community in the Second Temple Period," *JJS* 39.1 (1988): 106, makes this suggestion.

Figure 2: Magdala Residential *Miqva'ot*, Aerial Photo. Image reprinted from Marcela Zapata Meza and Andrea Garza Díaz-Barriga, "Migdal – 2015: Preliminary Report," *HA-ESI* 129 (2017): http://www.hadashot-esi.org.il/report_detail_eng.aspx?id=25336&mag_id=125. My thanks to Marcela Zapata Meza and Rosaura Sanz Rincón for their permission to use this image.

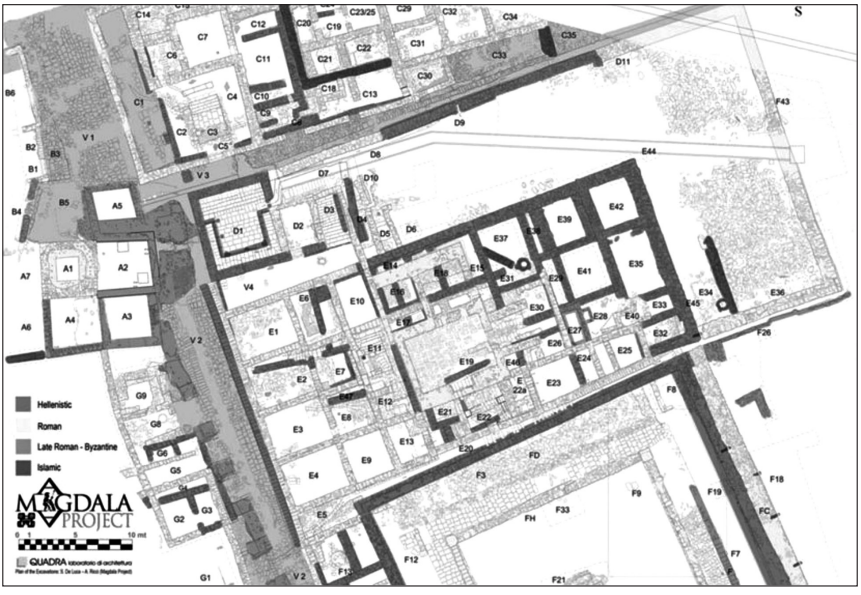

Figure 3: Magdala Bathhouse plan (SBF excavations). Plan reprinted from Stefano De Luca and Anna Lena, "The Mosaic of the Thermal Bath Complex of Magdala Reconsidered: Archaeological Context, Epigraphy and Iconography," in *Knowledge and Wisdom: Archaeological and Historical Essays in Honour of Leah Di Segni*, eds. Giovanni C. Bottini, L. Daniel Chrupcała and Joseph Patrich, SBFCMa 54 (Milan: Edizioni Terra Santa, 2014), 1–33, 2. I thank Anna Lena for permission to use this image.

5.2 Gamla

Gamla, while located in the ancient Gaulanitis, is a good example of a large northern Hasmonean settlement. The town exemplifies Jewish material culture in the late Second-Temple period. The residents of Gamla participated in the First Revolt and showed enthusiasm for the Jerusalem temple cult.[37] Gamla provides the most diverse evidence for *miqveh* usage in the north of Palestine within a single site. Of the four *miqva'ot*, one is within a domestic context (see plans below, Area B), one is close to the synagogue (synagogue in Area A), another within a bathhouse (Area B) and the fourth is by an oil press (Area R).[38] There is little available information about the domestic pool, although it is the small-

[37] See for instance the Gamla revolt coins, as discussed by Yoav Arbel, "The Coins Minted in Gamla: An Alternative Analysis," in *Gamla III – The Shmarya Gutmann Excavations 1976–1989: Finds and Studies Part 1*, ed. Danny Syon, IAA Reports 56 (Jerusalem: IAA, 2014), 233–38.

[38] David Goren, "The Architecture and Stratigraphy of the Hasmonean Quarter (Areas D and B) and Area B77," in *Gamla II: The Architecture – The Shmarya Gutmann Excavations, 1976–1988*, eds. Danny Syon and Zvi Yavor, IAA Reports 44 (Jerusalem: IAA, 2010), 113–52, here 137–39 and 145–47.

est of all the Gamla installations. Regarding the synagogue pool, Eyal Regev suggests that it could have been used for purification before prayer or Torah study.[39] This pool is relatively large, although the steps which descend into it are quite narrow. It is likely that this pool was for communal purposes because of its size. It is not hidden away within another building but open to the public entrance of the synagogue. The building is large enough for a congregation of almost three hundred people, but as Susan Haber has commented, it was unlikely that a single *miqveh* could cater for the needs of even a moderately sized synagogue community.[40] Therefore we may have some idea of the purificatory need that this *miqveh* was built for, but do not know who would have used it. The assumption could be that the leadership would have purified themselves, or that menstruating women could have used it before attending a meeting, or men who had had a nocturnal emission, but we do not know. All that can be said with certainty is that if the synagogue was reasonably full, not every person in attendance could have physically bathed in a *miqveh* before attending. The third *miqveh* is identified as part of a bathing installation in room accessible from a public street (Area B, Unit B6).[41] As the *miqveh* is found alongside a Hellenistic bathtub, it may have been associated with conventional bathing, but also could have been used for ritual bathing. The configuration is reminiscent of some of the bathing suites of the Upper City houses in Jerusalem where *miqva'ot* have been found close to bathtubs. The final *miqveh* is cut into the bedrock next to the oil press in Area R (Unit R2C). It seems almost certain that the press was associated with the *miqveh*.[42] Gamla has four examples of *miqva'ot*, each serving a different need. Aside from the oil press installation, we can only guess who used these *miqva'ot* and for what purificatory purposes.

[39] Regev, "Pure Individualism," 185.

[40] Susan Haber, "Common Judaism, Common Synagogue? Purity, Holiness, and Sacred Space at the Turn of the Common Era," in *Common Judaism. Explorations in Second-Temple Judaism*, eds. Wayne O. McCready and Adele Reinhartz (Minneapolis: Fortress, 2008), 63–77, 68.

[41] See Andrea Berlin, *Gamla I: The Pottery of the Second Temple Period*, IAA Reports 29 (Jerusalem: IAA, 2006), 80.

[42] Although see Zvi Uri Ma'oz, who offers some differing interpretations to those conventionally put forward. Ma'oz dates the synagogue *miqveh* to the outbreak of the revolt as he argues the aqueduct which feeds into the *miqveh* was built at the same time as the *miqveh*. The aqueduct cuts through the synagogue (dated post-50 CE due to a lamp found beneath the floor). Ma'oz suggests that because the stones of the eastern synagogue wall are smaller than the "original stones," and the pavement and a possible bench along the northern side were dismantled inside the hall by the construction of the aqueduct, the *miqveh* and aqueduct must have been built after 50 CE. Ma'oz also offers a different interpretation of the oil press *miqveh*. He argues that it should be interpreted as a cistern as there is an opening in the ceiling of the chamber, which would allow for a bucket or vessel to be lowered from above. See Zvi Uri Ma'oz, "Four Notes on the Excavations at Gamala," *Tel Aviv* 39.2 (2012): 104–8.

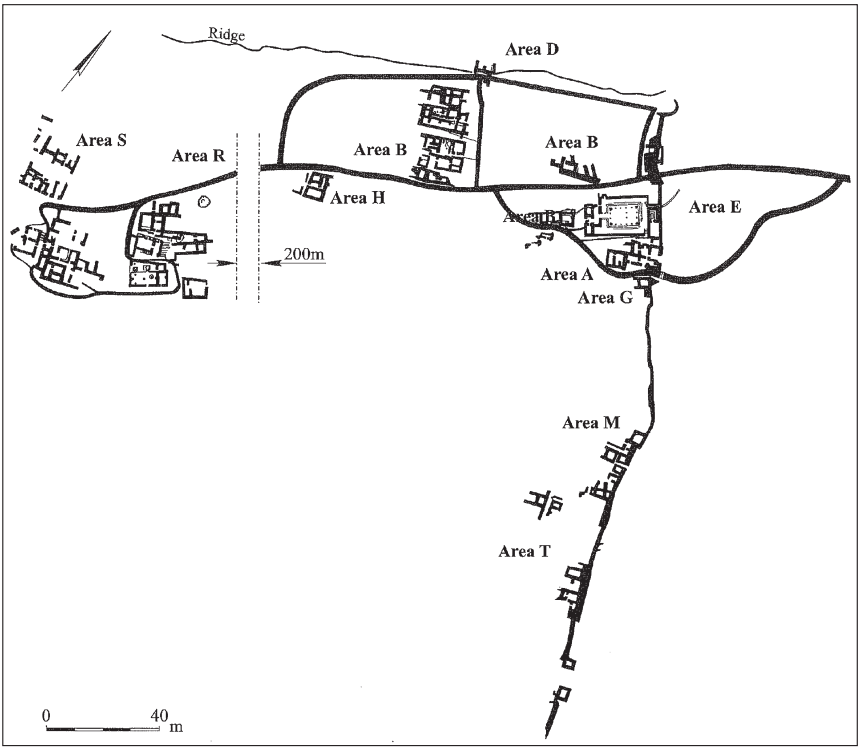

Figure 4: Gamla Excavations Plan. Plan reprinted from Andrea Berlin, *Gamla I: The Pottery of the Second-Temple Period.* IAA Reports 29. Jerusalem: IAA, 2006, p. 3. Illustration by Elizabeth Belashov. Courtesy of the Israel Antiquities Authority.

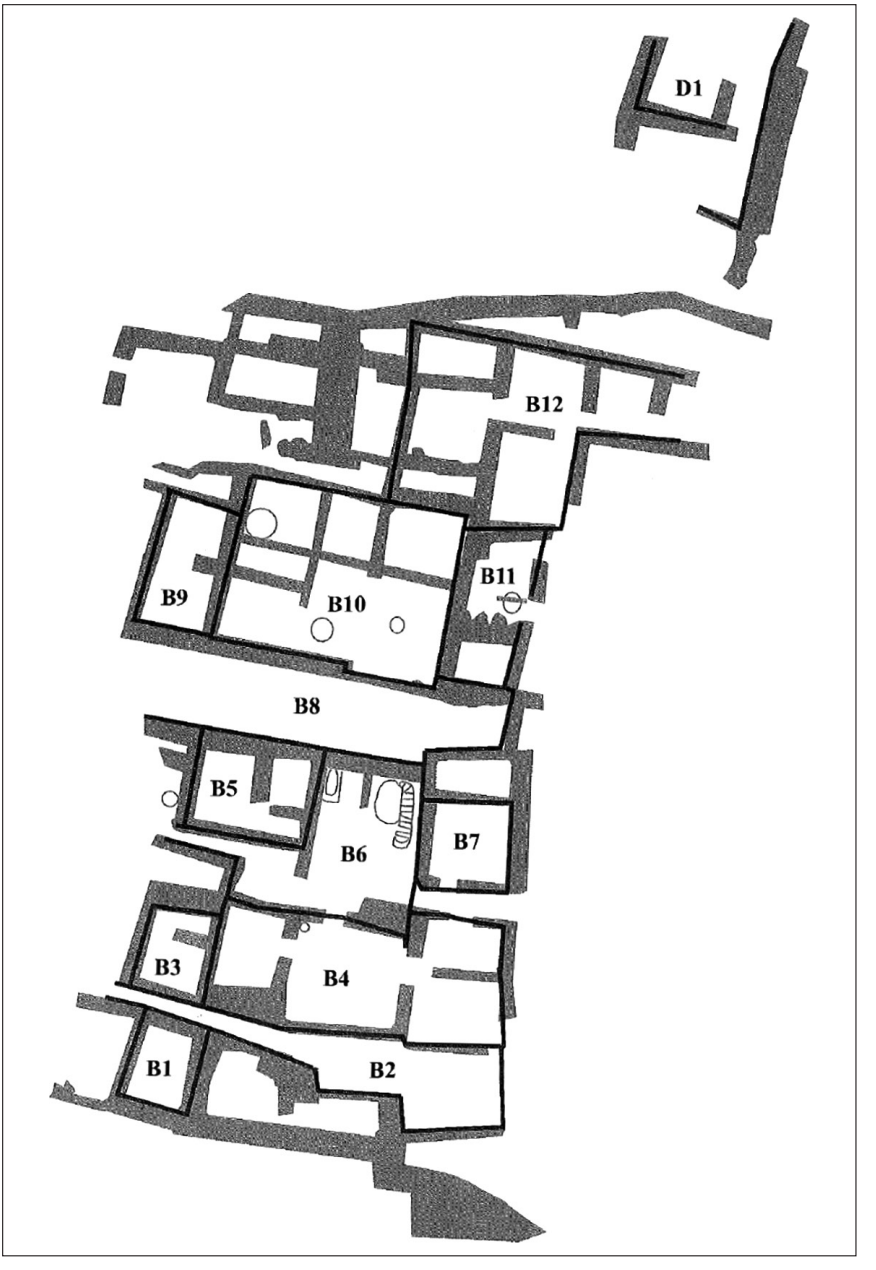

Figure 5: Gamla Area B. Plan reprinted from Andrea Berlin, *Gamla I: The Pottery of the Second-Temple Period.* IAA Reports 29. Jerusalem: IAA, 2006, p. 136. Illustration by Elizabeth Belashov. Courtesy of the Israel Antiquities Authority.

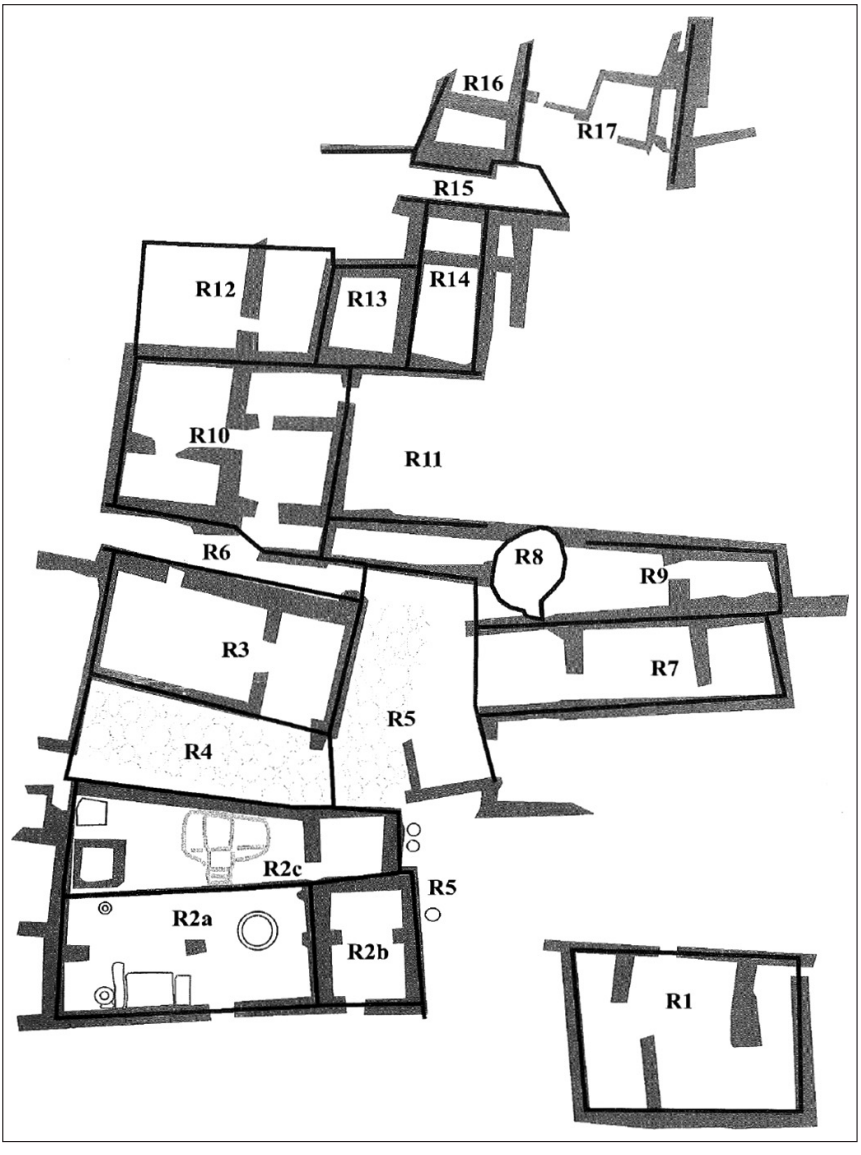

Figure 6: Gamla Area R. Plan reprinted from Andrea Berlin, *Gamla I: The Pottery of the Second-Temple Period.* IAA Reports 29. Jerusalem: IAA, 2006, p. 145. Illustration by Elizabeth Belashov. Courtesy of the Israel Antiquities Authority.

5.3 Yodefat

The two pools found at Yodefat[43] are located in relatively modest, domestic settings but are often associated with the nearby oil press. Proximity does not automatically indicate association, although Mordechai Aviam argues that the location of the Yodefat *miqva'ot* "supports other studies where it is suggested that in Jewish societies of the late Second-Temple period the production of oil and wine was done 'in purity'," citing Ronny Reich's work.[44] There is some evidence that ancient Jews were concerned about olive oil and matters of purity. Josephus attests to a preference among some Jews for "pure oil" (*Ant.* 12.119–120; *Life* 74; *War* 2.591) and there is evidence among the Dead Sea Scrolls that oil was a concern for its potential for conveying defilement (e.g., 4Q513 frag. 13, 4–5; 11QT 49.7–12). There appears to have been concerns that during the production or use of oil, defilement could be communicated, so it is suggested that these pools perhaps functioned to offer a place for those involved in oil (and wine) production to ritually cleanse before and/or possibly after they pressed the fruit to avoid spreading impurity.

While many of these installations might lie close to oil presses, they are not all certainly associated with their use. The situation of *miqva'ot* by oil and wine presses might indicate that these products were produced in pure manner, but there are at least half-a-dozen sites where presses lack any *miqva'ot*. Furthermore, there are other theoretical uses for water installations at presses. The workers could have used the pools to clean off any residue without ritual purity concerns in mind. At Yodefat, the two *miqva'ot* are found in domestic rooms, which while they were found close to the oil press cave, may not have been used in conjunction with the operation of the press. One might reasonably expect that a *miqveh* designed to be used in conjunction with the press would have been constructed within that same cave. Once again, the users of these *miqva'ot* are unknown to us, and we can only speculate about what type of impurity the users were cleansing themselves from.

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[43] I have been unable to source a suitable plan of the *miqva'ot* reported at Yodefat. A sketch of a plan can be found in Peter Richardson, *Building Jewish in the Roman East* (Waco, TX: Baylor University Press, 2004), 416.

[44] Mordechai Aviam, "Yodefat – Jotapata. A Jewish Galilean Town of the Second Temple Period: The Results of an Archaeological Project," in Fiensy and Strange, *Galilee Volume 2*, 109–26, 113.

6. Conclusions

I suggest that it is not possible to determine whether a single *miqveh* user at an oil press would also use one at home, or that someone who immersed at home would necessarily buy oil from a press with a pool. *Miqva'ot* were often hidden away from view and even in the sites where *miqva'ot* are found, there are usually only one or two installations. If we examine the number of settlements with *miqva'ot*, even considering the limited window archaeology can give us into the ancient world, there is still a large number of settlements where despite extensive excavations *miqva'ot* have not been found. While *miqva'ot* are common, they are not ubiquitous in the 1st centuries BCE and CE, either within any given Galilean site nor generally in Galilee and Gaulanitis. This means that while *miqva'ot* were adopted with some enthusiasm in Hasmonean and later Herodian controlled Galilee, they were not in great demand.[45] If any given Galilean site is compared with Jerusalem or Khirbet Qumran then it is clear that purity practices were not conducted with as much effort in Galilee as in these places, at least in the adoption of *miqva'ot* for ritual bathing.[46] As Stuart Miller rightly observes, even the preponderance of pools found at the Acropolis of Sepphoris can obscure the fact that the pools were constructed over many decades. Miller states that during the 1st century CE, as few as three pools were in use. Therefore, it should be observed that purity practices, while widespread and likely maintained by groups outside of the priestly class, were not so prevalent that every household felt the need to spend time and energy constructing *miqva'ot*.[47] Mark Chancey notes that due to the limited number of *miqva'ot* finds, "it seems clear that not all Jews regarded easy access to *miqva'ot* as a priority."[48] I would go further and say that not all Jews regarded any access to *miqva'ot* as a necessity.[49]

[45] It is important to add a caveat here. There is no uniformity in the extent of individual excavations, and the discovery of installations such as *miqva'ot* is only by chance. The number of installations found does provide a good level of data for analysing typologies of placement, construction and usage of these installations, yet each installation should also be viewed within the larger context of an ancient settlement or site. A single installation at a site should not be taken as an indication of widespread purity concerns for all or even the majority of residents of that site. The total number of *miqva'ot* also belies the fact that they are concentrated in particular places which might indicate that this culture of ritual bathing in purpose-built installations was not as widespread as is sometimes thought.

[46] Hoss, "Die Mikwen," 72–73. Sepphoris has a very high concentration of *miqva'ot,* but the dating of these installations is debated. It is difficult to determine exactly how many *miqva'ot* were in use before the end of the 1st century CE.

[47] On non-priestly purity, see Yonatan Adler, "Between Priestly Cult and Common Culture: The Material Evidence of Ritual Purity Observance in Jerusalem Reassessed," *JAJ* 7.2 (2016): 236–38; also, Regev, "Pure Individualism," 187.

[48] Chancey, "Archaeology, Ethnicity," 212.

[49] See similar conclusions from Pieter F. Craffert, "Digging up 'Common Judaism' in Galilee. *Miqva'ot* at Sepphoris as a Test Case," *Neot* 34.1 (2000): 45; Milton Moreland, "The Inhabitants of Galilee in the Hellenistic and Early Roman Periods. Probes into the Archaeological and Lit-

The available evidence does not support the notion that every Jew in 1st century BCE Galilee observed ritual purity through the use of ritual bathing in purpose-built facilities. There is no evidence to suggest that ritual bathing was done outside of these pools, so while it is likely that people bathed in natural bodies of water, we have no way of knowing and can only infer from a few textual references. The existence of *miqva'ot* at various locations in Galilee does not imply that the majority of Jews in Galilee observed an expansive set of purity practices outside of the temple cult. Our conclusions about such practices should reflect the state of evidence as it is currently known, and thus, we must acknowledge the limits of such evidence.

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Purity Observance and Ancient Synagogues

Ancient Jewish Water Installations in the Diaspora

Carsten Claußen

1. Introduction

It is commonly agreed that the issue and importance of purity was at the very heart of ancient Judaism.[1] This is true for the land of Israel and for the Diaspora as well.[2] However, it applies to different groups and geographic regions to rather different degrees. The following paper will focus on water installations in connection with ancient synagogues. It will look briefly at the textual evidence and then proceed to the archaeological findings of the earliest ancient synagogue buildings in the Diaspora on the Greek island of Delos and in Ostia Antiqua close to Rome. Finally, this study will try to propose an answer to the question as to why the evidence regarding *miqva'ot* and other ancient Jewish water installations serving the concerns related to purity are so different in Israel and in the Diaspora, as will become obvious. However, we shall first turn to the situation in Israel. This will serve to lay the foundation for comparing the evidence in Israel and the Diaspora.

2. Purity and *miqva'ot* in Israel

For priests, Pharisees, and the Qumranites purity was a matter of special concern. This has not only been confirmed by a vast amount of textual evidence[3] but also by archaeological findings. The elaborate water system of the settlement of Qumran includes ten pools that have been identified as Jewish ritual baths or

[1] See E. P. Sanders, *Judaism. Practice and Belief 63 BCE–66 CE* (London: SCM, 1992), esp. 72–6, 214–30.

[2] See John C. Poirier, "Purity Beyond the Temple in the Second Temple Era," *JBL* 122.2 (2003): 247–65.

[3] For an overview see: Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000); Thomas Kazen, *Issues of Impurity in Early Judaism*, ConBNT 45 (Winona Lake, IN: Eisenbrauns, 2010).

miqva'ot.[4] They provide strong evidence that ritual bathing was a centerpiece of religious practice in the Qumran community. However, such ritual immersion baths are by no means limited to Qumran. More than two hundred of them have been discovered in Jerusalem and many more in other parts of Judaea and Galilee.[5] Some of them have been found in close vicinity to ancient synagogues, e. g. near the synagogues in Gamla[6] on the Golan Heights (2nd half of the 1st cent. BCE), at Herodium twelve kilometers south of Jerusalem (1st cent. BCE until 71 CE) and at Masada overlooking the Dead Sea (1st cent. CE). The Theodotos inscription (before 70 CE)[7] represents the only archaeological finding from a synagogue building in Jerusalem dating to the first century CE. It was found in a cistern and thus not *in situ*. A nearby stepped pool was identified as a *miqveh*.[8]

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[4] See the fine discussion of the archaeological evidence in: Jodi Magness, "Miqva'ot at Qumran" in *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids and Cambridge, U. K.: Eerdmans, 2002) 134–62; eight of them contain broad sets of steps, as one may expect from *miqva'ot*.

[5] Ronny Reich and Yonatan Adler have published two comprehensive studies: Ronny Reich, *Miqw'aot (Jewish Ritual Baths) in the Second Temple, Mishnaic, and Talmudic Periods* (Jerusalem: Yad Ben-Zvi [in Hebrew], 2013), documented altogether 459 *miqva'ot* from before 70 CE at 108 sites. Of these 206 are located in or near Jerusalem; Yonatan Adler, "The Archaeology of Purity. Archaeological Evidence for the Observance of Ritual Purity in *Erez-Israel* from the Hasmonean Period until the End of the Talmudic Era (164 BCE–400 CE)" (PhD diss., Bar-Ilan University [in Hebrew], 2011), records 850 *miqva'ot*, mostly in Judaea. About one quarter of these are located in Jerusalem.

[6] In the eastern aisle of the synagogue at Gamla there is a small basin. This was fed with water running through a channel, which was cut through the eastern wall. Maybe it was used for handwashing; cf. Lee I. Levine, *The Ancient Synagogue. The First Thousand Years.* 2nd ed. (New Haven and London: Yale University Press, 2005), 55.

[7] CIJ II 1440; CIIP I 9; "Theodotos son of Vettenos, priest and archisynagogos, son of an archisynagogos, grandson of an archisynagogos, built the synagogue for the reading of the Law and teaching of the commandments, and the guest-house and the (other) rooms and water installations(?) for the lodging of those who are in need of it from abroad, which (=the synagogue) his forefathers, the elders and Simonides founded." (Translation: Jonathan J. Price in CIIP I 9, page 54) for a discussion of the evidence see: Rainer Riesner, "Synagogues in Jerusalem," in *The Book of Acts in Its Palestinian Setting*, ed. Richard Bauckham: Vol. 4 of *The Book of Acts in Its First Century Setting*, ed. Bruce W. Winter (Grand Rapids: Eerdmans, 1995), 179–211; John S. Kloppenborg Verbin, "Dating Theodotos (*CIJ* II 1404)," *JJS* 51/2 (2000): 243–80; idem, "The Theodotos Synagogue Inscription and the Problem of First-Century Synagogue Buildings," in *Jesus and Archaeology*, ed. James H. Charlesworth (Grand Rapids: Eerdmans, 2006), 236–82; Rachel Hachlili, *Ancient Synagogues – Archaeology and Art. New Discoveries and Current Research,* Handbook of Oriental Studies/Handbuch der Orientalistik 1/105 (Leiden and Boston: Brill 2013), 523–26; Jonathan J. Price, "9. Synagogue building inscription of Theodotos in Greek, 1 c. BCE–1 c. CE," in *Corpus Inscriptionum Iudaeae/Palaestinae. A multi-lingual corpus of the inscriptions from Alexander to Muhammad. Vol. 1: Jerusalem: Part 1: 1–704.* Edited by Hannah Cotton et al., CIIP I (Berlin: de Gruyter, 2010), 53–56.

[8] Ronny Reich, "The Synagogue and the Miqweh in Eretz-Israel in the Second-Temple, Mishnaic, and Talmudic Periods," in vol. 1 of *Ancient Synagogues. Historical Analysis and Archaeological Discovery*, eds. Dan Urman and Paul Virgil McCracken Flesher, StPB 47/1 (Leiden, New York and Köln: Brill, 1995), 289–97, esp. 291–92.

The inscription also mentions τὰ χρηστ[ή]ρια τῶν ὑδάτων.[9] The meaning of the term χρηστήριον is vague, but as the genitive τῶν ὑδάτων indicates it could signify cisterns or other water installations, maybe serving the needs of ritual purification for pilgrims from the Diaspora, who are visiting Jerusalem. The archaeological discovery of these ritual immersion pools specifically near synagogue buildings raises the question of their relation to each other. Should one assume that ancient synagogues and ritual baths always existed together in close vicinity? This is most likely not the case. Although the ancient synagogue was regarded as a sacred place,[10] the reason for this was not the nature of the building *per se* but much more likely the presence and the handling of the Torah scroll for liturgical purposes.[11] Thus it is not surprising that there is no law that requires ritual bathing or immersion before one attends a synagogue. Therefore, there is no good reason to assume that every synagogue somehow needed a ritual bath as part of its architectural structure or somewhere else nearby.[12] However, if a man had to purify himself from a seminal emission or any other short-term impurity or if somebody intended to handle Torah Scrolls[13] in synagogue worship, then ritual baths were available. The *miqva'ot* may in fact be closely related to what Andrea Berlin calls "household Judaism."[14] They "allow individuals to purify themselves in connection with household-based events".[15] The earliest stem from the second

[9] Since the Inscription was not found *in situ* it is not possible to identify these water installations with the nearby *miqveh*.

[10] Steven Fine, *This Holy Place. On the Sanctity of the Synagogue during the Greco-Roman Period* (Notre Dame, IN: University of Notre Dame Press, 1997); idem, "From Meeting House to Sacred Realm. Holiness and the Ancient Synagogue," in *Sacred Realm. The Emergence of the Synagogue in the Ancient World*, ed. Steven Fine (New York: Oxford University Press, 1996, 21–47, esp. 24). Fine argues that the destruction of the temple in 70 CE led to a sacralization of the synagogue. However, a gradual development due to the growing sanctity of the Torah scroll seems to be the much more likely reason for the development.

[11] See Susan Haber, "Common Judaism, Common Synagogue? Purity, Holiness and Sacred Space at the Turn of the Common Era," in *"They Shall Purify Themselves". Essays on Purity in Early Judaism.* Edited by Adele Reinhartz (Atlanta, GA: Society of Biblical Literature, 2008), 161–79, esp. 176–78.

[12] See Jodi Magness, "Purity Observance among Diaspora Jews in the Roman World," in *Archaeology and Text. A Journal for the Integration of Material Culture with Written Documents in the Ancient Mediterranean and Near East* 1 (2017), 40–65, esp. 42: "the widespread assumption that ancient synagogues were (or should be) equipped with miqva'ot is fundamentally flawed."

[13] It is, however, noteworthy, that neither Josephus nor Philo nor the Qumran texts point to any need to purify or immerse oneself before Torah reading or prayer. Cf. Magness, "Purity," 41, note 3 (referring to Adler, "Archaeology of Purity," 2011, 81–91).

[14] Andrea Berlin, "Jewish Life Before the Revolt. The Archaeological Evidence," *JSJ* 36 (2005): 417–70, 466.

[15] Andrea M. Berlin, "Manifest Identity. From Ioudaios to Jew. Household Judaism as Anti-Hellenization in the Late Hasmonean Era," in *Between Cooperation and Hostility: Multiple Identities in Ancient Judaism and the Interaction with Foreign Powers*, eds. Rainer Albertz and Jakob Wöhrle, JAJSup 11 (Göttingen: Vandenhoeck & Ruprecht, 2013), 151–75, 169.

half of the second century BCE and their numbers decrease heavily after the destruction of the temple in the year 70 CE.[16] From the sheer number – hundreds, in fact – of *miqva'ot* from the Second-Temple period now being found in Jerusalem, Judea and Galilee, one gets the impression that in every Jewish settlement everyone in need of restoring their purity was probably always within a reasonably short distance of one. In addition to this one should notice that restoring purity is not necessarily limited to taking an immersion bath in a *miqve*. That there was a wide-spread concern regarding the purity of food and also handwashing[17] can also be concluded from the vast amount of archaeological findings of stone vessels from pre-70 CE in Israel.[18]

3. Water for Ritual Purposes in the Diaspora

How should or would Diaspora Jews deal with questions of purity?[19] The Letter of Aristeas reports that the interpreters of the Septuagint followed Jewish practice of purification (Arist 305–306):

> Following the custom of all the Jews, they washed their hands in the sea in the course of their prayers to God, and then proceeded to the reading and explication of each point. (306) I asked this question: 'What is their purpose in washing their hands while saying their prayers?' They explained that it is evidence that they have done no evil, for all activity takes place by means of the hands. Thus they nobly and piously refer everything to righteousness and truth.[20]

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[16] See Reich, "Synagogue," 289, 296.

[17] The text Mark 7:1–23 raises the question whether handwashing before ordinary meals was a general Jewish practice or maybe just by some Pharisees. See Martin Hengel, "Markus 7,3 πυγμῇ. Die Geschichte einer exegetischen Aporie und der Versuch ihrer Lösung," in *Jesus und die Evangelien. Kleine Schriften V,* WUNT 211 (Tübingen: Mohr Siebeck, 2007), 177–93. For a more recent discussion of Mark 7:1–23 see Thomas Kazen, *Jesus and Purity Halakhah. Was Jesus Indifferent to Impurity?* (Winona Lake, Ind.: Eisenbrauns, 2010), 60–85. The later Mishnah tractate *Yadayim* deals extensively with the topic and presupposes handwashing before eating. Cf. also *m. Ber.* 8:2–3.

[18] Cf. John 2:6; see Roland Deines*, Jüdische Steingefäße und pharisäische Frömmigkeit. Ein archäologisch-historischer Beitrag zum Verständnis von Joh 2,6 und der jüdischen Reinheitshalacha zur Zeit Jesu*, WUNT 2/52 (Tübingen: Mohr Siebeck, 1993), 245–46: "Dabei spielte das Reinhalten der Speisen eine erkennbar bedeutsame Rolle. Darauf verweisen zum einen die Belege über die rituelle Reinigung der Hände, die überhaupt nur sinnvoll ist, wenn es solche Bemühungen gab, die priesterliche Reinheit auch bei profanen Mahlzeiten zu praktizieren. Neben den Texten ist hier auf die Meinung der Archäologen zu hören, nach denen ein Großteil der Gefäße beim Ritus der Handwaschung Verwendung fand, d. h. die Gefäße sind es, die den eigentlichen Kommentar zu Stellen wie Mk 7,3, Lk 11,37 und Mt 15,lf liefern. Besonders die Form und das Fassungsvermögen der kleinen Maßbecher („Sahnekännchen") unterstützen diese These." Cf. Deines, *Jüdische Steingefäße,* 272.

[19] Cf. E. P. Sanders, *Jewish Law from Jesus to the Mishnah* (London: SCM Press and Philadelphia: Trinity Press, 1990), 258–71; Sanders, *Judaism*, 223–24.

[20] Transl. Shutt (OTP II, 33).

Each morning after the translators had paid their respects to the king at the royal court, they washed their hands in the sea. This practice is linked to prayers, and it is followed by reading, interpreting and translating the scriptures. As may be expected from a text addressed to non-Jews the letter goes on to link this practice to a more general ethical explanation. However, what is noteworthy is that the washing of hands is linked to prayers and to dealing with the holy scriptures. Josephus also tells of the same practice.[21] He mentions the washing of hands as a means of putting oneself in a state of purity and thus as a preparation for the translation of the Law. However, he does not link it to prayer. The *Sibylline Oracles* also indicate a Jewish practice of handwashing before praying.[22] Although neither of these passages in the letter of Aristeas nor the passage from Josephus nor from the *Sibylline Oracles* talk about synagogue worship explicitly they still indicate a strong concern for purity. The same applies to Philo when he links sprinkling and bathing with purification after sexual relations[23] or corpse impurity[24].

A number of ancient synagogues are said to have been located near water. This may refer to the seashore or to a local river. In Acts 16:13 Luke reports: "On the sabbath day we went outside the gate by the river, where we supposed there was a place of prayer (παρὰ ποταμὸν οὗ ἐνομίζομεν προσευχὴν εἶναι); and we sat down and spoke to the women who had gathered there" (NRSV). Paul and his companions had arrived in the eastern Macedonian Philippi a few days earlier. During this time, they probably enquired about the location of the Jewish worship meeting. They must have found out that there was no synagogue within the city, but that there was a Jewish meeting place nearby. Thus, on the Sabbath they left the city through one of its gates and found a προσευχή[25] at a nearby river. At all other instances beside this context in Acts Luke is referring to ancient Jewish synagogues in Jerusalem[26] and in the Diaspora[27] using the term συναγωγή. However, προσευχή – literally (a place of) prayer – is frequently used by a number of authors and also in inscriptions for an ancient Jewish synagogue in the Diaspora.[28] This need not be a reference to a building but could also refer

[21] Jos. *A. J.* 12.106.
[22] Sib Or 3.591–3.
[23] Philo *Spec* 3.63.
[24] Philo *Spec* 3.205.
[25] See also προσευχή in Acts 16:16.
[26] Acts 6:9; 24:12
[27] Acts 9:2,20; 13:5,14,43; 14:1; 17:1,10,17; 18:4,7,19,26; 19:8; 26:11; and for synagogues in general see Acts 15:21.; 22:19.
[28] See Martin Hengel, "Proseuche und Synagoge. Jüdische Gemeinde, Gotteshaus und Gottesdienst in der Diaspora und in Palästina," in *Judaica et Hellenistica. Kleine Schriften I*, WUNT 90 (Tübingen: Mohr Siebeck 1996), 171–95, here: 181–83; Donald Binder, *Into the Temple Courts. The Place of the Synagogues in the Second Temple Period*, SBLDS 169 (Atlanta, GA: Society of Biblical Literature, 1999), 111–18; Carsten Claußen, *Versammlung, Gemeinde, Sy-*

to a Jewish meeting place for regular gathering under the open sky.[29] If the river mentioned may be identified as the Gangites (or Angites)[30] this would imply a 2.4 km walk in westerly direction from Philippi. As Paul and his companions "supposed (νομίζω)" to find a Jewish meeting place near a river (παρὰ ποταμόν) this could mean that they expected to find a synagogue, as was customary, near a river.

Flavius Josephus reports an even more striking example for Jewish meeting places near water. In a decree passed by the people of Halicarnassus (Jos. *A. J.* 14.258) it says:

> We have also decreed that those Jewish men and women who wish to observe their Sabbaths, and perform their sacred rights in accordance with the Jewish laws, and may build places of prayer near the sea (καὶ τὰς προσευχὰς ποιεῖσθαι πρὸς τῇ θαλάττῃ), in accordance with their native custom (κατὰ τὸ πάτριον ἔθος).[31]

The ancient Greek city of Halicarnassus (now Bodrum in Turkey) is located on the Ceramic Gulf in southwest Caria in southwestern Asia Minor. Permission to assemble is, of course, fundamental for Jewish life in the Diaspora. This right is confirmed in a number of documents.[32] It is puzzling that the decree speaks in the plural of προσευχαί. Josephus never uses ποιέω in connection with synagogues but several times in connection with "prayers".[33] This and maybe the plural may support the translation "make prayers near the sea".[34] Thus (like in Acts 16:13,16) it is not possible to be sure whether προσευχή refers to a synagogue place or building or to the practice of praying. However, in any case the decree provides another example for the ancient Jewish custom in the Diaspora to assemble for religious purposes near water.

The oldest so far attested Jewish communities settled in Egypt under the Ptolemies. A dedication by the Jews from Arsinoe-Crocodilopolis of a προσευχή

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nagoge. Das hellenistisch-jüdische Umfeld der frühchristlichen Gemeinden, SUNT 27 (Göttingen: Vandenhoeck & Ruprecht, 2002), 114–20; Levine, *Synagogue*, 85–89.

[29] Cf. Claußen, *Versammlung*, 118.

[30] See Craig S. Keener, *Acts. An Exegetical Commentary. Volume 3: 15:1–23:35* (Grand Rapids: Baker Academic, 2014), 2386–88.

[31] Translation by Miriam Pucci Ben Zeev, *Jewish Rights in the Roman World. The Greek and Roman Documents Quoted by Josephus Flavius*, TSAJ 74 (Tübingen: Mohr Siebeck, 1998), 207.

[32] Cf. *A. J.* 14.214–16, 227, 235, 257 f. 260 f.; see Carsten Claußen, "Meeting, Community, Synagogue – Different Frameworks of Ancient Jewish Congregations in the Diaspora," in *The Ancient Synagogue from Its Origins until 200 CE Papers Presented at an International Conference at Lund University October 14–17, 2001,* eds. Birger Olsson and Magnus Zetterholm, ConBNT 39 (Stockholm: Almqvist & Wiksell International, 2003), 144–67.

[33] See εὐχή in *B. J.* 7.16,128; *A. J.* 1.270.274.284; 3.191; 4.72; 6.128; 9.209; 10.16,29; 11.58,77,134,135; 12.55; κατευχή in *A. J.* 12.97 (two times); εὐχαριστία in *A. J.* 15.421.

[34] So Frowald Hüttenmeister, "'Synagoge' und 'Proseuche' bei Josephus und in anderen antiken Quellen," in *Begegnungen zwischen Christentum und Judentum in Antike und Mittelalter. Festschrift für Heinz Schreckenberg*, eds. Dietrich-Alex Koch and Hermann Lichtenberger, Schriften des Institutum Judaicum Delitzschianum 1 (Göttingen: Vandenhoeck & Ruprecht 1993), 163–81, here 178.

dates from the reign of Ptolemy III Euergetes I, i. e. 246–221 BCE[35] The connection between water and Jewish meeting places is further confirmed by a papyrus of a land-survey for this place.[36] The text may be dated in the late second century BCE.[37] After two προσευχαί have already been mentioned in the second column (line 17 and 18), in column III, it says:

... Neighbors to the south the Jewish prayer hall (προσευχῆς Ἰουδαίων); to the north and west the city boundary; to the east the canal of Argaitis. Northwards as far as the city boundary...

The twofold mention of the "city boundary" indicates that the synagogue was either outside the town or on the inside, but close to the outer side of the town.[38] In any case it is clear that the προσευχή is situated close to the canal of Argaitis. Thus, there is a nearby water supply. The water may have been used for ritual purposes but also to water the nearby garden or for other daily needs.[39]

Another much later papyrus dated to the year 113 CE reveals an account of the water system of Arsinoe.[40] It mentions a προσευχή of the Theban Jews[41] and an εὐχεῖον.[42] The two synagogues are each charged an amount of 128 drachmai per month which is almost twice as much as the 72 dr. 18 ob. paid for the bath of Severianus[43]. One may only speculate why the water bills of the two synagogues were so high, but there is no clear indication that it reflects their needs for purification.

4. The Earliest Archaeological Evidence for Water Installations and Ancient Synagogues in the Diaspora

The archaeological evidence for early synagogues structures in the Diaspora is still very limited. The synagogue remains found at Priene (2nd or 3rd century CE), Dura Europos (late 2nd/early 3rd cent. until middle of 3rd century CE), Stobi (second half 2nd century CE / first half of 3rd century), Delos (1st century BCE until

[35] JIGRE 117 (CPJ III 1532). This inscription and JIGRE 22 from Schedia in Egypt are the earliest proseuche dedications anywhere.

[36] CPJ I 134.

[37] Anders Runesson, Donald D. Binder, and Birger Olsson, eds. *The Ancient Synagogue from its Origins to 200 CE. A Source Book*, AGJU 72 (Leiden and Boston: Brill, 2008), 190.

[38] For a discussion see CPJ I, 249; cf. Nathalie LaCoste, *Waters of the Exodus. Jewish Experiences with Water in Ptolemaic and Roman Egypt*, JSJSup 190 (Leiden and Boston: Brill 2018), 54, who situates the proseuche between the city boundary to the west and a cultivated garden and the Argaitis Canal to the east.

[39] See LaCoste, *Waters*, 55.

[40] CPJ II 432.

[41] CPJ II 432, Col. III, line 57.

[42] CPJ II 432, Col. III, line 60.

[43] CPJ II 432, Col. III, line 36.

end of 2nd century CE) and Ostia (second half of the 1st century CE) are basically still the only structures which may tell us something about early synagogue architecture. In order to compare the situation regarding purity within Second-Temple Judaism in Israel and in the Diaspora the following study will focus on the oldest known synagogue buildings in Delos and Ostia.

4.1 Delos

Possibly the earliest synagogue building in the Diaspora was found on the Greek island of Delos.[44] The building is located on the eastern shore. The original excavator André Plassart discovered the building in 1912 and identified it as a synagogue, because of some "inscriptions found inside the building (…) and in a nearby insula".[45] The original purpose of the building is not certain. L. Michael White has argued that, originally, it may have served as a private residence.[46] However, this is unlikely since the size of the hall (16.80 × 14.40 m)[47] exceeds the normal size of private houses on Delos.[48] Others assume original usage as some kind of pagan cultic hall.[49] More recent research has argued that it was a synagogue from the very beginning.[50] Most scholars identify the building as Jewish.[51] However, there are some uncertainties because of two Samaritan inscriptions found nearby.[52] It is not certain when the initial construction was built.

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[44] L. Michael White, *The Social Origins of Christian Architecture. Vol. II: Texts and Monuments for the Christian Domus Ecclesiae in Its Environment*, HThS 42 (Valley Forge: Trinity, 1997), 332–42; Binder, *Temple Courts*, 297–317; Anders Runesson, *The Origins of the Synagogue. A Socio-Historical Study*, ConBNT 37 (Stockholm: Almqvist & Wiksell, 2001), 185–7; Claußen, *Versammlung*, 192–94; Levine, *Synagogue*, 107–13; Monika Trümper, "The Oldest Original Synagogue Building in the Diaspora. The Delos Synagogue Reconsidered," Hesperia 73 (2004): 513–98; Monika Trümper, "The Synagogue in Delos Revisited," in *Synagogues in the Hellenistic and Roman Periods. Archaeological Find, New Methods, New Theories*, eds. Lutz Doering and Andrew R. Krause, Ioudaioi. Schriften des Institutum Judaicum Delitzschianum 11 (Göttingen: Vandenhoeck & Ruprecht, 2020), 81–123; for the relevant sources see: Runesson, Binder, Olsson, *Ancient Synagogue*, 123–35; for an overview see David Noy, Alexander Panayotov, and Hanswulf Bloedhorn, eds., *Eastern Europe. Vol. 1 of Inscriptiones Judaicae Orientis. IJO I*, TSAJ 101 (Tübingen: Mohr Siebeck, 2004), 210–35.

[45] Runesson, Binder, Olsson, *Ancient Synagogue*, 131.

[46] White, *Social Origins* II, 336–37; White, "The Delos Synagogue Revisited. Recent Fieldwork in the Graeco-Roman Diaspora," *HTR* 80 (1987): 133–60, 135.

[47] Trümper, "Synagogue Building," 560, n. 103; Trümper, "Synagogue," 85; the whole complex in its final stage measures 28.30 by 30.70 m. Cf. Levine, *Synagogue*, 108.

[48] Runesson, *Origins*, 186–87.

[49] See Binder, *Temple Courts*, 299–316; Stephen Catto, *Reconstructing the First-Century Synagogue. A Critical Analysis of Current Research*, LNTS 363 (London: T&T Clark, 2007), 61–67.

[50] Trümper, "Synagogue Building," 584; Inge Nielsen, "Synagogue (synagogé) and Prayerhouse (proseuché). The Relationship between Jewish Religious Architecture in Palestine and the Diaspora," *Hephaistos* 23 (2005): 63–111, 84, 97.

[51] However, one cannot be absolutely sure that it is not Samaritan.

[52] Levine, *Synagogue*, 110; see n. 158.; White, "Delos synagogue," 142–44.

This may range from the third century BCE to the early first century CE[53] which could make it the earliest synagogue in the Jewish Diaspora altogether. In 2004 and again very recently Monika Trümper published two extensive articles on the building and offered some fresh research.[54] She reconstructs altogether five architectural phases of the building. As we have just mentioned the identification of the building is still a matter of dispute.[55] However, Trümper argues convincingly that its identification as a synagogue is supported by altogether eight inscriptions.[56] All of them were found in or close to the building and have Jewish connotations.[57] According to Trümper's analysis the building was constructed as a synagogue from its beginning and was abandoned in the second century CE.

For our present purpose we shall mainly focus on the water reservoir in the small room D1 on the western side of the synagogue building (GD 80).[58] According to Trümper, „[t]he two most characteristic features of the building are the large hall, which dominated the building from the first through the fourth phases, and the water reservoir, which was extant and usable in all phases."[59] If this water installation could be identified as a *miqveh*, then this would be the earliest associated with a synagogue and one of the earliest altogether. It would also be the only one outside ancient Palestine. The reservoir was formed by a

[53] See Runesson, Binder, Olsson, *Ancient Synagogue*, 133.

[54] Trümper, "Synagogue," 81–123, takes into account all more recent contributions, especially those, which appeared after her seminal article in 2004. These two articles are the most accurate and up-to-date contributions dealing with the synagogue on Delos.

[55] See e. g. Lidia D. Matassa, *Invention of the First-Century Synagogue*, eds. Jason M. Silverman and J. Murray Watson, ANEM 22 (Atlanta, GA: SBL Press, 2018); Lidia D. Matassa, "The Myth of the Synagogue on Delos," in *SOMA 2004: Symposium on Mediterranean Archaeology. Proceedings of the Eighth Annual Meeting of Postgraduate Researchers, School of Classics, Trinity College Dublin, 20–22 February 2004*, eds. Joan Day et al. BAR International Series 1514 (Oxford: Archaeopress, 2006), 105–14; Lidia D. Matassa, „Unravelling the Myth of the Synagogue on Delos," *BAIAS* 25 (2007), 81–115. For a critique of Matassa's approach see: Trümper, „Synagogue," esp. 108–118.

[56] IJO I Ach 60 (for a discussion cf. Trümper, "Synagogue," 101), Ach 61 (cf. Trümper, "Synagogue," 102), Ach 62 (cf. Trümper, "Synagogue," 100), Ach 63 (cf. Trümper, "Synagogue," 99), Ach 64 (cf. Trümper, "Synagogue," 103), Ach 65 (cf. Trümper, "Synagogue," 95 f.), Ach 66 (cf. Trümper, "Synagogue," 88, 90, 94), Ach 67 (cf. Trümper, "Synagogue," 91). Cf. also Anna Collar, *Religious Networks in the Roman Empire. The Spread of New Ideas* (Cambridge: Cambridge University Press, 2013), 175 f.

[57] See Trümper, "Synagogue," 107.

[58] Cf. André Plassart, "La synagogue juive de Délos," in *Mélanges Holleaux, recueil de mémoires concernant l'antiquité grecque offert à Maurice Holleaux en souvenir de ses années de direction à l'École française d'Athènes* (1904–1912) (Paris: Picard, 1913), 201–15; Philippe Bruneau, *Recherches sur les cultes de Délos à l'époque hellénistique et à l'époque impériale, Bibliothèque des écoles françaises d'Athènes et de Rome*, fasc. 217 (Paris: Éditions E. de Boccard, 1970), 481–84; White, "Delos Synagogue," 133–60, esp. 147–52; Binder, *Temple Courts*, 297–317; most up-to-date, comprehensive and thorough treatments have more recently been provided by Trümper, "Synagogue Building," 575–78; Trümper, "Synagogue," 110 f.

[59] Trümper, "Synagogue Building," 569.

natural gap in the rock. The total length is altogether 6.08 m,[60] with the larger part of it – 4.00 m – extending beneath the floor of room B. The remaining 2.08 m could have been open.[61] However, Trümper has argued: "The large opening in D1 is framed by the natural rock, which forms a completely irregular border. This border would have been highly inconvenient for any use of the reservoir, either the drawing of water or bathing, which suggests that the opening was originally stabilized and framed by walls and probably even covered with beams of stone, or, more preferably, wood."[62]

There are a number of water installations on Delos, not only this one in the synagogue.[63] However, unlike those, here there are no steps leading down to the reservoir. It is, of course possible that there was a wooden ladder or stairs to grant access to the water, as has been suggested by Philippe Bruneau.[64] However, this would not fit in with the elaborate overall construction. In addition to this it would have been quite easy to cut a staircase into the rock. Thus, it seems highly unlikely that this water reservoir was used for any ritual purposes that would require bathing or immersion. Its identification as a *miqveh* is practically impossible. It seems much more likely that the water from the reservoir was used for other non-ritual purposes like drinking, cleaning or washing.[65] In addition to this larger water reservoir there are also the remains of several marble basins inside the building. Trümper suggests that they "could have held water for ritual ablutions"[66]. Finally, one should notice that the synagogue building is situated in close proximity to the sea. Thus, the use of water for purposes of purity was also possible there.

4.2 Ostia

Ostia, the harbour of ancient Rome, is located about 25 km away from modern Rome in a southwesterly direction at the mouth of the river Tiber.[67] Established as a defensive outpost in the fourth century it later became the port city for the nearby capital. The present-day archaeological site is called Ostia Antica in order to distinguish it from the modern town of Ostia. Excavations began already in the 19th century, which revealed a whole ancient city. However, it was not until 1960 that the remains of an ancient synagogue building were discover-

[60] Trümper, "Synagogue Building," 575.
[61] Bruneau, *Recherches,* 481 f.; 490 f.; Bruneau, "Les Israélites de Délos et la juiverie délienne," *BCH* 106 (1982): 465–504, 502.
[62] Trümper, "Synagogue Building," 576.
[63] Trümper, "Synagogue Building," 576, n. 134.
[64] Bruneau, *Recherches,* 481 f.
[65] Cf. Trümper, "Synagogue Building," 577.
[66] Trümper, "Synagogue Building," 577; cf. Binder, *Temple Courts*, 303, 306, 395.
[67] The course of the Tiber was altered by a flood in 1557. Today, the distance between Ostia and the seashore is about 3.5 km.

ed. Excavations were carried out by Maria Floriani Squarciapino in 1961–62.[68] In the late 1990s members of the Synagogue Project at Lund University performed further research on the remains and surroundings of the Ostia synagogue.[69] From 2001 onwards L. Michael White from the University of Texas at Austin began to explore the site of the synagogue.[70] While the identification of the building in its late Antiquity phase of the fourth and fifths centuries CE[71] is reasonably clear the reconstruction of the earlier building history is still a matter of dispute.[72] The original building may have been constructed as early as the second half of the first century CE[73]. The synagogue is located outside the city wall of ancient Ostia close to the harbor, the Porta Marina, and also close to the ancient course of the Tiber. North of the building was an important coastal road, the Via Severiana, which was built around the turn of the third century CE. The

[68] Maria Floriani Squarciapino, "The Synagogue at Ostia," *Archaeology* 16 (1963): 194–203; Maria Floriani Squarciapino, "The Most Ancient Synagogue Known from Monumental Remains. The Newly Discovered Ostia Synagogue in Its First and Fourth Century A.D. Phases," *The Illustrated London News* 243 (1963): 468–71; Maria Floriani Squarciapino, "The Synagogue at Ostia," *Archaeology* 16 (1963): 194–203; a final report was never published; for a more examination of the unpublished materials from these excavations see Brent Nongbri, "Archival Research on the Excavation of the Synagogue at Ostia: A Preliminary Report," *JSJ* 46 (2015): 366–402.

[69] Birger Olsson, Dieter Mitternacht, and Olof Brandt, eds. *The Synagogue of Ancient Ostia and the Jews of Rome. Interdisciplinary Studies*, Acta Instituti Romani Regni Sueciae 4/57 (Stockholm: Paul Åströms Förlag, 2001); Anders Runesson, "A Monumental Synagogue from the First Century. The Case of Ostia," *JSJ* 33 (2002): 171–220; Anders Runesson, "The Oldest Original Synagogue Building in the Diaspora. A Response to L. Michael White," *HTR* 92 (1999): 409–33; Anders Runesson, "The Synagogue at Ancient Ostia. The Building and its History from the First to the Fifth Century," in *The Synagogue of Ancient Ostia and the Jews of Rome. Interdisciplinary Studies*. Acta Instituti Romani Regni Sueciae 4/57, eds. Birger Olsson, Dieter Mitternacht, and Olof Brandt (Stockholm: Paul Åströms Förlag, 2001), 29–99.

[70] L. Michael White, "Reading the Ostia Synagogue. A Reply to A. Runesson," *HTR* 92 (1999): 435–64; L. Michael White, "Synagogue and Society in Imperial Ostia. Archaeological and Epigraphic Evidence," *HTR* 90 (1997): 23–58; L. Michael White, "The Delos Synagogue Revisited. Recent Fieldwork in the Graeco-Roman Diaspora," *HTR* 80 (1987): 133–60; L. Michael White, *The Social Origins of Christian Architecture: Vol. I. Building God's House in the Roman World*, HTS 42 (Valley Forge: Trinity Press, 1996); L. Michael White, *The Social Origins of Christian Architecture. Vol. II: Texts and Monuments for the Christian Domus Ecclesiae in Its Environment*, HTS 42 (Valley Forge: Trinity Press, 1997).

[71] Levine, *Synagogue*, 174.

[72] Cf. White, "Reading the Ostia Synagogue," 435–64; Runesson, *Synagogue*, 171–220; Runesson, *Synagogue at Ancient Ostia*, 29–99; for an overview see Dieter Mitternacht, "Current Views on the Synagogue of Ostia Antica and the Jews of Rome and Ostia," in *The Ancient Synagogue from Its Origins until 200 CE Papers Presented at an International Conference at Lund University October 14–17, 2001*. Edited by Birger Olsson and Magnus Zetterholm, ConBNT 39 (Stockholm: Almqvist & Wiksell International, 2003), 533–44.

[73] Runesson, Binder, Olsson, *Synagogue*, 226; Douglas Boin, *Ostia in Late Antiquity* (New York: Cambridge University Press, 2013) 120, following L. M. White, argues in favor of a "construction in the mid-to late second century". However, he does not provide any evidence and White's evidence has still not been published.

monumental structure measured 36.60 by 23.50 meters.[74] Squarciapino argued that the building was already used as a synagogue from its very beginning.[75] She discovered remains of stone benches at the two outer walls and the curved back to the western side of the main hall (15 × 12.50 meters) and interpreted a well and wide basin outside the building close to the main entrance as used for ritual washings. Another room to the southwest could have been a banquet hall, a triclinium (13.90 × 10.18 meters).[76] The identification of the building is also confirmed by a number of Jewish symbols like menorah, shofar, lulav and ethrog. They are carved on two corbels at the end of two architraves of an aedicula, which most likely served as a Torah ark (probably fourth century CE). A part Latin, part Greek donor inscription from the second half of the second century CE, found in the vestibule of the synagogue, mentions a "Mindius Faustus with his family", who "made (it) from his own gifts, and set up the ark for the holy law."[77] Since there is no mention of Jews in Ostia in any ancient literary texts the early history of the Ostian Jews is largely unknown. Thus, this inscription provides important evidence.

For the purpose of this article, we shall focus on the water installations of the synagogue building.[78] Already in the early phase of the building history there was a cistern attached to a well. It is situated just outside the room near the right side of the entrance (B_1). It may have been used for drinking and the washing of hands. There is no indication that it served any ritual purpose. During the first major renovation of the building in the first half of the second century CE a basin was added to room B_1. Anders Runesson conducted research on the Ostia synagogue in the 1990s. He writes: "The basin was rectangular and had and overall size of c. 2.00 × 2.80 m. Regarding the depth, a guess would be that it was about 0.40 m. If these measures are correct, the basin would contain about 2240 liters of water. This is four times as much as is required of a *miqveh* according to later rabbinic regulations."[79]

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[74] For a description of the building and its history see White, *Origins II*, 379–392; Binder, *Temple Courts*, 324; Levine, *Synagogue*, 274; Runesson, Binder, Olsson, *Synagogue*, 226–229; Claußen, *Versammlung*, 195–99.

[75] Squarciapino, "Synagogue," 201–3.

[76] For the identification of the building as a synagogue from the beginning cf. Kraabel, A. Thomas. "The Diaspora Synagogue: Archaeological and Epigraphic Evidence since Sukenik," in vol. 1 of *Ancient Synagogues. Historical Analysis and Archaeological Discovery*, eds. Dan Urman and Paul Virgil McCracken Flesher, StPB 47/1 (Leiden, New York and Köln: Brill, 1995), 95–126, 116; Binder, *Temple Courts*, 333–34; Runesson, "Synagogue," 40; Claußen, *Versammlung*, 197.

[77] JIWE I 13. The dedication, which was reused in the floor of the vestibule, does not refer to the original building; cf. Binder, *Temple Courts*, 326 f.; Runesson, "Synagogue," 85–88.

[78] Cf. Anders Runesson, "Water and Worship. Ostia and the Ritual Bath of the Diaspora Synagogue," in *The Synagogue of Ancient Ostia and the Jews of Rome. Interdisciplinary Studies*, Acta Instituti Romani Regni Sueciae 4/57, eds. Birger Olsson, Dieter Mitternacht, and Olof Brandt (Stockholm: Paul Åströms Förlag, 2001), 115–29.

[79] Cf. m. Miqw. 1:4; see: Runesson, "Synagogue," 71.

Runesson believes that the usage of the basin for ritual purposes is likely.[80] However, he rightly questions the identification of the original excavator as a *miqveh*.[81] As Runesson points out, there is no provision to fill the basin with undrawn water and the water drained into the cistern, which is against the rabbinic law.[82] However, the main argument against an identification as a ritual immersion pool is its shallow depth of just about 40 cm. This makes it a highly unlikely installation for immersions of the whole body. Nevertheless, it is still possible to imagine that it was used for the washing of hands and feet as may be required for purity reasons.

To sum up: There is no good reason to identify the basin as a *miqveh* and there is no evidence about any ritual practice linked to it. Should the Jews in Ostia have needed purification they could have used water from the river Tiber or from the nearby sea.

4.3 Other Water Installations and Diaspora Synagogues

While there are no *miqva'ot* attached to early Diaspora synagogues or anywhere near them it seems to be even more important to spend a moment looking at other types of water installations. These are in fact quite common for the area of the synagogue atrium. They are found on the way from the street to the entrance of the building and often in the middle of the courtyard.[83] In addition to the aforementioned evidence, such water installations have been found in, for example, Dura Europos, Sardis, Philadelphia in Lydia, Priene, and Gerasa. This may also be what the τὰ χρηστ[ή]ρια τῶν ὑδάτων in the Theodotos-inscription may refer to. Lee I. Levine reminds us that such water installations were by no means reserved to Jewish meeting places. He calls such basins[84] the "standard temple equipment".[85] Walter Burkert reminds us of the importance of purification in Greek religion in general: „The most widespread means of purification is water, and in Greek purification rituals' contact with water is fundamental."[86] Thus when Diaspora Jews entered the synagogue they probably

[80] Runesson, "Synagogue," 71.

[81] Squarciapino, "Synagoge," 198; See also Levine, *Synagogue*, 274: "perhaps serving as a ritual bath (*miqveh*)."

[82] Runesson, "Synagogue," 71.

[83] Levine, *Synagogue*, 331.

[84] The Greek word for these sprinkling basins is περιρραντήριον, i. e. the "sacred" basin, and is to be distinguished from the λουτήριον, the "lay" basin, for personal hygiene. Cf. Rolf Hurschmann, "Perirrhanterion" in *Brill's New Pauly*, Antiquity volumes edited by Hubert Cancik and Helmuth Schneider, English Edition by Christine F. Salazar, Classical Tradition volumes edited by Manfred Landfester, English Edition by Francis G. Gentry. Consulted online on 23 March 2021 http://dx-1doi-1org-10073a4x704d9.erf.sbb.spk-berlin.de/10.1163/1574-9347_bnp_e914560.

[85] Levine, *Synagogue*, 333.

[86] Walter Burkert, *Greek Religion*, trans. John Raffan (Cambridge: Harvard University Press, 1985), 76, cf. 75–84, regarding purification in Greek religion in general. See also Burkert,

dipped or washed their hands or sprinkled themselves with water in a similar way as their pagan neighbors did when those entered their temples.

5. Conclusion: Water and Purity but No *miqva'ot* in the Ancient Jewish Diaspora

As we have seen, in Second-Temple Judaism there are a large number of *miqva'ot* in the land of Israel. However, not a single *miqveh* has been found in the Diaspora so far. The reasons for this are not clear. First of all, it is certainly important to remind oneself that the absence of evidence does not necessarily count as evidence of absence. It may be the case that there were already *miqva'ot* in the Diaspora in the first century, but they have just not been found or did not leave any traces at all. It is also important to notice that the origins of Judaism in the Diaspora and thus the earliest Jewish communities outside Israel[87] are much earlier than the use of ritual immersion pools in Israel. Thus, it could be the case that Diaspora Jews just not adopted this practice when it came up in Israel.

For this early phase of Second-Temple Judaism only the archaeological findings of synagogue buildings in Delos and Ostia provide evidence for the architecture of early Jewish meeting places in the Diaspora. Does this mean that purity was not an issue for Diaspora Jews at all? This would certainly be an incorrect assumption. In some places like Delos and Ostia water for purification purposes was also available from a nearby river or the seashore. Diaspora synagogues in many places also contained some kind of water installations such as a well, a cistern, or a basin. These are certainly not to be identified as *miqva'ot* but it is very likely that they served the ritual needs for hand washing before entering the synagogue, before praying, in connection with the handling of the Torah scrolls, and before attending meals that were also served in ancient synagogues. Some Diaspora synagogues, like those on Delos and in Ostia were located on the periphery or outside the non-Jewish settlement. This may also be for purity reasons.

There is no textual or archaeological evidence that Diaspora Jews used ritual pools for a complete immersion of the body. However, there is strong textual and archaeological evidence that they used water in order to purify themselves. And one can observe a close association between the synagogue and purity. Issues of purity are truly central to Jewish religious practice. This applies to Israel and the Diaspora as well. However, as has been demonstrated there are obvious differences. The complete absence of *miqva'ot* in the Diaspora and the presence

Greek Religion, 77: "Vessels containing water, *perirranteria*, are set up at the entrances to the sanctuaries, like the fonts of holy water in Roman Catholic churches; everyone who enters dips a hand in the vessel and sprinkles himself with water."

[87] See John M. G. Barclay, *Jews in the Mediterranean Diaspora. From Alexander to Trajan (323 BCE–117 CE)* (Edinburgh: T&T Clark, 1996).

of water installations for example in the atrium of Diaspora synagogues and their frequent location in the vicinity of a body of water stand in contrast to the abundance of *miqva'ot* in pre-70 CE Israel. Following the destruction of the emple the number of Jewish ritual immersion pools declined in Israel.[88] However, the importance of ritual immersion pools for Jewish life in general was later stressed and regulated in Rabbinic Judaism as can be seen in the Mishna tractate *miqva'ot*. Thus, the use of *miqva'ot*, first in Israel in the Second-Temple period and up to the present for Jews and Jewish communities all over the world remains of central importance.

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[88] For the later history see e. g. the short summary in: Martin Goodman, *History of Judaism. From Its Origins to the Present* (Princeton: Princeton University Press, 2018), 250: "The communities which erected these buildings for public prayer often took on also the provision of shared facilities for other religious needs, such as purification after ritual pollution. There is no way to tell who owned and constructed the numerous ritual baths (*mikvaot*) which were to be found in Jewish settlements in Palestine in the fourth to sixth centuries ce. Many, perhaps most, may have been private. But in many parts of medieval Europe such ritual baths were communal property and were treated as an essential prerequisite for the religious life, especially for the purification of women after menstruation and childbirth."

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Inner Purity, Ritual Purity, Conscience

Perspective of the Greek Ritual Norms (on LSCG 139)*

Andrej Petrovic

Purity doctrines are themselves never pure. They are subject to change over time, they are liable to expansion and reduction, they may absorb the influences of other, both intrinsic and extraneous, cultural discourses, and they are sensitive to changes in a group's dominant socio-cultural and political discourse. In his influential study of purity doctrines and sin in ancient Judaism, Jonathan Klawans observed a salient feature of the Qumran sectarians' conception of purity: the members of the community at Qumran conflated the idea of ritual purity and moral purity.[1] As Klawans put it, "What were, in the Hebrew Bible, the independent concepts of ritual and moral impurity, have become, at Qumran, fully intertwined … Ritual and moral impurity were melded into a single conception of defilement, which had both ritual and moral ramifications."[2]

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[1] I abstain from discussing the validity of the term "moral purity" here; I am sympathetic to Klawans' view (Jonathan Klawans, *Impurity and Sin in Ancient Judaism* [Oxford: Oxford University Press, 2000]) that "moral purity" may be employed as a useful category, and that the requests for moral purity are to be understood as having an effect on ritual performance and the worshippers' status regarding their purity. I am also convinced by his argument that requests for moral purity are not to be taken metaphorically, in the narrow sense of a metaphor as a rhetorical device. From the perspective of cognitive linguistics, however, the language of purity and pollution in Greek belongs by and large to the domain of conceptual metaphors. See Thomas Kazen, "The Role of Disgust in Priestly Purity Laws. Insights from Conceptual Metaphor and Blending Theories," *Journal of Law, Religion and State* 3 (2014): 62–92 for a critique of Klawans' views.

[2] Klawans, *Impurity*, 88 and 90. On purity and Qumran literature, see there esp. pp. 48–56 and 67–91 and Ian C. Werrett, *Ritual Purity and the Dead Sea Scrolls*, STDJ 72 (Leiden: Brill, 2007). Klawans' view has attracted both adherents and opponents. For a differing view, see Martha Himmelfarb, "Impurity and Sin in 4QD, 1QS, and 4Q512," *DSD* 8 (2001): 9–37 and cf. also Joseph Lam, *Patterns of Sin in the Hebrew Bible. Metaphor, Culture, and the Making of a Religious Concept* (Oxford: Oxford University Press, 2016), 179–206.

In this paper, I draw attention to the conflation of requests for ritual and moral purity in Greek ritual norms,[3] that is, in the body of inscriptional texts that provide first-hand information for purity requirements in the cults of Greek city states.[4] While discourses on inner purity – a concept that, as a matter of course, included a moral dimension – are widely attested in Greek literature from early on,[5] it is from the Hellenistic period onwards that we observe explicit requests for inner purity paired with requests for ritual purity in ritual norms. The comparatively late appearance of such requests, however, does not indicate that concerns for moral purity were a later addition to Greek purity doctrines. Rather, the number of surviving inscriptional ritual norms from the Archaic and Classical periods is considerably smaller than the Hellenistic and later inscriptional dossier.[6]

More specifically, I investigate in some detail a text from Rhodes (*LSCG* 139) that arguably mirrors intellectual debates of its time, and I will attempt to identify the discursive forces that have decisively influenced its form and content. As we will see, *LSCG* 139 represents a pastiche of purity requirements melded into a single ritual norm that ostensibly presents a single conception of defilement. Yet, on closer inspection, it is possible to identify some of the distinct discourses that have shaped the formulation of the Rhodian norm. I believe that the question of agency might be relevant for the Qumran material as well: if ritual and moral impurity have been amalgamated into a unitary conception of defilement at Qumran, is there a way of telling which forces contributed to this process among the sectarians?

1. *LSCG* 139 and Its Place in the Corpus of Greek Ritual Norms

The concept of inner purity in Greek religion is occasionally embodied and associated with specific bodily parts such as *phren* ("midriff," but also "thought") and *kardia* ("heart"). But it can also be related to the discarnate *psyche* ("soul"), *gnome* ("mind"), *nous* ("sense"), or *thumos* ("breath", but also "temper, soul"):

[3] I adopt the term "ritual norm" for Greek prescriptive ritual texts that are also labelled in scholarship as "sacred laws" and "sacred regulations." For a recent summary of the debate on the terms, see Jan-Mathieu Carbon and Vinciane Pirenne-Delforge, "Two Notes on the Collection of Greek Ritual Norms. Looking Back, Looking Forward," *Axon* 3 (2019): 103–16.

[4] See below, p. X.

[5] For early Greek material, see Andrej Petrovic and Ivana Petrovic, *Early Greek Religion*, vol. 1 of *Inner Purity and Pollution in Greek Religion* (Oxford: Oxford University Press, 2016).

[6] On this, see Andrej Petrovic, "'Sacred Law' in Ancient Greek Religion," in *The Oxford Handbook of Ancient Greek Religion,* eds. Julia Kindt and Esther Eidinow (Oxford: Oxford University Press, 2015), 339–52. The dossier is uneven also in its geographical spread: as Robert Parker, "Regionality and Greek Ritual Norms," *Kernos* 31 (2018): 73–81 observes, the geographic distribution of surviving ritual norms could be better understood.

a morally pure person may have a pure midriff, heart, soul, mind, sense, or temper.[7] This is a feature that we observe in *LSCG* 139, a text from the sanctuary of an unknown deity in the town of Lindos on Rhodes, dated 2nd c. AD, but perhaps a republication of an older text:[8]

[Ἀγ]ᾳθῆι Τύχ[α]ι.	With good fortune.
vac.	
ἀφ' ὧν χρ[ὴ] πα[ρ]ῖν[α]ι αἰσίως	free from / under these conditions one is to enter
<εἰ>ς τὸ ἰε[ρ]όν· **πρῶτον μὲν**	auspiciously into the sanctuary: first, indeed,
καὶ τὸ μέγιστον· χεῖρας καὶ	and the most important (is) regarding hands and
<γ>νώμην καθαροὺς καὶ ὑγιε[ῖς]	mind to be pure, and to be sound,
ὑπάρχοντας καὶ μηδὲν αὐτοῖς	and that there be nothing terrible on their
δεινὸν συνειδότας.	conscience.
καὶ τὰ ἐκτός·	And regarding things external:
ἀπὸ φακῆς ἡμερῶν γ′·	after lentils, 3 days.
ἀπὸ αἰγείου ἡμε(ρῶν) γ′·	after goat, 3 days.
ἀπὸ τυροῦ ἡμε(ρῶν) α′·	after cheese, 1 day.
ἀπὸ φθορείῳ[ν] ἡμε(ρῶν) μ′·	after abortion, 40 days.
ἀπὸ κήδους [οἰκ]είου ἡμ(ερῶν) μ′·	after death of a household member, 40 days.
ἀπὸ συνουσίας νομ[ί]μου	after lawful/customary intercourse
αὐθημερὸν περιραναμένους	on the same day, having sprinkled themselves
καὶ πρότερον χρεισαμένους	and having beforehand applied
ἐλαίῳ·	olive (oil).
ἀπὸ παρθενείας.	after defloration.
vac.	

Typologically and generically, this text belongs to a category of ritual norms that regulated entry to Greek sanctuaries and were in antiquity often referred to as *programmata*.[9] Such texts were particularly concerned with the conditions under which one was deemed *katharos* ("pure, undefiled") or *hagnos* ("fit to approach the gods") and permitted entry to a sanctuary.

Of about five hundred or so surviving Greek ritual norms, the epigraphic record preserves around forty cathartic texts that can be classed as either entry regulations in general, inscriptions of other genres which also refer to purity regulations, or entry *cum* cathartic regulations concerned with rights of access to the temenos or participation in cult.[10] The earliest surviving regulations

[7] For the seats of inner purity, see Petrovic and Petrovic, *Early Greek Religion,* 263–98. For the role of *psyche* in early Greek religion, Jan N. Bremmer, *The Early Greek Concept of Soul* (Princeton: Princeton University Press, 1983) remains the best account. Intriguingly, the Damascus Document (CD 12:11b) shows some affinities with Greek evidence in that it relates to the defilement of the soul. For an analysis of 11b–15, see Werrett, *Ritual Purity*, 32–35.

[8] *IG* XII,1 789 = Martín Vázquez, *IR* III n. 142; cf. *SEG* LXII 1819.

[9] On *programmata*, see Petrovic and Petrovic, *Early Greek Religion,* 280–81, and Sokolowski's commentary on *LSS* 59, p. 114, on *LSS* 91, pp. 160–61, as well as *LSAM* 20, ll. 31–32, and *LSAM* 68, Lupu 2009[2]: 14–18.

[10] For a full catalogue, see Andrej Petrovic and Ivana Petrovic, "Purity of Body and Soul in the Cult of Athena Lindia. On Eastern Background of Greek Abstentions," in *Purity and*

of this kind come from the 5th century BC. They are typically concise, comprising only one or two lines, and pertain to prohibitions or exclusions (ethnic, gender, material, absolute), rather than to abstentions from polluting matters or actions.[11] The earliest more elaborate texts, which resemble *LSCG* 139 and contain precisely formulated periods of abstentions (*hagneiai*) from polluting matters, actions, and events, come from 4th century BC Ionia. From this period onwards, we find a rich and varied spectrum of prohibitions and requests for abstentions.[12] Some texts deal with dietary regulations, like *LSCG* 139, and ban consumption of various produce and animal parts, from beans to intestines. Some introduce regulations pertaining to licit and illicit sexual intercourse, or define abstentions from other typical sources of pollution, such as contact with blood and death.[13] By way of generalization, we can say that these texts tend to regulate pollution caused by birth, death, blood, sex, and diet, and request periods of abstention and avoidance of sanctuaries.[14]

In terms of the abstentions listed in our inscription, lines 9–18, we are dealing mostly with relatively common prohibitions that have parallels elsewhere. This does not mean, however, that the logic behind the prohibitions is transparent – the ban of cheese-consumption is seldom attested, and the defloration mentioned in the final line has invited discussion.[15]

Purification in the Ancient Greek World, eds. Jan-Mathieu Carbon and Saskia Peels-Matthey. Kernos Supplément 32 (Liège: Presses Universitaires de Liège, 2018), 228–31. To this list one should now add the new text from Thyateira, Hasan Malay and Georg Petzl, *New Religious Texts from Lydia* (Vienna: Austrian Academy of Sciences Press, 2017), no. 1.

[11] I quote just a few early examples: 5th century BC, Paros, cult of Zeus Hypatos: "No women. No uninitiated". *LSCG* 121: Entry regulation to an unidentifiable precinct, Chios, date early but unclear, banning visitors from entering altogether: "Sanctuary. No entry." See now Aslak Rostad, *Human Transgression – Divine Retribution. A study of religious transgressions and punishments in Greek cultic regulation and Lydian-Phrygian propitiatory inscriptions ('confession inscriptions')* (Oxford: Archaeopress, 2020), 89–90.

[12] *LSAM* 29, entry *cum* cathartic regulation, Metropolis in Ionia, Meter Gallesia, 4th century BC. Already this text showcases interest in moral issues, as it combines cathartic concerns with interest in *dikaia*. See Angelos Chaniotis, "Reinheit des Körpers – Reinheit des Sinnes in den griechischen Kultgesetzen," in *Schuld, Gewissen und Person,* eds. Jan Assmann and Theo Sundermeier, Studien zum Verstehen fremder Religionen 9 (Gütersloh: Gütersloher Verlagshaus, 1997), 142–79 and Angelos Chaniotis, "Greek Ritual Purity: from Automatisms to Moral Distinctions," in *How Purity is Made,* eds. Petra Rösch and Udo Simon (Wiesbaden: Harrassowitz, 2012), 123–39, and Petrovic and Petrovic, "Purity of Body and Soul."

[13] For analysis, see Robert Parker, *Miasma. Purification and Pollution in Early Greek Religion* (Oxford: Oxford University Press, 1983); for a summary of the most important sources, Rostad, *Human Transgression*, 83–107.

[14] The classic work on the issue remains Parker, *Miasma*. For later literature, see the overview in Petrovic and Petrovic, *Early Greek Religion*, 1–31.

[15] Loss of virginity is attested only once more in the corpus of ritual regulations, in *LSS* 91. A parallel for the ban of cheese is *I.Perg* III 161 A 13. See Parker, *Miasma,* 357–65.

A much more striking feature of this text is the preamble (lines 3–8), which has attracted significantly less attention.[16] *LSCG* 139 is one of around a dozen attested *programmata* regulating access to temples and requesting inner purity, in our text explicitly formulated as purity of *gnome*, "mind."[17] We find such requests for inner purity in the epigraphic record from the Hellenistic period onwards, and three of these come from Rhodes.[18]

Furthermore, *LSCG* 139 is one of only two surviving Greek entry regulations that address the issue of a worshipper's conscience. Even more intriguing is the fact that the other text also comes from Rhodes, namely, from the small shrine of Psithyrus located on the Lindian acropolis. According to that text, *LSS* 86, only those who have the best – clean – conscience, are allowed to perform sacrifices.[19] In sum, we find no less than four *programmata* on Rhodes dealing with inner purity, conscience, or both (*LSCG* 139, *LSS* 86, *LSS* 91, *LSS* 108).

The distribution of other attestations of inscriptional *programmata* requiring inner purity is wide: they come from important coastal or near-coastal towns, such as Athens, Mytilene, and Euromos, or islands such as Delos and Astypalaea.[20] Alongside the epigraphic tradition, our literary sources add four further *programmata* that request inner purity,[21] but we can assert the exact location only for one of them. This would be the text from the Asclepieion at Epidaurus, which encourages the visitor to think *hosia*, "religiously correct thoughts," when visiting the temple:

ἁγνὸν χρὴ ναοῖο θυώδεος ἐντὸς ἰόντα /
ἔμμεναι· ἁγνεία δ' ἐστὶ φρονεῖν ὅσια.

He who goes inside the sweet-smelling temple must be pure.
Purity is to think religiously correct thoughts.[22]

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[16] See the discussion in Moshe Blidstein, *Purity, Community, and Ritual in Early Christian Literature*, Oxford Studies in the Abrahamic Religions (Oxford: Oxford University Press, 2017), 20–26.

[17] As far as I can see, the earliest mention of *gnome*, specifically, as a seat of inner purity in a ritual context is Ar. *Ran*. 355 (see Petrovic and Petrovic, *Early Greek Religion*, 241–45).

[18] The other two are *LSS* 91, 2nd/3rd century AD (but a republication of several older texts), Lindos, cult of Athena Lindia (ll. 4–5): μὴ τὸ [σῶ]||μα μόνον ἀλλὰ καὶ τὴν ψυχὴν κεκαθαρμένου[ς], "pure not only in respect to their body, but also in respect to their soul"; *LSS* 108, 1st c. BC/AD, Rhodes, cult of Asclepius / Sarapis (ll. 6–7): οὐ λουτρῷ ἀλλὰ νόῳ καθαρόν, "pure in mind, not by bathing."

[19] *LSS* 86 = *I.Lindos* II 484, 3rd? century AD, Lindos, shrine of Psithyros (l. 3): θύιν οἷς καὶ τὸ συνειδὸς ἄριστον, "people who possess the best conscience are (allowed to) to sacrifice."

[20] Chaniotis, "Reinheit des Körpers"; Petrovic and Petrovic, "Purity of Body and Soul."

[21] 1) Porphyry, *Abst.* II 19 [= Clement of Alexandria, *Strom.* V 13,3 p. 334, 24 St.], Epidaurian *programma* of the 4th century BC; 2) M. Totti, *Ausgewählte Texte der Isis- und Sarapisreligion* 1985, No. 61, "Codex Vindob. 130 and Codex Laur. 37, Plut. 32" (the provenance proves difficult to trace; the text is customarily referred to as "Sarapis Oracle for Timainetos"); 3) *AP* XIV 71; 4) *AP* XIV 74.

[22] Porphyry, *Abst.* II 19 = Clement of Alexandria, *Strom.* V 13,3 p. 334, 24 St. "Thinking religiously correct thoughts" is a widely used phrase, first attested in the 5th century BC. On

In sum, the earliest attestations of requests for inner purity in ritual norms come from the 4th c. BC; there are a couple of epigraphic attestations from the Hellenistic period, and the rest come from the first three centuries AD.[23]

2. *LSCG* 139 and Its Preamble

So much for the place of *LSCG* 139 within the corpus of Greek ritual norms. Turning now to the preamble of this inscription, we start with the marked phrase "first and foremost", πρῶτον μὲν καὶ τὸ μέγιστον (ll. 3–4). This expression does not belong to the customary or common vocabulary of *programmata*. Its function is to separate clearly the two sets of purity requirements: on the one hand, those that are of a higher order, and on the other hand, those that relate to things strictly external, introduced by καὶ τὰ ἐκτός (another phrase that is uncommon in ritual norms). What is equally noteworthy, I think, is that the phrase πρῶτον μὲν καὶ τὸ μέγιστον recalls the language of traditional Greek wisdom literature, and specifically gnomic, oracular, and philosophical traditions that, in the form of widely circulating maxims and sayings, provide answers to questions such as "what is best in life?", "what is most valuable?", "what is happiness?", and similar.[24] While it is surprising to find such language in ritual norms, this phrase

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Euripides' *Electra* 1201–1205, which includes the phrase φρονεῖς γὰρ ὅσια νῦν, τότ' οὐ φρονοῦσα, "now you think religiously correct thoughts, but previously you did not," see Petrovic and Petrovic, *Early Greek Religion*, 228–235. Cf. also the text from a Serapeion or Asclepieion, *LSS* 82, late Hellenistic (?), Mytilene: ἁγνὸν πρὸς τέμενος στείχειν | ὅσια φρονέοντα, "a pure person should approach the precinct thinking religiously correct thoughts." Cf. Plu. 378c–d (*de Is.* 68): τῷ μὲν εἰς τὸ χρηστήριον ἐνταῦθα κατιόντι παρεγγυῶμεν ὅσια φρονεῖν, εὔφημα λέγειν, "we instruct those who come down to consult the oracle here to think religiously correct thoughts and to speak *euphema*." See Chaniotis, "Greek Ritual Purity."

[23] The earliest example is the inscription quoted above from the Epidaurean Asclepieion, dated by most scholars to the 4th century BC. In the epigraphic record, the earliest undisputed attestation is *LSS* 59.13–14, 2nd century BC, from the sanctuary of Zeus Kynthios and Athena Kynthia on Delos: ἰέναι εἰς τὸ ἱερ[ὸν τοῦ] Διὸς τοῦ Κυνθίου [καὶ τῆ]ς Ἀθηνᾶς τῆς Κυνθί[ας χερ]σὶν καὶ ψυχῇ καθα[ρᾷ], "Enter the sanctuary of Zeus Kynthios and Athena Kynthia with hands and soul pure." Since the inscription itself states that it is a republication of a text that was damaged over time, the original publication must predate the 2nd century BC. From the 2nd century BC there is a *programma* from Crete that combines *eusebeia* with *euglossia* (*I.Cret.*I XXIII 3; *EBGR* 93/94, No. 47). For a differing view, see Jan N. Bremmer, "How Old Is the Ideal of Holiness (of Mind) in the Epidaurian Temple Inscription and the Hippocratic Oath?" *ZPE* 141 (2002): 106–8.

[24] Poetic anthologies were commonly used in education (Pl. *Leg.* 7.811a), and Isocrates refers to collections of *gnomai* by the leading poets (Isocr. *ad Nic.* 44). In his unpublished dissertation, Lardinois counts more than 1200 *gnomai* in archaic poets alone (reported by Henk S. Versnel, *Coping with the Gods. Wayward Readings in Greek Theology* (Leiden: Brill, 2011), 221. See André Lardinois, "The Wisdom and Wit of Many. The Orality of Greek Proverbial Expressions," in *Speaking Volumes. Orality and Literacy in the Greek and Roman World*, ed. Janet Watson (Leiden: Brill, 2001), 93–107; I note in passing that the intriguing prosody of the preamble might reflect its paroemiological character.

is in line with the moralizing statements that were occasionally inscribed on façades of Greek temples or on stelae set up in front of them. The much repeated (chanted, as Pausanias says) Delphic maxims "know thyself" and "nothing in excess" were inscribed in the pronaos of Apollo's sanctuary (and, subsequently, in many other places) and were understood as personal dedications of the seven sages.[25] Similarly, Aristotle mentions that the propylaea of Leto's temple on Delos had a verse inscription telling the visitor:

κάλλιστον τὸ δικαιότατον, λῷστον δ᾽ ὑγιαίνειν, πάντων ἥδιστον δ᾽ οὗ τις ἐρᾷ τὸ τυχεῖν.

What is most just is most beautiful, and the best thing is to be sound, but most delightful of all is to get what you desire.[26]

This inscription clearly provides answers to the questions "what is most beautiful?", "what is best?", and "what is most delightful?". From the Archaic period onwards, the answers to such questions were attributed to the most prominent sages and philosophers.[27]

We have by now registered several intriguing features of the Rhodian purity regulation. I touched on the issues of the gnomic language, the focus on inner purity (purity of *gnome*), and the distinctly ritual set of regulations introduced by the noteworthy phrase, "regarding the things external." Now we turn to the remarkable reference to conscience.

Conscience, as the knowledge shared between a human and a god, and between a human and himself – for that is what *syneidesis* and *conscientia* denote – constitutes an element of Greek theological thinking from early on, even if it is expressed in a variety of ways in the literature of Classical period.[28] From Plato onwards, philosophers start to take stock of the ethical and religious implications of one's conscience, the Stoics particularly so.[29] In popular culture, Euripides provides an explicit association of *synesis* ("conscience") with issues of inner purity and pollution.[30] By the 1st century BC, conscience is attested as a

[25] Paus. 10.24.1.

[26] Arist. *EE* 1214a = *Theognidea* 255–56.

[27] On Aristotle and gnomological tradition, see Denis M. Searby, *Aristotle in the Greek Gnomological Tradition* (Uppsala: University Library, 1998).

[28] For early philosophical discourse, see Richard Sorabji, *Moral Conscience through the Ages. Fifth Century BCE to the Present* (Oxford: Oxford University Press, 2014), 11–37.

[29] Much of the debate revolves around the interpretation of Pl. *Leg.* 9.863e5-864b7; see Joshua Wilburn, "Akrasia and Self-Rule in Plato's Laws," *Oxford Studies in Ancient Philosophy* 43 (2012): 25–53. Don E. Marietta, "Conscience in Greek Stoicism," *Numen* 17 (1970): 176–87 has collected some of the sources relating to debates concerning conscience in the Stoic context, and he points out that especially in Jewish authors, such as Philo of Alexandria and Josephus, we find imagery such as that of a man standing in a *dikasterion*, a court-room, of *syneidos*. The tradition is certainly older: cf. Polybius 18.43.13, where conscience is a witness and judge, and, already, Isocrates, *Ad Demonicum* 1.16.

[30] Following the polluting act of matricide, Orestes understands the Erinyes as an affliction caused by his guilty conscience. In response to Menelaus' question "What sickness destroyed

seat of inner purity in Greek religion, a seat potentially vulnerable to pollution. I adduce two passages from the 1st century BC to illustrate this point.

In Dionysius of Halicarnassus, we find unambiguous reference to moral purity of the conscience, which can be jeopardized by lies:

κράτιστον δὲ πάντων τὸ μηδὲν ἑκουσίως ψεύδεσθαι μηδὲ μιαίνειν τὴν αὑτοῦ συνείδησιν.

The most important of all is to never lie willingly, nor to stain (*miainein*) one's own conscience.[31]

In Diodorus of Sicily, conscience figures as a punisher of the self: following matricide, the conscience renders Alcmaeon, son of Amphiaraus, insane:

οὗτος μὲν οὖν ὕστερον κατὰ τὰς τοῦ πατρὸς ἐντολὰς ἀνεῖλε τὴν μητέρα, καὶ διὰ τὴν συνείδησιν τοῦ μύσους εἰς μανίαν περιέστη.

Later on, he [Alcmaeon] killed his mother following his father's commands and, on account of being conscious of his pollution, he was driven to madness.[32]

Dionysius and Diodorus announce in these passages what will become a notable trend in later authors. Paul customarily refers to *syneidesis* as a seat of purity.[33] Jewish and Greek authors of the first three centuries AD use language of purity and pollution in relation to conscience as a matter of course: for instance, Philo repeatedly uses ἀπὸ / ἐκ καθαροῦ τοῦ συνειδότος (or similar),[34] Josephus refers to μετὰ καθαροῦ τοῦ συνειδότος and τὸ ἀγαθὸν συνειδός,[35] and Herodian uses ἐκ τῆς ἀγαθῆς συνειδήσεως.[36] By the 2nd century AD, Greek has developed a broad array of conceptual metaphors for pure and impure conscience: among the most prominent are *syneidesis orthe* ("upright/correct conscience"), *syneidesis kathara* ("clean conscience"), *syneidesis asthenes* ("weak conscience"), *agathe syneidesis* ("good conscience"), and *syneidos ariston* ("best conscience").

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you?", Orestes replies: ἡ σύνεσις, ὅτι σύνοιδα δεῖν᾽ εἰργασμένος, "Conscience / knowledge, because I know I did a terrible thing" (*Or*. 396). For a discussion, see Petrovic and Petrovic, *Early Greek Religion*, 222–28 and 287–88. σύνεσις was interpreted as synonymous with συνείδησις; See [Aesop.] *Prov*. 89: Ὀρέστα, τίς σε ἀπώλεσεν; "ἡ ἰδία μου συνείδησις," "Orestes, who destroyed you? 'My own conscience.'" The substantive συνείδησις is attested in the 5th century BC (Democr. B297 D) but becomes increasingly popular towards the end of the Hellenistic period; see Edward T. Jeremiah, *The Emergence of Reflexivity in Greek Language and Thought* (Leiden: Brill, 2012), 135.

[31] *De Thuc*. 8.3. Some editors delete this sentence, but comparable attestations are also found elsewhere in Dionysius, where *syneidesis* is described as free from the injustice and impiety that pose a threat to its purity: see the conversation between Veturia and Marcius in *Ant. Rom*. 8.48.5. Cf. 12.3.1.

[32] DS 4.65.7. Cf. 29.25.1. Diodorus' use of the prepositional phrase διὰ τὴν συνείδησιν is reminiscent of Paul's use in 1 Corinthians 8 and 10. See Paul W. Gooch, "'Conscience' in 1 Corinthians 8 and 10," *NTS* 33 (1987): 247–49.

[33] See Robert Jewett, *Paul's Anthropological Terms* (Leiden: Brill, 1971), 402–46.

[34] E. g. *Praem*. 84; *Legat*. 165; *Spec*. 1.203; *Prob*. 100.

[35] E. g. *BJ* 1.23.3 [1.453]; cf. 2.20.7 [2.582].

[36] E. g. 6.3.4.

Philosophers of this period also explore the concept of conscience: in his essay on the tranquility of the soul, the Platonist Plutarch elaborates in some detail the role of conscience in one's own conduct:

> Like an ulcer in the flesh, (bad conscience) impresses in the soul regret (*metameleia*) which continues to wound and prick it. For reason (*logos*) does away with the other pangs, but regret (*metanoia*) is caused by reason itself, since the soul, together with its feeling of shame, is stung and chastised by itself … The cry "no-one else is to blame for this but I myself," coming from within upon the wicked men's own sins (*hamartomenoi*), makes the suffering yet harder to bear.[37]

Considering the fact that conscience as a seat of morality and purity is well attested in literary sources of the 1st–3rd century AD, it is intriguing that the two ritual norms from Rhodes are the only examples of appeals to one's conscience when approaching divine precincts. Earlier ritual norms occasionally employ the concepts of *enthymion* and *enthymiston* – a burden to one's *thymos* in case of transgression – in order to express a potential internalized source of regret that would be hanging above transgressors' heads.[38] But the references to *enthymion* and *enthymiston* are typically employed in a highly formulaic fashion, appearing in the sanction clauses of sacred regulations that stipulate *enthymion* as a punishment for certain transgressive acts.[39] Why, then, do we find references to *conscience* in Rhodian purity regulations?

In my view, the text of *LSCG* 139 has been directly influenced by Peripatetic and Stoic thought. As a corroboration of this suggestion, I put forth the following arguments. The first argument relates to the division of purity between *ta ektos* (line 8), "the things external," and (implicitly, with *syneidesis* and *kathara gnome*) *ta entos*, "the things internal." The formulation *ta ektos* is unparalleled

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[37] Plu. *De tranquillitate animi*, 476e–477a. Plutarch discusses here Orestes' famous proclamation from *Or*. 396, above n. 31.

[38] A typical example is *IG* XII 4, 1, 72, *CGRN* 148 (*LSCG* 154A), ll. 12–14, Kos, Asclepieion, 3rd c. BC: αἰ δέ τι]νές κα παρὰ τὰ γεγραμμένα ἐξαγῶνται πε[ρὶ τούτων ἢ μὴ συντελῶντι ταῦτα] ὡς γέγραπται, ἐνθύμιον αὐτοῖς ἔστω ὡς ἀσ̣ε̣[βήσασιν ἐς τὸ θεῖον, "[If some] interpret against the writings concerning [these things or if they do not complete these tasks] as is written, let it be on their *thymos* as ones who have acted impiously [towards the deity]". *LSJ*, s. v. ἐνθύμιος provides descriptive glosses: "[what] weighs upon the mind … heart," to have "pricks of conscience."

[39] For an overview and analysis, see Karine Karila-Cohen, "L'étude du sentiment religieux à partir du lexique. L'exemple de ἐνθύμιος et ἐνθυμιστός," in *Paysage et religion en Grèce antique. Mélanges offerts à Madeleine Jost*, eds. Pierre Carlier and Charlotte Lerouge-Cohen (Paris: De Boccard, 2010), 109–21. Early examples are *LSS* 64, ll. 4–5 Thasos, late 5th/early 4th c. BC, a set of funerary regulations concerning war-dead, threatening anyone who ignores the stipulations of the decree: εἰ δὲ μή, ἐνθυμιστόν αὐτῶι ἔστω; *BCH* 130 ll. I.8–9 and II.25–26, Thasos, Delion, 4th century BC, banning of women from the sanctuary, stating that disobedience will weigh on their *thumos* (that is, be on their conscience): ἐνθυμιστόν αὐτῆι εἶναι; *LSCG* 154, ll. 12–14, Kos, Asclepieion, 3rd c. BC: ἐνθύμιον αὐτοῖς ἔστω ὡς ἀσ̣ε̣[βήσασιν (ὡς ἀδι[κήσασιν ?). Intriguing but difficult is *LSCG* 130, kathartic and entry regulation, Astypalaia, 3rd c. BC, cult of Asclepius: [ἐ]ς τὸ ἱερὸν μὴ ἐσέρπεν ὅστις μὴ ἁγνός ἐστι, ἢ τελεῖ ἢ αὐτῶι ἐν νῶι ἐσσεῖται, "No one shall enter the sanctuary who is not pure. Either he shall see to it, or it shall be on his mind."

in the corpus of ritual norms.[40] However, the explicit grouping of "pure mind" and "clean conscience" as "things internal" coheres well with the Stoic framework, in which the inner self and the body are grouped together and held separate from *ta ektos*. Consider, for instance, the passages that Stobaeus attributed to Arius Didymus, a Stoic philosopher and teacher of the young Octavian, stating that all good things fall into three categories related to *soma*, *psyche*, and *ta ektos*:

89.2: Τρία γένη τῶν ἀγαθῶν διαυθαίρετα ὑπάρχειν, τά τε περὶ ψυχήν, καὶ τὰ περὶ τὸ σῶμα, καὶ τὰ ἐκτός. καὶ μακρῷ αἱρετώτερα τὰ περὶ ψυχὴν τῶν ἄλλων, ἐπειδὴ καὶ ἡγεμονικώτερον καὶ αἱρετώτερον ψυχὴ σώματος …

There are three kinds of goods that are choiceworthy for their own sake, those belonging to the soul, those belonging to the body, and the external ones; and the goods belonging to the soul are far more choiceworthy than the other ones, for the soul is more authoritative and choiceworthy than the body.

89.1: Ὅπερ μὲν οὖν ἐν σώματί φαμεν ὑγίειαν, τοῦτ' ἐν τῇ ψυχῇ καλεῖσθαι σωφροσύνην, ἐν δὲ τοῖς ἐκτὸς πλοῦτον …

What we call health in the body, in the soul is called temperance, and in external things wealth.[41]

These two passages of Didymus imply a division between the things internal, to which both soul and body belong, and the rest, the things external. Didymus also provides a hierarchical taxonomy of the constituent parts: the status of the soul is superior to that of the body since the soul is more authoritative than the body and preferable to it.

Similarly, the text of *LSCG* 139 not only introduces a dichotomy between the things internal and the things external, but it also constructs a hierarchy between them: *ta entos* are more important than *ta ektos*. Purity of mind and hands (that is, abstinence from impious dispositions and actions) are "the first and most important issue," coupled with health and good conscience. According to the passage of Didymus, the chief virtue for σῶμα (body) is health (compare *LSCG* 139, ll. 5–6: ὑγιε[ῖς] ὑπάρχοντας), while for the soul it is *sophrosyne*, "safe and

[40] On general division between the inside and the outside in Greek anthropological thinking, see Chaniotis, "Reinheit des Körpers."

[41] Arius Didymus, 89.1–2 (Mullach). Tr. Georgia Tsouni, "Didymus' Epitome of Peripatetic Ethics, Household Management, and Politics: An Edition with Translation," in *Arius Didymus on Peripatetic Ethics, Household Management, and Politics. Text, Translation, and Discussion,* ed. William W. Fortenbaugh (London/New York: Routledge, 2018), 25. The idea of a tripartition of "good things" goes back to Plato (*Leg.* 3.697a–b), but as Myrto Hatzimichali, "Bodily and External Goods in Relation to Happiness," in Fortenbaugh, *Arius Didymus,* 205–206 points out, "It was formalised and became … a central point of contention in the Hellenistic debate between Stoics and Peripatetics over the pursuit of happiness." On tripartitions, see esp. Brad Inwood, "Ancient Goods: The Tria Genera Bonorum in Ethical Theory," in *Strategies of Argument. Essays in Ancient Ethics, Epistemology and Logic in Honor of Gisela Striker*, ed. Mi-Kyoung Lee (Oxford: Oxford University Press, 2014), 255–80.

sound mind" (~ *LSCG* 139, ll. 6–7: γνώμην[42] καθαροὺς καὶ μηδὲν αὐτοῖς δεινὸν συνειδότας). In other words, one can avoid lentil soup and cheese, deprive oneself of goat meat, or become celibate, but if one's conscience is burdened with "things terrible," one is not *katharos*. The dominance of the inner self over mere and unreflective ritual action is a well-established trope, at the latest, from Plato onwards: a large gift given to a divinity by a bad man is worth less than a small one by a good one.[43] Pure inner self is what the gods appreciate most – we discover this motif repeatedly from 5th c. BC onwards.

Among Roman Stoics, the rationale regarding purity ran along the same lines. Cicero, an intellectual deeply interested in Stoic ethics, succinctly expressed the view on supremacy of the pure soul over body:

> The law commands us to approach the gods in purity (*caste*) – that is, purity of soul (*animo*), in which are included all things. This does not remove the necessity for purity of the body, but it should be understood that, since the soul is much superior to the body and one must observe the requirement of bodily purity, we ought to be much more careful about the soul. For in the former case impurity is removed by the sprinkling of water or the passage of a certain number of days, but a blemish on the soul can neither be blotted out by the passage of time nor washed away by any river.[44]

By the 1st century AD, the trope that inner purity trumps outer purity is a gnomological commonplace, regularly projected on archaic and classical figures of authority (such as Pythagoras), and it also finds its way into collections of maxims: *Disticha Catonis*, for instance, a popular collection of maxims that displays clear Stoic influence, opens with the following maxim:

Si deus est animus, nobis ut carmina dicunt, hic tibi praecipue sit pura mente colendus.

If god is a spirit, as the poems tell us, you are to venerate him in particular with a pure mind.[45]

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[42] In Pomeroy's 1999 edition, (Arthur J. Pomeroy, *Arius Didymus. Epitome of Stoic Ethics* [Atlanta, GA: SBL, 1999]) the following passage, elucidating what constitutes *gnome*, is attributed to Arius Didymus (Pomeroy 10a): γνώμην γὰρ λέγει νῦν τὴν εἴδησιν καὶ γνῶσιν τῶν ὀρθῶν πραγμάτων, "judgement means the awareness and recognition of right things."

[43] Jon D. Mikalson, *Greek Popular Religion in Greek Philosophy* (Oxford: Oxford University Press, 2010), 55–83.

[44] *De legibus* 2.24: *Caste iubet lex adire ad deos, animo videlicet in quo sunt omnia; nec tollit castimoniam corporis, sed hoc oportet intellegi, quom multum animus corpori praestet, observeturque ut casto corpore adeatur, multo esse in animis id servandum magis. Nam illud vel aspersione aquae vel dierum numero tollitur, animi labes nec diuturnitate evanescere nec amnibus ullis elui potest.* Cicero did not consider himself a Stoic, but his endorsement of Stoic ethics is evident in various places in his work. On this passage, see Darja Šterbenc Erker, "Unreinheit, Autorität und Politik in Ciceros *De haruspicum responso*," in *Reinheit und Autorität in den Kulturen des antiken Mittelmeerraumes,* eds. Benedikt Eckhardt, Clemens Leonhard and Klaus Zimmermann, Religion und Politik 21 (Baden-Baden: Ergon, 2020), 199–222.

[45] *Disticha Catonis* 1.1–2. The date of the collection is disputed; recently, Teresa Morgan, *Popular Morality in the Early Roman Empire* (Cambridge: Cambridge University Press, 2007), 87 has dated it to the 3rd century AD, while Serena Connolly, "Disticha Catonis Uticensis," *CP* 107

Now that we have discussed the phrases πρῶτον μὲν καὶ τὸ μέγιστον ("first and foremost") and καὶ τὰ ἐκτός ("regarding things external"), let me turn to the third phrase of *LSCG* 139 where I detect philosophical influences. This is the request that worshippers' consciences be free from knowledge of things terrible, μηδὲν αὐτοῖς δεινὸν συνειδότας (ll. 6–7). What these "terrible things" might be is perhaps best revealed by another ritual norm that comes from Philadelphia in the 1st century BC and requests that the knowledge of various transgressions (conspiracies, plotting, providing abortive drugs, illicit sexual affairs) has to be reported to the cult magistrates.[46]

The exact wording of the stipulation μηδὲν αὐτοῖς δεινὸν συνειδότας is an almost verbatim quote of a saying attributed to Socrates. In his discussion of sayings about conscience, Stobaeus reports that, when asked who can live a life without disturbance, Socrates responded: "those in whose conscience there is nothing bad" (ἄτοπον, literally, "out of place").[47] The overlap between our text and Socrates' quip is nearly complete, with the one difference being that Socrates has ἄτοπον for the inscription's δεινόν. Whether the attribution of the saying to Socrates is correct or not is open to speculation, but what really matters is that this formulation was understood as part of wisdom literature, invested with Socratic authority, and associated with religion: this is the reason why Stobaeus included it in the section of sayings on conscience.

(2012): 119–30 suggests the 1st century AD and points to the "strong Stoic flavor" of the *Disticha*. For a discussion of the opening, see W. Martin Bloomer, *The School of Rome. Latin Studies and the Origins of Liberal Education* (Berkeley: University of California Press, 2011). On p. 142 Bloomer prints the comma after *nobis* and translates: "Since our soul is divine." On Pythagoras and inner purity, see Petrovic and Petrovic, *Early Greek Religion*, 55–66. Cf. the closing of the *Sentences* of Ps.-Phocylides, *Sent.* 228, 1st century BC, with Walter T. Wilson, *The Sentences of Pseudo-Phocylides* (Berlin: de Gruyter, 2005), 168 for, again, Stoic influences, and 67–72 for the discussion of the epilogue: Ἁγνείη ψυχῆς, οὐ σώματός εἰσι καθαρμοί, "Not to body pertain the purifications, but to purity of the soul." Wilson prints οὗ for οὐ (p. 222) and translates (p. 67): "Let there be purity of the soul where there are purifications of the body."

[46] A discussion of such burdens on one's conscience is found in Chaniotis, "Reinheit des Körpers." The corpus of confession inscriptions, with its references to punishments for and expiation of perjury, sex in forbidden places, lack of respect for the periods of abstention, and ridiculing and disrespect of divine majesty, gives us a strong sense of what worshippers' consciences might be burdened by. On confession inscriptions, see Marijana Ricl, *Svest o grehu u maloazijskim kultovima rimskog doba* (Beograd: Filozofski fakultet Bgd., 1995), Georg Petzl, *Die Beichtinschriften Westkleinasiens* (Bonn: Habelt, 1994), and Georg Petzl, *Die Beichtinschriften im römischen Kleinasien und der fromme und gerechte Gott* (Opladen: Westdeutscher Verlag, 1998). Particularly informative regarding burdens on one's *syneidesis* is Petzl, *Westkleinasien* No. 69 = Ricl, *Svest* No. 29, which places the crime of poisoning on one's conscience.

[47] Stob. Anth. 3.24.13 (= IC 278 *Socratis et Socraticorum reliquiae*), in a section containing dicta on conscience, ΠΕΡΙ ΤΟΥ ΣΥΝΕΙΔΟΤΟΣ (3.24.1–16): Σωκράτης ἐρωτηθεὶς τίνες ἀταράχως ζῶσιν, εἶπεν "οἱ μηδὲν ἑαυτοῖς ἄτοπον συνειδότες". Cf. Schol. in Aristoph. 968a = Suda tau. 671 on the "who's here?!" pre-libation ritual: before libation, participants could either assert aloud that they are "many and good people" or choose to leave in case they have some burden on their conscience (τοῦτο δὲ ἐποίουν οἱ σπένδοντες, ἵνα οἱ συνειδότες τι ἑαυτοῖς ἄτοπον ἐκχωροῖεν τῶν σπονδῶν).

Let us now take a step back from the Rhodian norm and consider the larger picture. By now I hope it is conceivable that the formulations attested in *LSCG* 139 may reflect certain philosophical, and especially Stoic, influences. I also hope that it is clear that Rhodes provides a particularly intriguing dossier of ritual norms dealing with inner purity and conscience. While concerns for an individual's morality in general in Greek ritual regulations are far from uncommon, what is surprising about Rhodes is that we find multiple explicit requests for worshippers' inner purity, and the only two surviving inscriptional references to *syneidesis* (conscience) in ritual norms come from this island. The natural question, therefore, is: why Rhodes?

Along with being an international trade hub throughout the Hellenistic and Imperial periods, a coveted destination for many itinerant intellectuals, and an important cultural center throughout its history, I suspect that a particular role in the articulation of *LSCG* 139 was played by local philosophical schools. In this regard, we need to recall that the decentralization of philosophical thought in Greece starts with the opening of Peripatetic schools on Rhodes already in the late 4th c. BC.[48] And we know by name several of Aristotle's and Theophrastus' Rhodian students: Pasicles, Eudemus, Menedemus, Borysthenes. We also know that Platonists were active on Rhodes: Arideices, a student of Arcesilaos in the Middle Academy, was buried on Rhodes, and his sepulchral verse inscription includes an homage to the Muses, who "nourished him during his Platonic studies."[49] We know of several prominent Rhodian Stoics, among whom Posidonius of Apameia and Iason, the grandson of Posidonius, stand out. Both served as heads of the Stoic school on the island.[50]

Several of the intellectuals just mentioned wrote on religious matters. But more importantly, some of the most prominent ones, such as the famous philosopher Panaetius, son of Nicagoras, served as religious officials on Rhodes. In fact, Panaetius, one of the most influential Stoic philosophers of the day and the head of the Athenian and, subsequently, Rhodian Stoic schools, comes from a long line of priests and religious officials in Lindos, and his family received an honorary monument on the Lindian acropolis. Among his students were such exceptional figures as Posidonius and Hecaton, but also the crème de la crème of Roman intellectuals in the generation before Cicero: Publius Cornelius Scipio

[48] David N. Sedley, "Philodemus and the Decentralisation of Philosophy," *Cronache Ercolanesi* 33 (2003): 31–41.

[49] *GVI* 1451.

[50] The list of prominent Romans who studied philosophy on Rhodes in the 1st c. BC and who could, perhaps, have read some of the ritual norms mentioned include Cn. Pompey and Marcus Tullius Cicero, who studied with Posidonius (Plut. *Cic.* 4.5); Caesar studied oratory there with Apollonius Molon; Tiberius studied oratory, astrology, and Chaldean arts – a list of 150 or so prominent Rhodian intellectuals and students is provided by Benedicte Mygind "Intellectuals in Rhodes," in *Hellenistic Rhodes. Politics, Culture, and Society*, ed. Vincent Gabrielsen (Aarhus: Aarhus Universitetsforlag, 1999), 247–93.

Aemilianus, Quintus Mucius Scaevola Augur, Publius Rutilius Rufus, Gaius Laelius. Panaetius' reach and influence were extraordinary. From epigraphic evidence we learn that Panaetius was himself a *hierothytes* in Lindos, an official in charge of sacrifices.[51] The ideal for human existence that he formulated in his moral psychology was to attain virtue, bodily health, and, concerning external things, wealth. Ongoing self-examination was a key part of Stoic training and *ascesis*.[52] Hence, since we find philosophers serving as cult magistrates, we should not be surprised that philosophical thought penetrated even such a dry genre as a cathartic regulation with a list of abstentions.

3. Envoi

I started this essay by pointing out that purity doctrines are themselves never pure. My analysis suggested that the Rhodian text includes relatively traditional requests, such as abstentions from particular foodstuffs and sources of miasma like blood, death, and sex. I also pointed out that the request for inner purity, purity of *gnome*, is in line with what we identify as a constitutive part of Greek purity beliefs from early on. But I also tried to uncover atypical elements that found their way into this regulation: in my analysis of the text, I highlighted in particular the request for worshippers' self-examination in the guise of a clause relating to conscience, as well as the particularly Stoic (as I posit) influence that needs to be recognized in the parsing of purity as "the things external" and "the things internal." On the basis of the Rhodian epigraphic evidence I demonstrated that Stoics actually served as cult-personnel at Lindos.

In a way, *LSCG* 139 represents a bricolage of purity discourses, petrified in this particular form at a particular moment in time, and this is one of the difficulties presented by the nature of ritual norms: Greek ritual norms survive as freeze-frames gifted to us by the serendipity of the epigraphic tradition, and we wish we knew more about the outtakes and the additions. Yet, in the case of *LSCG* 139, the markedness of several clauses points towards its accretive nature, and we were able to conjecture the intellectual background of the bricoleurs who contributed some of the elements to this text. The Lindian norm stitched together elements that are elsewhere seldom found together in a single cathartic text. However, if one were to take *LSCG* 139 at face value without sensitivity to the entirety of the body of Greek ritual norms, the stitches would, perhaps, not have been visible. If, indeed, the ritual and moral impurity of the Qumran sectarians were melded into a single conception of defilement, can we discern anything about the welders?

[51] Panaetius' name in the list of *hierothyteis* on Rhodes: *I. Lindos* II 223.17: Παναίτιος Νικαγόρα. He possibly served in 144/3 BC. Cf. *SEG* 46.992 and *EBGR* 1997.261 for the chronology.

[52] Marietta, "Conscience."

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Purity as Popular Practice

Erasing the Anachronistic Divide between Household and Cult*

Thomas Kazen

"The notion that the ritual purity laws of Second Temple Judaism existed solely for the sake of the temple is a scholarly construct with little basis in reality. Unfortunately, this has not kept some from making it the central hermeneutical principle for their reconstructions of popular, Pharisaic, or tannaitic purity halakah."[1]

John C. Poirier

1. Introduction

In this paper I will discuss the tension between views on purity being practiced for the sake of the temple or as part of everyday life. I will argue against the idea that Jewish purity practices during the Second-Temple period were primarily focused on the Jerusalem temple cult and therefore of marginal concern for everyday life.[2] Such a view should long since have been abandoned because of the combined textual and archaeological evidence, which point in quite a different direction. Although texts as well as archaeological remains are always subject to different interpretations, historical reconstruction is not equal to *any possible* hypothesis, but should always go for the *most plausible* one – plausible in comparison with its alternatives. It is a problem that this basic principle is not always respected in historical research where ideological bias is strong and the topic of purity is an example of this. Besides discussing evidence-based historical arguments, we will also ask ourselves to what extent the scholarly tendency to

* This contribution, based on the paper given in Schwerte in April 2019, is also published in Thomas Kazen, *Impurity and Purification in Early Judaism and the Jesus Tradition* (RBS 98; Atlanta, GA: SBL Press, 2021), 277–302.

[1] John C. Poirier, "Purity Beyond the Temple in the Second Temple Era," *JBL* 122 (2003): 247–65, 265.

[2] In doing this, I follow up on a question I briefly mentioned but never pursued more than a decade ago in Thomas Kazen, *Issues of Impurity in Early Judaism*, ConBNT 45 (Winona Lake, IN: Eisenbrauns, 2010), 9–10.

limit purity practices to the cult reflects an anachronistically modern and secular understanding of religion as separate from life at large.

The arguments I will present are not necessarily new, many have been presented before, in one shape or another, but here I would like to juxtapose material evidence, textual evidence from the Second-Temple period, and rabbinic evidence. A seminal article was John Poirier's "Purity Beyond the Temple in the Second Temple Era," published in *Journal of Biblical Literature* more than 20 years ago.[3] Although it is frequently referenced, I think it deserves more attention than it has been given. The issue is of course much older than this, as it is tied up with a number of other questions: whether or not people actively avoided impurity; whether or not people other than "sectarians" or "extremists" observed particular purity practices, such as washing their hands before common meals or immersing after contact with various impurity bearers; whether or not people suffering from skin diseases classified as *ṣara'at* were generally avoided and barred from towns and villages; and whether or not menstruants were somehow isolated or restricted during their period.

The scholarly discussion about the extent to which the general population observed purity practices has been going on at least since the early 20th century, when Adolf Büchler questioned the 19th-century view that rabbinic halakah basically reflected the Second-Temple period and suggested many purity practices to be late Tannaitic innovations (Ushan period) and others, such as hand washing, to be extended customs with little influence outside of priestly groups and a few other individuals doing it out of piety.[4] Three decades later, Gedalyahu Alon argued almost the opposite, that purity was not limited to priestly contexts and practiced for the sake of cultic matters only, but by a larger part of the population and especially scrupulously by the *ḥaverim*. He found it far-fetched that Ushan sages should have invented numbers of new halakot, not rooted in earlier tradition. However, he did understand this wider observance as an extension of priestly law to the common people.[5]

Closer to our times we know the debates between Jacob Neusner and E. P. Sanders. While Neusner described the Pharisees as a pietist pure food association, aspiring to priestly sanctity and applying priestly laws outside of the temple to the meal,[6] Sanders argued against such an "analogy between the altar and the

[3] Poirier, "Purity Beyond the Temple."

[4] Adolf Büchler, *Der galiläische 'Am-ha'areṣ des zweiten Jahrhunderts. Beiträge zur innern Geschichte des palästinischen Judentums in den ersten zwei Jahrhunderten* (Wien: Alfred Höhler, 1906).

[5] Gedalyahu Alon, *Jews, Judaism and the Classical World. Studies in Jewish History in the Times of the Second Temple and Talmud* (Jerusalem: The Magnes Press, 1977). The book is a collection of articles, originally published in Hebrew. The article referred to was first published in *Tarbiz* in 1937.

[6] See for example ch. 22 ("Summary") in Jacob Neusner, *The Rabbinic Traditions about the Pharisees before 70*, vol. 3 (Leiden: Brill, 1971), 301–19.

common table,"[7] although he reluctantly ended up saying that the Pharisees made minor symbolic gestures towards living like priests.[8] Sanders offers an ambiguous picture, since on the one hand, against Neusner and others, he clearly affirms the observance of purity halakhah beyond cultic (temple) concerns "for its own sake,"[9] far from Jerusalem, and regardless of any upcoming temple visits, and he argues that most Jews in Palestine kept the biblical laws.[10] On the other hand, against Alon and others, he repeatedly argues against the idea "that the Pharisees had imposed the halakhah of priestly purity on all and sundry,"[11] by downplaying evidence for food purity as well as for general observance of menstrual seclusion, by common-sense arguments that certain practices would have been too complicated or too expensive.[12] Poirier suggests that Sanders "allows the view that he is challenging to determine his options" and "continues to regard the sanctity of the temple as the motivating principle behind purity in general."[13]

The last statement could probably work as an apt description of a number of scholars working on purity. Jacob Milgrom thinks the main problem with impurity is contamination of *sancta*, which logically follows from his understanding of impurity contaminating the temple from afar when people neglect to purify – a kind of airborne impurity.[14] Hannah Harrington defines purity as "a state of cleanness required for lay participation in the cult effected by physical purification rituals."[15] Cecilia Wassén considers the "overarching function of purity regulations … to prevent impurity from coming into contact with the holy; most importantly the temple in Jerusalem."[16] Although she does concede that people far from the temple cared about purity and that *miqva'ot* and stone vessels attest to a general concern, and even references Morten Hørning Jensen's description of the development as "a purity wave," she also argues that Jews did not actively

[7] Ed P. Sanders, *Jewish Law from Jesus to the Mishnah* (London: SCM, 1990), 176.

[8] Sanders, *Jewish Law*, 192, 232, 234.

[9] Sanders, *Jewish Law*, 184, 188, 192, 248.

[10] Ed P. Sanders, *Judaism: Practice and Belief 63 BCE–66 CE* (London: SCM, 1992), 218–19, 228–30, 236–37.

[11] Sanders, *Jewish Law*, 157.

[12] Sanders, *Jewish Law*, 143–45, 149–51, 160–61, 233. Even priests winked at the rules (135).

[13] Poirier, "Purity Beyond the Temple," 248.

[14] Jacob Milgrom, "Israel's Sanctuary. The Priestly 'Picture of Dorian Gray'," *RB* 83 (1976): 390–99; Jacob Milgrom, *Leviticus 1–16. A New Translation with Introduction and Commentary*, AB 3 (Garden City, New York: Doubleday, 1991), 999. Cf. the criticism of Hyam Maccoby, *Ritual and Morality. The Ritual Purity System and Its Place in Judaism* (Cambridge: Cambridge University Press, 1999), 165–92.

[15] Hannah K. Harrington, *The Impurity Systems of Qumran and the Rabbis. Biblical Foundations*, SBLDS 143 (Atlanta, GA: Scholars Press, 1993), 2; cf. Hannah K. Harrington, *The Purity Texts*, Companions to the Qumran Scrolls 5 (London and New York: T&T Clark, 2004), 8–12.

[16] Cecilia Wassén, "The Jewishness of Jesus and Ritual Purity," *SIDA* (Jewish Studies in the Nordic Countries Today) 27 (2016): 11–36, 20.

avoid impurity and only priests, Pharisees, and Essenes, whose lifestyle was extreme, avoided unnecessary impurities.[17]

Numerous scholars are part of this debate. Eyal Regev, for example, has argued that "non-priestly" purity was observed not only by Pharisees, but by many Jews during the late Second-Temple period, and interprets this as a sign of an increasing individualism, in contrast to the priestly system which focused on the community and the cult. Individual bodily practices filled personal spiritual needs that the institutionalized temple was unable to satisfy, especially for those living far away from Jerusalem.[18] What is interesting here, besides extending the pietism of Neusner's Pharisees to a broader segment of the population, is that Regev nevertheless assumes the cult as the default motivation for purity rules.

The double role of purity rules with regard to the cult and with regard to everyday life remains a riddle. Alon found both restrictive and expansionist tendencies in rabbinic texts supported by Scripture: on the one hand the rabbis extended holiness, including strict adherence to purity laws, to all Israel; on the other hand they interpreted laws leniently to make them livable. For Alon, the stricter laws were originally priestly. For Milgrom, this double role rather reflects different sources: P, which limits holiness to the sanctuary, and H, which requires holiness of the whole land and its inhabitants.[19]

As already suggested, the question of purity for the sake of the cult or as popular practice is tangled up with a number of other issues. In order to visualize the problem and its repercussions I will oversimplify: if impurity is considered an issue only or mainly with regard to *sancta*, then there is little need for ordinary people (non-priests) to observe purity practices except in preparation for temple visits and when separating priestly portions from foodstuff. There is little need to quarantine or isolate any impurity bearer except close to the temple, that is, in Jerusalem, and there is no point in avoiding contact with such people unless one is planning to touch something shortly that belongs to the cultic sphere.

[17] Wassén, "Jewishness," 20–22, 26, 31–32. Although Wassén's argument is theoretically possible with regard to the massive and wide-spread finds of *miqva'ot* (no-one avoided impurity because purification by immersion was easily available), it does not work with regard to stone vessels (not used for purification, but particularly for prevention, i. e., *avoidance* of impurity). Wassén's argument requires that stone vessels were only used by "extremists" – or that their widespread use was a matter of fashion rather than for purity purposes. The latter argument has been made, but is only reasonable for luxury stoneware, not for the large quantities of rough and fairly unsophisticated chalkstone vessels. Cf. Jürgen Zangenberg, "Pure Stone. Archaeological Evidence for Jewish Purity Practices in Late Second Temple Judaism (Miqwa'ot and Stone Vessels)," in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World*, eds. Christian Frevel and Christophe Nihan, DHR 3 (Leiden: Brill, 2013), 537–72, 551–54. For further discussion, see below.

[18] Eyal Regev, "Pure Individualism. The Idea of Non-Priestly Purity in Ancient Judaism," *JSJ* 31 (2000): 176–202.

[19] Alon, *Jews*; Milgrom, *Leviticus 1–16*, 42–51, see especially 48–49; Jacob Milgrom, *Leviticus 17–22*, AB 3A (Garden City, New York: Doubleday, 2000), 1711–26; cf. Harrington, *Impurity Systems*, 3–5.

For people outside of Jerusalem, there is, in fact, most of the time no reason to avoid any impurities, or to purify after having contracted them, because one-day impurities will be long gone before the next temple visit. In sum, if purity was only kept for the sake of the temple there would be no need to bother about impurity in everyday life. Impurity would just have been a ritual aspect of death and sex which must be kept apart from the cult, the sphere of the holy and divine. The people who would have avoided light impurities must either have been priests or belonged to a sectarian group aiming to appropriate priestly practices for themselves, whether as a supererogatory measure to increase their own holiness, or because of their interpretation of Scripture and halakah. The evidence, however, points in a different direction, to which we will now turn.

2. Material Evidence

Archaeological evidence for general observance of purity practices during the late Second-Temple period consists mainly of stepped pools and chalkstone vessels.[20] When Ronny Reich first published on *miqva'ot* in the 1980s and 1990s, there was a heated debate about their identification and their spread. Reich counted around 300 of them, half of them in Jerusalem and the other half elsewhere. The predominance of Jerusalem pools made it possible to still maintain the cult as the primary motivation for ritual purification. In his somewhat (but not sufficiently) updated version from 2013 of his original dissertation from 1990, Reich counts 459 stepped pools from before 70 CE, 206 of which are found in Jerusalem with surroundings and 16 in Galilee, the rest elsewhere. In addition, he lists 74 pools from after 70 CE.[21] The shift in the evidence is marginal.

However, Reich did not seem to consider Yonatan Adler's dissertation from 2011, in which he lists 850 stepped pools in a detailed inventory. Of these, more than 600 are from the Hasmonean and early Roman period, about 170 in Jerusalem and almost 70 in Galilee.[22] Today the count is over 900. Adler points

[20] For an accessible discussion and interpretation of the large number of finds of stepped pools and chalkstone vessels, and their distribution, see Yonatan Adler, "Between Priestly Cult and Common Culture. The Material Evidence of Ritual Purity Observance in Early Roman Jerusalem Reassessed," *JAJ* 7 (2016): 228–48.

[21] Ronny Reich, *Miqwa'ot (Jewish Ritual Baths) in the Second Temple, Mishnaic and Talmudic Periods* (Jerusalem: Yad Yizhak Ben- Zvi and Israel Exploration Society, 2013) (in Hebrew). Cf. Yonatan Adler, "Tosefta Shabbat 1:14 – 'Come and See the Extent to Which Purity Has Spread'. An Archaeological Perspective on the Historical Background to a Late Tannaitic Passage," in *Talmuda de-Eretz Israel. Archaeology and the Rabbis in Late Antique Palestine*, eds. Steven Fine and Aaron Koller (Berlin: de Gruyter, 2014), 63–82.

[22] Yonatan Adler, "The Archaeology of Purity. Archaeological Evidence for the Observance of Ritual Purity in *Erez-Israel* from the Hasmonean Period until the End of the Talmudic Era (164 BCE–400 CE)." PhD diss. (Ramat-Gan: Bar-Ilan University, 2011) (in Hebrew).

out the difficulty in distinguishing a pre-70 archaeological context from the subsequent period up to the Bar Kochba revolt.[23] Hence hundreds of *miqva'ot* outside of Jerusalem in sites not destroyed during the first war could and would have been in use up to the Bar Kochba revolt. Of the stepped pools built after Bar Kochba, most are found in Galilee and in the southern Hebron hills, where large Jewish populations were found.[24] Without getting bogged down by further details, we note Adler's conclusions: archaeological evidence does not indicate any decline in *miqveh* practices before 135 CE. For the period after the Bar Kochba revolt, evidence is inconclusive. Purifications in stepped pools continued, but we cannot know exactly to what extent the custom continued.[25]

Based on recent evidence, it is no longer a responsible claim that purification was mainly for the sake of the temple cult and a concern around Jerusalem. There is still a larger concentration of finds in Jerusalem and in Judaea, but we cannot be certain about the reasons for fewer finds of *miqva'ot* in Galilee than further south. Adler suggests that this could partly be due to less development in Galilee, with fewer salvage excavations, compared with the central part of Israel. Such excavations have provided a large number of the *miqva'ot* finds in recent years. Also, excavations in Galilee have often focused on monumental structures, such as potential synagogues, rather than on domestic areas. Moreover, Galilee had more access to natural spring water, and Adler speculates about natural water sources sometimes making *miqva'ot* less necessary.[26] Be that as it may, the finds we already have are sufficient to prove that ritual purification by immersion was a widespread practice in Galilee, too, and the archaeological evidence altogether attests to such practice close and far from the temple, before and after its destruction. Besides large *miqva'ot* in public space, close to the Jerusalem temple, stepped pools have been found all over the country in private homes as well as in shared courtyards, and in all types of settlements, from elite mansions in Jerusalem's upper city to simple settlements in the countryside. They appear adjacent to synagogues, to burial places, and to food production units, such as wine and oil presses.[27] All of this suggests that purification in water played an

[23] Yonatan Adler, "The Decline of Jewish Ritual Purity Observance in Roman Palaestina. An Archaeological Perspective on Chronology and Historical Context," in *Expressions of Cult in the Southern Levant in the Greco-Roman Period. Manifestations in Texts and Material Culture*, eds. Oren Tal and Zeev Weiss, Contextualizing the Sacred 6 (Turnhout: Brepols, 2017), 269–84, 270–71. Pottery types from the last half of the first century continued in use during much of the second and hardly any new vessel types were introduced between the wars. Archaeology's "Early Roman period" is often called the late Second-Temple period, despite running into the first half of the second century.

[24] Yonatan Adler, "Religion, Judaism: Purity in the Roman Period," in *The Oxford Encyclopedia of the Bible and Archaeology*, ed. Daniel Master et al. (Oxford: Oxford University Press, 2013), 240–49, 244.

[25] Adler, "Decline," 273.

[26] Adler, "Decline," 272.

[27] Adler, "Purity in the Roman Period," 244. Cf. Yonatan Adler, "The Ancient Synagogue and

important role in everyday life for Jews in the Early Roman period with no signs of decrease before the Bar Kochba revolt. While the loss of the temple had a great impact on Judaism in other regards – at least the cult immediately ceased – it seems to have changed little for the continuation of purity practices, at least for a good part of a century after the first revolt.[28]

These are the facts on the grounds, but they can of course be variously interpreted. There have always been sceptics against the identification of stepped pools as a *miqva'ot*, pointing out that they could have been used for a variety of purposes. Also, rabbinic requirements for valid *miqva'ot* (measurements, methods of filling, etc) cannot be retrojected into the Second-Temple period, that would be anachronistic.[29] While all of this is certainly true, storage pools generally seem to have much narrower steps and industrial installations usually look quite different. Jürgen Zangenberg points to new technologies (plastering) in the Hasmonean period, when stepped pools first appear.[30] While this partially explains their construction, it says little of their motivation. Cecilia Wassén has recently questioned purity as a motivation for the construction of stepped pools, basing herself on an understanding of their construction from the early first century CE and onward as triggered by Jewish encounters with Greek and Roman bathing culture.[31] Seeing stepped pools as "the result of the general

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the Ritual Bath. The Archaeological Evidence and its Relevance to an Early Rabbinic Enactment," *Cathedra* 128 (2008): 51–72 (in Hebrew); Yonatan Adler, "Second Temple Period Ritual Baths Adjacent to Agricultural Installations: The Archaeological Evidence in Light of the Halakhic Sources," *JJS* 59 (2008): 62–72; Yonatan Adler, "Ritual Baths Adjacent to Tombs. An Analysis of the Archaeological Evidence in Light of the Halakhic Sources," *JSJ* 40 (2009): 55–73. Whether the presence of *miqva'ot* in the vicinity of certain synagogues in the land of Israel indicate purification before prayer and/or Torah study is a debated issue. Cf. Ronny Reich, "The Synagogue and the *Miqweh* in Eretz-Israel in the Second-Temple, Mishnaic, and Talmudic Periods," in *Ancient Synagogues. Historical Analysis and Archaeological Discovery*, eds. Dan Urman and Paul V. M. Flesher (Leiden: Brill, 1995), 289–97, 296; Adler, "The Ancient Synagogue." The *proximity* of a *miqveh* does not, however, necessarily prove the *purpose* of purifications and Adler is now hesitant to conclude too much regarding *miqveh* purification before synagogue prayer (personal communication).

[28] The late rabbinic statement (Bereshit Rabbah 64) that the Bar Kochba revolt was triggered by Hadrian withdrawing an earlier promise to rebuild the Jerusalem temple may not be historical, but it is reasonable to assume that expectations of the temple's rebuilding were high to begin with and that the cult would be resumed within a foreseeable future. Cf. Martin Goodman, *A History of Judaism* (Princeton: Princeton University Press, 2018), 241–48. See also Daniel R. Schwartz and Zeev Weiss (eds.), *Was 70 CE a Watershed in Jewish History? On Jews and Judaism before and after the Destruction of the Second Temple*, AJEC 78 (Leiden: Brill, 2012). This is no explanation, however, for the extensive continuation of purity practices, if they were solely or mainly understood to exist for the sake of the cult.

[29] Cf. Stuart S. Miller, *At the Intersection of Texts and Material Finds. Stepped Pools, Stone Vessels, and Ritual Purity Among the Jews of Roman Galilee*, JAJSup 16 (Göttingen: Vandenhoeck & Ruprecht, 2015), 32–103.

[30] Zangenberg, "Pure Stone," 543.

[31] Such views of the emergence of stepped pools are not new and not necessarily contrary to seeing purity as a motivation for their construction. For scholars associating the emergence

bathing culture of the Greco-Roman world" and associating their emergence with new washing habits, Wassén says: "the presence of stepped pools demonstrate that people washed themselves in new ways; it does not reveal much about whether people *also* cared about purity."[32] I disagree with the last inference. We must ask ourselves why only Jews within the land of Israel were influenced to construct basins of this particular kind[33] and why none of their neighbors did.

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of stepped pools with developments in bathing culture *and* purity observance, see for example Yonatan Adler, "The Hellenistic Origins of Jewish Ritual Immersion," *JJS* 69 (2018): 1–21; Eyal Regev, "Herod's Jewish Ideology Facing Romanization. On Intermarriage, Ritual Baths, and Speeches," *JQR* 100 (2010): 197–222.

[32] Cecilia Wassén, "Stepped Pools and Stone Vessels. Rethinking Jewish Purity Practices," *BAR* 45:4–5 (2019), 53–58 (58).

[33] Diaspora Jews did not. Suggestions about *miqva'ot* in or near diaspora synagogues are not corroborated by material finds, even though proximity to water and various types of water installations may suggest purification of hands and feet; cf. Anders Runesson, "Water and Worship: Ostia and the Ritual Bath in the Diaspora Synagogue," in *The Synagogue of Ancient Ostia and the Jews of Rome. Interdisciplinary Studies*, eds. Birger Olsson, Dieter Mitternacht and Olof Brandt, ActaRom 4:57 (Stockholm: Paul Åströms Förlag, 2001), 115–29. The only candidate is the vaulted cistern right under a supporting wall in the building in Delos, believed to be a synagogue, which is far from sure. Although not a stepped pool, this basin has been suggested to have served the purpose of purification through immersion, the bather descending by a ladder; cf. Philippe Bruneau, *Recherches sur les cultes de Délos à l'époque hellénistique et à l'époque impériale*, Bibliothèques de l'Ecole française d'Athènes et de Rome 2017 (Paris: Éditions E. de Boccard, 1970), 490–91; Donald D. Binder, *Into the Temple Courts. The Place of the Synagogue in the Second Temple Period*, SBLDS 169 (Atlanta, GA: Society of Biblical Literature, 1999), 306; Runesson, "Water and Worship," 124. If true, this would be the only extant example of a ritual bathing pool in the diaspora and one of the oldest anywhere (2nd century BCE). The arguments against the cistern having ever been used for immersion are, however, overwhelming. The cistern lacked steps, was four meters deep, and could only have been accessed from the area under the arch, which was a maximum of 32 cm above the original floor level. It was not a *miqveh* and it cannot have been used for immersion. See Monika Trümper, "The Oldest Original Synagogue Building in the Diaspora. The Delos Synagogue Reconsidered," *Hesperia: The Journal of the American School of Classical Studies at Athens* 73 (2004): 513–98 (575–78); Lidia Matassa, "Unravelling the Myth of the Synagogue on Delos," *BAIAS Society* 25 (2007): 81–115 (100–103). In a subsequent article, Trümper is critical of many of Matassa's interpretations, but they agree about the cistern not being used for ritual immersions (Monika Trümper, "The Synagogue in Delos Revisited," in *Synagogues in the Hellenistic and Roman Periods. Archaeological Finds, New Methods, New Theories*, eds. Lutz Doering and Andrew R. Krause, ISIJD 11 (Göttingen: Vandenhoeck & Ruprecht, 2020), 81–123 (110–111). Why, then, are there no diaspora *miqva'ot*? One possible explanation is that the use of stepped pools (as well as chalkstone vessels) was thought of as a land-bound halakic practice, analogous to land-bound biblical commandments. Although a date towards the end of the Tannaitic period has been suggested for the *baraita* of the boundaries of the land of Israel (e. g., t. Šebu. 4.11), the delineated area roughly coincides (with some variations) with the distribution of *miqva'ot* and chalkstone vessels before 70 CE. See Jodi Magness, "Purity Observance among Diaspora Jews in the Roman World," *Archaeology and Text* 1 (2017): 39–65. I do not agree with Magness, however, that a graded understanding of spheres of holiness implies that "cultic purity laws were originally highly localized to the Temple precincts" (49). The underlying reasoning could be turned the other way round: that which was considered to defile people in general would have been regarded as even worse for the sanctuary.

The answer is probably that for ordinary bathing purposes people would prefer pools with drainage and/or smaller tubs that could easily be emptied, cleaned, and filled. If the emergence of stepped pools is understood in postcolonial terms as a mimicry of sorts, we need a plausible explanation for this peculiar hybrid. There is one, supported by slightly later rabbinic texts: purity concerns. One does not need to retroject rabbinic conditions or posit an exclusively ritual use in order to understand purification by immersion as the decisive factor behind the architecture of *miqva'ot*.

Even if one accepts the number and spread and locations of stepped pools as evidence for purifications being common, regular and frequent, one could perhaps argue that most of these concerned necessary or "permitted" impurities related to menstruation, semen emission, sexual intercourse, and burial, as well as purification from long-term impurities caused by certain diseases. Such impurities were part of ordinary life and could not be avoided. What about other impurities that were contracted through physical contact with impurity bearers or other primary sources of impurity? Some argue that impurity was generally considered neutral to the degree that ordinary people did not even try to avoid it when they could; such scrupulousness was only for the extreme.[34] People in general did not bother to avoid impurity through contact with dischargers, people with skin disease ("lepers"), graves and burial grounds, corpse impurity from unrelated people, through overshadowing/overhang, or impurity from carcasses and from dead "swarmers" via hands, food, and liquid. Immersion was simple and would take care not only of necessary impurities but also of unnecessary contamination.

Behind such reasoning lies a spoken or unspoken assumption that purity was only or mainly understood to affect the cultic sphere, the temple. But the logic breaks down. If purity was only necessary for the sake of the cult, why bother in other contexts? If impurity was so neutral and innocuous that most people did not care about secondary contaminations, why bother about purifying from them at all – people would hardly be aware of contamination if they were not observant anyway? If such minimalist assumptions and arguments are accepted, we cannot assume that people in general purified themselves except from the most obvious and major impurities. And even then, the motivation remains unclear. I would not deny that there were different levels of observance within the population. To the contrary, this is why we find dissensions, associations, and conflicts between various groups, accusing one another of flouting the law while the real issues are differences in interpretation and application.[35] But if

[34] This is what Wassén suggests ("Jewishness," 30–31).

[35] Disagreement regarding halakic interpretation and practice must be one important reason for the sharp conflicts between dissenting groups during the late Second-Temple period, such as Sadducees against Pharisees, early Christ-believing groups against emerging rabbinic Judaism, and the people behind texts like 4QMMT against other (mainstream?) Jews. When, for example,

major segments of the population neither avoided impurity, nor purified, except when absolutely necessary for the sake of the cult, both the numbers and the distribution of *miqva'ot* seem a bit of an overkill. A minimalist and cult-centered view is neither intuitive, nor plausible.

It becomes even more problematic when we bring chalkstone vessels into the equation. These vessels were popular during approximately the same period, and most probably their primary function was to *prevent* contamination from spreading. The Torah's lack of mention of the status of stone vessels in contexts where contamination of vessels is discussed seems to lie behind the view that they were insusceptible to impurity.[36] The rabbis assume this[37] and it is hinted at in the Gospel of John (2:6). The sudden flourishing of a chalkstone vessel industry during the Early Roman period is a conspicuously Jewish phenomenon and only found in Jewish settlements in Roman Palestine. Many archaeologists and scholars have studied the chalkstone vessels, beginning with Yitzhak Magen, whose publications on industries at Ḥizma and near the Temple Mount are semi-

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the covenanters accuse others of defiling the sanctuary by not separating pure from impure and sleeping with menstruants, this likely reflects differing views on contamination chains or how to count days (CD V,7).

[36] The main texts are Lev 11:32–36 and Num 31:22–23. The Leviticus text lists the type of vessels (כלים) that are defiled by a dead שרץ falling onto them and distinguishes between those vessels that can be purified by water and those that must be destroyed. The text from Numbers distinguishes between vessels of metal and other vessels: the former must be purified through fire *and* water, while those vessels that cannot withstand fire are purified by water only. Stone goes unmentioned in both texts. From a "nominalist" perspective, this could be interpreted as stone being unsusceptible to impurity, while a "realist" interpretation would probably notice generalising expressions like כל־כלי אשר־יעשה מלאכה בהם (Lev 11:32) and כל־דבר אשר־יבא באש (Num 31:23). Although no overt discussion regarding this particular issue exists in the ancient sources, according to my knowledge, this is plausible as a principled way of understanding the position seemingly taken by the covenanters and the opposite position taken by the later rabbis. Cf. the type of argument concerning halakic difference and development in Aharon Shemesh, *Halakhah in the Making. The Development of Jewish Law from Qumran to the Rabbis*, The Taubman Lectures in Jewish Studies 6 (Berkeley, Los Angeles: University of California Press, 2009); Thomas Kazen, *Scripture, Interpretation, or Authority? Motives and Arguments in Jesus' Halakic Conflicts*, WUNT 320 (Tübingen: Mohr Siebeck, 2013).

[37] Several times in *Sefer Ṭeharot*, especially in m. 'Ohalot, vessels of stone are mentioned together with "dung" vessels and (unburned) earthen vessels (e. g. m. 'Ohal. 5:5; 6:1; cf. m. Kelim 10:1). The underlying assumption is that they do not contract impurity, although the discussions concern more complex issues, such as the circumstances under which certain covered vessels protect contents against corpse impurity through overshadowing, in which case also clay vessels are included. The clearest *direct* early rabbinic evidence for the insusceptibility of stone is probably from m. Parah, where the preparation of the purification water (מי נדה) in Jerusalem was thought to have involved children bringing water from the pool of Siloam in stone cups (כוסות של אבן) (m. Parah 3:2), priests beating up the burnt bones with stone hammers (מקבות של אבן) (m. Parah 3:11), and the water being mixed in vessels of stone (כלי אבנים), vessels of "dung", or (unburned) clay vessel (m. Parah 5:5; cf. the presupposition behind m. Miqw. 4:1), all of which are never explicitly mentioned in the biblical texts.

nal,[38] and Roland Deines, who brought the archaeological and textual discussion together more than 30 years ago.[39]

In recent years some scholars have warned against drawing far-reaching conclusions from the presence of stone vessels. Stuart Miller thinks "stone vessel usage was a spin-off of the increased use of stone during the Herodian period for construction purposes" and that "scholars who regard stone vessels as Jewish identity markers may be overstating not only the origins but also the implications of stone vessel *usage*."[40] Stoppers and lids could have been originally made of stone for other purposes.[41] Zangenberg mentions among other things decorated table tops and sun dials as "objects of the refined lifestyle of an increasingly prosperous elite that readily adopted elements of Hellenistic decorative language."[42] He does "not consider stone objects as general evidence for an all-encompassing quest for purity."[43] Wassén similarly claims that "[s]tone vessels may have been popular for utilitarian reasons, as well as for fashion" and that "the presence of stone vessels does not necessarily indicate a concern for purity."[44] While I find certain criticisms relevant, for example against the purported use of "measuring cups" for hand washing,[45] I think these critics somehow downplay the main issue, which is not about sun dials or decorated items for the elite, but the fairly rough storage vessels and tableware that have been found in large quantities and hardly give an impression of being luxury goods. Their aesthetic quality is admittedly a matter of taste. We may assume that they required more labor than pottery, although we cannot know for sure.[46] Most importantly, however, these vessels, made of soft chalkstone, were far from ideal for handling food and drink – they were porous and dusty and it is difficult to understand their sudden "popularity" and distribution in Jewish areas during a limited period, unless there is plausible explanation.

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[38] Yitzhak Magen, "Jerusalem as a Center of the Stone Vessel Industry during the Second Temple Period," in *Ancient Jerusalem Revealed*, ed. Hillel Geva (Jerusalem: Israel Exploration Society, 1994), 244–57; Yitzhak Magen, *The Stone Vessel Industry in the Second Temple Period. Excavations at Ḥizma and the Jerusalem Temple Mount*, Judea and Samaria Publications 1 (Jerusalem: Israel Exploration Society et al., 2002); the latter is a revision of Magen's 1988 study in Hebrew.

[39] Roland Deines, *Jüdische Steingefäße und pharisäische Frömmigkeit. Ein archäologisch-historischer Beitrag zum Verständnis von Joh 2,6 und der jüdischen Reinheitshalacha zur Zeit Jesu*, WUNT 2/52 (Tübingen: Mohr Siebeck, 1993).

[40] Miller, *Intersection*, 174.

[41] Miller, *Intersection*, 174.

[42] Zangenberg, "Pure Stone," 548, 553–54.

[43] Zangenberg, "Pure Stone," 554.

[44] Wassén, "Stepped Pools," 56.

[45] Cf. Miller, *Intersection*, 176.

[46] Andrea Berlin speculates that stone vessels were rather inexpensive; Andrea Berlin, "Household Judaism," in *Galilee in the Late Second Temple and Mishnaic Periods*, Vol. 1: *Life, Culture, and Society*, eds. David A. Fiensy and James Riley Strange (Minneapolis, MN: Fortress, 2014), 208–15 (214).

I will not go into further detail concerning the study of stone vessels and their typology.[47] Suffice it to state that their production continued through the period between the wars, but almost ceased after the second revolt. From the period before that, vessels and fragments are found at virtually every excavated site, alongside pottery, of course. Chalkstone vessels were widely used as a complement, and the most reasonable explanation for this is their deployment for purity purposes. The whole point of their use was to *prevent* the spread of impurity, i. e., *avoid contagion* in everyday life. It is not reasonable to suggest that their use was limited to storing and eating *terumah* only; again, their numbers and the distribution of the remains makes such a limited use quite unbelievable.[48] We must rather envisage their use by various impurity bearers in order to prevent the spread of secondary impurities to others, by purifying people in intermediate states, and by pure people in order to protect the purity of food and liquid in various contexts. To be more specific in our speculations we would need to outline, or rather reconstruct, possible types and chains of contamination during the period in question, which becomes increasingly difficult once we realize that the rabbinic "removes" are partially later constructions and rationalizations, that practices varied and were continuously evolving and reinterpreted, and that we need to discuss plausible trajectories of development of customs, logic, and halakic reasoning between the evidence from Qumran and other Second-Temple period texts and Tannaitic elaborations. There is no room here to explore this further.[49]

From the material evidence, however, we must conclude that there are no indications of stone vessels being used exclusively by certain groups or sects. Hence the avoidance of impurity and the aspiration of a high degree of purity for its own sake and with little or no relevance for the Jerusalem temple cult, cannot and should not be denied.

3. Textual Evidence

We should probably date the redaction of the purity laws of Leviticus to the early 5th century BCE,[50] while the corpse impurity laws in Numbers are part of

[47] Cf. Jane M. Cahill, "Chalk Vessel Assemblages of the Persian/Hellenistic and Early Roman Periods," in *Excavations at the City of David 1978–1985, Directed by Yigal Shiloh,* Volume III: *Stratigraphical, Environmental, and Other Reports*, eds. Alon de Groot and Donald T. Ariel, *Qedem* 33 (1992): 190–274; Magen, *Stone Vessel Industry*.

[48] Cf. Regev, "Pure Individualism," 181–83.

[49] Cf. my attempts on Sabbath, purity, and divorce halakhah in Kazen, *Scripture, Interpretation, or Authority?*

[50] That is, within the framework of the composition of P, but before it was supplemented by Lev 4–5 and 6–7, around the middle of the 5th century BCE. Purity laws as well as sacrificial laws most probably have a prehistory in the form of checklists or priestly manuals. See Christophe

late Pentateuchal redaction in the 4th century BCE.[51] The purity laws in Leviticus certainly find their roots in earlier customs and local cultural practices and it is reasonable to think that for example the lists of clean and unclean animals were formulated and expanded already during the exile, when previous customs were no longer ecologically and locally anchored, but needed support. But as I have discussed elsewhere, the evidence for pre-exilic purity practices only attest to very general conceptions, while many of the details in Lev 11–15 and Num 19 seem to reflect influence from Persian culture and religion (Zoroastrianism).[52] Hence we must contextualize the biblical purity legislation within Yehud, a vassal temple-state of limited scope, giving attention to the rebuilding of the Jerusalem temple and the restoration of its cult. The experiences of exile and return also nourished ideas of holiness, not only of the temple, but with regard to the population and the land – ideas that come to expression in the Holiness Code and complement and color the sacrificial and purity laws later in the 5th century BCE.[53]

In view of this context, it is conspicuous that so little in the laws about impurities of the body (Lev 12–15) reflects a concern for cultic contamination. It is true that Lev 16 is all about purification of the sanctuary, and based on the literary structure of Leviticus it is possible to read previous chapters in light of this. A close reading of the texts, however, reveal astonishingly little in this regard and not enough for building global assumptions. Lev 12:4 prohibits the parturient to touch anything holy or enter the sanctuary before the second part of her purification period is over. Lev 13:46 orders persons with skin disease to stay out of the camp. Lev 14:8 allows such a person back in camp but not into his house during his seven-day purification period. Lev 14:45 orders stone and wood from a "leprous" house to be deposited outside the city. Lev 15:31 says, after the instructions regarding the *zavah*: "Thus you shall keep the people of Israel separate from their uncleanness, so that they do not die in their uncleanness by defiling

Nihan, *From Priestly Torah to Pentateuch*, FAT 2:25 (Tübingen: Mohr Siebeck, 2007), 269–394, in particular 383–94 and 614.

[51] Reinhard Achenbach, *Die Vollendung der Tora. Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch*, BZAR 3 (Wiesbaden: Harrassowitz, 2003), 499–529, 629–33. Corpse impurity laws are seen as belonging to one of the last stages of redaction.

[52] Thomas Kazen, "Purity and Persia," in *Current Issues in Priestly and Related Literature. The Legacy of Jacob Milgrom and Beyond*, eds. Roy E. Gane and Ada Taggar-Cohen, RBS (Atlanta, GA: Society of Biblical Literature, 2015), 435–62.

[53] For H in relation to P in general and the Holiness Code in relation to the first half of Leviticus in particular, see Nihan, *From Priestly Torah*, 395–575; cf. the seminal works of Knohl and Milgrom, identifying H in the Pentateuch, although Milgrom's dating in particular is far too early: Israel Knohl, *The Sanctuary of Silence. The Priestly Torah and the Holiness School*, trans. Jackie Feldman and Peretz Rodman (Minneapolis: Fortress, 1995); Milgrom, *Leviticus 1–16*; Milgrom, *Leviticus 17–22*; Milgrom, *Leviticus 23–27*, AB 3B (Garden City, New York: Doubleday, 2001).

my tabernacle (*miškān*, tent, dwelling) that is in their midst." In addition to these texts, the food laws add (Lev 11:43–45, NRSV):

> You shall not make yourselves detestable with any creature that swarms; you shall not defile yourselves with them, and so become unclean. For I am the LORD your God; sanctify yourselves therefore, and be holy, for I am holy. You shall not defile yourselves with any swarming creature that moves on the earth. For I am the LORD who brought you up from the land of Egypt, to be your God; you shall be holy, for I am holy.

These verses are generally understood to come from a Holiness source (H), redacting the first part of Leviticus a half-century or so later.[54] The same applies to Lev 11:43–45, to Lev 15:31 and to the section in Lev 14 dealing with "leprous" houses. Leviticus 12 is often seen to be somewhat later than Lev 15 as it assumes the basic discharge laws. These H passages do little more than emphasize the need for the people to guard their holiness by avoiding impurity and purifying from it when contaminated. The temple is not the main motivation, however, but the holiness of God and the special status of the people. The two passages that mention the sanctuary are Lev 12:3 and 15:31. The latter has been used to argue for a concept of airborne defilement of the sanctuary from afar,[55] but I find it more natural to interpret it in line with Lev 12:4. People must not enter the temple while unclean, that would be dangerous.[56] In the vulnerable context of a small struggling temple state, God demands holiness from the people, which includes purity, and especially not bringing impurity into the rebuilt temple that has just replaced a previous structure, which was destroyed because of the people's lack of holiness and obedience to the law. But this does not mean that purity laws had as their main focus to protect the temple. They rather reflect customary everyday behavior, codified as socioreligious law, interpreted theologically as holiness, and therefore particularly applicable in relation to the sanctuary.

To read the purity laws as temple-centered, one must first assume their temple-centeredness. In every regard, these instructions are about everyday life, about separation from impurity, avoidance, and purification when avoidance is not possible. They regulate customs for ordinary life: do not eat or touch carcasses of unclean animals and disgusting swarmers, purify vessels and protect food and liquid, purify after skin diseases and genital discharges, avoid contact contagion from all impurities and impurity bearers, if you cannot, purify immediately – these are the ways in which contamination spreads.

The alternative would be to read the rules about vessels, food, and liquids as irrelevant unless one was just about to separate *terumah* and to understand the

[54] See previous note.

[55] The idea is elaborated by Jacob Milgrom but has been criticized. See note 14 above.

[56] Lev 12:4 spells this out clearly, in order to make it clear that even though the parturient's first period of impurity is seven days (fourteen after the birth of a girl), as in most other cases, she may not enter the sanctuary until the lengthy second period is over. This needs to be pointed out. Purity is not for the sake of the cult, but holiness is extra sensitive to impurity.

reason for expelling the person with skin disease to be protection of the temple, while others could freely interact with him or her without considering contagion. (For what reason the person with skin disease should then call out "Unclean, unclean" remains a riddle.) The elaborate discharge laws would not aim to make people avoid defilement by contact, but only to carefully identify an array of contacts which would disqualify a person from entering the sanctuary on that day. I find such an interpretation unsatisfactory.

What, then, about corpse impurity? The Holiness Code discusses it briefly with regard to priests. Priests may not touch a dead body except for close relatives (Lev 21:1–4) and the high priest is not allowed even that (Lev 21:10–12). This is motivated by the sanctity of the priest, but the possible contamination of the sanctuary is never made explicit. In Numbers 19, corpse impurity is spelled out in more detail, juxtaposed to instructions for the red cow rite, which the priestly authors have somehow subsumed under the *ḥaṭṭ'at* sacrifice (Num 19:9). Here it is clear that corpse impurity concerns everyone and requires purification by purification water (*mei niddah*). The person who neglects this remains impure (Num 19:12, 13) and his *nefesh* shall be "cut out (וְנִכְרְתָה) from Israel (19:13)/ the midst of the congregation (19:20)." The motivation is that "he has defiled the tabernacle of YHWH" (אֶת־מִשְׁכַּן יְהוָה טִמֵּא [tent, dwelling, 19:13]/ אֶת־מִקְדַּשׁ יְהוָה טִמֵּא [sanctuary, 19:20]). In what way corpse impurity is thought to defile the temple, however, remains unexplained. Milgrom and many of his followers would say "from afar," through the air, by remaining unpurified in "the camp," but the assumptions required for this interpretation cannot be verified.

The exact meaning of the phrase "he has defiled" is unclear. Why does the *karet* penalty apply? Is it because this person, having already defiled the sanctuary simply by becoming impure, remains in an impure state and implicitly *continues* to defile (perhaps implied by the clause order of v. 20)? Or is it only because the person has neglected the proper purification rituals, which means that by immediate purification there would have been no defilement of the sanctuary (implied by the clause order of v. 13)?[57] Or does the statement simply mean that people who do not purify within the community of the Yehud temple state also defile the sanctuary by/when coming in contact with it?

We cannot tell for certain whether Num 19 expresses a different understanding of how impurity affects the temple, when compared with Lev 11–15. In any case, the instructions about purification after war in Num 31:19–24 make no mention of the sanctuary. The warriors must stay out of the camp for seven days while purifying from corpse impurity. Similarly, the "strict rule" of Num 5:1–3,

[57] The phrase כִּי אֶת־מִקְדַּשׁ יְהוָה טִמֵּא (טמא Pi. perf.) coulds theoretically be interpreted in a number of ways: the person has defiled the sanctuary (by neglecting purification), the person had already defiled the sanctuary (when he on top of that also neglected purification), the person has defiled and will continue to defile the sanctuary, or perhaps, by remaining in a state of impurity the person will certainly defile / have defiled the sanctuary.

requiring the corpse impure, as well as people with skin disease and with genital discharges, to be quarantined outside of settlements, refers to the camp and not explicitly to the sanctuary building, even though the divine presence is in focus. Persons belonging to these three categories of people must be expelled so that "they shall not defile their camp in which I dwell among them (אֲשֶׁר אֲנִי שֹׁכֵן בְּתוֹכָם)" (Num 5:3). Divine holiness is definitely incompatible with impurity and motivates the expulsion of impure categories from human dwellings.

It has been debated whether "the camp" here in the text represents the temple city only or towns and villages in general. Similar considerations apply to the expulsion of people with skin disease according to Lev 13. Do these texts intend to say that chronic impurity bearers should not dwell in Jerusalem or in any settlements? When we take a look at how these regulations were subsequently interpreted and elaborated on, we find numerous discrepancies. The *Temple Scroll* says of the same three categories, the corpse impure, people with skin disease, and genital dischargers, that they must not enter the temple city until they have purified (11Q19 XLV, 15–18). Exactly how this relates to the subsequent passage about three places outside the temple city for people with skin disease, genital dischargers, and semen emitters (11Q19 XLVI, 16–18) is not entirely clear. Further on, the text instructs ordinary cities to seclude the same categories: people with skin disease, people with genital discharges, menstruants, and parturients (11Q19 XLVIII, 14–17). Josephus similarly outlines varying standards: dischargers and people with skin disease were not allowed in the temple city, he says, while menstruants were only barred from the temple itself (*B. J.* 5.227; cf. *C. Ap.* 2.103–104). In another place (*A. J.* 3.261), he also includes the corpse impure and makes clear that they and menstruants were set aside (μετέστησε) in contrast to dischargers and people with skin disease, who were expelled (ἀπήλασε).

I have discussed these texts elsewhere,[58] in particular the role of first-day ablutions for modifying the biblical rules, which could explain some of the discrepancies,[59] but I will leave the details aside for now. Suffice it to point out that Num 5 has triggered interpretations both for the temple city and for ordinary towns. The camp in Numbers, and in Leviticus, of course represents the temple city, since these texts are shaped by the priestly elite in 5th and 4th century BCE Yehud, struggling to establish themselves within a small temple state centered around Jerusalem and its sanctuary. As perspectives grew wider, rules had to be adapted to a broader context. Ideas of gradual spheres of holiness and cor-

[58] Thomas Kazen, *Jesus and Purity* Halakhah. *Was Jesus Indifferent to Impurity?* ConBNT 38 (Winona Lake, MI: Eisenbrauns, 2010 [first ed. Stockholm: Almqvist & Wiksell International, 2002]), 156–59, 187–89; Thomas Kazen, "Concern, Custom and Common Sense. Discharge, Hand Washing and Graded Purification," *JSHJ* 13 (2015): 148–85, 155–63, 166–67.

[59] Kazen, *Jesus and Purity*, 163–65; Thomas Kazen, "4Q274, Fragment 1 Revisited – or Who Touched Whom? Further Evidence for Ideas of Graded Impurity and Graded Purifications," *DSD* 17 (2010): 83–117.

responding gradual stages of purity developed further, until they reached a stage reflected in rabbinic texts (cf. m. Kelim 1:6–9).

In almost every time and at almost every place except for where Jews lived within the Land of Israel during the Second-Temple period, temples and cult places were part of everyday life. Purity customs would always and inevitably be intertwined with cultic issues. There is something anachronistic and secular about the question whether purity practices evolved for the sake of the temple or for everyday life, as if those two aspects of human culture could be separated, but the particular situation created by postexilic cult centralization complicates matters. The way in which many of the purity laws are elaborated in detail suggest Persian influence on the priestly elite during and after the exile.[60] The Zoroastrian discharge and corpse-impurity rules, with their corresponding purification rites, as registered in *Vendidād*, appear to be quite unrelated to temple cult, but reflect customary behaviors and practices.[61] In Persian period Yehud, Israelite customary behaviors and practices were further developed with regard to the cult in Jerusalem, but also with regard to everyday life. The varying and sometimes disparate traditions that were used and reworked only occasionally indicate a particular focus on the cult, in spite of their priestly redactors.

4. Rabbinic Evidence

Let us now turn to rabbinic evidence, Tannaitic texts in particular. It is quite common to regard the rabbis as innovators in comparison with the strict and conservative sectarians assumed behind the Qumran texts. Since the Pharisees are often seen as forerunners of the rabbis, we regularly encounter statements about their innovations, which neither other groups – such as the Sadducees, the Essenes, and the Jesus movement – nor the general population accepted. They include practices like handwashing before common meals and the concept of *ṭevul yom*, the role of liquid in contamination, and other issues.[62] During recent years, several scholars have warned against equating the dissensions reflected in a document like 4QMMT with some of the rabbinic evidence and against retrojecting Tannaitic definitions back into a first century context.[63]

[60] Kazen, "Purity and Persia"; Achenbach, *Die Vollendung der Tora*, 500–504; Carsten Colpe, "Priesterschrift und Videvdad. Ritualistische Gesetzgebung für Israeliten und Iranier," in *Meilenstein. Festgabe für Herbert Donner zum 16. Februar 1995,* eds. Manfred Weippert and Stefan Timm, ÄAT 30 (Wiesbaden: Harrassowitz, 1995), 9–18.

[61] This is even more so with the Zoroastrian categorization of noxious animals, *khrafstra*.

[62] Cf. Joseph M. Baumgarten, "The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts," *JJS* 31 (1980): 157–70, and Lawrence H. Schiffman, "Pharisaic and Sadducean Halakhah in Light of the Dead Sea Scrolls," *DSD* 1 (1994): 285–99.

[63] See for example Martha Himmelfarb, "The Polemic against the Ṭevul Yom. A Reexamination," in *New Perspectives on Old Texts. Proceedings of the Tenth International Symposium of the*

Aharon Shemesh and some others have partly turned the argument around. The key is to understand the character of custom and to see halakah as often reflective of popular practice. The legal interpretation found in many Dead Sea texts is based on a close reading with a realist bent, which repeatedly results in strict and sometimes innovative rulings. Written law is never equal to customary behavior but often codifies an ideal. Legal interpretation usually expounds and adapts an earlier ruling to the contemporary context, but can do so in line with, or in contrast to, current custom. In the legal texts from Qumran, there is a tendency towards stringency of a kind that extends or even goes against previous customary behavior. Some of these issues reflect current tendencies of more general acceptance, while others are innovations and become areas of conflict between competing groups. In both cases, interpretations in the halakic texts from Qumran are based on close reading and exegesis.[64]

Because of this "biblicist" approach, those who wanted to defend custom against new and often quite strict interpretations became increasingly pressed. Unless we understand the character of custom, we will easily misunderstand the process. Custom usually does not need a defense, but is understood to be in line with law by default. When custom is questioned, however, that which was assumed must now be proved. This is the probable background to the combination of an increasingly nominalist argumentation that gradually evolves in the rabbinic movement, together with exegetical justifications. In the process of defending custom against Qumran-like innovations, a text-based, but increasingly nominalist approach evolves and comes to fruition with the Tannaim, eventually resulting in new types of innovation, partly related and partly un-

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Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 9–11 January, 2005, eds. Esther G. Chazon, Betsy Halpern-Amaru, and Ruth A. Clements, STDJ 88 (Leiden: Brill, 2010), 199–214; Steven D. Fraade, *Legal Fictions. Studies of Law and Narrative in the Discursive Worlds of Ancient Jewish Sectarians and Sages*, SupJSJ 147 (Leiden: Brill, 2011), 69–91 (the chapter was first published in *RevQ* 76 (19) (2000): 507–26). Fraade also mentions Yaakov Elman, Lester Grabbe, and Menahem Kister among those who have questioned the extent to which we can read 4QMMT in light of later rabbinic texts (p. 70, note 4).

[64] Shemesh, *Halakhah in the Making*; Daniel R. Schwartz, "Law and Truth. On Qumran-Sadducean and Rabbinic Views of Law," in *The Dead Sea Scrolls. Forty Years of Research*, ed. Devorah Dimant and Uriel Rappaport STDJ 10 (Leiden: Brill, 1992), 229–40; Adiel Schremer, "'[T]he[y] Did Not Read in the Sealed Book': Qumran Halakhic Revolution and the Emergence of Torah Study in Second Temple Judaism," in *Historical Perspectives. From the Hasmoneans to Bar Kokhba in Light of the Dead Sea Scrolls. Proceedings of the Fourth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 27–31 January, 1999,* eds. David Goodblatt, Avital Pinnick, and Daniel R. Schwartz (Leiden: Brill, 2001), 105–26; Vered Noam, "Traces of Sectarian Halakhah in the Rabbinic World," in *Rabbinic Perspectives. Rabbinic Literature and the Dead Sea Scrolls: Proceedings of the Eighth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 7–9 January, 2003*, eds. Steven D. Fraade, Aharon Shemesh, and Ruth A. Clements, STDJ 62 (Leiden: Brill, 2006), 67–85; Vered Noam, "Ritual Impurity in Tannaitic Literature: Two Opposing Perspectives," *JAJ* 1 (2010): 65–103; Kazen, *Scripture, Interpretation, or Authority?*

related to the former – and now defunct – adversaries of the rabbinic predecessors. Eventually, this type of rabbinic argumentation, together with an increase in rabbinic authority, makes the rabbis see and identify their interpretations as their own decrees, even in some cases where they defend earlier practices.

While this is all in the abstract, concrete examples can be found in various publications. An interesting example for our purposes is hand washing for common meals, often viewed as a Pharisaic innovation and a rabbinic decree. The way in which hand washing is presented in the Gospel of Mark, however, poses problems for such a view. It seems more likely that some of the Pharisees built on already existing and more unspecific hand-washing customs, as a defense against new and strict ideas regarding immersion and meals, as we find, for example, in Qumran. Also, the way in which Tannaitic texts portray Bet Hillel and Bet Shammai debating the timing of handwashing suggests that it was a common practice in the early Roman era (m. Ber. 8:2).[65] Later, the rabbis then reinterpret hand washing as a voluntary protective measure to safeguard *terumah* and claim it as their own ruling. This is true of their nominalist argumentation for it, but it is not true of the earlier, underlying custom.[66] For those who assume a "purity-for-the-sake-of-the-temple" view, however, the rabbinic anachronism fits well.

Hannah Harrington describes the rabbinic agenda as lenience with regard to identification and stringency with regard to contamination.[67] Together these two approaches limit impurity at a time when purification of at least some types of impurity becomes difficult. This has partly to do with the loss of the temple, but the fact that rabbinic purity halakhah accommodates for that, while giving so much attention to purity matters in the Tannaitic period, strongly suggests that purity did not primarily serve the cult, but was a matter of custom and identity.

Secondary or one-day impurities were hardly affected by the loss of the temple, as they could always be remedied by ablution or immersion. What about primary impurities? Corpse impurity required ashes from the red cow for the *mei niddah*. The rabbinic list of the nine red cows that had been burned since Moses (m. Parah 3:5) is to a large extent legendary, but nevertheless shows that the ashes were considered to last for generations. Although the ritual according to Num 19 does not seem to require a temple, it was understood to be conducted by the High Priest. Without the cult, the ashes would eventually not be available, and corpse impurity could then no longer be properly purified. As long as they lasted, however, purification from corpse impurity would have been possible without the temple.

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[65] Christine Hayes, "Purity and Impurity, Ritual," in *Encyclopaedia Judaica*, 2nd ed., vol. 16, ed. Michael Berenbaum and Fred Skolnik (Detroit, MI: Macmillan Reference, 2007), 746–56 (754).

[66] Kazen, *Scripture, Interpretation, or Authority?*, 171–76, 186–88, 287–88.

[67] Hannah K. Harrington, *Impurity Systems*, 182, 202.

Purification of people with skin disease would have been slightly more complicated. They were required to sacrifice three lambs on the eighth day of their purification, in addition to water purifications and the bird rite that by itself needed no temple.[68] Again, the situation would have been difficult to handle for people far from Jerusalem before the fall of the temple. Interestingly, however, the rabbis interpreted the purification in steps as removing layers of impurity so that the last step, sacrifice, allowed for eating holy things, *qodashim* (m. Neg. 14:2–3). From an earlier period, the Qumran Halakic Letter (4QMMT B64–72) reveals a similar understanding of graded impurity as it protests against people purifying from skin disease who eat *qodashim* before sunset on the eighth day. This last level of purity, then, would have been relevant mainly for the consumption of sacrificial meat, which would not have been an issue far from, or without, a temple. For practical purposes, purification from skin disease could do without the temple, too.

Genital discharges (except for menstruation and semen emission) probably caused most problems of the primary sources of impurity. *Zavim* were required to sacrifice pigeons on the eighth day of their purification. This would have been a constant problem for people living far from Jerusalem already during temple times, although the number of people who needed to sacrifice at the temple as their final step of purification might have been small. However, it was still a possibility. After 70 CE it was not. Hence there would have been reason to limit the number of *zavim* as far as possible.

This is exactly what we find in early rabbinic texts. Based on their understanding of the details in Lev 15, the rabbis developed an interpretation of pressure and location, which limited susceptible objects underneath a discharger to beds and chairs (*midras* impurity). All other items became subject to *maddaf* impurity, a kind of overshadowing. These types of impurity were dealt with by immersion in a *miqveh*, and *maddaf* did not affect people. Harrington sees the development of these categories as a conscious move to limit contamination to people as far as possible.[69] Contamination potency is, in a sense, increased, while susceptibility is constrained. This is combined with a lenient approach in defining dischargers. The Mishna (m. Zavim 2:2) lists seven "excuses" for a man with discharges, which count as exemptions, including what he has eaten, drunk, or carried, whether he had jumped or been ill, and sexual arousal. Rabbi Aqiva's leniency is met by disbelief:

[68] The bird rite required a priest (Lev 14:4), but this may be an addition to/modification of the rite by the priestly authors. The Mishna assumes that the whole rite is conducted by a priest (m. Neg. 14), while the Tosefta and the Sifra restrict the role of the priest (t. Neg. 8:5; Sipra to Lev 14:2–4 [Sifra Parashat Mesora Parashah 1]); cf. Joshua Schwartz, "On Birds, Rabbis and Skin Disease," in *Purity and Holiness. The Heritage of Leviticus*, eds. Marcel J. H. M. Poorthuis and Joshua Schwartz, Jewish and Christian Perspective Series 2 (Leiden: Brill, 2000), 207–22, 218–22.

[69] Harrington, *Impurity Systems*, 250.

Rabbi Aqiva says: "Even if he had eaten any food, bad or tasty, or had drunk any liquid. They said to him: "There would be no *zavim* from now on!" He said to them: "The responsibility for *zavim* does not rest upon you!"[70]

According to another passage, a woman can blame bloodstains on for example lice or wounds (m. Nid. 8:1–3). An example story pictures R. Aqiva, again taking a lenient stance:

It happened to a certain woman that she came before Rabbi Akiva and she said to him: "I have seen a stain." He said to her: "Perhaps there was a wound on you?" She said to him: "Yes, but it has healed." He said to her: "Perhaps it can open up and let out some blood?" She said to him: "Yes." And Rabbi Akiva declared her clean. He saw his disciples staring at each other. He said to them: "Why is this ruling difficult in your eyes? For the sages did not pronounce this ruling for stringency (*ləhaḥămîr*), but rather for leniency (*ləhāqēl*), as it is said (Lev 15:19): "And a woman who is discharging and blood shall be her discharge in her body" – blood and not a stain.[71]

Although Aqiva is sometimes particular in other regards, too, these examples show a tendency to limit definitions to the point where *zavim* become next to non-existent.

The rabbis also limit contamination from skin disease. In a passage (m. Kel. 1:7) counting ten spheres or degrees of holiness[72] (although they are actually eleven!), walled cities are number two, holier than the land of Israel, "because they must send away people with skin disease from their midst" (שֶׁמְּשַׁלְּחִין מִתּוֹכָן מְצוֹרָעִין). Although this is not an argument for lenience, we learn about rabbinic assumptions in passing. In another passage (m. Arak. 9:6) we also learn in passing that houses in cities that were not surrounded by walls in the time of Joshua ben Nun are not counted as houses in a walled city. To this Hyam Maccoby adds a Talmudic passage about rules for walled cities being relevant only in the period when Jubilee years were observed (b. Arak. 29a), suggesting that according to rabbinic opinion, people with skin disease were never expelled from cities during the Second-Temple period.[73] This is a good example of continued rabbinic interpretation, but historically useless. The point to make, however, is that by narrow qualifications the rabbis seem to have limited the effects of *ṣara'at* impurity, just as they limited its definition. In a discussion of spots and skin colour (m. Neg. 2:1), Rabbi Judah is reported to have said: "The shades of 'leprosy' [should be decided] for leniency (לְהָקֵל), but not for stringency (לְהַחְמִיר)". Except for two cases (described in m. Neg. 4:11 and 5:1), any doubt regarding skin disease is considered pure (כָּל סְפֵק נְגָעִים טָהוֹר, m. Neg. 5:1).

[70] אין אחריות זבים עליכם. m. Zavim 2:2.
[71] m. Nid. 8:3.
[72] Cf. note 32.
[73] Maccoby, *Ritual and Morality*, 146–47.

Examining the Mishna's rules for skin disease, Harrington finds a restrictive interpretation with regard to the pronouncement of the disease and an expansive interpretation with regard to the contamination power. She sees a clear agenda in the Mishna's rules for skin disease: "The Rabbis wish to reduce the incidence of *ṣāraʿat* as much as possible, hence their definition of the disease is very narrow. By the rules of the Mishna it would be difficult to be designated a *mĕṣōrāʿ*."[74] This applies to the Tosefta as well. A "leprous" house "has never come into existence and is never going to come into existence" and even if there would be some such houses, Jerusalem is exempted (t. Neg. 6.1). The possibility to pronounce garments "leprous" is also restricted (t. Neg. 1.5; 5.2–3). But contamination rules regarding those with skin disease who still remain are expanded, so as to ensure their isolation and protect the community.[75]

In sum: the loss of the temple affects the rabbis' attitudes to impurity, but not in the way one would expect if purity were mainly an issue in relation to the cult. Even their urge to constantly define, develop, and expand serves the function, at least during the Tannaitic period, to accommodate everyday observance to a new context, in which some types of purification were becoming increasingly difficult. As with the material evidence, there are no signs of a decrease in purity practices in the period directly following the fall of Jerusalem. If one still wishes to cling to a temple-oriented understanding of purity, one might suggest that purity customs were retained in anticipation of a new temple, and that their importance diminished when hope was gone. But all evidence suggests the opposite, namely, that an exclusively temple-oriented understanding evolved as "part of the program of alleviating the halakic burden."[76] Poirier suggests that the principle of temple orientation was an innovation "to make the purity code more livable" and that "these decrees presuppose the obsolescence of the temple."[77] He points out that the clearest expression of such a view comes from Moses Maimonides in the twelfth century:[78]

> All that is written in the Torah and the words of Scripture concerning the laws of ritual purity and impurity apply only with regard to the Sanctuary, sacrifices consecrated for it, *terumah*, and the second tithe. For individuals who are ritually impure were warned

[74] Harrington, *Impurity Systems*, 198.

[75] Cf. Harrington, *Impurity Systems*, 198–213. There are admittedly many ambiguous examples, too. According to m. Neg. 13:12 and t. Neg. 7:11, if a person with skin disease enters a synagogue he must be closed off by a wall, enter first and exit last. The presence of a person with skin disease in a synagogue may seem surprising, but the provisions can be interpreted as simultaneously lenient towards the person and protective towards the community.

[76] Poirier, "Purity Beyond the Temple," 263.

[77] Poirier, "Purity Beyond the Temple," 262–63. Poirier in fact says "to make the purity code more livable (by making most of it obsolete)," but I think the bracketed explanation is misleading for the early rabbis. It is more relevant at a later stage.

[78] Translations of Maimonides by Eliyahu Touger, Chabad.org (https://www.chabad.org/library/article_cdo/aid/1525395/jewish/Tumat-Okhalin-Chapter-16.htm).

against entering the Sanctuary or partaking of sacrificial foods, *terumah*, or the second tithe while impure. There is no prohibition at all against partaking of ordinary foods while impure. Instead, it is permitted to eat ordinary foods that are impure and partake of ordinary beverages that are impure.[79]

According to Maimonides, this applies not only to food, but to all sources of impurity, with the effect that purity concerns become virtually irrelevant for ordinary people:

Similarly, it is permissible for a person to touch all sources of impurity and contract impurity from them.[80]

Two centuries earlier, the Karaite al-Qirqisani had complained about rabbanite lack of observance of purity practices, saying they claim there is no such concept since the temple was destroyed and since there is no purification from corpse impurity any more everyone is unclean.[81] Such views may have begun to gain ground in Amoraic times, although it took centuries before they were fully established.[82]

5. Conclusion: Erasing the Anachronistic Divide

Evidence does not favor an exclusively temple-oriented view of purity in Second-Temple Judaism. But what about the historical origins of purity conceptions? What do earlier Israelite purity customs indicate? What is the focus of impurity

[79] Maimonides, *Mishneh Torah* 10 (Book of Cleanness), part 6 (The Uncleanness of Foodstuffs), 16:8. Note the subsequent motivation, based on Lev 7:19, which is a typical example of nominalist reasoning: "Behold, it is written in the Torah: 'The meat that will come in contact with any impurity should not be eaten.' It can be inferred that that it is permissible to partake of ordinary foods while impure, because the verse is speaking only about sacrificial foods. If so, what is the intent of the statement: Ordinary food that is a primary derivative of impurity is impure and that which is a secondary derivative is disqualified? The intent is not that the food itself is forbidden to be eaten, instead, its status is important only when counting levels with regard to *terumah* and sacrificial foods. For if ordinary food that is a secondary derivative of impurity touches *terumah*, it disqualifies it and causes it to be considered as a tertiary derivative. Similarly, if it touches sacrificial food, it imparts impurity to it and causes it to be considered as a tertiary derivative, as we explained. Similarly, if a person who ate ordinary food that was a secondary derivative of impurity touches *terumah*, he disqualifies it."

[80] וכן מותר לאדם ליגע בכל הטומאות ולהתטמא בהן. Maimonides, *Mishneh Torah* 10 (Book of Cleanness), part 6 (The Uncleanness of Foodstuffs), 16:9. Here again, the subsequent motivation is based on a nominalist exegesis and interpretation of biblical texts: "This is evident from the fact that the Torah warned a priest and a nazirite from becoming impure through contact with a human corpse. One can infer from this that all other members of the people are permitted. Moreover, even priests and nazirites are permitted to contract impurity from all other sources of impurity with the exception of a human corpse."

[81] Poirier, "Purity Beyond the Temple," 261–62.

[82] Poirier, "Purity Beyond the Temple," 263–64.

in Babylonian, Hittite, Persian, Greek, and Roman cultures? These are topics on their own, which cannot be discussed now.[83] But I suggest that researchers will easily find what they look for. The evidence can point in different directions, depending on assumptions, some of which run the risk of becoming anachronistic. Impurity was always an issue for the cult. But so were building styles, construction techniques, organization, and the provision of sacrificial animals and other foods. This does not mean that all of these things were primarily oriented towards temple cults. Rather, they were intrinsic parts of human life in antiquity, in the household and in society. Temples are palaces, dwellings, households of the gods, and many of the issues that concern households and societies in general concern temples even more.[84] In the ancient world, the holy is always present as part of life, and religion is often not even defined as a separate category, since it is an aspect of everything.[85] The divide between household and cult is anachronistic. Neither gods nor humans like dirt.

There are, of course, very legitimate questions to ask about developments and influences, origins and effects. But to minimize and downplay the role that Jewish purity practices played in everyday life during the early Roman period, even for the good purpose of correcting some Western interpreters' negative portraits of Second-Temple Judaism, is historically dubious. And to pose "biblical" purity rules against extra-biblical "innovations," as if texts were transcriptions of practice, rather than contextual prescriptions, and as if popular customs were biblicist and text-bound, rather than living and developing expressions of general concern, is a somewhat Protestant and secular anachronism. The temple-oriented view is not only wrong, it also distorts our interpretation of a number of other, associated issues.

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[83] Cf. the articles in Christian Frevel and Christophe Nihan (eds.), *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World*, DHR 3 (Leiden: Brill, 2013).

[84] On this point, cf. Yonatan Adler's analogy with perjury: "while one should never tell a lie anywhere, uttering falsehoods in a courtroom is a particularly serious offence that carries actual penalties" ("Between Priestly Cult," 247–48). Similarly, if impurity is a serious thing to be avoided in everyday life, it is even more serious to be impure in an explicitly cultic setting.

[85] Cf. Brent Nongbri, *Before Religion. A History of a Modern Concept* (New Haven, CT: Yale University Press, 2015).

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Purity, Impurity, and In-Between

Cecilia Wassén

1. Introduction

Purity and holiness are usually central to scholarly reconstructions of the Qumran community, the *yahad*, a group of men who consider themselves to be a sanctuary – an "eternal planting," "a temple for Israel, a most holy assembly of Aaron" – as we see in the Community Rule (1QS VIII, 5–9). Many introductions to the Dead Sea Scrolls and the Qumran movement describe how members of the *yahad* lived in a very high degree of purity, just like priests in the temple, which corresponds to the ideal expressed by the metaphors in the Community Rule. But what is reasonable to expect from people who aspired to live in purity, but who did not live inside the walls of the sanctuary in Jerusalem but within a social setting that included impurities of various kinds, such as scale disease and death? How did people aspiring for purity and perfection live among impure people and impure stuff? I will argue that there was a category of normalcy outside the scope of the pure and impure spheres that played a large role in their everyday life. In order to demonstrate this, I will outline in general terms how impurity and purity functioned within the sectarian texts and highlight the complex nature of these spheres as they both comprise various degrees. Given the multifaceted understanding and unstable nature of purity and impurity, it is only logical that the dividing line between them is not entirely clear either. Instead, as I will argue, there was a grey zone between these spheres that was essential in order to observe ritual purity laws properly in practical, everyday life. At the end, I will suggest that the Qumran movement was not unique in approaching purity and impurity in this way but that such a concept of an in-between state that was neither pure nor impure, i. e., normalcy, was widespread in early Judaism.

2. Background: The Organization of the Qumran Movement

In order to discuss levels of purity and impurity at Qumran, it is important to explain my understanding of the context of the regulations in the sectarian texts from the Dead Sea Scrolls, that is, where the sectarian members lived and when they got together. It is also important to briefly outline my view of the or-

ganization, because scholars may refer to quite different things when they speak of the "Qumran community," "the *yahad*," or "the sect."

According to the traditional scholarly paradigm, the community located at Khirbet Qumran is equated with the *yaḥad*, which is often considered to be a celibate brotherhood that was made up an elite group within the sect. Furthermore, life in the desert community was regulated by *Serekh ha-yaḥad*, S, best known from the MS 1QS. Accordingly, Frank Moore Cross describes the *yaḥad* as a counter-priesthood in the desert, a true Israel led by a legitimate priesthood.[1] He writes:

> The term *yaḥad* 'community' seems to apply to the community par excellence; i. e., the principal settlement in the desert. The Qumran settlement is probably unique, not only in being the original 'exile in the desert', the home of the founder of the sect, but also in following a celibate rule.[2]

Scholars often contrast S with the Damascus Document, D, which describes *ha'edah*, "the congregation," and the "camps" of families, which appear to have been scattered around the country.[3] This basic reconstruction of the Qumran movement as consisting of a married and a celibate branch is influenced by the description of the Essenes by the classical authors Philo, Josephus, and Pliny the Elder.[4] By their accounts, the Essenes were celibate, but Josephus also mentions a married group (*B. J.* 2.160–61).[5] Yet, as John Collins notes, reconstructing the movement "is more complicated than a simple contrast between celibate and marrying Essenes would suggest."[6]

The alleged close connection between Khirbet Qumran and 1QS has been subject to critique for reasons based on the dating of the archaeological remains,[7] as

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[1] Frank Moore Cross, *The Ancient Library of Qumran*, 3rd ed. (Minneapolis: Fortress Press, 1995), 101.

[2] Cross, *The Ancient Library of Qumran*, 70–71.

[3] Cross claims that "at least some of the camps were secular, and following the 'order of the earth', entered into marriage contracts." Cross, *The Ancient Library of Qumran*, 71.

[4] See e. g., Simon J. Joseph, *Jesus, the Essenes, and Christian Origins. New Light on Ancient Texts and Communities* (Waco, TX: Baylor University Press, 2018), 51–52; Russell C. D. Arnold, *Social Role of Liturgy in the Religion of the Qumran Community* (Leiden: Brill, 2005), 87; Joel Marcus, *John the Baptist in History and Theology* (Columbia: The University of South Carolina Press, 2018), 27–45. Furthermore, Eyal Regev argues that both S and D reflect small social organizations of local communities. Concerning these two branches he states, "from a strictly sociological perspective they were two independent sects, affiliated with the same religious movement." See Eyal Regev, "Between Two Sects. Differentiating the Yaḥad and the Damascus Covenant," in *Dead Sea Scrolls. Texts and Context,* ed. Charlotte Hempel, STDJ 90 (Leiden: Brill, 2010), 431–49 (436).

[5] Philo, *Prob.* 75–91; *Hypoth.* (in Eusebius, *Praep. Evang.* 8.11.1–18); Pliny the Elder, *Natural History* 5.73; Josephus, *B. J.* 2.119–161; *A. J.* 18.18–22.

[6] John J. Collins, *Beyond the Qumran Community. The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids, MI: Eerdmans, 2010), 5.

[7] Jodi Magness dates the foundation of the sectarian settlement at Qumran to the first half of the first century BCE, "perhaps around 80 BCE." This means that 1QS was not written for

well as the nature of the document.[8] The neat twofold division of the sect into two distinct branches has begun to crumble as scholars, such as Collins and Alison Schofield, have reconstructed the larger movement as much more complex and unstructured in character.[9] The alleged strong link between Qumran and 1QS is also weakened when we look closely at the text itself. There is evidence even in 1QS of members living in different places, as Collins emphasizes in his reconstruction of the *yaḥad*. He points particularly to 1QS VI, 1–4:

> In this way they shall behave in all their places of residence (בכול מגוריהם) … They shall eat together (יחד), together they shall bless and together they shall take counsel. In every place where there are ten men of the council of the community (היחד), there should not be missing among them a priest.

Thus, according to Collins, rather than referring to an elite single group, the term *yaḥad* is an umbrella term for several communities. He writes "S clearly provides for several small communities, with a quorum of ten, and cannot be regarded as the rule for a single community at Qumran."[10] And about Qumran, he concludes:

> At most, Qumran was one settlement of the yahad. It was never the yahad in its entirety … The yahad, and still more the new covenant of the Damascus Rule, was not an isolated monastic community, as has sometimes been imagined, it was part of the religious association spread widely throughout the land.[11]

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that community *per se* since it was likely composed prior to the first century BCE. Jodi Magness, *The Archaeology of Qumran and the Dead Sea Scrolls*, 2nd ed. (Grand Rapids, MI: Eerdmans, 2021), 66.

[8] Jörg Frey explains that "various independent texts were assembled in 1QS." Jörg Frey, "The Rule of the Community," in *Early Jewish Literature. An Anthology*, eds. Brad Embry, Ronald Herms, and Archie T. Wright (Grand Rapids, MI: Eerdmans, 2018), 96. Following the suggestion of the development of the S manuscripts by Geza Vermes and Sarianna Metso, he states: "If it is true that 4QS^{d} (and 4QS^{e}), though crafted later than 1QS, do represent an earlier stage of the tradition, we must conclude that the collection and text form of 1QS never had a canonical status in the community. 1QS is not an edited text that was copied and spread more or less unchanged; it should not be considered the definite rule of the Qumran community, nor should the Treatise on the Two Spirits (1QS 3.13–4.26) be viewed as its fundamental ideology" (96).

[9] Collins, *Beyond the Qumran Community*; Alison Schofield, *From Qumran to the Yaḥad. A New Paradigm of Textual Development for The Community Rule*, STDJ 77 (Leiden: Brill, 2009). Schofield highlights the great variety in the use of the terms *yaḥad* and *edah* in the scrolls. The mere fact that the rules 4Q265 and 1QSa, in which marriage is taken for granted, share terminology with both S and D gives reason to pause. See also Sarianna Metso, "Problems in Reconstructing the Organizational Chart of the Essenes," *DSD* 16.3 (2009): 388–415, especially 395–96. Jutta Jokiranta and I, on the other hand, have highlighted a common sectarian outlook in S and D, which suggests a close underlying social context; in other words, the division of two movement into two branches is somewhat misleading. Cecilia Wassén and Jutta Jokiranta, "Groups in Tension. Sectarianism in the Damascus Document and the Community Rule," in *Sectarianism in Early Judaism. Sociological Advances*, ed. David J. Chalcraft (London: Equinox Pub, 2007), 205–45.

[10] Collins, *Beyond the Qumran Community*, 5.

[11] Collins, *Beyond the Qumran Community*, 208.

Building on the insights from these scholars, I submit that is not possible to say anything about which rule or combination of rules were normative at Qumran. We only have the general gist. Furthermore, I assume that the movement was quite heterogeneous, with a mix of members, some married and some not, who lived all over the country. One manifestation of different types of membership was in the varying levels of economic commitment members made to the sect. In this regard D, with the requirement of contributing two days' salary a month (CD XIV, 12–13), diverges conspicuously from the stipulated merging of property in 1QS (1QS VI, 22).[12] Families would more naturally belong to the former level, while single men more easily could have handed over their property to the movement when joining. At the same time, young men who grew up in sectarian families may have chosen to remain celibate while continuing to live at home, i. e., in a family household. Members may have opened up their homes for unmarried men and women and so on. With a movement spread all over the country, there are numerous possibilities for all kinds of different living arrangements. Regardless of whether a member of the Qumran movement was married or not it is reasonable to assume that all members in a local area would get together for meetings. Hence, the division of the movement into two branches depending on marital status appears misguided.

3. The Meetings in the Qumran Movement

When did these members meet? Regulations in S, 1QSa, D and Tohorot frequently address communal meetings and meals, which likely took place at the same time or after one another.[13] I find that the reconstruction of an organization where members assembled in particular for meals, not dissimilar to other voluntary associations in the Greco-Roman world, best fits this picture.[14]

The members would naturally meet on holidays and on Sabbaths, which were traditional occasions for families and friends to get together; on these occasions they celebrated the festivals with religious ceremonies and shared meals. Some members would gather more often, likely every day at meals.[15] Yet, a phrase at the

[12] Although the member still had some control over his assets (see 1QS VII, 6–7).

[13] Cecilia Wassén, "The (Im)Purity Levels of Communal Meals within the Qumran Movement," *JAJ* 7.1 (2016): 102–22. On meals, see e. g., 1QS VI, 3–13; penal codes in 1QS VI, 24–VII, 25; 4QD[a]/4Q266 10 II, 15–I, 15; 1QSa II, 11–22; 4Q274 1 I–II.

[14] For a comparison between the Qumran movement and Greco-Roman associations, see Matthias Klinghardt, *Gemeinschaftsmahl und Mahlgemeinschaft. Soziologie und Liturgie Frühchristlicher Mahlfeiern*, TANZ 13 (Tübingen: Francke, 1996); Yonder Moynihan Gillihan, *Civic Ideology, Organization, and Law in the Rule Scrolls. A Comparative Study of the Covenanters' Sect and Contemporary Voluntary Associations in Political Context*, STDJ 97 (Leiden/Boston: Brill, 2012).

[15] The phrasing in 1QS VI, 1–6 refers to communal meals, not all meals. The regulations point to an organization where members got together in particular for meals, similarly to other vol-

end of the section concerning the messianic banquet in 1QSa II, 22, which prescribes that the members act according to those regulations whenever ten men gather, presupposes that some but not all meals were communal. We should also imagine a mix of men and women at many (most?) communal meals, which is evident in Tohorot A (4Q274). Participation at communal meals depended on the purity level. In fact, many sectarian purity regulations focus particularly on meals, which is not surprising given that the meal setting is where people easily would transmit impurity to others; this is evident particularly in Tohorot A, Ordinances[c] (4Q514), and 1QS V, 13–14 (concerning "the purity"), but the level of purity required differed according to the occasion, as I discuss below.[16]

This general interpretive framework that operates behind the rule texts is important in order to understand the social reality in which members observed purity rules. According to my reconstruction, many members would routinely mix and mingle on a daily basis with non-members in various work environments. Indeed, the compulsory contribution of two days' salary a month (CD XIV, 12–13) indicates that many members had various jobs.[17] This reconstruction presumes that the majority of members of the Qumran movement did not limit their contacts to other members, but instead interacted with non-members on a regular basis; the degree and nature of contact with non-members would vary according to occupation and location of habitation. Had there only been the dual categories, "pure" and "impure," this would have been a problem for the Qumran members, since other people would not have been trusted as being "pure" most of the time. I will propose that most people, instead, would be considered neither pure nor impure, but rather in a state in-between these polarities. This was likely grounded in a basic notion of uncertainty concerning one's purity status. By mingling with people (potentially transmitting ritual impurity by touch) and sitting on various benches and chairs (potentially a source of impurity if, e. g., a menstruating woman has sat there), no one could be certain about their purity status in ordinary life. Hence, they belonged to a category of neither pure nor impure, which we may call the normal state. I will argue that this would be the common state of purity for most Jews in Palestine. Many of the purity regulations from Qumran assume this operative framework.

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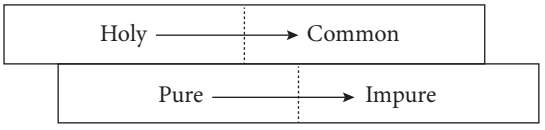
untary associations in the Greco-Roman world. Klinghardt makes a strong case for the interpretation that 1QS VI, 2–3 relates to different elements of a meal rather than to three different communal activities ("They shall eat together, together they shall bless and together they shall take counsel"). See Matthias Klinghardt, "The Manual of Discipline in the Light of Statutes of Hellenistic Associations," in *Methods of Investigation of the Dead Sea Scrolls and the Khirbet Qumran Site. Present Realities and Future Prospects*, eds. Michael Owen Wise, John J. Collins, and Dennis G. Pardee, Annals of the New York Academy of Sciences 722 (New York: New York Academy of Sciences, 1994), 251–67.

[16] Wassén, "The (Im)Purity Levels of Communal Meals within the Qumran Movement."

[17] In comparison, Philo claims that the Essenes gave their salary to the common good (*Prob.* 86; *Apologia* 10). Philo describes various occupations of the Essenes including farming and handiwork (*Hypoth.* 11.6–9).

4. Concepts of Purity: Impurity and Purity on a Continuum

Let us then consider the view on purity and impurity in this movement. A common conception of purity stems from Jacob Milgrom's groundbreaking work. In a structuralist fashion he emphasizes the dichotomy of "pure" and "impure." His diagram is widely used:



He explains: "purity is the absence of impurity; commonness is the absence of holiness." Explaining the diagram, Milgrom emphasizes that the two polarities are unstable: "The boundaries between the holy and common and between the pure and the impure are represented by a broken line. There is no fixed boundary."[18] Still, impurity and purity are presented as two opposites with no grey areas in between. In my view, the laws in the sectarian literature from Qumran, instead, are based on concepts of purity and impurity that are more complex and diverse than the usual schema. It is more accurate to describe the spheres of purity and impurity on a continuum, with a grey zone in the middle.

At the same time, the sectarian rhetoric often presents the opposites in a sharp dichotomy, where purity is contrasted with impurity, on the one hand, and holiness, on the other. As Hannah Harrington explains, the members of the movement characterized themselves as holy, i.e., as distinct and different from the common and the impure. Pointing to the frequent use of holiness terminology in relation to the community and its members in the rule texts, she concludes, "The Qumran community regarded itself as, first of all, holy. The height of this holiness seems to aspire to that of the angels, who are the usual referent of *qedoshim*, 'holy ones', in the scrolls."[19] Thus, the members were encouraged to see themselves as holy. At the same time, the priestly principle from Lev 10:10 (and Ezek 44:21–23), which is paraphrased twice in the Damascus Document, appears to have been a leading principle for the community: "to distinguish between the impure and the pure and make known the difference between the holy and the profane" (CD VI, 17–18; XII, 20). In other words, it was impossible to avoid impurity (of course), but the members should know how to distinguish between the pure and the impure. The sectarian laws on purity became important identity markers, as the community had their own purity regulations that differed in some details from those of outsiders (see e.g.,

[18] Jacob Milgrom, *Leviticus 1–16. A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 732, cf. 616.

[19] Hannah Harrington, *The Purity Texts*, Companion to the Qumran Scrolls 5 (New York: T&T Clark, 2004), 15–16.

4QMMT). Nevertheless, one can imagine that even the principle from Leviticus 10:10 would be a bit of a stretch when it came to ordinary life because people would not be sure about the purity level of others. Given that the members of the movement were part of the regular world, as I have emphasized, they faced various unknown impurities. But in everyday life, I suggest, this may not have been a problem. Instead, there appears to have been a broad category between full purity and full pollution, to which things and people belonged most of the time, similar to Greek religion. While discussing Greek purity laws and practice, Andreas Bendlin explains, "contrary to what is usually claimed, the opposite of pollution is not purity: with regard to both purity and pollution, the opposite is normality."[20] He maintains:

> The distinction between purity and normality or between pollution and normality that religion maintains can only be temporary, and then a differentiation which has been maintained needs to be abandoned, if we wish to return (and return we must) to our daily lives.

In other words, the boundaries that are important are those towards purity and impurity from a state of normality or, a status between impurity and purity. I submit that a similar assumption underlies many of the regulations in the sectarian documents, to which I now turn.

5. Degrees of Impurity

I disagree with the common claim that members of the Qumran movement or Jews in general were able to live in purity for extended periods of time.[21] Not even the members of the Qumran movement seem to have assumed that such a lifestyle was possible. That this is the case becomes particularly clear in the communal laws in Tohorot A (4Q274) and 4QOrdinances^{c} (4Q514) that attempt to regulate the cases of people who are in the process of purifying, the liminal state of transferring from an impure state to a pure state. E. P. Sanders refers to these people as "partially pure."[22] Milgrom explains that impurity is understood to be

[20] Andreas Bendlin, "Purity and Pollution," in *A Companion to Greek Religion*, ed. Daniel Ogden, Blackwell's Companions to the Ancient World (Malden, MA: Blackwell Publishing, 2007), 178–89, 178.

[21] See, e. g., the wording by Eyal Regev: "Many Jews (a more accurate estimation is, of course, impossible) were committed to a life in constant state of purity not connected with Priestly dues and the temple cult." Eyal Regev, "Pure Individualism. The Idea of Non-Priestly Purity in Ancient Judaism," *JSJ* 31.2 (2000): 185. Cf. Eyal Regev, "The Ritual Baths near the Temple Mount and Extra-Purification before Entering the Temple Courts," *IEJ* 55.2 (2005): 194–204.

[22] E. P. Sanders, "The Dead Sea Sect and Other Jews. Commonalities, Overlaps and Differences," in *The Dead Sea Scrolls in Their Historical Context*, eds. Tim Lim et al. (London: T&T Clark Continuum, 2004), 7–43, 22–23.

layered. He argues that an initial washing removes one layer of impurity and that by a "first-day ablution" purifying people could eat from the common food of the sect. He also holds that this principle applies to all purifying people.[23] Thus, 4QOrdinances[c] 4Q514 provides rules for purification prior to meals for a man who has had an emission of semen: "and whoever has not begun to purify himself of 'his spring' is not to eat, nor shall he eat in his primary impurity" (4Q514 1 I, 4–5). Accordingly, such a person is to wash him- or herself as soon as possible in order to purify from the primary state of impurity. The same understanding of impurity as layered is evident in 11QT, which prescribes washing as well as laundering the clothes on the first day for the corpse-impure person (XLIX, 16–17; cf. 1QM XIV, 2–3) as well as for a man who has had a nocturnal emission (XLV, 7–10). Similarly, according to 4Q274 1 i, 8–9 if purifying people touch an impure person, they should wash themselves and launder their clothes before they may eat. This initial washing for a person in his or her purification period would remove a degree of impurity, allowing impurity bearers to move around in ordinary cities (11QT) and eat ordinary food (4QOrdinances[c] [4Q514] and 4QTohorot A [4Q274]).[24] Evidently this principle only applies to people who are able to begin their purification, such as a couple after sexual intercourse, a man who has had a nocturnal emission, or a person who has been in the corpse contaminated house. Ablution would not have any purifying effect on a person experiencing an ongoing impurity, e. g., scale disease, continued semen emission or vaginal bleeding (a *zav* or a *zavah*), or corpse impurity while the corpse is still in the house.

6. Degrees of Purity: "The Purity" (*ha-ṭohorah*) and Non-pure Stuff

The sphere of ritual purity also appears to have different degrees with a correlation between levels of purity and holiness. The interdependence of levels of holiness and purity is physically manifested in the structure of the Jerusalem sanctuary in which access to holy areas depends on levels of the holiness of the persons (i. e., priests and laity) as well as their purity level. In order to outline the view on levels of purity in the Scrolls, I will begin by exploring the meaning of the common term, *ha-ṭohorah*, הטהרה "the purity."

The term *ha-ṭohora*, is often translated as "pure food" and is understood as a reference to the common meal of the sectarians. Nevertheless, as several scholars

[23] Jacob Milgrom, "First Day Ablutions in Qumran," in *Madrid Qumran Congress. Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18–21 March 1991,* eds. Julio C. Trebolle Barrera and Luis Vegas Montaner, 2 vols, STDJ 11 (Leiden: Brill, 1992), 561–570.

[24] Milgrom, *Leviticus 1–16*, 968–76 (see especially 971).

have noted, *ha-ṭohorah* has a much broader connotation and includes other stuff in addition to pure food.[25] A new candidate may get access to *ha-ṭohorah*, and *ṭohorat ha-rabbim* טהרת הרבים only after a year according to the regulations for admission in 1QS VI, 13–23. After two years the new member might touch "the drink/liquid (*mashqeh* משקה) of the many."[26] Since "the purity" is compared with "the drink/liquid of the many" it is reasonable to conjecture that food is included among other pure items. In reversal to the admission procedure, members who commit transgressions are excluded from *ha-ṭohorah* in the penal codes in 1QS VI, 24–VII, 25. The Damascus Document similarly bans transgressors from *ha-ṭohorah* (4Q270 7 I, 6) for periods of time. In this context it is likely that *ha-ṭohorah* refers, among other things, to special meals as one arena where purity was required.[27]

That *ha-ṭohorah* does not only refer to meals but rather pure items and meetings in a wide sense is evident at the end of the regulations for the admission process where a new member is registered "in the order of his rank among his brothers, for Torah, judgment and purity" (1QS VI, 22).[28] A law in the Damascus Document (4Q269 8 II, 1–5/ 4Q271 2 8–13) prohibits bringing objects that have been defiled by the "blood of their sacrifices," or metal that has been used to make gentile images, or objects defiled by a corpse, "into his purities" בטהרתו.[29] In this case, *ha-ṭohorah* may not primarily relate to food but to certain personal items. A wide connotation of *ha-ṭohorah* is also apparent in the Temple Scroll. In the case of corpse impurity, persons are not allowed to touch "all their pure stuff" until the evening of the last day of purification (11Q19 XLIX, 21). Similarly,

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[25] Friedrich Avemarie, "'Tohorat Ha-Rabbim' and 'Mashqeh Ha-Rabbim'. Jacob Licht Reconsidered," in *Legal Texts and Legal Issues. Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995, Published in Honour of Joseph M. Baumgarten*, eds. Moshe Bernstein et al. (Leiden: E J Brill, 1997), 226–27; Milgrom, *Leviticus 1–16*, 973–74.

[26] According to the entrance regulation in 1QS VI, 13–23 a novice may not touch "the drink of the many במשקה הרבים" before two years have passed. Charlotte Hemel demonstrates that the term *mashqeh,* "liquid," has a broader connotation than communal drink by pointing to Tohorot (4Q274 3 I, 6–9) and 4QHarvesting, 4Q284a (I, 2–6) where it refers to liquids oozing out of fruit and moisture on crops. She concludes: "It makes perfect sense to read the regulations on admission as laying down restrictions on touching pure food and utensils and pure liquid (including the juices of ripe fruit) anywhere in the process of food production and preparation, serving, and only ultimately consumption." Moreover, the communal drink is elsewhere called "new wine" *tirosh*, תירוש (1QS VI, 4; 1QSa II, 17). See Charlotte Hempel, "Who Is Making Dinner at Qumran?" *JThS* 63.1 (2012): 49–65, 62. On the importance of purity of liquids and moisture of the produce in 4Q274 and 4Q284a, see Harrington, *The Purity Texts*, 25–26.

[27] See Wassén, "The (Im)Purity Levels of Communal Meals within the Qumran Movement," 107–20.

[28] Moreover, as part of the admission prescriptions in the Community Rule a candidate is not to "touch" נגע the purity of the many (1QS VI, 16). Although the phrase is often translated "the pure food" of the many, the verb נגע suggests that it includes other things than food.

[29] Joseph M. Baumgarten, *Qumrân Cave 4. 25: Halakhic Texts*, DJD 35 (Oxford: Clarendon, 1999), 130–31, 173–74.

the law about the beautiful captive woman in 11Q19 LXIII, 10–15 has an added note compared to Deut 21:10–14 about the captive woman's access to "the purity" of the man: "But she shall not touch your pure stuff ולוא תגע לכה בטהרה for seven years, nor shall she eat a sacrifice of peace offering וזבח שלמים לוא תואכל until seven years pass; only then may she eat." In this case the distinction between *touching* (the purity) and *eating* of the *shelamim* offering also supports the notion that the term "the purity" includes more items than food.[30]

A similarly broad connotation of *ha-ṭohorah* is apparent in Tohorot A (4Q274) 1 I, 1–2, in a law concerning an impure person of uncertain impurity. Most likely it concerns a person purifying from scale disease, which Thomas Kazen suggests: "Apart from all the unclean shall he sit and at a distance of twelve cubits from the purity רחוק מן הטהרה when he speaks to him; towards the northwest of any dwelling place shall he dwell at a distance of this measure."[31] Regardless of the precise meaning of this enigmatic passage, there is no indication that the term *ha-ṭohorah* refers to food specifically. Consequently, Joseph Baumgarten comments, "this apparently refers to the distance he must keep from pure food or objects in the hands of those with whom he converses."[32] From this survey we may conclude that *ha-ṭohorah* not only pertains to pure food, but also other items considered to be ritually pure, e. g., vessels and utensils.

These examples demonstrate that it was customary to separate the pure stuff from ordinary, common stuff. New members, and possibly foreign wives according to the Temple Scroll, were not to touch the items that were kept separate. Importantly, the setting aside of pure stuff suggests that most of the stuff was not deemed pure *per se*. My question is, therefore, *what was the status of the other stuff – indeed most items – that was not separated as "pure"?* There is no indication that non-pure stuff had to be treated with special care because of impurity. Hence, it was not considered impure either, but rather as a state between the two, i. e., a normal non-impure/non-pure state. This in-between state also applies to

[30] For a thorough review of the use of the terms, see Gillihan, *Civic Ideology, Organization, and Law in the Rule Scrolls*, 317–24. He concludes that "it is impossible to identify טהרה of the Yaḥad narrowly as food; similarly, משקה probably does not designate drink in particular, but liquids in general, including oil, juice, water, and wine" (p. 323).

[31] Whereas Jacob Milgrom identifies the impurity category as a scale diseased person, מצרע ("4QTOHORA[a]: An Unpublished Qumran Text on Purities," in *Time to Prepare the Way in the Wilderness. Papers on the Qumran Scrolls by Fellows of the Institute for Advanced Studies of the Hebrew University Jerusalem,* eds. Devorah Dimant and Lawrence H. Schiffman, STDJ 16 [Leiden: Brill, 1995], 59–68 [61–62]), Baumgarten instead suggests that a *zav* is the subject here; see Baumgarten, *Qumrân Cave 4. 25, Halakhic Texts*, 101–2. Kazen provides strong arguments in support for his view that the lines concern a purifying "leper." This would explain the close distance allowed between him and things that are pure; cf. 4QMMT B 64–68 which clearly concerns a purifying "leper." See Thomas Kazen, *Issues of Impurity in Early Judaism*, ConBNT 45 (Winona Lake, Ind: Eisenbrauns, 2010), 73–75.

[32] Baumgarten, *Qumrân Cave 4. 25, Halakhic Texts*, 101.

people, which is evident in several sectarian texts as well as the Temple Scroll, which we turn to now.

The Temple Scroll includes purity laws concerning a house where someone has died with the following prescription:

> and earthen vessels shall be unclean, and all that is in them shall be unclean for every clean man (איש טהור) and the open (vessels) shall be unclean for every man of Israel, all the moistened food (המושקה) that they contain (11Q19 XLIX, 8–10).

In this case all vessels and their contents in a house where someone has died are impure for a pure (clean) man, but only the moist contents of the open vessels are unclean for others ("every man") of Israel. The pure man in this case is clearly someone who knows that he is pure, who has purified himself, and has the specific status of being pure. The other category, though, is not called impure but simply "every man of Israel," that is a man in his regular state. It appears as though he is neither pure nor impure but rather in a normal state, a state between the two polarities of pure and impure. At the same time, this passage indicates that touching and partaking of the impure content would likewise render him impure.[33]

Some regulations in the Scrolls prescribe purification when impurity does not appear to be the reason, which provides another clue that attests to the ordinary in between status of members. Such a perspective underlies the notions on purity concerning an unrepentant sinner in 1QS V, 13–14. The text indicates that purification by ablutions was standard practice for everyone before touching "the purity," which as we have seen, includes special pure meals among other items.

> He must not enter the water in order to touch the purity of the men of holiness (בטהרת אנשי הקודש). For they cannot be cleansed unless they turn away from their wickedness, for (he remains) among all those who transgress his words.

From this passage it is evident that purification was necessary before touching "the purity," and that an unrepentant sinner could never be pure. At the same time, there is no indication that everyone entering the water would have been impure to begin with.

Another example is the rule in 1QSa I, 25–26 that requires purification before the special convocations of the assembly:

> for judgment or for a council of the community, or for a convocation of war, they shall sanctify them(selves) (וקודשים) for three days, so that everyone who comes shall be pre[pared for the coun]cil."[34]

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[33] Cf. Lev 11:33–38. For an in-depth interpretation of this passage, see Ian C. Werrett, *Ritual Purity and the Dead Sea Scrolls*, STDJ 72 (Leiden: Brill, 2007), 140–43.

[34] Translation: Lawrence H. Schiffman, *The Eschatological Community of the Dead Sea Scrolls: A Study of the Rule of the Congregation*, SBLMS 38 (Atlanta, GA: Scholars Press, 1989), 30.

As Harrington and Lawrence Schiffman explain, sanctification in this context refers to purification patterned on the commandments at Mount Sinai before the theophany in Exodus 19:10–15:[35]

> When Moses had told the words of the people to the LORD,[10] the LORD said to Moses: "Go to the people and consecrate them (וקשתם) today and tomorrow. Have them wash their clothes[11] and prepare for the third day, because on the third day the LORD will come down upon Mount Sinai in the sight of all the people … So Moses went down from the mountain to the people. He consecrated the people, and they washed their clothes.[15] And he said to the people, "Prepare for the third day; do not go near (אל־תגשו) a woman."[36]

From the Temple Scroll (11Q19 XLV, 11–12) we know that emission of semen required three days' purification as an extension of the purification period prescribed in Lev 15:16–18. This involved bathing on the first day and washing the clothes twice, i. e., on the first and third day. In 1QSa II, 3 it becomes clear that those who are impure are prohibited from participation in the special kind of gathering: "any man who is afflicted with anyone of the human uncleannesses (טמאות האדם) shall not enter into the assembly of these." We can assume that these impurities are such that the impurity carriers cannot be properly purified before the actual meeting. But why is everyone else obliged to purify three days in advance? What is their status? Harrington describes the prescription in the following, "the Messianic Rule and the Temple Scroll both require at least a three-day purification *for impure* persons [my italics] before entering into the sacred assembly or the holy city, respectively (1Q28a I, 25–26; 11Q19 XLV, 7–12)."[37] In the case of the people in 1QSa, however, there is no indication that they would be impure. Consequently, Schiffman claims that "the sect required a special state of purity for attendance at a session of the eschatological assembly," which makes sense.[38] I suggest that prior to beginning their purification they were neither "pure" nor "impure" but rather in their normal state and purified themselves in order to obtain the highest purity degree possible. By comparison, Milgrom also finds that different levels of purity are implied in the Qumran regulations. Discussing the use of *ṭahara* (= *ṭohorah*) in 4QOrd^{c} (4Q514), he states, "This term must be distinguished from *ṭăharat haqqôdeš* 'the pure sacred (food)', which requires stricter purification."[39] The term *ṭăharat haqqôdeš* (cf. 2 Chr 30:19) is a

[35] Harrington, *The Purity Texts*, 14; Schiffman, *The Eschatological Community of the Dead Sea Scrolls*, 32.

[36] Paul Heger argues quite persuasively that the commandment in Exod 19:15 does not refer to sexual intercourse but prohibits all contact with women out of fear of defilement through menstruation impurity. Paul Heger, *Women in the Bible, Qumran, and Early Rabbinic Literature. Their Status and Roles*, STDJ 110 (Leiden: Brill, 2014), 134–39.

[37] Harrington, *The Purity Texts*, 14.

[38] Schiffman, *The Eschatological Community of the Dead Sea Scrolls*, 32.

[39] Milgrom, *Leviticus 1–16*, 974. He compares the expression "the pure (food) of the many" (1QS VI, 16–17, 25; VII, 3) with "the pure (food) of the holy persons" (1QS V, 13; VIII, 17). I agree with him that these expressions refer to the same level of purity (973–74).

rare expression in the Scrolls where it only appears in MMT (4QMMT B 64–68) in regulations prohibiting purifying "lepers" from coming in contact with holy food.[40] At the same time, these terms points to different levels of purity.

Purity was also necessary for the Sabbath and other holidays. There are several texts that testify to the desire of maintaining purity on these days. Strict purity rules were in place for taking part of the Passover meal, which is likely the topic in the partly preserved regulations described in Miscellaneous Rules (4Q265 3, 3). Lutz Doering points to fragmentary Qumran texts that appear to require ritual purity on the Sabbath. The partly preserved Ritual of Purification (4QpapRitPur B; 4Q512) IV 1–2 (frags. 33+35) refers to "for the feasts of the Sabbath, on the Sabbaths of all weeks of," which is followed by references to various feasts and includes the statement "in water [ ] to consecrate oneself" (IV, 5). The consecration here evidently refers to purification in water. Halakhah A (4Q251) 1–2, 6–7 may refer to purification before the Sabbath: "[ ] profane(d) [ ] impurity, his fle[sh] on the day of Shabbat. [ ] on the sixth d[a]y the flesh of naked[ness]." Acknowledging that there are different possible interpretations of these poorly preserved texts, Doering suggests that "both 4Q512 and 4Q251 may be considered testimony for a special purification before the onset of the Sabbath, that is, on Friday evening."[41] Baumgarten reaches a similar conclusion in his analysis of purification rituals: "ritual purification was customary before the Sabbath and holidays."[42] If they are right, then we have further evidence of a general purification in order to become pure for certain times, that is, purification by people who are not impure *per se*.

So how do we conceptualize such purification by all members at certain occasions and times? What is the rationale for these washings? I suggest that they washed themselves in order to become ritually pure, not because they were impure, but in order to move from a state of normalcy to becoming pure. Since they were not impure *per se* it is reasonable that a washing would suffice to transfer them into a state of being pure without also waiting a certain period of time. We may compare the practice of purifying before the Sabbath and special

[40] Kazen, *Issues of Impurity in Early Judaism*, 74.

[41] Lutz Doering, "Purity Regulations Concerning the Sabbath in the Dead Sea Scrolls and Related Literature," in *Dead Sea Scrolls. Fifty Years after Their Discovery. Proceedings of the Jerusalem Congress, July 20–25, 1997,* eds. Lawrence H. Schiffman, Emanuel Tov, and James C. VanderKam (Jerusalem: Israel Exploration Society, in collaboration with The Shrine of the Book, Israel Museum, 2000), 601. Doering also notes the ideal of maintaining purity on the Sabbath outside of the Dead Sea Scrolls, e. g., 2 Macc 2:18. Importantly, Jubilees (50:8) imposes the death penalty for anyone who has sexual intercourse on the Sabbath. Doering, "Purity Regulations Concerning the Sabbath in the Dead Sea Scrolls and Related Literature," 604.

[42] Joseph Baumgarten, "The Purification Rituals in DJD 7," in *Dead Sea Scrolls. Forty Years of Research,* eds. Devorah Dimant and Uriel Rappaport, STDJ 10 (Leiden: Brill, 1992), 208. We may compare this practice with Josephus' claim that the Essenes underwent ablutions prior to meals. If everyone purified, it means that also people with no known impurities would also have benefitted and become pure.

meetings with customs of Jews in general who appear to have washed before entering the sanctuary. Eyal Regev and Yonatan Adler point out that purification by washing was not effective immediately since this also involved waiting for sunset according to Levitical laws. Why then did Jews wash themselves prior to entering the temple as indicated by the many baths in the vicinity? Adler assumes that pilgrims would have purified earlier and yet again entered a bath. He does not explain why.[43] Regev submits that it provided a specific religious experience for Jewish laity and priests alike. In his article "The Ritual Baths near the Temple Mount and Extra-Purification before Entering the Temple Courts," Regev draws on anthropological and ritual studies in his claims:

> Those who immersed in the ritual baths near the Temple Mount were already pure. However, although fully in correspondence with biblical law, entering the realms of spatial and spiritual sacredness without any preparation rite or phase of transition was psychologically too abrupt. In other words, although Scripture did not command it, the public 'Temple community' needed an additional rite in order to regard the entrance to the Women's Court as an extraordinary event.[44]

I wholly agree with Regev in general about the importance of the religious experience for interpreting the reasons for purification. Nevertheless, I would argue that purification in these cases, when people are dipping themselves prior to entering the sanctuary, could be understood as having a purifying effect, also prior to sunset for people who were not ritually impure, but rather in a state of normalcy, or in between. In other words, in light of the implicit views on the normal state as being non-impure and non-pure, the people who immersed themselves would be transferred from their normal state to a pure state and hence able to enter into the sanctuary.

7. Conclusion

This paper has demonstrated that the purity system in the Dead Sea Scrolls is more stratified than previously thought. Both ritual impurity and purity are considered layered in several Qumran texts. What is more, the purity legislation presumes that there is a grey zone between the categories of complete purity and complete impurity, which is the normal state. Therefore, we should conceptualize ritual purity and impurity along a continuum with a grey zone of normalcy in the middle.

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[43] Yonatan Adler, "Between Priestly Cult and Common Culture. The Material Evidence of Ritual Purity Observance in Early Roman Jerusalem Reassessed," *JAJ* 7 (2016): 239.

[44] On the basis of Mishnah, he also argues that the temple closed at sunset (m. Ber. 1:1; m. Tamid 1:1). See Regev, "The Ritual Baths near the Temple Mount and Extra-Purification before Entering the Temple Courts."

Within the Qumran movement full purity was required of members at certain occasions (the Sabbaths and holidays), and for participation at special meetings and at certain meals as described in, e. g., 1QS and 1QSa. All members were required to purify themselves in advance of these occasions even though they were not necessarily impure. Scholars have offered different reasons for such extra purifications. With the help from insights from purity concepts in Greek religion in which normalcy is the most common category, I suggested that a similar understanding is evident in these cases. Hence, the members would purify themselves in order to be transferred from a state of normalcy to become fully pure. This also explains why people would purify by washing prior to entering the sanctuary. I also proposed that the need for a purity grade of normalcy may stem from the simple fact that people would often not be certain about their purity level, since this in turn depended on other people with whom they mingled and shared meals.

A similar view on purity applies to items as well, which can be classified as pure, impure, or in an undetermined kind of normal state. The term "the purity," which applies to different kinds of items (and also meals), indicates that ordinary stuff was not considered fully pure. Instead, certain items had to be set apart and be protected from impurities in order to be considered as fully pure. Most stuff, consequently, did not belong to this category, but was not regarded as impure either, and rather belonged to an ordinary state between the two.

I have offered this reconstruction based on various small pieces of evidence. There is no law that clearly supports my conclusion by explaining how this general state of non-impurity and non-purity works. Instead, this is an implicit principle that underlies the regulations. It is not surprising that the purity laws in the Scrolls are mostly directed towards impurity bearers, since it was important to protect everything pure, i. e., the purity of the Qumran community and the purity of the sanctuary. The normal state that is neither fully pure nor fully impure, is less of a concern, it is rather a given.

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Purity and Cult in the Qumran War Texts

A Reconsideration

Michael DeVries

The increased importance of purity within Judaism of the late Second-Temple period is beyond question. The widespread presence of *miqva'ot* from the late first century BCE to 70 CE (and whose use has been argued as continuing past 70 CE), including their distribution within residential areas, near synagogues, agricultural installations, pilgrimage routes, and cemeteries, as well as the widespread use of stone vessels all attest to the notion of an intensified concern for ritual purity.[1] The archaeological record of Khirbet Qumran only strengthens this portrayal, including the presence of potentially upwards of ten large *miqva'ot*, as well as the use of stone lids, stoppers, and storage jars.[2]

With the full publication of the Qumran corpus, the evidence available concerning the nature of purity and impurity has grown dramatically offering a more nuanced depiction of the issues. Nevertheless, this increase in available evidence has not always resulted in greater clarity, nor universal agreement. Discussion continues concerning the development of an adequate conceptual framework for understanding the diverse nature of impurity concerns.[3] There is

[1] Boaz Zissu and David Amit, "Common Judaism, Common Purity, and the Second Temple Period Judean *Miqwa'ot* (Ritual Immersion Baths)," in *Common Judaism. Explorations in Second-Temple Judaism*, eds. Wayne O. McCready and Adele Reinhartz (Minneapolis: Fortress Press, 2008), 47–62; revised and updated in "A Classification of the Second Temple Period Judean Miqwa'ot (Ritual Immersion Baths)," in *Speleology and Spelestology. To the Centenary of A.V. Ryimin's Birth* (Nabereznye Chelny, 2014), 246–61. Also, Jodi Magness, *Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids: Eerdmans, 2002), 134–62 and *Stone and Dung, Oil and Spit. Jewish Daily Life in the Time of Jesus* (Grand Rapids: Eerdmans, 2011), 16–17. On the use of *miqva'ot* past 70 CE, see Yonatan Adler, "The Decline of Jewish Ritual Purity Observance in Roman Palaestina. An Archaeological Perspective on Chronology and Historical Context," in *Expressions of Cult in the Southern Levant in the Greco-Roman Period. Manifestations in Text and Material Culture*, CS 6, eds. Oren Tal and Zeev Weiss (Turnhout, Belgium: Brepols, 2017), 269–84.

[2] Magness, *Archaeology of Qumran and the Dead Sea Scrolls*, 79–89 and 147–58.

[3] Mary Douglas, *Purity and Danger. An Analysis of Concept of Pollution and Taboo* (London: Routledge, 1966); *Leviticus as Literature* (Oxford: Oxford University Press, 1999); Jacob Milgrom, *Leviticus 1–16. A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 766–68, 816–20, 1000–1004; Jonathan Klawans, *Impurity and Sin and Ancient Judaism* (Oxford: Oxford University Press, 2000); and Tracy Lemos, "Where There is Dirt,

debate concerning if and to what degree we might speak of a coherent system of purity at Qumran, which raises further questions regarding which texts should be seen as representative of such a system as opposed to texts merely received by the Qumran movement but not informing the lived practice of the movement as a whole or the Qumran sectarians specifically.[4] There continues to be discourse regarding the level of stringency seen in purity requirements at Qumran vis-à-vis those required by other expressions of Judaism in the Second-Temple period.[5] Finally, debate continues as to the amount of intersection between the categories of ritual and moral purity envisaged within so-called purity texts in the Qumran corpus.[6]

Whereas these discussions surrounding purity at Qumran have tended to focus on the conceptual framework of purity and impurity and its implications in light of various *serekh* and *halakhic* texts, including the Damascus Document, the Community Rule, 4QTohorot, 4QOrdinances[a-c], the Temple Scroll, and 4QMMT, the evidence from the Qumran War Texts has rarely been drawn upon within the discussion. While space does not allow for a comprehensive analysis regarding the aforementioned areas, this paper seeks to explore issues of purity and impurity within the Qumran war texts, more specifically within 1QM 7:3–7 and 9:6–9 and their related texts in 4Q491 and 4Q493 respectively, and the light they might shed on the discourse regarding the notion of purity at Qumran.

Is There System? Revisiting Biblical Purity Constructions," *JSOT* 37 (2013): 265–94. Thomas Kazen has recently argued persuasively for the role of disgust as a common denominator underlying various conceptions of purity. See Thomas Kazen, *Emotions in Biblical Law. A Cognitive Science Approach*, HBM 36 (Sheffield: Sheffield Phoenix Press, 2011); Kazen, "The Role of Disgust in Priestly Purity Law. Insights from Conceptual Metaphor and Blending Theories," *JLRS* 3 (2014): 62–92; Kazen, "Disgust in Body, Mind, and Language. The Case for Impurity," in *Mixed Feelings and Vexed Passions in Biblical Literature. Exploring Emotions in Biblical Literature*, RBS 90, ed. F. Scott Spencer (Atlanta, GA: SBL Press, 2017), 97–115; and Kazen, "Levels of Explanation for Ideas of Impurity. Why Structuralist and Symbolic Models Often Fail While Evolutionary and Cognitive Models Succeed," *JAJ* 9 (2018 [2019]): 74–99.

[4] In support of a coherent system, see Hannah K. Harrington, *The Impurity Systems of Qumran and the Rabbis. Biblical Foundations*, SBLDS (Atlanta, GA: Scholars Press, 1993) and *The Purity Texts*, CQS 5 (London: T&T Clark, 2004), 12–30. For the contrasting position, see Ian C. Werrett, *Ritual Purity and the Dead Sea Scrolls*, STDJ 72 (Leiden: Brill, 2007).

[5] Hannah Harrington suggest that the Qumran "system" was more consistently more stringent (see *Impurity Systems*, 47–67 and *Purity Texts*, 12). Vered Noam and Ian Werrett have convincingly demonstrated that Qumran purity requirements were at times more lenient. See Vered Noam, "Stringency in Qumran. A Reassessment," *JSJ* 40 (2009): 1–14 and *Ritual Purity and the Dead Sea Scrolls*, 288–305.

[6] Klawans argues that ritual and moral impurity have become a "singular conception of defilement." (See Klawans, *Impurity and Sin in Ancient Judaism*, 90). Also, Eyal Regev, "Abominated Temple and a Holy Community. The Formation of the Notions of Purity and Impurity in Qumran," *DSD* 10 (2003): 243–78. For a contrasting position, see Martha Himmelfarb, "Impurity and Sin in 4QD, 1QS, and 4Q512," *DSD* 8 (2001): 9–37 and more recently, Cecilia Wassén, "Purity and Holiness," in *T&T Clark Companion to the Dead Sea Scrolls*, eds. George J. Brooke and Charlotte Hempel (London: Bloomsbury T&T Clark, 2018), 513–15.

1. Enhanced Purity and the Protection of the Holy

It is universally recognized that the purity requirements found within the Priestly stratum and the Holiness Code demonstrate a concern for contact between impurity and that which is holy, most notably the temple.[7] Purity regulations were requisite for contact with the holy, protecting that which was holy from defilement by impurity; and therefore, were essential for God's holiness to be present.[8]

The need for an elevated level of holiness and the protection of the holy is attested in various texts within the Hebrew Bible, two of which have implications for our examination of the Qumran war texts. The first is Deut 23:10–15 (9–14).

[10] When you are encamped against your enemies you shall guard against any impropriety.
[11] If one of you becomes unclean because of a nocturnal emission, then he shall go outside the camp; he must not come within the camp. [12] When evening comes, he shall wash himself with water, and when the sun has set, he may come back into the camp. [13] You shall have a designated area outside the camp to which you shall go. [14] With your utensils you shall have a trowel; when you relieve yourself outside, you shall dig a hole with it and then cover up your excrement. [15] Because the LORD your God travels along with your camp, to save you and to hand over your enemies to you, therefore your camp must be holy, so that he may not see anything indecent among you and turn away from you (NRSV).

Aimed at protecting the sacred sphere of the war camp, this series of regulations begins with a general command concerning the guarding of the camp "against any bad thing" (מִכֹּל דָּבָר רָע), a phrase which is also used to refer to bodily defects in sacrificial animals in Deut 17:1.[9] The text then expands upon this command, first with a prohibition concerning uncleanness regarding nocturnal emission (vv. 11–12). The person who becomes unclean must separate himself from the camp. When evening comes, the individual undergoes the required ablution, after which they are able to re-enter the camp when the sun has set. Outside the required separation of the seminal emitter from the war camp, this prescription agrees in principle with the prescription found in Lev 15:16, "If a man has an emission of semen, he shall bathe his whole body in water, and be clean until evening." The text then shifts to specific regulations regarding the proper treatment of excrement (vv. 13–14), including the establishment of a specified location outside the camp and manner by which the excrement is covered.[10] The

[7] Milgrom, *Leviticus 1–16*, 976–85.
[8] Harrington, *Purity Texts*, 8–12. See also, Wassén, "Purity and Holiness," 511.
[9] Jeffrey H. Tigay, *Deuteronomy. The Traditional Hebrew Text with the New JPS Translation,* JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1996), 213.
[10] It should be noted that nowhere in the Torah is human excrement explicitly described as impure. The reference to excrement associated with the purity regulations of the war camp may be due to the notion of excrement being filthy and disgusting, and thus repugnant and something which God should not see among them (See Tigay, *Deuteronomy*, 214). Josephus

rationale for these regulations is explicitly given in verse 15, namely the camp must maintain strict holiness due to the fact that God is present in the camp and should not see "anything indecent" (עֶרְוַת דָּבָר, literally "anything naked") among them and potentially turn away. In order to sustain the presence of God within the war camp, therefore, an enhanced level of holiness must be maintained by the combatants.

A second location is the priestly regulations found in Lev 21:17–23 concerning the state of perfection required for cultic activity.

17 Speak to Aaron and say: No one of your offspring throughout their generations who has
a blemish may approach to offer the food of his God. 18 For no one who has a blemish shall
draw near, one who is blind or lame, or one who has a mutilated face or a limb too long,
19 or one who has a broken foot or a broken hand, 20 or a hunchback, or a dwarf, or a man
with a blemish in his eyes or an itching disease or scabs or crushed testicles. 21 No descend-
ant of Aaron the priest who has a blemish shall come near to offer the LORD'S offerings
by fire; since he has a blemish, he shall not come near to offer the food of his God. 22 He
may eat the food of his God, of the most holy as well as of the holy. 23 But he shall not come
near the curtain or approach the altar, because he has a blemish, that he may not profane
my sanctuaries; for I am the LORD; I sanctify them.

Here, Moses is commanded to instruct Aaron that no one with a blemish (מוּם) may approach to "offer the food of his God" (Lev 21:17). This prohibition is repeated in the following verse, followed by a listing of twelve specific blemishes: those who are blind, lame, mutilated, deformed, a broken foot or hand, a hunchback, dwarf, one with a defect in their eyes, an itching disease, scab or skin defect, or crushed testicles. This list highlights the need for priests involved in the sacrificing of unblemished animals to maintain an elevated status of physical perfection in order to access contact with the holy. Furthermore, as Jacob Milgrom has observed, the twelve prohibitive blemishes for the priesthood presented in Lev 21 parallel the twelve prohibitive blemishes for the sacrificial animals themselves in Lev 22:22–24.[11] The overarching concern is clear – those who enter the sacred sphere for a cultic function, whether human or animal, must attain an enhanced state of perfection.[12] To not do so would result in the profanation of the sanctuary (vv. 23).

The stringency of purity requirements characterized at Qumran likewise attest to an intensification of concern for purity and perfection. Within this context, purity regulations provide strict boundaries which demarcate and protect the

notes that while defecation is a normal human function, the Essenes washed themselves after defecation "as if defiled" (*War* 2.149).

[11] Jacob Milgrom, *Leviticus 17–22. A New Translation with Introduction and Commentary*, AB 3A (New York: Doubleday, 2000), 1836–41. See also Baruch A. Levine, *Leviticus. The Traditional Hebrew Text with the New JPS Translation,* JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1989), 140–41.

[12] Milgrom, *Leviticus 17–22*, 1839.

"holy community" from defilement. This concern is particularly noticeable in the self-referential titles given to the community, such as "holy congregation" (1QS 5:20; 9:2; 1QSa 1:9, 13), "holy council" (1QS 2:25; 8:25; 1QSa 2:9; 1QM 3:4; CD 20:25; 1QH 15:10), "men of holiness" (1QS 8:17), and "men of perfect holiness" (CD 20:2–7; 1QS 8:20).[13]

Due to the metaphorical use of temple language in connection with the community in the Community Rule (1QS 5:5–6; 8:4–6; 9:3–6) and 4QFlorilegium 1–2 i 6, rationale for the purity regulations have tended to focus on the temple, envisaging the community as a type of substitute or replacement for the Jerusalem temple or as the embodiment of the pure status incumbent by the Torah in expectation of a renewed temple in the future.[14] Inherent in these notions is the suggestion that the intensified levels of purity at Qumran were to parallel those required for the temple and the holy city. More recently, attention has been focused on the eschatological nature of the community, specifically, the developing belief of the presence of angelic beings in their midst and the communion between the divine and human realms (cf. 1QS 11:7–9; 1QSa 3:3–9; CD 15:15–17; 1QM 7:3–6; 1QH^{a} 11:21–23; *Songs of the Maskil* [4Q510–511]).[15] As such, the enhanced requirements are necessary in order to access and maintain an intensified degree of holiness in relation with and due to the presence of angels and the

[13] Wassén, "Purity and Holiness," 513.

[14] Michael Newton, *The Concept of Purity at Qumran and in the Letters of Paul* (Cambridge: Cambridge University Press, 1985), 49; Lawrence H. Schiffman, "The Impurity of the Dead in the Temple Scroll," in *Archaeology and History in the Dead Sea Scrolls. The New York University Conference in Memory of Yigael Yadin*, JSPSup 8, ed. Lawrence H. Schiffman (Sheffield: JSOT Press, 1990), 135–56; Elisha Qimron, "Celibacy in the Dead Sea Scrolls and the Two Kinds of Sectarians," in *The Madrid Qumran Congress. Proceedings of the International Congress of the Dead Sea Scrolls, Madrid 18–21 March 1991*, STDJ 11, eds. Julio Trebolle Barrera and Luis Vegas Montaner (Leiden: Brill, 1992), 286–94; E. P. Sanders, *Judaism: Practice and Belief, 63 BCE–66 CE* (London: SCM Press, 1992), 376–77; Harrington, *Impurity Systems*, 56–57 and *Purity Texts*, 38; and Jonathan Klawans, *Purity, Sacrifice, and the Temple. Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: Oxford University Press, 2006), 162–68. Florentino García Martínez sees Qumran purity requirements as an extension of the requirements for Temple purity to the whole holy city and thus to the community itself as a substitute for the Temple. While acknowledging the rationale of the presence of angels, he sees this as the supreme ideal to which the community pursued. See García Martínez, Florentino and Julio Trebolle Barrera. *The People of the Dead Sea Scrolls. Their Writings, Beliefs and Practices*. Leiden: Brill, 1995. Contra to these positions, see Cecilia Wassén, "Do You Have to be Pure in a Metaphorical Temple? Sanctuary Metaphors and Construction of Sacred Space in the Dead Sea Scrolls and Paul's Letters," in *Purity, Holiness, and Identity in Judaism and Christianity. Essays in Memory of Susan Haber*, WUNT 305, eds. Carl S. Ehrlich, Anders Runesson, and Eileen Schuller (Tübingen: Mohr Siebeck, 2013), 55–86.

[15] See Cecilia Wassén, "Angels and Humans. Boundaries and Synergies," in *Celebrating the Dead Sea Scrolls. A Canadian Collection*, EJL 30, eds. Peter W. Flint, Jean Duhaime, and Kyung S. Baek (Atlanta, GA: Society of Biblical Literature, 2011), 523–39.

communion between the human and heavenly realms.[16] Therefore, the avoidance of impurities and, as we will see, the various rules of exclusion found within the Qumran war tradition were imperative within the eschatological community for contact with the holy.[17]

2. Enhanced Purity and the Qumran War Texts

The constellation of texts comprising the Qumran war texts attest to an intensification of purity concerns comparable to that of other texts within the corpus. That said, the Qumran war texts also demonstrate a unique amalgamation of purity concerns, one which combines the enhanced purity requirements of combatants in the war tradition of Deut 23:10–15 (9–14) and the perfection required of the priesthood within the cultic realm as elucidated in Lev 21:17–23. To explore this synthesis of purity concerns and their implications, we will examine two examples: 1QM 7:3–7 and 9:6–9 and their respective related texts, 4Q491 and 4Q493.

2.1 1QM 7:3–7 and 4Q491 1–3 6–10[18]

1QM 7:3–7

3 ... וכול נער זעטוט ואשה לוא יבואו למחנותם בצאתם
4 מירושלים ללכת למלחמה עד שובם וכול פסח או עור או חגר או איש אשר מום עולם בבשרו או איש מנוגע בטמאת
5 בשרו כול אלה לוא ילכו אתם למלחמה כולם יהיו אנשי נדבת מלחמה ותמימי רוח ובשר ועתודים ליום נקם וכול
6 איש אשר לוא יהיה טהור ממקורו ביום המלחמה לוא ירד אתם כיא מלאכי קודש עם צבאותם יחד ורוח יהיה
7 בין כול מחניהמה למקום היד כאלפים באמה וכול ערות דבר רע לוא יראה סביבות כול מחניהם

[16] Hannah Harrington in her later work ties the enhanced state of purity as reflective of the sects' "apocalyptic character." She notes that purity is necessary for holiness in fighting holy war in order to receive divine aid, the purification of evil, and for receiving on-going revelation. Thus, purity was essential so that divine holiness would provide them with power and revelation. See *Purity Texts*, 39–41.

[17] Lawrence H. Schiffman, *The Eschatological Community of the Dead Sea Scrolls. A Study of the Rule of the Congregation*, SBLMS 38 (Atlanta, GA: Scholars Press, 1989), 37–52. Also, Cecilia Wassén, "What Do Angels Have against the Blind and the Deaf? Rules of Exclusion in the Dead Sea Scrolls," in *Common Judaism. Explorations in Second-Temple Judaism*, eds. Wayne O. McCready and Adele Reinhartz (Minneapolis: Fortress Press, 2008), 115–29.

[18] Unless otherwise noted, reconstructions and translations taken from Jean Duhaime, "War Scroll (1QM; 1Q33; 4Q491–496 = 4QM1–6; 4Q497)," in *The Dead Sea Scrolls. Hebrew, Aramaic, and Greek Texts with English Translations, Vol. 2: Damascus Document, War Scroll, and Related Documents*, PTSDSSP 2, ed. James H. Charlesworth, et al. (Tübingen: Mohr Siebeck; Louisville: Westminster John Knox, 1995).

3 No young boy or woman shall enter their camps when they leave
4 Jerusalem to go to battle until they return. Neither lame, nor blind, nor crippled, nor a man in whose flesh there is a permanent blemish, nor a man stricken by some uncleanness
5 in his flesh, none of them shall go to battle with them. They shall be volunteers for war, perfect ones of spirit and flesh, and ready for the Day of Vengeance. Any
6 man who is not purified from a (bodily) discharge on the day of the battle shall not go down with them, for the holy angels are together with their hosts. There shall be a distance
7 between all their camps and the place of the hand two thousand cubits or so. No indecent nakedness shall be seen in the surroundings of all their camps.

4Q491 1–3 6–10

6 וזה הס̊רך ב̇חנותמה וב̊[ובח]לוקותמה מ̊[[ ]]מ̊יס̇ סביבה מ̊[[]]ח̊וץ ̊[ ] ואש̊ה ונער זעטוט וכול איש מנו[גע

7 המער]כ̇ה ואנשי החרש[וה]מ̊[צ]ר̊ף ופקודים להיוה א̊נ̊[[שי]]מ̇מ̊[[]] ̊יאי̊ה̊ם̊ ל̇מ̊שמרותמה ב̊[ ]̊ המערכה ע̊ד̇ שובמה ואלפים אמה יהיה בין ה[מחנות

8 ערוה לוא יראה סביבותי̇ה̇מ[ה]ו̊בצאתמה לערוך המלחמה [להכ]נ̊יע[[אויב]]מהמה פטורי[ם] ~~ע̊ אוי̊~~ בג[ו]ר̊ל ל̇שבט שבט לפיא פקודיו לדבר יום[

9 היום ההואה מכול שבטיהמה̊[י]אצאו מחוצה למחנות אל בית מו̊[[עד י]]צ̊או אליהמה ה̇[כוהנ]י̊ם והלויי[י]ם̇ וכול שרי המחנות ועברו שמה לפני[

10 ל̇א̇ל̇פים ו̇ל̇מאיות ולחמשים ולעוש̇[ר]ו̊ת וכול איש אשר לוא יהיה̊[[בלי]]לה ההואה לו̊[א יב]ו̊א אתמה ל[מ]לחמה כיא מלאכי קדוש במערכותמה יח̇[ד

6 This is the rule (to observe) in their encampments and in [… and in] their [di]visions *m*[…]*mym* the surrounding, on the outside [… .] No woman or young boy or a man stric[ken …]
7 [the li]ne. The craftsman [and the] sm[el]ters and those appointed to the me[n of] *mm*[…] their […]˚*y'y* to their stations in […]˚the line until their return. There shall be two thousand cubits between the [camps …]
8 nakedness shall not be seen in the[ir] surroundings. When they march out to set up the battle [to humi]liate [the enemy …] among them set free by l[ot] for each tribe, according to its numbered men, for the daily duty. […]
9 (On) that day, from all their tribes, they [shall m]arch out of the camps towards the house of meet[ing … shall m]arch out towards them the [priest]s, the Lev[i]tes, and all the camp commanders. There they shall pass in front of […]
10 to the thousands, the hundreds, the fifties and the te[n]s. Any man who will not be […on] that [ni]ght [shall] no[t c]ome with them to the [b]attle, for the holy angels (are) togeth[er] within their lines [… .]

Located within a section addressing the organization and tactics in the eschatological battle (cols. 2–9), column 7 begins with the continuation of rules concerning age requirements for various duties within the army and then shifts to matters of the war camp itself. Of central concern is the protection of the enhanced state of holiness required within the war camp itself, as evidenced by the

various rules demarcating who is excluded from joining the combatants in the eschatological battle.[19]

The reliance of 1QM 7:3–7 upon the regulations found in Deut 23:10–15 concerning those defiled with respect to his genitals (לוא יהיה טהור ממקורו) and the proper treatment of excrement has been persuasively established.[20] Concerning the regulations governing excrement, line 7 additionally specifies "the place of the hand" (למקום היד) be established about two thousand cubits from the war camp, a regulation paralleled in 4Q491 1–3 7 and the Temple Scroll (11QT[a] 46:13–16a) albeit with slightly different distance requirements. Both texts, moreover, share a common rationale for exclusion, namely, that of divine presence in their midst. Whereas Deut 23 offers this as the rationale for the protection of the holiness of the war camp, 1QM 7 advances the rationale in connection with the rules of exclusion. Notably, the redeployment of the purity concerns in Deut 23 potentially provides a reasoning for the regulation in 7:3 excluding women from entering their camps as their presence would constitute a threat to the ritual purity of men due to semen emission (cf. Exod 19:15; Lev 15:16–18; 1 Sam 21:4–5; 2 Sam 11:11).[21]

Whereas the exclusion for women and young boys (7:3–4) prohibits them from entering their camps, the rules of exclusion regarding those with impurities and physical defect (7:4–6) prohibits them from going with them to battle. A further distinction appears within the text, namely, anyone who is not pure with respect to his genitals *on the day of battle* is prohibited from going down with other combatants into battle (7:5). Importantly, it should be noted that the rationale set forth of the angelic presence in 7:4–6 is associated with those with impurities

[19] The Temple Scroll requires the combatants to guard against all types of ritual impurity, indecency (nakedness), iniquity, and guilt (11QT[a] 58:17).

[20] See Yigael Yadin, *The Scroll of the War of the Sons of Light against the Sons of Darkness*, trans. Batya and Chaim Rabin (Oxford: Oxford University Press, 1962), 70–75; Philip Davies, *1QM, the War Scroll from Qumran. Its Structure and History*, BibOr 32 (Rome: Biblical Institute Press, 1977), 42; Mila Ginsburskaya, "The Right of Council and the Idea of Purity in the *Rule of the Community* (1QS) and the *Rule of the Congregation* (1QSa)," in *Qumran Cave 1 Revisited. Texts from Cave 1 Sixty Years after Their Discovery. Proceedings from the Sixth Meeting of the IOQS in Ljubljana* STDJ 91, eds. Daniel K. Falk et al. (Leiden: Brill, 2010), 82–84.

[21] The exclusion of young boys from the war camp in M is related to the age requirements addressed in 1QM 6:13–7:3. Ian Werrett and Stephen Parker see a potential connection regarding the age in which young men were allowed entrance into the eschatological community (1QSa 1:6–9, 27b), the prohibition of young men as witnesses in murder trials (CD 9:23b–10:3), the age requirements for the "judges of the nations" (CD 10:4–7a), and the minimum age at which a young man can enter the temple area (11QT[a] 39:10–11a). See Ian Werrett and Stephen Parker, "Purity in War. What is it Good For?" in *The War Scroll, Violence, War and Peace in the Dead Sea Scrolls and Related Literature. Essays in Honour of Martin G. Abegg on the Occasion of His 65th Birthday*, STDJ 115, eds. Kipp Davis et al. (Leiden: Brill, 2015), 302. Moshe Bernstein suggests that whatever the reasoning might be, the level of purity required was something women and children "presumed not to be able to attain or maintain." See Moshe J. Bernstein, "Women and Children in Legal and Liturgical Texts from Qumran," *DSD* 11 (2004): 209.

and physical defects, as noted by Cecilia Wassén.[22] This conclusion is further strengthened by 4Q491 1–3 6–10, where line 10 reads, "Any man who will not be [... on] that [ni]ght [shall] no[t c]ome with them to the [b]attle, for the holy angels (are) togeth[er] within their lines [... .]." The rationale advanced is more closely associated with the combatants as they are about to engage the enemy than the prohibition excluding women and young boys from the war camp itself found in line 6 as it is separated with intervening material. Moreover, the designation of the holy angels being within their battle lines (במערכותמה) posits the angelic presence as being more closely associated with the army and the battle proper than the war camp per se. Therefore, what we see in 7:4–6 and 4Q491 1–3 is a heightened concern for purity and the protection of the holy the closer one moves to the locus and moment of the enemy annihilation.

It is commonly accepted that the list of exclusions in 7:4–6 is based upon the exclusions in Lev 21:17–23 which enumerates the physical defects which render the descendants of Aaron ineligible for involvement in cultic service.[23] The reason for this connection is a matter of debate. Yigael Yadin assumes the reason to be connected is not from military concerns but from concerns for the purity of the camp and demurs from any further investigation.[24] By contrast, Philip Davies, while noting a similarity to the priestly exclusions of Lev 21, suggests this grouping of exemptions as simply reflecting common ancient military practices, additionally noting that any direct connection is doubtful.[25] More recently, the discussion has tended to focus on either the idea of the Qumran sect as a priestly community and embodied substitute for the temple or in connection with the sect's ideology of the angelic presence and need to protect the holy.[26] Aharon Shemesh suggests that the Qumran community adopted the prohibitions of priests with physical defects, which he sees as a profanation of the temple, based upon the notion that physical deformity was antithetical to the divine presence. Thus, the community adopted these rules to protect the holiness of their meetings as well as the war camp.[27] Saul Olyan, while noting the rationale of angelic presence, but limiting it only to those with seminal emissions (7:6–7), envisages the

[22] Wassén, "What Do Angels Have against the Blind and the Deaf?," 126–27.

[23] See Aharon Shemesh, "'The Holy Angels are in their Council': The Exclusion of Deformed Persons from Holy Places in Qumranic and Rabbinic Literature," *DSD* 4 (1997): 179–206; and Saul M. Olyan, "The Exegetical Dimensions of Restrictions on the Blind and the Lame in the Texts from Qumran," *DSD* 8 (2001): 38–50.

[24] Yadin, *The Scroll of the War*, 72–73.

[25] Davies, *1QM, the War Scroll from Qumran*, 42.

[26] The latter reasoning finds early expression by Joseph Fitzmyer who links bodily defects in ancient Judaism as "a source of irreverence toward that which was holy" and the reference in Qumran literature to the "holy angels." Thus, Fitzmyer notes the exclusion at Qumran concerns showing reverence for the "holy angels." See Joseph A. Fitzmyer, "A Feature of Qumran Angelology and the Angels of 1 Cor 11:10," in *Paul and Qumran. Studies in New Testament Exegesis*, ed. Jerome Murphy-O'Connor (Chicago: Priory Press, 1968), 42–43.

[27] Shemesh, "The Holy Angels are in their Council," 201–2.

exclusion of the blind, lame, and those with varying physical defects from the eschatological war camp as an example of the tendency of the Qumran texts to increase in range and severity of the biblical exclusion laws.[28] Citing 1QSa 2:5, 11:3–11, and 1QM 7:4–6, Hannah Harrington argues the exclusion of those with ritual impurities and physical deformities is due to the presence of angels within the community, vaguely adding that this emphasis "on priestly standards is characteristic of Qumran texts" and that the presence of the impure or physically disabled is considered a threat to the continued holiness of the group.[29] None of these explanations feel nuanced enough to account for the concern for ritual purity, priestly perfection, and the reference to the angelic presence in 1QM 7:4–6.

Addressing this need, Wassén has suggested that in addition to matters connected to the priesthood and cult, the fear of demonic power – and its implication for maintaining connection with the presence of angels – should be considered.[30] Wassén argues that various impurities and physical deformities were associated with demonic affliction and thus required stringent exclusion. The exclusion of those with these maladies preserved and protected the holiness required for continued communion with angelic beings and hence accounts for the rules of exclusion concerning sacred spaces and activities.[31] It is here that I would like to suggest an additional consideration.

The physical defects enumerated in Lev 21:17–23 ensured that the descendants of Aaron were not disqualified from involvement in the cultic proceedings of the temple. The overarching concern was for the priests involved in the cultic moment to maintain an enhanced level of purity and protection in direct correlation with the sacrificial animal. Exclusion of that which was blemished was therefore essential to protect the sacred sphere. The redeployment of these regulations in the eschatological war texts intensifies the level of holiness required for the eschatological war to that required within the cultic realm. These requirements, in addition to being essential for maintaining connection with presence of the angels, therefore elevates the required purity and perfection of the combatants to that of the descendants of Aaron as they function within the sacred cultic sphere. This suggests that the eschatological war is envisaged as a cultic event and the combatants as sacrificially qualified priests. The exclusion of those with ritual impurities and physical deformity is therefore required for the protection

[28] Olyan, "The Exegetical Dimensions of Restrictions on the Blind and the Lame," 48–50.

[29] Harrington, *Purity Texts*, 55–56. Commenting on Harrington's position, Jonathan Klawans sees specifically the exclusion of the blind on the grounds of "ritual defilement" (also citing 4QMMT B 49–54 and 11QT 45:12–14 as corroborating evidence) yet does not expound upon why blindness might be ritual defiling. See Jonathan Klawans, "Purity in the Dead Sea Scrolls," in *The Oxford Handbook of the Dead Sea Scrolls*, eds. Timothy H. Lim and John J. Collins (Oxford: Oxford University Press, 2010), 382.

[30] See also Yair Furstenberg, "Controlling Impurity. The Natures of Impurity in the Second Temple Debates," *Dine Israel* 30 (2015): 187–89.

[31] Wassén, "What Do Angels Have against the Blind and the Deaf?" 129.

of the sacred cultic sphere and to ensure the qualified status of the combatants as sacerdotal participants. The eschatological battle would require combatants, who were joined by the angels, to stringently maintain an elevated status of purity and perfection if they were to destroy the enemy and see the dawn of a new age.

2.2 1QM 9:6–9 and 4Q493 4–6

1QM 9:6–9

6 ... ותקעו להמה הכוהנים בחצוצרות המרדוף ונחל[קו] על כול האויב לרדף כלה והרכב
7 משיבים על ידי המלחמה עד החרם ובנפול החללים יהיו הכֹו[הנ]ים מריעים מרחוק ולוא יבואו
8 אל תוך החללים להתגאל בדם טמאתם כיא קדושים המה [לו]אׄ יחלו שמן משיחת כהונתם בדם
9 גוי הבל (vacat)

6 The priests shall blow for them on the trumpets of pursuit and [they] shall divi[de] against all the enemy for a destructive pursuit. The cavalry
7 shall bring (them) back to the battle area until (their) annihilation. When the slain fall down, the pri[est]s shall keep blowing from afar. They shall not come
8 to the midst of the slain (so as) to become defiled in their unclean blood of uncleanness, for they are holy. They shall [no]t profane the oil of their priestly anointing through the blood
9 of nations of vanity. (vacat)

4Q493 4–6[32]

4 גויים והכוחנים יצאו מבין החללים יעמ[דו ...]ה̊ למ̊ל̊ת̊
5 ל̊י̊ד החרף והמאבן ולוא יחללו שמן כהונ̊ת̊ם̊[...]ל̊ל̊י̊[...]
6 [ו]ל̊כ̊ול מערכות הבנים לוא יגשו ותקע̊ו̊ בקול ח̊ד̊ ל̊◦◦ת א̊[...

4 the nations. And the priests shall go out from among the slain and take posi[tion ...]
5 on the side of the catapult and the ballista. And they shall not profane the oil of their priesthood [with the blood of the s]lai[n.]
6 [And] to any of the lines of the infantrymen they shall not approach. And they shall blow with a sharp sound for [...]

This elevated requirement for sacerdotal combatants not only applied those in the battle lines, but also to the priests who orchestrate the war as seen in 1QM 9:6–9. In line 6, the priests blow the trumpets of pursuit to initiate the pursuit of the enemy for their annihilation (כלה). As the slain fall, the priests are commanded to continue blowing from afar and not enter the midst of the slain for fear of defilement by their unclean blood "for they are holy" (9:8). Of central concern is the protection of the holiness of the priesthood from defilement. This concern is expanded upon later in line 8 in the form of a second prohibition regarding the profanation of "the oil of their priestly anointing" with the blood of the slain (9:8–9). 4Q493 4–6 contains a parallel reading of this location, but notable inverts the prohibitions placing the prohibition regarding the pro-

[32] Reconstruction and translation are my own.

fanation of "the oil of their priesthood" prior to the prohibition against entering the lines of the infantry, thus emphasizing the central concern for the protection of the holiness of the priesthood.[33] Harrington points to this as an example of the ritually defiling nature of the property of the Gentiles, but this seems unlikely.[34] What is made explicit here, rather, is that it is the *blood of the corpses of the slain* which would ritually defile the priests were they to come into contact with them; moreover, the oil of their priestly anointing would be profaned.

Two potential reasons for this purity concern emerge. First, this concern could have in mind the corpse impurity regulations with respect to the high priest in Lev 21:10–12. Common to both Lev 21 and 1QM 9 is the unique concern for the holiness of the "oil of anointing." Leviticus 21:12 prohibits the high priest from leaving the sanctuary, implying to go where there is a dead body (in light of the prohibition in 12:11), so as to not profane the sanctuary through the defilement of the oil of anointing. Whereas in 1QM 9 the priests are prohibited from being in close contact with the corpses of the slain so as to not profane the "oil of their priestly anointing" (9:8). If this is the case, the priests who are tactically orchestrating the war in 1QM appear to fall under the same stringent purity requirement as that of the high priest in the sanctuary. Given that unction with the oil of anointing was traditionally reserved for the high priest, this is a distinct elevation of the purity requirement for the priesthood in 1QM.[35]

Second, the concern for the purity of the priesthood in 1QM 9 could be connected with the notion of corpse-blood impurity. Within the enumeration of sources of corpse contamination in Num 19 corpse-blood as contagion is not explicitly mentioned. Noticing that corpse-blood as contagion is present within *Sifre Zuta* 19:11, Vered Noam has proposed 11QT[a] 50:4–7 as a way of reconstructing the exegetical lacuna.[36] Paraphrasing the list of contagions in Num 19:16 which cause contamination "in an open field," the *Temple Scroll* adds "or the blood of a dead man" (50:6). Validity of argument notwithstanding, the reference to corpse-blood impurity in the *Temple Scroll* proposes that the Qumran movement to some degree accepted corpse-blood as defiling. If this is the case, the defiling nature of corpse-blood could be in view regarding the protection of the priesthood and the oil of anointing in 1QM 9:6–9 and advances another example of this halakhic position. Nevertheless, 1QM 9:6–9 further demonstrates an elevated concern for ritual purity regarding the sacerdotal combatants in the eschatological battle, a concern which not only applied to those in the battle lines, but also to the priests tactically orchestrating the war.

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[33] Note the lack of משיחת ("anointing") in 4Q493 5 compared to 1QM 9:8.

[34] Harrington, *Impurity Systems*, 104.

[35] Levine, *Leviticus*, 144–45. Cf. 4QapocrMoses[a] (4Q375) 1 i 9 where a similar phrase is used, "[the] anointed priest upon whose head the oil of anointing has been poured."

[36] Vered Noam, "Corpse-Blood Impurity. A Lost Biblical Reading?" *JBL* 128 (2009): 243–51.

3. Conclusion

Within the context of eschatological warfare, the Qumran war texts embody a unique amalgamation of purity concerns. Our examination of these concerns and their implications has led to several proposals. First, the purity requirements for the war camp itself are enhanced beyond those found in Deut 23:10–15 (9–14) to include the exclusion of women and young boys as well as those with physical defects. As we have argued, this latter requirement for physical perfection correlates to that of the descendants of Aaron and their eligibility for participation within cultic functioning as described in Lev 21:17–23. This suggests that the purity and perfection requirements of the combatants of the eschatological war is equal to that of eligible cultic participants. Second, the purity requirement of the priesthood tasked with the tactical orchestration of the eschatological war is enhanced. They are to avoid contact with the corpses of the slain so to not be defiled by their unclean blood as this would profane the "oil of their anointing" (1QM 9:8–9) – a phrase used in like manner in Lev 21:10–12 to describe the requirement of the high priest in avoidance of dead bodies and the profanation of the sanctuary. We have proposed that this correlation potentially elevates the purity of the priesthood in the war texts to that required of the high priest. This enhanced status of purity and perfection required of the combatants, both lay and sacerdotal, suggest that the eschatological war was conceived as requiring a level of purity equal to that of the sacred cultic sphere in sectarian imagination. The war between the "sons of Light" and the "sons of Darkness" was conceptually a cultic phenomenon, one which would usher in the dawn of the new age.

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Purity and Messianism

Some Observations and Surprises Based on the Contrast Between the Messianic Expectations in Pss. Sol. 17 and the Dead Sea Scrolls

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Today, it is well known that messianic expectations in the Second-Temple period were neither ubiquitous nor did they have a fixed shape. Over the last several decades many studies were published in order to show the diversity of messianic texts that have been preserved.[1] Some Jewish groups expected a priestly messiah, as is evident in the Damascus Document. Others hoped for a royal messiah as the group behind the Psalms of Solomon, some texts like the so-called Messianic Apocalypse (4Q521) bear the notion of a prophetic messiah. Moreover, there are also texts that express the hope for a divine or angelic messianic figure such as the Midrash on Melchizedek.[2] Needless to say, these four "basic messianic paradigms"[3] of priestly, royal, prophetic and divine messianic expectations could be combined with each other in different ways. Some texts reveal the hope for two messiahs – one priestly the other royal. One can also find triple messianic expectations or a single messianic figure that bears royal and priestly connotations at the same time. Furthermore, the different functions that are fulfilled by different messianic figures follow the needs of the groups behind the texts. Thus, in

[1] For studies that focus on the diversity of messianic expectations within Second-Temple Judaism see in particular John J. Collins, *The Scepter and the Star. The Messiahs of the Dead Sea Scrolls and Other Ancient Literature*, 2nd ed. (New York: Doubleday, 2010); Joseph A. Fitzmyer, *The One Who Is to Come* (Grand Rapids, Mich.: Eerdmans, 2007) and Stefan Schreiber, *Gesalbter und König. Titel und Konzeptionen der königlichen Gesalbtenerwartung in frühjüdischen und urchristlichen Schriften*, BZNW 105 (Berlin: de Gruyter, 2000); especially for messianic texts from the Dead Sea Scrolls see Johannes Zimmermann, *Messianische Texte aus Qumran: Königliche, priesterliche und prophetische Messiasvorstellungen in den Schriftfunden von Qumran*, WUNT 2/104 (Tübingen: Mohr Siebeck, 1998) and Géza G. Xeravits, *King, Priest, Prophet: Positive Eschatological Protagonists of the Qumran Library*, STDJ 47 (Leiden: Brill, 2003).

[2] For the different expectations of a superhuman messianic figure see my own doctoral thesis, *Hohe Messianologie. Übermenschliche Aspekte eschatologischer Heilsgestalten im Frühjudentum*, WUNT 2/523 (Tübingen: Mohr Siebeck, 2020).

[3] This term was coined by Collins, *Scepter*, 18, and taken up by many scholars.

particular for those Jewish groups, which did not only hope for a messiah, but were also heavily concerned about matters of purity, one would expect a correlation between messianism and matters of purity. As I will demonstrate later, a close examination of the correlation between purity and messianism reveals two surprises. Though, in order to fully appreciate these surprises, it is first necessary to examine what kind of correlation one should expect.

1. Expectation Based on the Tradition-Historical Connections within the Hebrew Bible

As is well known, every messianic text from the Second-Temple period is shaped in many ways by texts from the Hebrew Bible. Often regardless of their original context of meaning and use, Scriptural texts are interpreted as promises of a future time of salvation. Thus, they are subjected to an eschatological relecture. This broader practice of an *eschatological* reading includes also a *messianic* relecture for some texts from the Hebrew Bible.

Depending on the concrete characterization of a messianic expectation, suitable texts and motifs from canonical writings are used to describe the figure. Therefore, for a Davidic and royal messianic expectation primarily such scriptural texts are used which for their part and in their original context refer to a royal or at least a ruler figure, i. e. Isa 11:1–9. Conversely, for the depiction of a priestly or prophetic messiah, texts and motives are used which refer to such figures in their original literary context.[4] Thus, for example, Isa 61:1–3 is used for the prophetically drawn messiah in the so-called "Messianic Apocalypse" (4Q521); or Moses' blessing for the tribe of Levi in Deut 33:8–11 is used as the basis for the priestly-messianic expectation in 4QTestimonia (4Q175). Since it is easy to find a traditional connection between matters of purification and priesthood within the Hebrew Bible, one would expect a connection between a messiah and a purifying activity first of all in texts that reveal the hope for a priestly messiah. But is it possible, in addition to that, to identify such a tradition-historical connection with matters of purity for King David or one of his successors?[5] The most promising connection between a King of Judah and an act of purification can be found in the so-called cult reforms of King Hezekiah and Josiah.[6] In 2 Chr 29:5 King Hezekiah tells the priests and Levites to „sanctify" the

[4] This is worked out especially by Loren T. Stuckenbruck, "Messianic Ideas in the Apocalyptic and Related Literature of Early Judaism," in *The Messiah in the Old and New Testaments*, ed. Stanley E. Porter, MNTS (Grand Rapids, Mich: Eerdmans, 2007).

[5] For the following see in particular Joseph L. Trafton, "What Would David Do? Messianic Expectation and Surprise on Ps. Sol. 17," in *The Psalms of Solomon. Language, History, Theology*, eds. Eberhard Bons and Patrick Pouchelle, EJIL 40 (Atlanta, GA: SBL Press, 2015).

[6] For the following see already ibid., 166–67 and similar Stefan H. Brandenburger, "Der

temple (MT: קדשׁ), and it is said in 2 Chr 29:15 that they "purified" the temple (MT: טהר). This distinction between the commissioning by King Hezekiah and the execution of purification by the priests is emphasized even more clearly in the Septuagint: When the priests return to King Hezekiah and report that they have successfully purified the temple in 2 Chr 29:18, the Masoretic Text uses again a form of טהר ("purify"). Though, this time the Septuagint does not use καθαρίζω ("purify") as it did three verses earlier to translate טהר, but uses a form of ἁγνίζω and thus the same word with which it translated the commissioning of Hezekiah to sanctify the temple in 2 Chr 29:5 (MT: קדשׁ).

The so-called cult reform of Josiah also displays the connection between messianism and purity. In 2 Chr 34:3f it is reported that Josiah himself purifies Judah and Jerusalem (MT: טהר / LXX: καθαρίζω). But whether King Josiah – let alone his "cult reform" – was ever taken up again in a messianic context in a later time, may be strongly doubted. The sources given to us never speak of a messianic figure called the "son of Josiah" or reveal the expectation of a "Josiah redivivus" anywhere.[7]

In sum, whereas the connection between purity and priesthood is broadly attested within the Hebrew Bible, the tradition-historical connection between the royal office and matters of purification is extremely weak.[8] Hence, the basic expectation would be, to find the inclusion of motifs of purification primarily in priestly-messianic texts.

2. The Purification of Jerusalem by the Messiah in Pss. Sol. 17

In contrast to this expectation based on the Scriptural texts, the available source material is astonishing. A direct link between a messianic figure and any matters of purification is only documented in a single Jewish text from the Second-Temple period.[9] And it is even more astonishing that this single text is Pss. Sol.

'Gesalbte des Herrn' in Psalm Salomo 17," in *Wenn drei das Gleiche sagen. Studien zu den ersten drei Evangelien mit einer Werkstattübersetzung des Q-Textes*, ed. Stefan H. Brandenburger, Theol (Lit) 14 (Münster: Lit, 1998), 222.

[7] Another text that combines a Jewish leader with a purifying activity can be found in 1 Macc 4:36–61 and 2 Macc 10:1–8. However, the Hasmoneans were neither kings back then, nor do we have any evidence that these texts were ever taken up as model for the depiction of a messianic figure.

[8] See also Trafton, "What Would David Do?," 166.

[9] In a rather hypothetical manner Alexander Toepel examines whether the coming of the messiah out of "the heart of the sea" in 4 Ezra 13 would be an allusion to baptism. If that was true, this would suggest another link between a messianic figure and matters of purity. Though, such an allusion is almost impossible, since the mentioning of the sea in 4 Ezra 13 is simply an allusion to the vision in Dan 7. Therefore, as a standard symbol in such visionary contexts, a baptismal allusion for the mentioning of the sea seems unsubstantiated. See Alexander Toepel, "On a Possible Baptismal Background of 4 Ezra 13:3–6," in *Fourth Ezra and Second Baruch. Re-*

17 which represents the *locus classicus* for a royal and Davidic messianic expectation.[10]

In Pss. Sol. 17 the psalmist asks God for the sending of his messiah and then continues with explicating what he expects the Messiah to do in v. 22:

ὑπόζωσον αὐτὸν ἰσχὺν τοῦ θραῦσαι ἄρχοντας ἀδίκους, καθαρίσαι Ιερουσαλὴμ ἀπὸ ἐθνῶν καταπατούντων ἐν ἀπωλείᾳ[11]

"Undergird him with strength to destroy the unrighteous rulers, to purify Jerusalem from the Gentiles crushing it".[12]

The author believes that the population of Jerusalem has adopted the Gentiles' behavior (see Pss. Sol. 17:15, 20, 36). Thus, in its literary context the purifying activity of the messiah means Jerusalem's purification from the Gentiles. Within the vast majority of research, the historical reference here can be found with Pompey's coming to Jerusalem in 63 BCE.[13] The other psalms of the collection of the Pss. Sol. testify on several occasions that the group behind the psalms understood the presence of the Romans in Jerusalem, especially the desecration of the temple by Pompey in 63 BCE as a cultic impurity (see Pss. Sol. 17:14).[14] In contrast, the messiah is said to be without sin (Pss. Sol. 17:36) and to accomplish the purification of Jerusalem by the "word of his mouth" (Pss. Sol. 17:24), i. e. through his spiritual empowerment. In this respect, Kenneth Atkinson rightly comments: "The author associates purity with wisdom and strength, and thus apparently believes that the messiah's absolute purity is a prerequisite for the eschatological age."[15] In this respect, the tradition-historical unassociated con-

construction After the Fall, eds. Matthias Henze and Gabriele Boccaccini, JSJSup 164 (Leiden, Boston: Brill, 2013).

[10] For a thorough analysis of the messianic expectation within Pss. Sol. 17 see in particular Kenneth R. Atkinson, *I Cried to the Lord. A Study of the Psalms of Solomon's Historical Background and Social Setting*, JSJSup 84 (Leiden: Brill, 2004), 129–79; Brandenburger, "Gesalbte," and Ernst-Joachim Waschke, "'Richte ihnen auf ihren König, den Sohn Davids' – Psalmen Salomos 17 und die Frage nach den messianischen Traditionen," in *Reformation und Neuzeit. 300 Jahre Theologie in Halle*, ed. Udo Schnelle (Berlin: de Gruyter, 1994).

[11] Here, and in the following, the Greek text is taken from Felix Albrecht, *Psalmi Salomonis,* vol. 12,3 of *Septuaginta. Vetus Testamentum Graecum* (Göttingen: Vandenhoeck & Ruprecht, 2018).

[12] English translation here, and in the following, are my own, but close to that of Robert B. Wright, *The Psalms of Solomon. A Critical Edition of the Greek Text*, JCTCRS 1 (New York: T&T Clark, 2007).

[13] See for instance Joachim Schüpphaus, *Die Psalmen Salomos. Ein Zeugnis Jerusalemer Theologie und Frömmigkeit in der Mitte des vorchristlichen Jahrhunderts*, ALGHJ 7 (Leiden: Brill, 1977), 77 and Atkinson, *Lord*, 135–36. Different in this respect – though without any substantial argumentation – is Albrecht, *Psalmi Salomonis*, 197–98, who links Pss. Sol. 17 to the conquest of Jerusalem by Herod the Great.

[14] Cf. Josephus, *A. J.* 14.71–73; *B. J.* 1.152–153. See also the notion about the temple's desecration by the priests in Pss. Sol. 1:8; 2:3; 8:12, 22; see further Trafton, "What Would David Do?," 167.

[15] Atkinson, *Lord*, 141 and further Gene L. Davenport, "The Anointed of the Lord in PSalms

nection between the royal office and purification can be understood less as a recording of embossed ideas, but rather by the fact that the messiah fulfills precisely those functions which are considered to be necessary for the time of salvation that the group behind the Pss. Sol. hoped for.[16]

Though, in the context of Pss. Sol. 17 the request for the messiah's purification of Jerusalem proves to be quite inconsistent. This can be seen when the purifying activity of the messiah is taken up again in v. 30 f.

Καὶ ἕξει λαοὺς ἐθνῶν δουλεύειν αὐτῷ ὑπὸ τὸν ζυγὸν αὐτοῦ καὶ τὸν κύριον δοξάσει ἐν ἐπισήμῳ πάσης τῆς γῆς καὶ καθαριεῖ Ιερουσαλὴμ ἐν ἁγιασμῷ ὡς καὶ τὸ ἀπ᾽ ἀρχῆς ἔρχεσθαι ἔθνη ἀπ᾽ ἄκρου τῆς γῆς ἰδεῖν τὴν δόξαν αὐτοῦ φέροντες δῶρα τοὺς ἐξησθενηκότας υἱοὺς αὐτῆς καὶ ἰδεῖν τὴν δόξαν κυρίου, ἣν ἐδόξασεν αὐτὴν ὁ θεός.

And he [i. e. God] will have gentile peoples serving him under his yoke, and he [i. e. the messiah] will glorify the Lord before all the earth, and he will purify Jerusalem in holiness, as it was from the beginning, so that nations come from the end of the earth to see his glory bringing as gifts her scattered sons, and to see the glory of the Lord, with which God has glorified her.

Whereas the purification of Jerusalem in v. 22 was a purification from the gentiles, the purification of Jerusalem in v. 30f is connected with the presence of gentiles. In contrast to v. 22, it is said about the messianic age in v. 30 that the gentiles – admittedly as inferiors – will come to the purified Jerusalem in order to see the glory of the Lord there.

This contradictory combination of Jerusalem's purification from the gentiles on the one side, and their presence on the other side, can hardly be explained by the application of traditional motives. Rather, one must examine the specific character of the time of salvation that the group behind the Pss. Sol. hoped for. The group behind the psalms expected the time of salvation to be a time of universal salvation, including both Israel in its entirety and, to a lesser extent, the gentiles.[17] This universal character of the expected time of salvation also determines and explains the tense interplay in relation to purity.

In light of the almost complete absence of any tradition-historical connection between the royal office and matters of purification within the Hebrew Bible, the fact that Pss. Sol. 17 describes a royal and Davidic messiah who purifies Jerusalem should be considered as a surprise.[18]

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of Solomon 17," in *Ideal Figures in Ancient Judaism. Profiles and Paradigms*, ed. John J. Collins, SBLSCS 12 (Chico: Scholars Press, 1980), 80.

[16] See also Brandenburger, "Gesalbte," 222.

[17] This is especially stressed by; Marinus de Jonge, "The Expectation of the Future in the Psalms of Solomon," in *Jewish Eschatology, Early Christian Christology and the Testaments of the Twelve Patriarchs. Collected Essays of Marinus de Jonge,* by Marinus de Jonge, NovTSup 63 (Leiden, New York, Koebenhavn, Köln: Brill, 1991), 11–12; see further Brandenburger, "Gesalbte," 228 and Schüpphaus, *Psalmen*, 71.

[18] See for a similar conclusion Trafton, "What Would David Do?," 168.

3. Purity and the Messianic Age in the Dead Sea Scrolls

As already mentioned, beyond the Pss. Sol., the quest for possible connections between purity and messianism results in largely negative findings. In light of the diverse messianic texts from Qumran this constitutes a second surprise. In particular since it is within the Dead Sea Scrolls that we find concepts of *priestly*-messianic figures, a connection with matters of purity would seem most likely.

However, although no messianic figure of the Dead Sea Scrolls is linked explicitly and directly with purifying activities, there are indeed some texts that link purity and messianism in the broader sense. This raises some further questions regarding the connection between purity and the messianic age in general: First, how else did the yahad[19] expect purity to be granted in the messianic age if it was not done by the messiah? Second, are these largely negative findings only due to our mere random sources, or is it possible to interlink this result with what the yahad expected for the time of salvation in general?

From the perspective of the Dead Sea Scrolls, the end of days (אחרית הימים) has a past as well as present and future dimension.[20] While there are, of course, many contradictory messianic expectations in Qumran, the coming of the messiah is consistently expected to be a pending event. The first important text that links matters of purity with the messianic age is the Rule of the Congregation (1QSa). 1QSa II, 3–10 describes the eschatological assembly which the yahad expected to come. Thereby, the exclusion of persons with physical deformities is interesting for the purpose of this study. See 1QSa II, 3–10:[21]

3 [...] וכול איש מנוגע באחת מכול טמאות
4 האדם אל יבוא בקהל אלה וכול איש מנוגע באלה לבלתי
5 החזיק מעמד בתוך העדה וכול מנוגע בבשרו נכאה רגלים או
6 ידים פסח או עור או חרש או אלם או מום מנוגע בבשרו
7 לראות עינים או איש זקן כושל לבלתי התחזק בתוך העדה
8 אל יב[ואו]אלה להתיצב [ב]תוך עדת א[נ]ושי השם כיא מלאכי
9 קודש [בעד]תם. ואם יש דב[ר לאחד מ]אלה לדבר אל עצת הקודש
10 [ו]דורש[יהו]מפיהו ואל תוך [העדה ל]א יבוא האיש כיא מנוגע

[19] Within this study I do not use the term "yahad" to refer only to the Qumran community, but to the broader religious association as it is indicated in 1QS 6:1c–8a. On this issue and the relation of the Qumran settlement to the broader movement see especially John J. Collins, "Beyond the Qumran Community. Social Organization in the Dead Sea Scrolls," *DSD* 16.3 (2009): 351–69.

[20] For the use and meaning of the expression "end of days" within the Dead Sea Scrolls see in particular Annette Steudel, "אחרית הימים in the Texts from Qumran," *RevQ* 16 (1993/1995): 225–46.

[21] For the transcription and the English translation see James H. Charlesworth and Loren T. Stuckenbruck, "Rule of the Congregation (1QSa)," in *Rule of the Community and Related Documents,* vol. 1 of *The Dead Sea Scrolls. Hebrew, Aramaic, and Greek Texts with English Translation*, eds. James H. Charlesworth and Loren T. Stuckenbruck, PTSDSSP 1 (Tübingen: Mohr Siebeck, 1994), 114–17.

3 […] But any man who is afflicted with any of the
4 human uncleannesses shall not enter into the assembly of God. And (no) man who is afflicted with the (following) afflictions
5 shall take (his) stand within the congregation: And anyone who is afflicted in his flesh, crippled in the legs or
6 the hands, lame or blind or deaf or dumb, or if he is stricken with a blemish in his flesh
7 visible to the eyes; or a (tottering) old man who cannot maintain himself within the congregation;
8 these may not en[ter] to stand firm [wi]thin the congregation of the m[e]n of the name, for
9 holy angels [(are) in] their [coun]cil. But if there is [one of] these [(who) has a mat]ter to say to the council of holiness,
10 [then he (the master)] shall examine [him] directly. But within [the congregation] the man [shall no]t enter for he is afflicted.

As Lawrence Schiffmann has shown, the list of physical deformities that exclude someone from the eschatological assembly is based on Lev 21:16–24, where it is forbidden that priests with certain deformities serve in the sanctuary.[22] Although the Rule of the Congregation mentions only the presence of angels as reason for their exclusion (1QSa 2:9[23]), the text in Leviticus and a parallel in the Temple Scroll clearly attest to the notion that these deformities were regarded as reason for the person's ritual impurity. See 11QTemple XLV, 12–14:[24]

12 […] *vacat* כול איש עור
13 לוא יבואו לה כול ימיהמה יטמאו את העיר אשר אני שוכן
14 בתוכה כי אני יהוה שוכן בתוך בנו ישראל לעולם ועד *vacat*

12 […] *vacat* Every blind man,
13 they shall not enter it [i. e. Jerusalem] throughout their days, and they shall not make impure the city in which I dwell
14 in its midst; for I, JHWH, (shall continue) dwelling in the midst of the sons o Israel forever and ever *vacat*

Furthermore, the comment in 1QSa II, 9–10 seems to imply that physically deformed persons were allowed to enter the community in general, but only not to be part of the eschatological assembly. That is, the requirements regarding purity have a higher standard at the eschatological assembly than in everyday life.[25]

[22] On this see Lawrence H. Schiffman, *The Eschatological Community of the Dead Sea Scrolls. A Study of the Rule of the Congregation*, SBLMS 38 (Atlanta, GA: Scholars Press, 1989), 43–46.

[23] For the exclusion of physically deformed persons due to the presence of angels see also similar 1QM 7:4–6 and CD 15:15–16; see further Hannah K. Harrington, *The Purity Texts*, Companion to the Qumran Scrolls 5 (London: T&T Clark, 2004), 55–56.

[24] The transcription and translation follow James H. Charlesworth, ed., *Temple Scroll and Related Documents*, vol. 7 of *The Dead Sea Scrolls. Hebrew, Aramaic, and Greek Texts with English Translation* PTSDSSP 7 (Tübingen: Mohr Siebeck, 2011).

[25] See Schiffman, *Eschatological Community*, 51–52.

This is especially interesting since the following passage in 1QSa II, 11–22 describes the messianic banquet for the time when the messiah (or two messiahs)[26] has come.[27] In this respect it is most likely that the exclusion of those with physical deformities is demanded in order to ensure a perfect state of ritual purity for the messianic age. In a similar way Schiffmann comments:

> The requirement of absolute physical purity had to be in force for the messianic banquet. 1QSa 2:3–9 indicates that those with physical imperfections were to be excluded from the 'congregation' in the end of days. The ultimate perfection of the messianic era would be the realization of the sect's constant striving for total ritual purity.[28]

A similar idea can also be found in the War Rule, where people with ritual impurities and especially with physical deformities are excluded from the eschatological war and the messianic age; 1QM VII, 4–6:[29]

4 [...] וכול פסח או עור או חגר או איש אשר מום עולם בבשרו או איש מנוגע בטמאת
5 בשרו כול אלה לוא ילכו אתם למלחמה כולם יהיו אנשי נדבת מלחמה ותמימי רוח ובשר ועתודים ליום נקם וכול
6 איש אשר לוא יהיה טהור ממקורו ביום המלחמה לוא ירד אתם כיא מלאכי קודש עם צבאותם יחד [...]

4 [...] Neither lame, nor blind, nor crippled, nor a man in whose flesh there is a permanent blemish, nor a man stricken by some uncleanliness
5 in his flesh, none of them shall go to battle with them. They shall all be volunteers for war, perfect ones of spirit and flesh, and ready for the Day of Vengeance. Any
6 man who is not purified from a (bodily) discharge on the day of the battle shall not go down with them, for the holy angels are together with their host. [...]

The Rule of the Congregation (1QSa) and at least partially also the War Rule attest to the idea that at the time when the messiah is to come, at least the yahad itself will already be in a (perfect?) state of purity. Furthermore, I want to express the admittedly hypothetical thesis that for the yahad a state of purity might be considered the necessary precondition for the coming of the messianic age. Therefore, one could consider whether any additional act of purification done by a messianic figure was not unnecessary.

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[26] For an overview on the debate, whether 1QSa depicts two or only one messiah, see Zimmermann, *Messianische Texte*, 34–35, who argues that the dual interpretation is more likely but not certain.

[27] Scholars debate whether the rules for the messianic banquet refer only to an eschatological time or if this future time is already anticipated by the yahad in the present. For an overview on different positions see George J. Brooke et al., eds., *Qumran Cave 4. XVII Parabiblical Texts, Part 3*, DJD 22 (Oxford: Oxford University Press, 1996), 53–67 and Zimmermann, *Messianische Texte*, 33–34.

[28] Schiffman, *Eschatological Community*, 56.

[29] For the transcription and translation see James H. Charlesworth, ed., *Damascus Document, War Scroll, and Related Documents*, vol. 2 of *The Dead Sea Scrolls. Hebrew, Aramaic, and Greek Texts with English Translation,* PTSDSSP 2 (Tübingen: Mohr, 1995).

At this point, it is interesting to compare this idea again with Pss. Sol. 17. In contrast to the yahad, the group behind the Pss. Sol. has held the hope for a universal time of salvation, which includes both Israel in its entirety, and in some sense, also the gentiles. Therefore, it is necessary that the messiah in Pss. Sol. 17 brings purity to Judah and Jerusalem. But, in the eyes of the yahad, as far as we can know, people who did not belong to it were hopelessly defiled and their purification by any kind of messianic figure was not expected. Thus, Pss. Sol. 17 and the Rule of the Congregation agree with each other that a special level of purity is required in the messianic age. However, they disagree on the question to whom it concerns and how this high level of purity will be established.

It is always difficult trying to find a general idea within the diverse texts of the Dead Sea Scrolls. And even if one sticks only to the "sectarian" texts, this observation regarding purity and the messianic age finds its exceptions. As it is well known, the so-called "Treatise of the Two Spirits" represents a major variation within the sectarian texts insofar as the separation of humanity in good and evil does not run along the borderlines of the yahad, but rather on the inside of every human being. As a result, from this anthropological dualism inside every human follows the idea of a yet pending eschatological purification that will go beyond what the people of the yahad could do on their own. See 1QS IV, 20–22:[30]

20 [...] אל באמתו כול מעשי גבר וזקק לו מבני איש להתם כול רוח עולה מתכמי
21 בשרו ולטהרו ברוח קודש מכול עלילות רשעה ויז עליו רוח אמת כמי נדה מכול תועבות שקר והתגולל
22 ברוח נדה להבין ישרים בדעת עליון וחכמת בני שמים להשכיל תמימי דרך [...]

20 [...] Then God will purify by his truth all the works of man and purge for himself the sons of man. He will utterly destroy the spirit of deceit from the veins of
21 his flesh. He will purify him by the Holy Spirit from all ungodly acts and sprinkle upon him the Spirit of Truth like waters of purification, (to purify him) from all the abominations of falsehood and from being polluted
22 by a spirit of impurity, so that upright ones may have insight into the knowledge of the Most High and the wisdom of the sons of heaven, and the perfect in the Way may receive understanding. [...]

According to the "Treatise of the Two Spirits" God himself will be the subject of this future eschatological purification. In this respect, no mediation by any messianic figure is mentioned and it is not even clear if this purification will happen prior to or after the coming of the messianic age. Therefore, it is difficult to compare this idea with the one we have seen in 1QSa and it becomes obvious that there are multiple conceptions regarding purity in the messianic age within the Dead Sea Scrolls. Rather, the "Treatise of the Two Spirits" holds an idea that

[30] For the transcription and English translation see James H. Charlesworth and Loren T. Stuckenbruck, eds., *Rule of the Community and related Documents,* vol. 1 of *The Dead Sea Scrolls. Hebrew, Aramaic, and Greek Texts with English Translation*, PTSDSSP 1 (Tübingen: Mohr Siebeck, 1994).

is incompatible with the one from the Rule of the Congregation as it depicts a final eschatological purification that is done by God himself.

The presence of several and contradictory conceptions of how purity relates to the messianic age is further attested by the so-called "Messianic Apocalypse" (4Q521). It is debated among scholars whether this text should be classified as "sectarian," and whether it is a messianic text at all, since the meaning of משיחו in 4Q521 2 II, 1 could be understood either as a singular form „his messiah" or as a plural form referring to prophets.[31] Although the issue cannot be decided with certainty, scholars such as Géza Xeravits[32] and John J. Collins[33] have argued convincingly that the messianic interpretation is more likely. However, there is no explicit mentioning of purification or purity anywhere in the fragmentary text. Nevertheless, there are good reasons to assume that this motif is indeed presupposed, since the text takes up the promise from Ps 146 and Isa 61:1–2. See 4Q521 2 II, 1–8:[34]

1 [כי הש]מים והארץ ישמעו למשיחו
2 [וכל א]שר בם לוא יסוג ממצות קדושים
3 התאמצו מבקשי אדני בעבדתו *vacat*
4 הלוא בזאת תמצאו את אדני כל המיחלים בלבם
5 כי אדני חסידים יבקר וצדיקים בשם יקרא
6 ועל ענוים רוחו תרחף ואמונים יחליף בכחו
7 כִּי יכבד את חסידים על כסא מלכות עד
8 מתיר אסורים פוקח עורים זוקף כפ[ופים]

1 [For the hea]vens and the earth shall listen to his messiah
2 [and all th]at is in them will not turn away from the precepts of the holy ones.
3 Strengthen yourselves, you who are seeking the Lord in his service. *vacat*
4 Will you not in this encounter the Lord, all those who hope in their heart?
5 For the Lord will consider the pious and calls the righteous by name.
6 And his spirit will hover upon the poor, and he will renew the faithful with his strength.
7 For he will honor the pious upon the throne of an eternal kingdom,
8 freeing prisoners, giving sight to the blind, straightening out the twis[ted].

Although it is more plausible to take God himself as subject of l. 8, the context makes it clear that God will accomplish this in the time when the Messiah has come (l. 1). Therefore, it could be considered whether this is not some kind of antithesis to the idea that we have seen in the Rule of the Congregation and

[31] See Zimmermann, *Messianische Texte*, 343–89, who gives a helpful overview on the discussion and argues that both interpretations are equally possible.

[32] See Xeravits, *King*, 101–2.

[33] See Collins, *Scepter*, 131–41; see further Émile Puech, "L'Attente du retour d'Élie dans l'ancien testament et les écrit péritestamentaires: 4Q558 et 4Q521," *RevQ* 111.2 (2018): 3–26.

[34] For the transcription see Émile Puech, "Une Apocalypse Messianique (4Q521)," in *Qumrân Grotte 4. XVIII*, ed. Émile Puech, DJD 25 (Oxford: Oxford University Press, 1998), 485–486. The English translation is taken from Florentino García Martínez and Eibert J. C. Tigchelaar, *The Dead Sea Scrolls Study Edition. Vol. 2: 4Q274–11Q31* (Leiden, Boston, Köln: Brill, 1998).

also in the War Rule.[35] Although people who are considered impure because of their blindness and other physical deformities are explicitly excluded from the messianic age, i. e. from the messianic meal and from the eschatological war, the reason for their impurity will be abolished according to 4Q521 within the messianic age. In contrast to the Rule of the Congregation, the impure people that are excluded there are healed, purified, and therefore included in the time of salvation according to 4Q521. If it is appropriate to designate 4Q521 as antithesis to the Rule of the Congregation, then this reflects again the diversity and contradictory nature of the diverse messianic texts within the Dead Sea Scrolls that can also be found regarding other aspects of messianic expectations.

4. Conclusion

In sum, this examination has revealed that there is hardly any tradition-historical connection between the royal office and a purifying activity within the Hebrew Bible. In this light it is astonishing and can be called a surprise, that the only explicit connection between purification and a messianic figure is attested in Pss. Sol. 17 and thus, not in the context of a priestly, but of a royal and Davidic messianic expectation. Furthermore, no text from the Dead Sea Scrolls contains reference of an explicit purifying activity of any messianic figure. Nevertheless, some different conceptions can be found regarding matters of purity in the messianic age in general. In this respect, the Rule of the Congregation, followed partially by the War Rule, attests to the notion that a high level of purity is required for the messianic age. Therefore, people with physical deformities are excluded from the messianic banquet and the eschatological war. One might also consider whether such a high level of purity was thought to be necessary for the messianic age to come. In contrast, the "Treatise of the Two Spirits" witnesses to the idea that God himself will be the subject of a final purification when he will overcome the anthropological dualism inside every human. Finally, the Messianic Apocalypse might also imply the motif of purification. In this respect, the healing of people with physical deformities in the messianic age might document a fascinating antithesis to the eschatological exclusion of people with physical deformities in the Rule of the Congregation and the War Rule.

[35] This was suggested already by Émile Puech, "Une Apocalypse Messianique (4Q521)," *RevQ* 15.4 (1993): 490. A connection between the idea in both texts is also discussed by Zimmermann, *Messianische Texte*, 360.

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Principles of Gradual Purification in Qumran Law

Yair Furstenberg

1. Introduction

Even those most stringent in their purity practices cannot avoid occasional ritual impurity or contact with the impurity of someone close to them. Everyone must contend with severe impurities that are part of the life cycle, such as contact with corpse impurity, experiencing *zov* or bleeding, etc. In light of this basic fact of life, all those who sought to live a life of purity were required to manage their social interactions in the inevitable shadow of impurity. Various mechanisms were created to enable routine day-to-day conduct and to provide standard solutions for contact with impurity in a variety of anticipated, ordinary situations. Thus, Second-Temple communities, including the members of the Qumran sect, strove to contain impurity, to the extent possible, and to enable their members to avoid a state of constant tension or fear of contamination.

Pharisaic purity policies are known for attempting to maintain purity within an impure surrounding through a complex (and occasionally controversial) set of solutions.[1] However, as we will see below, Qumran law also had to address the occasional and inevitable presence of impure members. In fact, despite the added stringency of the members of the Qumran sect, they too – like the Pharisees – did not and could not attempt to function within a sterile environment. Both groups were concerned to prevent the spreading of impurity, while acknowledging its unavoidable presence, and this concern dominated their halakhic discourse.[2] We will see that while the two legal systems shared some basic principles, each group implemented them in a manner that correlated with its worldview. While

[1] I address this feature of Pharisaic purity laws in my articles: "Controlling Impurity: The Natures of Impurity in Second Temple Debates," *Diné Israel* 30 (2015): 163*–96* (190*–94*); "Jesus against the Law of the Pharisees. The Legal Woe Sayings and Second Temple Intersectarian Discourse," *JBL* 139 (2020): 769–88.

[2] The need to compromise with the presence of impurity even among the Qumran sectarians and the possibility of participating in the sect's meals in the state of impurity has been addressed by Cecilia Wassén, "The (Im)purity Levels of Communal Meals within the Qumran Movement," *JAJ* 7 (2016): 102–122 (and see Wassén's contribution to the present volume). While Wassén attempts to identify the purity level required in the different meals of the sect, I suggest a coherent halakhic system of graded purity. Below I will comment on some of the differences between our approaches.

the Pharisees allowed a flexible and simple transition from impurity to purity, Qumran law created a strict system of gradual purification, focusing mainly on the complex situation of intermediate purity status.

2. Gradual Purification Between Pharisaic and Qumran Law

Scholars have disputed whether Qumran law acknowledged, as the rabbis did, the intermediate status of the *ṭevul yom*, who has immersed but has not completed the course of purification.[3] As I will argue, although Qumran law dismissed the role of the immersion on the last day, it too shared the concept of gradual purification, which each system incorporated in different forms.

Scripture prescribes different protocols of purification, but the relationship between these procedures is unclear.[4] With respect to short one day impurities, such as one who touched the bed of the *zavah*, the Torah rules that he "wash his clothes, bathe in water and remain unclean until the evening."[5] In contrast, in cases of a full week of impurity, such as in the case of the *zav* or *zavah* themselves, the Torah only mentions the period of impurity, but does not refer to completion of the process in the evening. This is most evident with respect to the *zav*: "When one with a discharge becomes clean of his discharge, he shall count off seven days for his cleansing, wash his clothes, and bathe his body in fresh water, then he shall be clean."[6] Presumably, bathing on the seventh day is enough to complete the purification process. It seems that this discrepancy could be solved in two opposite ways, each of which was adopted by one of the halakhic systems of the Second-Temple period. One possibility is to assume that in both one day and seven-day purifications the process is completed only at evening.[7] Another possibility is to

[3] See Joseph M. Baumgarten, "The Pharisaic Sadducean Controversies about Purity and the Qumran Texts," *JJS* 31 (1980): 157–70; Lawrence H. Schiffman, "Pharisaic and Sadducean Halakha in Light of the Dead Sea Scrolls. The Case of ṬEVUL YOM," *DSD* 1 (1994): 285–99; Martha Himmelfarb, "The Polemic against the *Ṭevul Yom*. A Reexamination," in *New Perspectives on Old Texts*, Proceedings of the Tenth International of the Orion Center, eds. Esther G. Chazon, Betsy Halpern-Amaru, and Ruth A. Clements (Leiden, Boston: Brill, 2010), 199–214; Hanan Birenboim, "*Tevul Yom* and the Red Heifer. Pharisiac and Sadducean Halakah," *JSJ* 16 (2009): 254–73.

[4] For a survey of relevant verses see, Himmelfarb, 200–202; Hanan Birenboim, "Observance of Bodily Purity in Jewish Society of Second Temple Period" (PhD diss., Hebrew University of Jerusalem, 2006), 257–58 (in Hebrew).

[5] Lev 15:21; see also 11:24–25, 27, 31–32, 39–40; 14:46; 15:5–8, 10–11, 17–19, 21–23, 27; 17:15; 22:5, Num 19:7–10, 22.

[6] Lev 15:13. See also 15:28; 14:8–9 (leprosy).

[7] Such a conclusion may be deduced from Num 19:19, concerning the purification from corpse impurity, which includes bathing in water on the seventh day, but he is purified only at nightfall.

distinguish between two levels of purity.[8] While the latter position appears explicitly in rabbinic sources and seems to reflect earlier Pharisaic positions, the former option is reflected in Qumranic sources. As we shall see, this exegetical decision had wider implications on their respective purity policies.

According to the rabbinic stance, one who has immersed ceases to defile others and is permitted to partake of ordinary food, but contact with him still defiles the heave offering or sacrificial foods. Thus, for instance, one who had experienced an abnormal genital discharge, but had counted seven "clean" days following the cessation of the discharge, could partake of unconsecrated pure food already on the seventh day of his purification process.[9] Similarly, one who had experienced a seminal emission could immerse immediately and be considered pure for the consumption of unconsecrated food, but a priest who had immersed was still required to wait until nightfall before partaking of the heave offering (m. Ber.1:1). According to this stance, the status of one who has immersed but has not completed the purification process is similar to that of a woman who has given birth (Lev 12:1–5). Following her days of impurity, one week if she has given birth to a male and two if she has birthed a female, she immerses[10] and enters a period during which she is considered pure, but is forbidden from coming into contact with the sancta. In this situation, while the woman is not considered pure with regards to hallowed things, she has returned to regular activity in the domestic sphere. Similarly, one who has immersed on the seventh day of his purification but has not yet completed the process by waiting for evening is considered a *ṭevul yom*, who is permitted to partake of unconsecrated food.

Arguably, the rabbinic category of *ṭevul yom* was familiar already during the Temple period and was the topic of dispute between the Pharisees and the Sadducees. We hear in the Mishnah that the red heifer was prepared by a *ṭevul yom* priest, in opposition to the Sadducean stance. The Tosefta illustrates

[8] Lev 22:6–7 rules that one who touched a swarming thing or an impure person, may eat holy foodstuff after bathing and waiting for sunset. The midrash (Sifra *Emor pereq* 4:1) deduces from the language of this verse that the full process is required only of the priest, eating holy foodstuff, while an Israelite may eat immediately after bathing.

[9] See m. Neg.14:3; Sifra *Zavim pereq* 5:11, *pereq* 9:2, instruct that the *zav* and *zavah* cease to defile unconsecrated foods and vessels after bathing. Interestingly, in both cases the Sifra distinguishes between the bathing required to stop contamination, and the role of bathing on the day prior to entering the temple (see *pereq* 5:14 and *pereq* 9:4). In order to be eligible to bring the sacrifices, one must bathe on the previous day, but this is not necessarily identical to the bathing on the seventh day, which is intended to prevent further contamination and access to pure unconsecrated food.

[10] The laws of immersion for a woman who has given birth are the subject of a dispute between the Houses of Hillel and Shammai. According to the House of Shammai, the woman does not immerse at the beginning of the pure days, but only at their end, whereas according to the House of Hillel the woman must immerse in order to begin counting her pure days, and she therefore does not immerse at the end of the pure days (m. Nid. 10:7). The correlation to *ṭevul yom* is therefore valid according to the opinion of the House of Hillel.

this with a story about R. Yohanan b. Zakkai, who defiled the Sadducee priest through touch and then demanded of him that he immerse and burn the heifer immediately, ensuring that he would be only a *ṭevul yom* while burning the heifer and not a *m'orav shemesh*, i. e., one for whom the sun has set.[11] In contrast, 4QMMT emphasizes that, with regards to the red heifer, "all these (who deal with the red heifer) ought to be pure at sun[se]t, so that a pure man sprinkles the impure."[12] In accordance with their halakhic stance, the sectarians required "a man who was pure *of any impurity*",[13] arguing that one was rendered pure only following sunset, and that immersion was insufficient. Considering the polemic nature of the letter, it seems clear that they were rejecting a more lenient position, such as was held by the Pharisees.[14] The question remains, however, whether they acknowledged the purity status of the *ṭevul yom* but required in this case a higher degree of purification, or whether they simply did not consider the *tevul yom* to be pure at all.[15]

The wording of 4QMMT seems to point towards the latter option. Furthermore, additional sources imply that Qumran law did not admit to the semi-pure status of the *ṭevul yom*. These sources emphasize that purity is dependent on completing the period of purification by waiting for sunset. In general, as Martha Himmelfarb has observed, these sources follow the language of scripture on these points. However, some of the reformulations indicate that the full procedure is necessary for any form of purity, as may be inferred from the Temple Scroll (11QT XLIX, 20–21), according to which sunset following the seventh-day ablution is a prerequisite for contact with *any* type of pure object (בכל טהרתמה). On the other hand, there is no positive indication that immersion itself on the last day could provide access to any sort of purity.[16]

At first glance then, there seems to be a fundamental dispute between the different halakhic streams on the possibility of gradual purification. A closer

[11] m. Parah 3:7; t. Parah 3:8.

[12] 4QMMT B 13–16.

[13] As opposed to this, see Sifre Num, *pisqa* 124: "What does the word 'pure' come to instruct us? [Pure] of any impurity. And who is this [person]? This is the *ṭevul yom*." See Menahem Kister, "Studies in 4QMMT and Related Texts. Law, Theology, Language and Calendar," *Tarbiz* 68 (1999): 317–72 (330–35) (in Hebrew).

[14] *Pace* Himmelfarb. She justly underlines the affinity of the scrolls to the language of scripture, but at this point it is evident that 4QMMT is opposing an alternative practice.

[15] Birenboim, "*Tevul Yom*," adopts the first explanation. He assumes that all agreed that *ṭevul yom* is considered pure outside the sancta and the dispute was whether the red heifer that was slaughtered outside the temple was considered a sacrifice. Schiffmann, "Ṭevul Yom," follows the latter position.

[16] Furthermore, the assumption that purification takes place only at the end of the day is so dominant that even when bringing a sacrifice on the eighth day, the purification takes place only in the evening (4QMMT B 71–72 [leprosy]; 4Q266 9 II, 1–4 [*zavah*]). Notably, this position has no foundation in scripture, and is the result of Qumranic tendency towards the "homogenization" of the purity system.

look, however, reveals a much tighter link between the two approaches and the practice of the different communities. Qumran law, too, acknowledged the existence of a graded process of purification, which began with immersion. In fact, both groups adopted parallel mechanisms, which enabled the inclusion of impure persons in the community to some degree even before their purification process was completed. The difference between the two was in the ways in which they implemented this mechanism, in accordance with their approach towards purity observance.

In a series of articles Jacob Milgrom pointed out that sectarian law added an immersion immediately following contact with the source of impurity.[17] Regarding corpse impurity, the Temple Scroll tells us: "and everyone who comes to the house shall bathe in water and wash his clothes the first day" (XLIX, 16–17). And regarding one who has had a seminal emission: "And the m[an] who has had a nocturnal emission shall not enter the whole temple until three days have [pa]ssed. He shall wash his clothes and shall bathe on the first day, and on the th[i]rd day he shall wash his clothes and bathe; and after the sun has set he shall enter the temple" (XLV, 7–10). According to Milgrom, the third-day ablution was intended only for Jerusalem, and therefore the addition of the first-day ablution was intended to supply one who had experienced a seminal emission, and similarly one who had contracted corpse impurity, with the basic level of purification sufficient for their location. He surmises that, similarly to the leper who returns to the camp after washing (Lev 14:8), the removal of this initial degree of impurity immediately upon contracting it was sufficient to enable one to return home.[18]

Particularly significant for the reconstruction of the purification process in Qumran is 4Q514 1 I, 7–9 concerning the *zav*, to which Milgrom dedicated a few discussions:

> No one may eat who is yet in to his primary uncleanness, who has not begun to be clean from his seminal flow. Indeed, no one who is yet in his primary uncleanness may eat. All of those who are [un]clean of days, on the day of their pu[rification] they shall bathe and

[17] Jacob Milgrom, "The Scriptural Foundations and Deviations in the Laws of Purity of the Temple Scroll," in *Archaeology and History in the Dead Sea Scrolls. The New York University Conference in Memory of Yigal Yadin,* ed. Lawrence H. Schiffman (Sheffield: JSOT Press, 1990), 83–99 (90–95); Jacob Milgrom, "First Day Ablutions," *The Madrid Qumran Congress. Proceedings of the International Congress on the Dead Sea Scrolls, March 1991,* eds. Julio Trebolle Barrera and Luis Vegas Montaner, STDJ 11 (Leiden: Brill, 1992), 561–70; Jacob Milgrom, "4QTOHORA[a]: An Unpublished Qumran Text on Purities," in *Time to Prepare the Way in the Wilderness. Papers on the Qumran Scrolls by Fellows of the Institute for Advanced Studies of the Hebrew University Jerusalem,* eds. Devorah Dimant and Lawrence H. Schiffman, STDJ 16 (Leiden: Brill, 1995), 59–68 (67–68).

[18] Milgrom, "Scriptural Foundations," 90–95.

wash in water and they shall be clean. Afterwards they may eat their bread according to the or[dinance.[19]

Anyone with an abnormal flow from his genitals is required to immerse immediately after the discharge ends ("on their day of purification"; compare Lev 15:13), and only then may they eat. The text does not mention pure foods, and it therefore seems, as Milgrom concludes, that he must abstain from any kind of food until he bathes.[20] At this stage he is still required to count seven days until his final purification on the final evening, but through the first-day ablution he is permitted to eat again. This law reminds us of Philo, who says that partners must distance themselves from contact with anything after they have had sexual relations until they purify themselves.[21] In this situation, eating is also forbidden until after the bathing has taken place.

Thus, we see that Qumran law created some form of graded procedure, but is there in fact a similarity between *ṭevul yom* according to Pharisaic law and the "first-day ablution" of Qumran law? Notably, each approach attributed meaning to a different immersion, and these immersions advance the process in different ways.[22] In Qumran, immediately following detachment from the source of impurity, one must immerse, and following this immersion he may eat or enter his home. In the Pharisaic approach, on the other hand, one does not immerse immediately after the discharge ends (although it may have been a popular practice), but only on the final day of the waiting period. This immersion, toward the end of the purification process, purifies him with regards to ordinary foods. We can see, therefore, that the two groups do not dispute the possibility of partial purification. Each group utilizes the mechanism of ablution and initial purification in order to enable a certain reintegration of the impure person into society. At the same time, within the halakhic discourse of the Second-Temple period, the subtle differences between the two mechanisms, which at first glance

[19] Milgrom, "First Day Ablutions," 568–70.

[20] Scholars have suggested other, less convincing understandings of the eating restriction. Birenboim, "*Tevul Yom*," 258–259, claims that immersion is intended for eating pure nonsacred food, while complete purification was required for the eating of consecrated food. As we shall see however, unconsecrated "purities" could be eaten only after the seventh day, and holy foodstuff awaited the termination of the eighth day. Thus, one could not eat any pure food before the end of the purification period. The first day immersion allowed eating, but not access to pure foods. Wassén, "(Im)purity Levels," 115, argues, but does not sufficiently prove, that the first-day ablution allowed one to join the regular communal meals, since only special meals on the Sabbath and holidays were eaten in purity.

[21] Philo, *Spec.* 3.63.

[22] According to Birenboim, there is no substantial difference between the two systems. In his view, both groups solved the above-mentioned tension between the verses in the same manner, by distinguishing between holy and unconsecrated foods. However, since the Qumran sources do not relate to the final immersion, but to a different immersion, they evidently are not concerned with the role of the immersion on the last day, but rather with the need (dismissed by the Pharisees) to immediately remove the source of impurity.

appear to be somewhat arbitrary, are indicators of the ideological gaps between the two groups. The different position of this immersion fundamentally alters the nature of the purification process.

As opposed to the status of *ṭevul yom* in the Pharisaic tradition, first-day ablution in sectarian halakhah does not purify a person. While the impure person has removed the source of impurity, and therefore ceases to defile his surroundings, he is not considered pure at this stage and is still forbidden to approach any type of pure food until the end of the period of purification. The prohibition on eating before the first-day ablution is not intended to protect the food from the impurity of the purifier – who remains forbidden to consume pure foods even after immersion – but is a type of sanction that is intended to force him to distance himself from the source of impurity. One may assume that the purifier would be compelled to eat defiled food at this stage,[23] and would only partake of pure foods after the purification process was completed, with the sunset of the final day.

According to the Pharisees, on the other hand, ablution takes place only as we approach complete purification on the final day. Accordingly, not only does one cease to defile his surroundings following immersion, this immersion even enables the person to be considered completely pure for certain matters. As we saw, according to the Pharisaic stance, one who has immersed on the final day of the purification process is already considered "pure of all impurity." If this is so, it is only the Pharisees who view immersion before the completion of the purification period as sufficient for one to be considered pure and eat unconsecrated food in purity.

From a different angle, "first-day ablution" produces an interim period, during which a person is at an intermediate status. According to the Pharisees, the "final day ablution" distinguishes between a long period of complete impurity and a new status of purity with regards to unconsecrated foods. Thus, the Pharisees enable one to remain impure for the additional seven-day period – they do not demand immediate first-day ablutions – and suggest a complete transition between impurity and purity toward the end of the process. One who has contracted impurity is considered completely impure until the final day, and during this time can act without fear of contracting impurity. It is only when the person decides to immerse in preparation for the end of the purification period, that one must be careful with regards to impurity. The transition from the group of impure to the group of pure is a complete one and is dependent on one's choice.

Qumran law on the other hand, is insistent on immersion immediately upon removal of the source of impurity. As we shall see below, this leads to an intermediate status in which one must be careful of direct contact with impurity, on the one hand, and on the other hand, must also distance oneself from pure per-

[23] Although he would refrain from consuming foods which had come into direct contact with the source of impurity; see below, section 4.

sons, so as to not defile them. This approach reflects the assumption, which we will examine in detail below, that even one who is not yet pure is subject to strict purity regulations until his purification process is completed. This policy created an extended process of social reintegration, as opposed to the Pharisaic stance, which enabled one to remain impure and to choose the moment for exiting this state.

The Levels of Impurity: Structural Parallels and Differences in Details

As we saw, the differences between the Pharisaic *ṭevul yom* and the sectarian "first-day ablution" reflect different perceptions of the purification process: Is there an obligation to be purified, and what is the social status of one who is still undergoing a purification process? A strict comparison between the level of purification offered in each system will reveal additional tendencies and fundamental disputes between the two purity doctrines.

According to the tannaitic system, the process of purification is accomplished in three stages, each of which elevates one to a higher level of purity: (1) following immersion on the last day, one is considered pure for the consumption of unconsecrated food (*ṭevul yom*); (2) at the end of that day, one is considered pure for the consumption of the heave offering ("*me'orav shemesh*", i. e., one for whom the sun has set/"*meḥussar kippurim*", i. e., one who has not brought a sacrifice); (3) in bodily impurities, the bringing of sacrifices on the following day is a condition for partaking of consecrated food.[24] This system, which is alluded to in the earliest layers of the rabbinic law,[25] and accepted by all in tannaitic literature, raises a fundamental difficulty. Scripture provides no basis for this triple division and for the distinction between the level of purity required for consumption of the heave offering and of consecrated foods. The biblical system presents only two levels of purity and periods of purification – that required for consumption of unconsecrated food, and that required for consumption of consecrated foods (Lev 12:1–5). The biblical division into two levels of purity is found in Second-Temple sources as well, and is reflected in the archaeological findings,[26] as well as in Qumran literature, which differentiated only between "ordinary purity" and "purity for hallowed things."[27]

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[24] See m. Kelim 1:5; m. Neg. 14:3; m. Parah 11:4.

[25] This tripartite system is at the basis already of the positions of the Houses of Hillel and Shammai. This is also the difference between Yose b. Yoezer, who was considered the most pious in the priesthood, and Yohanan b. Gudgeda, who ate all unconsecrated food in accordance with the purity required for hallowed things (m. Hag. 2:7).

[26] See Yigal Yadin and Joseph Naveh, *Masada I: The Yigal Yadin Excavations 1963–1965 Final Reports* (Jerusalem: Israel Exploration Society, 1989), 34, n. 449, 452.

[27] Compare 11QT XLIX, 19–21: "And they shall be clean by the evening from the dead person, so that they can approach all their pure things," and 4QMMT B 71–72: "[when they have the uncleanness of leprosy] one should not allow them to eat any of the ho[l]y things until the sun sets on the eighth day."

At first glance, it appears that there is an unbridgeable gap between the binary system of the bible and Qumran law on the one hand and the three levels of purity described in tannaitic literature on the other, that is, purity for unconsecrated food, purity for the heave offering, and purity for hallowed things. One gets the impression that the rabbis appended an additional level of purity and created artificial distinctions between different types of food. However, based on the correlation we saw regarding the purification process in both systems, it appears that the tannaitic system relies in fact on an earlier framework, which is shared with Qumran law. The corrospondance is evident in the following table:

	Tannaitic Halakhah	*Qumran Law*
First Immersion[28]	Pure for the consumption of unconsecrated meat and tithes[29]	Permitted to eat
Sunset on the Final Day of Purification	Pure for the consumption of the heave offering	Ordinary purity
Sacrifices on the Eighth Day	Pure for hallowed things	Pure for hallowed things

One can see from this table that the two approaches rely on a shared structure. In rabbinic law, however, the details are consistently implemented in a more lenient manner, for the consumers both of unconsecrated foods and of the heave offering. In this system, eating unconsecrated foods in purity takes the place of the permission to eat following immersion, and the purification for the heave offering takes the place of full purity in the sectarian system.

On one level, the Pharisaic leniency regarding the heave offering reflects practical considerations. A priest who experiences a period of *zov*, or the wife of a priest who has given birth and is interested in eating with her husband, will always be able to partake of the heave offering, even if they are far from Jerusalem. Full function in purity, including the purity of heave offering consumption, is not dependent on proximity to the temple or on sacrifices. Even priests can live a full life of purity without visiting the temple in Jerusalem. Only one who is coming to Jerusalem in any case and is interested in consuming sacrificial meat (which is only consumed in Jerusalem) is required to first bring the sacrifices that will purify him from his defilement. In other words, unlike the biblical scheme, in which the purity laws are strictly observed throughout the camp surrounding the Tabernacle, this ruling enables management of purity while distant from the temple, and even partaking of the daily priestly food

[28] As we mentioned, this immersion takes place at different stages in each system. "First-day ablution" in Qumran and "last-day ablution", so to speak, in Pharisaic law.

[29] According to some sources, the immersion is intended to permit the consumption of tithes, see, for instance, m. Kelim 1:5; m. Neg. 14:3. In other sources, on the other hand, unconsecrated food is also mentioned (m. Parah 11:4).

of the heave offering and the consumption of tithes in purity, independently of the temple.[30]

On another level, this parallel structure discloses the differences of approach towards the nature of purity observance beyond the holy realm. As we have seen, according to rabbinic exegesis, the full process of purification including sunset of the seventh day, relates specifically to consumption of the heave offering, and not to those who partake of unconsecrated foods, as it is understood in sectarian literature. Vered Noam has already noted rabbinic "schizophrenia": while observing, in practice, the purity of unconsecrated food, the rabbis associated the biblical instructions of purification particularly with the holy realm.[31] Qumran law, on the other hand, required the full purification process for any kind of pure food.

This distinction has an additional, no less significant aspect, regarding the purpose of eating daily food in the state of purity in each of the legal systems. According to Qumran exegesis, the obligation to eat in purity serves as an extension of the severe prohibition on defiling consecrated foods. In accordance with their model of maintaining the purity of the Israelite camp, anyone residing around the Tabernacle is required to strictly observe purity even when handling unconsecrated foods due to the presence of the hallowed realm in their midst. They are all part of the same "ecological" system. The law of Qumran, in which meals serve a ritual purpose, represents the fear of defiling foods which, even if not consecrated, are close to being considered as such.[32]

The Pharisaic approach to purity, on the other hand, represents a completely different worldview. Here the desire to distance impurity from unconsecrated foods is not based on adjacency to the sancta, but is established on independent justification: the fear of defiling the body by ingesting impure foods.[33] It is clear that, according to this approach, it is sufficient to remove impurity with immersion in order to eat unconsecrated foods in purity. This purity is admittedly not the complete purity demanded by Scripture, which is intended, according to the Pharisees, only for the consumption of hallowed foods (the heave offering and sacrifices), but it is sufficient for one to consider oneself pure. This purity has a standing of its own, outside the realm of the temple and the sacrifices.

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[30] Notably, according to sectarian halakhah, the heave offering must be consumed in Jerusalem. See Aharon Shemesh, "The Laws of First Fruits in the Dead Sea Scrolls," *Meghillot* 1 (2003): 147–164 (in Hebrew).

[31] Vered Noam, "The Dual Strategy of Rabbinic Purity Legislation," *JSJ* 39 (2008): 471–512.

[32] See Josephus, *B. J.* 2.128–133; 1QS VI, 4–5.

[33] See Yair Furstenberg, "Defilement Penetrating the Body. A New Understanding of Contamination in Mark 7.15," *NTS* 54 (2008): 176–200.

3. The Double Effort of the Purification Process

Qumran law requires one to immerse immediately upon cleansing oneself from the source of the impurity. Following this immersion, one is still not permitted to come into contact with pure food, and therefore also cannot participate in the sectarian meals, but at the same time the person is distanced from the source of impurity. Due to this complex situation, much of the legal instructions in Qumran is dedicated to providing guidance for those in this intermediate period. As opposed to the distanced and isolated impure, and as opposed to one who has completed the process of purification and can participate in the pure meals, the intermediate period requires a dual effort. It is therefore not surprising that a significant portion of the sectarian laws of purity is devoted to defining the restrictions imposed during the period of purification, as well as the process of reintegration from the margins back into the community. In what follows we will examine two detailed texts, the first (4Q274 I 1) relating to the management of contact with other people during this stage, and the other concerning the contact with foods and vessels (11QT XLIX, 2–11).

3.1 Contact between the Impure

The intermediate level of purity is discussed in detail in (4QTohorot[a]) 4Q274 I 1.[34] This fragment, which deals with the contact between different impure persons – the "leper," the *zav*, and the menstruant – has garnered much attention from scholars, who found it to exhibit a unique ontology of impurity, but, as I will attempt to demonstrate, it primarily reveals the practical mechanisms through which the members of the sect sought to contain the presence of those who had not completed their process of purification.

(4) And the woman discharging blood for seven days shall not touch the man discharging or any utensil [t]hat the man discharging has touched or lain (5) on or that he has sat on. And if she touched, she shall launder her clothes and bathe, and afterwards she may eat. And with all her strength she shall not mingle during her seven (6) days in order n[o]t to defile the ca[m]ps of sanctities of Israel, and also, she shall not touch any woman [discharg]ing blood for man[y] days. (7) And the one who counts, whether male or female, shall not tou[ch the man discharging [in] his [dischar]ge (or) the menstruant in her bleeding unless she is pure from her bleeding, for behold, (8) the bleeding blood is considered like a discharge [to] the one touching it. And [anyo]ne who touches a person from all (9) these unclean ones during the seven days of [his] puri[fication] shall [no]t eat, as

[34] For a detailed discussion of this fragment, see Thomas Kazen, "4Q274 Fragment 1 Revisited – or Who Touched Whom? Further Evidence for Ideas of Graded Impurity and Graded Purification," *DSD* 17 (2010): 53–87. Kazen's conclusions are partially parallel to what I suggest here. Additional previous discussions include Joseph M. Baumgarten, ed., *Qumran Cave 4. XXV. Halakhic Texts*, DJD 35 (Oxford: Clarendon, 1999), 99–109; Ian C. Werrett, *Ritual Purity and the Dead Sea Scrolls,* STDJ 72 (Leiden; Boston: Brill, 2007), 245–49.

if he were defiled by [a human cor]pse, [and he shall b]athe and wash (his clothes) and afterwar[ds] (Col ii 1 1) he shall e[at.

The section begins with reference to the menstruant who is forbidden to touch a *zav* and 'any woman [with a discharge] of blood of several days', i. e., a *zavah*. Later, in line (7), the 'one who counts', i. e., he who is counting seven days from the cessation of his discharge until his purification (Lev 15:13) is forbidden to come into contact with other impure persons.

At first glance, these rulings suggest a surprising approach. While the Mishnah attributes equal defiling power to the *zav* and the menstruant and does not forbid contact between them,[35] here they are distanced from each other. In general, discussion of the prohibition on contact between impure persons is completely absent from Talmudic literature, and this would appear to reflect different conceptions of impurity. According to Milgrom, the laws in this passage derive from a dynamic, and even demonic, understanding of impurity. The menstruant must therefore distance herself from the impurity of the *zav*, even if she is already impure anyway. According to the sages of the Mishnah, however, impurity is considered a status which is unthreatened by autonomous forces.[36] As I will show, however, it is unnecessary to attribute the legal difference to an ontological contention on the nature of purity. Arguably, the policy of Qumran law is based on its approach towards the intermediate status during the period of purification. While Pharisaic law completely cancelled this stage, according to Qumran law, one is subject during this time period to a complex system of distancing from both the impure and the pure.

A look at the details of the passage reveals the complex challenge of observing purity during the period of purification. According to lines 7–8, "one who counts" who has not yet completed the process of purification, is forbidden to come into contact with the source of the impurity itself – the genital discharge, the menstruant's blood and the seminal emission. When one who counts touches these impurities, the condition is worsened, and one is again forbidden to eat until he has immersed again.[37] The discharges that emit from the menstruant's body and that of the *zav* defile one who is in the process of purification and has already removed the source of impurity.

3.2 The Intermediate Impurity Status of the Menstruant

The distinction between one who still carries his impurity and one who has removed the source of impurity and must keep away from it, also aids us in clarifying the distinction between a menstruant and a *zavah,* "discharging blood

[35] See, for instance, m. Zav. 5:6–7.

[36] Milgrom, "4QTOHORA[a]," 66.

[37] Compare the ruling of 4Q514 discussed above, which prohibits the one who has purified from his discharge to eat until he bathes.

for many days" (l. 6). How can we explain the fact that the menstruant is forbidden to come into contact with the *zav* or his vessels (line 4), as well as with the *zavah* (line 6)? Why is the impurity of the menstruant lighter than that of the *zav* and *zavah*? As we saw, the level of impurity is dependent on the actual presence of impure substance on the person. This also explains why the menstruant's impurity is lighter than that of the *zavah*, although – as line 8 implies – the impurity of the discharged substance itself (blood, semen and irregular discharge) is equivalent.[38] Although the menstruant is considered impure for seven days from the beginning of her bleeding, during a significant portion of this time she is not actively bleeding, and therefore the source of her impurity is removed from her.[39] In some sense then, the menstruant is similar to the *zavah* during the first part of the week, and during the second part of the week she is rather similar to "one who counts", who has removed the source of impurity. Although no survey of menstrual law has survived from Qumran literature, from this passage it appears that the menstruant is placed somewhere in between a bleeding *zavah* and one who counts to her purification.

Other halakhic traditions divide the menstrual period into two sections as well. Samaritan halakhah distinguishes between two levels of basic impurity: the '*niddah*', whose impurity is severe and who is distanced, and the '*dawah*', whose impurity is light.[40] The *niddah* condition is caused by the initial bleeding, which is the source of the severe impurity, which defiles anything the woman comes into contact with for seven days. Therefore, the first obligation of the woman is to cleanse herself of the initial blood, thus preventing continued defilement. After removing this blood, the woman is in a status of minor impurity, *dawah*, for the rest of the week. Samaritan halakhah teaches that, even if the menstruant continues bleeding throughout that week, she only transmits a minor impurity to people and vessels, which is removable through washing or wiping. According to the Samaritan stance, the distinction between the two types of bleeding explains the fact that the woman completes her purification within one week. The initial blood imparts a week of impurity, and it is the source of impurity, but after it is removed, the impurity of the blood she experiences on following days is less severe, and therefore, even if a woman bleeds for seven days, she can be

[38] From the following fragment (4Q274 II a) it appears that the bed and chair of one who has had a seminal emission also transmit impurity, as do those of the *zav*. The difference between the two is therefore only the duration of the discharge, and this distinction affects the ways in which the two are distanced. One who has had a seminal emission, unlike the *zav*, can easily remove the source of impurity, and thus continue functioning. The *zav*, on the other hand, must distance himself until the discharge has ceased completely, and only then may he begin his purification process.

[39] On the length of the woman's period in antiquity see Lesley Dean-Jones, "Menstrual Bleeding According to the Hippocratics and Aristotle," *Transactions of the American Philological Association* 119 (1989):177–91.

[40] Iain R. M. Bóid, *Principles of Samaritan Halachah*, SJLA 38 (Leiden: Brill, 1989), 285–87.

purified on the evening of the seventh day.[41] This is also the approach of Karaite halakhah, which distinguishes between "first blood" and "second blood". The seven-day impurity derives from the first blood. Vessels that a menstruant sat on during her initial bleeding are defiled with seven-day impurity, and a man who has relations with a menstruant is impure for seven days if he lay with her during this initial period. The woman must cleanse herself of this blood, and then the impurity she imparts defiles others only until nightfall.[42]

In light of these approaches, we may return to the complex status of the menstruant according to the laws of Qumran. On the one hand, the menstruant is required to maintain a distance from the rest of the community, for fear she will transmit impurity to her surroundings. On the other hand, the passage warns the menstruant to refrain from contact with a *zavah*, who is continuously discharging blood. The menstruant may go amongst other people in the camp and must therefore take care not to defile her surroundings. She is therefore in a different position than those who are still experiencing unusual discharges and are not warned to refrain from contact with others, as they are anyhow distanced from the city.[43] One who counts toward his purity, on the other hand, is forbidden to come into contact with the menstruant.

This ruling lines up with a reality in which both one who counts and the menstruant might be found in the camp or the city. In this situation, particularly because their level of impurity is low, there is fear that they might come into contact with each other. At the same time, the menstruant might be outside the camp alongside *zavim*, and is perhaps even encouraged to be there, in order to limit the fear that she "contaminate the camps of the holy [ones of] Israel". She is, however, warned to avoid contact with the latter,[44] for she will not be able to

[41] Kazen, "4Q274," 71–72, also relies on Samaritan halakhah to explain the status of a menstruating woman in this passage. In his opinion, also Qumran law demand of the menstruant a "first-day ablution" following the onset of menses, although this is nowhere mentioned explicitly. In my view, this is an unnecessary assumption in order to maintain the resemblance between the systems.

[42] Elijah Bashyazi, *Aderet Eliyahu*, On Purity and Impurity, chapter 10 (122a–c); Aaron ben Elijah of Nicomedia, *Gan Eden*, chapter 4 (111a–b).

[43] The Temple Scroll also mentions the menstruant alongside the *zav* outside the cities: "And in every city you shall make places for those contaminated with leprosy, and with sores and with scabies so that they do not enter your cities and defile them; and also for those who have a flux and for women when they are in their menstrual impurity and after giving birth, so that they do not defile in their midst with their menstrual impurity" (11QT XLVIII, 14–17). In contrast, In Josephus' survey she is not distanced from the city and only separated within the house (*A.J.* 3.261–62). This is the rabbinic assumption as well (on the special furniture for the menstruant in the house see Sifra *Zavim pereq* 2:3).

[44] An interesting addition to the laws of distancing of the menstruant appears in a fragment of the Damascus Document from Qumran (4Q272 I, 7–9). The remaining words relate to a woman discharging blood who must sit/remain for seven days. According to the reconstruction of Qimron (*The Dead Sea* Scrolls, 1:29) she must be distanced and sit alone for seven days. Ostensibly, if this law addresses the menstruant, it would mean that she should be in isolation, in

complete her days of purification if she is not careful to distance herself from the sources of impurity, carried by those *zavim*. The menstruant might be found in both places and must therefore be careful to abstain from physical contact with both the "inside" and the "outside" group.

We therefore see that this halakhic fragment from Qumran instructs how impure persons should manage alongside those undergoing purification. The degree of distancing derives from the notion that the impure defile their surroundings only when they carry the impure substance. Thus, even one who has not completely purified must refrain from direct contact with this source of impurity and its carriers. The majority of halakhic attention is devoted, therefore, to those who are in this intermediate stage. One who counts towards his or her purification is warned to refrain from contact with anyone who is still discharging impure substance, and the menstruant is limited in her contact with both who are suffering impurity and those undergoing purification. We are therefore faced with a complex situation, in which the pure, those who count and the menstruant are all permitted to operate in the same sphere, but are limited in terms of their contact with each other. The intermediate-stage purification presents a complex challenge to the system and requires sophisticated mechanisms of distancing and care.

4. The Contaminating Role of Liquids during the Purification Period

The creation of an intermediate stage in Qumran law, unfamiliar in Pharisaic tradition, led to the constitution of a mechanism that is predicated on a dual demand. The one undergoing purification is distanced from direct contact with the pure, and at the same time is required to distance himself from sources of impurity. This mechanism was developed in Qumran law regarding corpse impurity as well. According to the Temple Scroll (11QT XLIX, 5–12),[45] one immerses immediately after being exposed to corpse impurity (the "first-day ablution"), and following this immersion ceases to defile his surroundings. This immersion, like the cessation of unusual discharge, allows the impure person to eat and removes the fear that he will spread impurity. At the same time, however, unlike the menstruant and the *zav*, in the case of corpse impurity this intermediate stage can last a long time, and it continues until one is sprinkled by the ashes of the red heifer. From the scroll it appears that this intermediate stage is considered a fairly

contrast to the description of 4Q274 I. However, it may possibly be referring to the *zavah*, who is impure for seven additional days and must leave the camp. The rest of the passage clearly addressed the latter case, due to the requirement that she bring sacrifices.

[45] For a comprehensive study of this unit see Vered Noam, *From Qumran to the Rabbinic Revolution. Conceptions of Impurity* (Jerusalem: Yad Ben Zvi, 2010), 74–137 (in Hebrew).

normative situation, and therefore special guidance is required regarding proper behaviour concerning this level of purity. As we will see, a central characteristic of purity observance during this intermediate stage is distancing from liquids, which can awake the dormant impurity at this situation.

Here is the full unit concerning corpse impurity:

(5) If a man dies in your cities, the whole house in which the deceased dies shall be unclean (6) for seven days; everything there is in the house and everything which goes into the house shall be unclean (7) for seven days; and all food over which wa[t]er is spilt shall be unclean; every drink (8) shall be unclean; and the clay vessels shall be unclean and everything there is in them shall be unclean for every pure man; (9) and the open (vessels) shall be unclean for every man of Israel, all the drink (10) that is in them. vacat

(11) And the day on which they remove the dead person from it, they shall cleanse the house of every (12) stain of oil, and wine, and dampness from water; they shall rub its floor, and its walls and its doors; (13) with water they shall wash its hinges, and its jambs, and its thresholds and its lintels. The day on which (14) the dead person is brought out from it, they shall cleanse the house and all its utensils, the mills, and the mortar, (15) and all the utensils of wood, iron and bronze, and all the utensils for which there is purity. (16) And they shall wash the clothes, the sacks and the skins. And the man: everyone who was in the house (17) and everyone who come to the house shall bathe in water and wash his clothes the first day. (18) And on the third day they shall sprinkle over them the waters of purification, and they shall bathe and wash their clothes (19) and the utensils which are in the house. vacat

And on the seventh day (20) they shall sprinkle a second time, and they shall bathe and wash their clothes and their utensils. And they shall be clean by the evening (21) from the dead person, so that they can approach all their pure things. And the men who were not contaminated by [the dead]

Lines 7–10 include some difficult rulings. These lines distinguish between two groups – between vessels that serve "every pure man" and vessel impurity "for every man of Israel". For a pure man, the content of the vessel has been defiled even if the vessels are sealed, whereas "for every man of Israel" only open vessels are impure. This raises two questions: First, what is the basis for extra stringency regarding the content of closed vessels, when the Torah explicitly deems sealed vessels to be pure (Num 19:15)? And second, who are the two groups mentioned in the Scroll?

According to Yadin, the Scroll here distinguishes between two groups – those that are stringent regarding purity and those that are not, similarly to the "associate" and *am ha-aretz* in rabbinic language.[46] Alongside the instructions directed at the pure, the scroll adds a system of purity laws directed at those who are not stringent regarding purity observance. Noam, on the other hand, has suggested that it was accepted practice among certain groups to observe extra

[46] Yigal Yadin, *Temple Scroll, with Introduction and Commentary*, 3 vols. (Jerusalem: Israel Exploration Society, 1977), 1:325–27.

stringencies, and according to them even foods found in sealed vessels contracted corpse impurity.[47] The few who adopted this stringent practice are those termed "every pure man" in the Temple Scroll. Noam does not offer a clear explanation for this practice, but she surmises that it is based on an ancient pietistic tradition lacking a biblical foundation.[48]

Unlike Yadin and Noam, I suggest interpreting these laws and the reference to two levels of purity directly on the basis of Scripture itself. The dual ruling in the Temple Scroll, I believe, responds to an exegetical tension found already in the bible regarding the way in which clay vessels are defiled. The two levels of impurity, according to the reading of the author of the Scroll, correspond to the different modes of contamination in Scripture. There is no extra stringency, as Noam posits, or testimony to lack of observance of purity law, as Yadin suggests,[49] but rather two levels that are a requisite part of any purification process. Both one who is completely pure and one who is purifying are careful to distance themselves from impurity, but to differing degrees.

First, we must note that it is unclear how clay vessels are defiled according to the biblical sources. According to Lev 11:33, in the case of a creeping thing, the clay vessel is defiled from within; similarly, in the case of corpse impurity (Num 19:15) a closed vessel does not contract impurity. According to Lev 15:15, however, the clay vessel contracts impurity from its side and not only from within, and this mode of contamination is also mentioned regarding an oven in Lev 11:35. Rabbinic law distinguishes between clay vessels and other vessels. Clay vessels do not contract impurity from outside contact, but only from their inside. The presence of a creeping thing in the vessel, even if there has been no direct contact, defiles the vessel and its contents. Other vessels, on the other hand, are defiled only from direct contact, whether internal or external.[50] According to this approach, a clay oven is defiled only when the creeping thing enters its air (as opposed to the plain meaning of the verse!), as well as the food and drink inside it. The Temple Scroll, on the other hand, suggests a different solution to the tension within the verses, predicated on the existence of different levels of purity. Here again are the relevant rulings:

1. and the clay vessels shall be unclean
2. and everything there is in them shall be unclean *for every pure man*;
3. and the open (vessels) shall be unclean *for every man of Israel*, all the drink that is in them.

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[47] Noam, *From Qumran to the Rabbinic Revolution*, 106–12.

[48] Noam, *From Qumran to the Rabbinic Revolution*, 323.

[49] Qumran law in general, in stark contrast to rabbinic law, does not offer post factum solutions for less than perfect practice. See Aharon Shemesh, *Halakhah in the Making. The Development of Jewish Law from Qumran to the* Rabbis (Berkeley, Los Angeles, London: University of California, 2009), 69–70 and note 44.

[50] Sifra *Shemini* 7–8.

For a pure person, the vessels and their content are rendered impure even if they are sealed (line 2). For any other person of Israel, on the other hand, only open vessels and their contents are defiled (lines 3). Let us note that, according to line 2, where the vessel contracts impurity through external touch, its entire contents are rendered impure. When the vessel contracts impurity through its opening (line 3), on the other hand, impurity passes only to liquids. How can this distinction be justified? It appears that the explanation lies in the difference between the two routes offered in the verses. On the one hand, a clay vessel may (in some cases) contract impurity through touch and is completely defiled thus. On the other hand, the case in line 3 follows Lev 11:33: "as to any liquid that may be drunk, it shall become unclean if it was inside any vessel". Therefore, any open vessel is defiled if it has a liquid in it. In order to clarify the difference between the two routes, the author of the scroll distinguishes between two levels of purity: the vessels of the most pure are more sensitive to impurity and are defiled even when closed. The vessels of all of Israel, on the other hand, contract impurity only through direct contact of an open vessel containing fluids with impurity.

Who are these two groups, and from where does the author of the scroll derive the distinction between them? The solution for these questions can be found right at hand, in the following lines. At the end of this column, we hear mentioned (1) "the men who were not contaminated by [the dead]", alongside (2) one who was contaminated by the dead and is in the process of purification. These two groups might resolve for us the identity of the other pair mentioned a few lines earlier: "the pure man" and "every man of Israel". It appears that the author of the scroll distinguishes between two situations: The pure man is he who "has not been contaminated by the dead", whereas one who has removed the corpse impurity through the first-day ablution, but has not yet completed his process of purification, is "every man of Israel".

He who "has not been contaminated by the dead", the completely pure person, must avoid even indirect contact with corpse impurity. He must not come into contact with anything that contracted corpse impurity, nor will he partake of food found in a sealed vessel, which was only indirectly defiled by the corpse. "Every man of Israel", on the other hand, including those who have not yet completed their process of purification, distance themselves only from that which was *directly defiled by the corpse*, such as open vessels with liquids, that have absorbed the corpse impurity. A person who was in the house together with the corpse must remove the initial impurity through the first-day ablution. Subsequently, he will refrain from partaking of anything that has come into direct contact with the corpse and has absorbed its impurity. Foods that were in closed vessels in the house in which the corpse was, and were therefore not directly contaminated, however, are appropriate for his consumption at this stage.

We learn of the power of liquids to "absorb" the corpse impurity and "soak" it onto other objects from the lines immediately following. Concerning the pu-

rification of the house we read: "They shall cleanse the house of every / stain of oil, and wine, and dampness from water; they shall rub its floor, and its walls and its doors" (11QT XLIX, 11–12). These liquids, which were contaminated by the corpse, have soaked into the house, and one must therefore remove and scrape them from all parts of the house, even those that do not themselves contract impurity, such as the floor and the walls.[51] The process of purification cannot begin before the corpse is removed and all traces of its impurity, left in liquids throughout the house, are removed. We learn more of the role of impure liquids from the parallel directives in the Damascus Document (XII, 15–17): "And all the wood and the stones and the dust which are defiled by man's impurity, while with stains of oil in them, in accordance with their uncleanness will make whoever touches them impure". This law appears to address a similar situation to the one we saw in the Temple Scroll. Therefore, anything that is in the house, even wood, stone and dust, which has oil on it, is contaminated.[52] Furthermore, according to the Damascus Document, "in accordance with their uncleanness will make whoever touches them impure". The liquid preserves the same degree of impurity, such that he who touches it will contract the same level of impurity, thus continuing to carry the source of impurity.[53]

If the walls have soaked up an impurity whose source is liquids, the foods found in the house in open vessels have likewise soaked up impurity. Dry food is contaminated with corpse impurity, and is therefore forbidden for one who is completely pure. But anyone attempting to distance himself from direct contact with the source of impurity would clearly not touch the liquids found in open eating vessels, and which absorbed the corpse contamination. Therefore, the following is true also of those who have not completed their purification: "and

[51] Noam, *From Qumran*, 84–90 has suggested that according to the Temple Scroll the house materials contract corpse impurity, in contrast to rabbinic law, according to which the house is unsusceptible to impurity, and only vessels in it may contrast impurity. Clearly however, it is not the materials themselves such as wood and dust that are contaminated according to the Temple Scroll, but only the liquids in them.

[52] Hanan Eshel, "CD 12:15–17 and the Stone Vessels found in Qumran," in *The Damascus Covenant. A Centennial of Discovery*, eds. Joseph M. Baumgarten, Esther Chazon, and Avital Pinnick, STDJ 34 (Leiden: Brill, 2000), 45–52, emends "and vessels of wood or stone" and adds that stone vessels, which do not receive impurity, are rendered fit to receive impurity through contact with oil. This emendation is unnecessary, however: it is not the stone itself that is contaminated, but only the liquid it has swallowed.

[53] From these sources it would seem that oil has special status for carrying impurity, and thus we find also in Josephus's statement regarding the Essenes (*B. J.* 2.123): "They consider olive oil a stain and should anyone be accidentally smeared with it he scrubs his body, for they make it a point of honor to remain hard and dry". See Joseph M. Baumgarten, "The Essene Avoidance of Oil and the Laws of Purity," *RQ* 8 (1972): 87–96. To my understanding, there is not necessarily a significant difference between oil and other liquids as far as their status as carriers of impurity. The reason the sources focus on oil is that oil served for the anointing of the body and of vessels. Other liquids were not deliberately placed throughout the house, and if they were spilled, they were immediately wiped up or evaporated.

the open (vessels) shall be unclean for every man of Israel, all the drink that is in them". Liquids are a major carrier of impurity for those who have removed the initial impurity and are careful at this stage not to touch anything that has absorbed the contamination.

Here we reach the second matter. The author of the scroll managed to utilize the difficulty regarding the ways in which clay vessels are contaminated in order to form two sets of instructions that correspond to the two levels of purity. Number 19:15, instructing that only open vessels are impure, addresses the specific situation of those who were defiled by the dead corpse, and are in the process of purification. They are obviously not allowed to consume pure foods until they complete their process of purification, but in the meantime, they may consume food that was in the house but was not directly contaminated by the corpse. Those who are completely pure and partake only of pure food, however, will avoid even indirect contact with impurity and will therefore not eat even food that was in a sealed vessel within the home of a dead person.

Qumran literature therefore presents a consistent legal system, which encompasses both corpse impurity and bodily impurities. Just as one who counts to his purity from *zov* refrains from direct contact with the discharge and cannot eat as a result, thus one who has contracted corpse impurity and has removed the initial impurity will refrain from direct contact with corpse impurity. Notably, however, unlike the impurities of genital discharges, those who are partially purified from corpse impurity are not termed "counters", who are destined to be purified within a few days, but rather "every man of Israel". One can assume that this term reflects the regularity with which this situation occurred, whereby there are those who have completed their first-day ablution, but cannot complete their purification process. These are awaiting the future sprinkling of the lustration water, but in the meantime still observe their partial purity and refrain from direct contact with corpse impurity and the liquids that carry it.

5. Conclusion

Qumran law is generally considered relatively conservative and faithful to biblical conceptions in comparison with rabbinic legal innovations.[54] However, the laws of purification and graded impurity offer us a unique case of legal innovation intended to promote the religious and social ideology of the Qumran community. Despite its detailed treatment of impurity and contamination, the Torah does not suggest a procedure of gradual purification. Even when it prescribes an additional week before purification, it does not suggest a different

[54] Vered Noam, "Stringency in Qumran: A Reassessment," *JSJ* 40 (2009): 342–55; compare, Shemesh, *Halakhah in the Making*, ch. 3 (72–106).

standard of purity observance. Such an approach is maintained in rabbinic purity laws which set a fixed level of impurity until its final removal, when the person choses to bathe and purify. In contrast, Second-Temple sources (including Tobit and Philo)[55] exhibit a commitment to get rid of the source of impurity as soon as possible, and this aspiration towards purity generated a set of practical innovations which shaped Qumran practice as well as social structure.

Qumran law systematically incorporated the widespread "first-day ablutions" in all forms of long purifications, and it prohibited any kind of eating beforehand to ensure its performance. This act completely transformed the status of the person and brought him under a strict regimen of purity observance. Much of Qumran purity instructions is dedicated to this complex and demanding situation. During this intermediate stage, one is required to avoid contact both with pure people as well as with those who are still carriers of the impurity such as those suffering genital discharges. The situation of the menstruant is similar, and therefore 4Q274 1 is most concerned with regulating her actions in the elusive sphere between the spaces allocated for each of the different groups.

This communal distinction is apparent in additional purity texts that were not discussed in this article but reflect the same principles. Fragment 4Q274 3 concerning purity observance during the fruit harvest alluded to contrasts the level of caution of those who are counting days for purification (4Q273 3 II, 2), and the "purer" participants. In another fragment (4Q284a), which also discusses harvest of fruits, relates to those in the intermediate status as those who "may not touch the liquids of the Many" and limits the fruits they can come in contact with.[56] Both texts distinguish between the groups with respect to their threat on the purity of liquids, and here we arrive at the second major innovation of Qumran purity laws, which we have encountered in the previous section on the laws of corpse impurity in the Temple Scroll.

Whereas the role of liquids in making foods susceptible to impurity is grounded already in Scripture (Lev 11:34, 38), the role of liquids in preserving the original source impurity and therefore particularly threatening during the purification process is a far-reaching innovation of Second-Temple law.[57] In the Qumran community the contamination of liquids has become the marked feature of those in the intermediate stage of purification, counting the days towards complete purification. As such this structure was later implemented into

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[55] See above section 2 n. 21 and Laura von Bartenwerffer's contribution in this volume.

[56] Both texts were published in Baumgarten, *Halakhic Texts*, 106–108; 131–132. See also Joseph M. Baumgarten, "Liquids and Susceptibility to Defilement in 4Q Fragments," *JQR* 85 (1995): 91–101.

[57] This role of liquids appears also in early rabbinic law, such as in the parallel discussion of the Houses of Hillel and Shammai concerning the treatment of olives and grapes (m. Ṭehar. 10:4). See Yair Furstenberg, *Purity and Identity in Ancient Judaism. From the Temple to the Mishnah* (Bloomington: Indiana University Press, 2023), 130–139.

the process of initiation into the sect. Following the model of bodily purification, Qumran law devised a gradual transformation from the impure outsider into a fully integrated member of the sect.[58] The extent of legal texts relating to this intermediate situation and the innovations it entailed reflect the role of those on the margins within the structure of the community, awaiting their full integration while being subject to the severest purity regulations.

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[58] See Yair Furstenberg, "Initiation and the Ritual Purification from Sin. Between Qumran and the Apostolic Tradition," *DSD* 23 (2016): 365–94.

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First Day Ablutions in Qumran and Philo

Laura von Bartenwerffer

1. Introduction

In Second-Temple Judaism we find various concepts of purity competing with each other. It is not a bold thesis to assert that purity was a central theme in the Second-Temple period, as Hannah Harrington ascertains in the introduction to her volume on the purity texts in Qumran: "Issues of cult and purity engaged and divided Jews more in this period than at any other time in antiquity."[1] Many texts from this period show an interest in purity discussions and promote a certain concept of purity as distinguished from others. Between these concepts there are similarities and differences that need a closer look to be evaluated.

In Qumran texts we find the practice of first day ablutions as part of a larger concept of purity and purification. As many scholars noticed before, we find indications of similar ablutions in the writings of Philo of Alexandria as well. So far these text passages have been used to show that the practice of first day ablutions was not limited to the Qumran community,[2] but a more detailed evaluation of the texts and their contexts has so far failed to materialize. How does Philo introduce these ablutions or similar purifying practices and how do they correlate to his lager conception of purity? Is this conception comparable to the one found in Qumran texts?

To answer these questions, we will first have a closer look at the Qumran texts on first day ablutions. In a second step we will see how these ablutions contribute to a lager concept of gradual purification. We will also ask where else indications of such a practice is to be found or if it is limited to the Qumran community. With this foundation we will move on to Philo's texts and ask: Does the practice of first day ablutions play a role in Philo's idea of purity?

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[1] Hannah K. Harrington, *The Purity Texts*, Companion to the Qumran Scrolls 5 (London: T&T Clark, 2006), 7.

[2] Cf. Harrington, *The Purity Texts*, 80–81; Ian C. Werrett, *Ritual Purity and the Dead Sea Scrolls*, STDJ 72 (Leiden, Boston: Brill, 2007), 139–40; Hanan Birenboim, "*Tevul Yom* and the Red Heifer. Pharisaic and Sadducean Halakah," *DSD* 16.2 (2009): 255.

2. First Day Ablutions in Qumran

The discussion on first day ablutions in Qumran started with the publication of the text of the Temple Scroll by Yigael Yadin in 1977[3]. Already one year later in 1978 Jacob Milgrom wrote in his "Studies in the Temple Scroll"[4] about his observations on first day ablutions. Milgrom noticed additional ablutions in this Scroll for impurities that last more than one day that Leviticus does not know. He also made assumptions about the purpose of these ablutions although the text itself does not mention any. His interpretation – which will be discussed in detail later – gained more influence with the publication of 4Q514 (4QOrdinances[c]) in 1982. Joseph M. Baumgarten takes this text as confirming Milgrom's thesis on first day ablutions. As this text talks about "initial impurity," Baumgarten believes Milgrom was right in assuming that first day ablutions could remove one layer of impurity.[5] From the mid-1990s onwards, the discussion about first day ablutions in Qumran gained momentum with the publication of further fragments. The three most important texts, all from cave 4, have been published in DJD 35[6]: 4Q414 (4QRitual of Purification A)[7], 4Q274 (4QTohorot A)[8] and 4Q284 (4QPurification Liturgy).

Actually, there are only two texts in the Dead Sea Scrolls naming first day ablutions directly. The most obvious one is the Temple Scroll; the second one is 4Q414, which is more unclear because of its fragmentary status. The other texts discussed in the research and named above are dealing with the broader concept and will be discussed later.

2.1 The Temple Scroll

11Q19 (11QTemple Scroll[a]) is the longest Scroll found in Qumran, but unfortunately it is not very well preserved.[9] The damage occurred starting from the

[3] Yiga'el Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1977) (in Hebrew).

[4] Jacob Milgrom, "Studies in the Temple Scroll," *JBL* 97.4 (1978).

[5] Cf. Joseph M. Baumgarten, "The Pharisaic-Sadducean Controversies About Purity and the Qumran Texts," *JJS* 31.2 (1980): 159–60.

[6] Cf. Joseph M. Baumgarten and Jósef T. Milik, eds., *Qumran Cave 4. XXV. Halakhic Texts*, DJD 35 (Oxford: Clarendon Press, 1999).

[7] First published in 1995 by Esther Eshel, "4Q414 Fragment 2: Purification of a Corpse-Contaminated Person," in *Legal Texts and Legal Issues. Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995*, eds. Moshe Bernstein, Florentino García Martínez and John Kampen, STDJ 23 (Leiden: Brill, 1997), Published in Honour of Joseph M. Baumgarten, 3–10.

[8] Preliminary Publication in 1995 by Joseph M. Baumgarten, "The Laws About Fluxes in 4QTohora[a] (4Q274)," in *Time to Prepare the Way in the Wilderness*, eds. Lawrence Schiffman and Devorah Dimant, STDJ 16 (Leiden: Brill, 1995), 1–8.

[9] Yiga'el Yadin, *The Temple Scroll* (Jerusalem, 1983b), 10.

top margin and the outside where the initial columns were situated.[10] In terms of its origin and traditions, according to some scholars also its composition, the Temple Scroll is believed to antedate the Qumran community because of its less polemical character.[11] It represents a form of Rewritten Scripture,[12] in which major passages of the Pentateuch are retold as direct orders from God to Moses by using the first person instead of the third person as the Biblical text does.[13] According to Florentino García Martínez there are four major sections in the Temple Scroll. Columns 3–45 deal with the construction of the temple, its courts, and related buildings. This passage is interrupted by a festival calendar in cols. 13–30, which is closely related to Jubilees. Purity regulations follow in cols. 45–51. The Temple Scroll closes with a paraphrase of Deut 12–23.[14] The central concern of the scroll is the sanctity of the temple and the temple city. As God's dwelling place the temple requires holiness and purity and from there, purity is also demanded concentrically from the surrounding areas, i. e., the temple city and the land of Israel. "The distinction between the ritual status of the temple-city and other cities is fundamental to the understanding of the purification system of the Temple Scroll."[15] According to the Temple Scroll the temple city requires the highest degree of purity, but for the other cities in the land of Israel a graded degree of purity is still necessary.

The topic of purity, as mentioned, is elaborated in cols. 45–51. Parts of this passage are very likely to belong to an independent source.[16] Cols. 45–47 are devoted to the regulations for entering the temple and the temple city, while cols. 48–51 also address purity issues concerning the entire Land of Israel. Thus, the text skillfully leads from the description of the temple to the purity regulations by first providing a description of purity rules for entering the temple and thus leading to the new topic.[17]

In the first part of this purity section there is a passage of interest to the question of first day ablutions. 11Q19 45:7–12 deals with uncleanness through nocturnal emission.

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[10] For reconstructing the text of the Temple Scroll the parallel versions in 11Q20 and 4Q524 are the most important manuscripts. Loser connections can be found in 11Q21 and 4Q365a. Cf. Elisha Qimron, *The Dead Sea Scrolls*, Vol. 1 (Jerusalem: Yad Ben-Zvi Press, 2010) (in Hebrew), xxxiv (English section); Werrett, *Ritual Purity and the Dead Sea Scrolls*, 108.

[11] Cf. Harrington, *The Purity Texts*, 51.

[12] For a brief overview of the discussion on the genre of the Temple Scroll cf. Florentino García Martínez, "Temple Scroll," *EDSS* 2:930.

[13] Cf. Harrington, *The Purity Texts*, 50–52.

[14] Cf. García Martínez, "Temple Scroll," 2:929.

[15] Milgrom, "Studies in the Temple Scroll," 513.

[16] Cf. Andrew Wilson and Lawrence Wills, "Literary Sources on the Temple Scroll," *HTR* 75.3 (1982).

[17] Cf. Werrett, *Ritual Purity and the Dead Sea Scrolls*, 111.

11Q19 45:7b–10a[18]

7b ואו[יש] כי יהיה לו מקרה לילה לוא יבוא אל
8 כול המקדש עד אשר [יש]לים שלושת ימים וכבס בגדיו ורחץ
9 ביום הראישון וביום השלישי יכבס בגדיו ורחץ ובאה השמש אחר
10a יבוא אל המקדש

7b And a man if he had a nocturnal emission shall not enter into
8 any part of the temple until three days have finished. And he shall wash his clothes and bath
9 on the first day and on the third day he shall wash his clothes [and bath] and after sundown
10a he may enter into the temple.

In Lev 15:16–18 semen emission is a minor impurity as it lasts only one day. The Biblical text requires a man who has experienced it only to wash his clothes, to bath, and to wait until evening. This cleansing process is extended to three days in the Temple Scroll and calls for the washing of garments and body on the first and third day. Here, then, the Temple Scroll clearly goes beyond the Biblical text. Yadin has conjectured that this three-day purification is modelled on Exod 19:10–15, where the Israelites prepare for God's appearance at Sinai with a three-day purification process that includes washing of clothes and body and sexual abstinence.[19] The author of the Temple Scroll seems to expect a comparable closeness to God for the temple as for the revelation at Sinai.[20]

Obviously, the Temple Scroll bears eschatological overtones. The author of the text presents a strongly idealized temple, for which consequently a particularly high degree of purity is demanded. Ian Werrett even goes so far as to call the writing "utopian."[21] Although I would prefer to say that the text makes idealized claims that are not necessarily transferable to real conditions, Werrett does raise an extremely important question: "If the Temple was utopian, are the purity regulations described in the scroll also utopian?"[22] Do these idealized descriptions refer to actual practices in reality?

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[18] The reconstruction follows Elisha Qimron and Florentino García Martínez, *The Temple Scroll* (Beer Sheva: Ben-Gurion University of the Negev Press; Jerusalem: Israel Exploration Society, 1996), 63. Translation is my own. Lines 11–12 add a similar regulation for sexual intercourse by repeating the command to cleanse for three days before entering the Temple City.

[19] Cf. Yadin, *The Temple Scroll* (Jerusalem, 1983b), 135.

[20] As Werrett observes correctly the Scroll commands this three-day process to enter the Temple, not the whole city of the Temple, cf. Werrett, *Ritual Purity and the Dead Sea Scrolls*, 114–17 vs. Jacob Milgrom, "First Day Ablutions in Qumran," in *The Madrid Qumran Congress. Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18–21 March, 1991*, eds. Julio C. Trebolle Barrera and Luis Vegas Montaner, 2 vols., STDJ 11 (Madrid, Leiden: Brill, 1992), 561–70.

[21] Werrett, *Ritual Purity and the Dead Sea Scrolls*, 111: "it is important to remember that this document [i. e., the Temple Scroll] is utopian in nature".

[22] Werrett, *Ritual Purity and the Dead Sea Scrolls*, 112.

If this part deals with regulation for the ideal temple city maybe the next part on the regular cities in the Land of Israel will help more in understanding the purity practice of the Qumran community. It can be assumed that the group responsible for the text of the Temple Scroll did not have enough influence to enforce these demands in Jerusalem but in their own communities they could have practiced more rigid regulations. 11Q19 48–51 discusses numerous topics concerning purity. While 48:1–7 talks about dietary laws 48:7–11 discusses rites alien to the Jewish culture, mostly classified as magic or idolatrous practices. In 48:11–49:4 the Temple Scroll describes places for the unclean outside the cities and deals with skin disease. The next section 49:5–50:9 addresses the severe impurity transmitted by a corpse, leading to the focus on the specific case of a dead fetus in 50:10–50:19. The last topic is also related to death and at the same time bridges back to the beginning on dietary laws by addressing the issue of carrion in 50:20–51:6. 11Q19 51:6–10 finishes with a closing statement on pure and impure.

Concerning corpse impurity, there are two sections naming first day ablutions. In 11Q19 49 the Temple Scroll talks about someone dying and how to cleanse unclean objects from corpse impurity. From line 16 on, it is now about people who have defiled themselves on the corpse. The whole section is about the defilement through overhang.

11Q19 49:16b–17[23]

16b והאדם כול אשר היה בבית
17 וכול אשר בא אל הבית ירחץ במים ויכבס בגדיו ביום הראישון

16bAnd the man, everyone who is in the house
17 and everyone who enters the house, shall bath in water and wash his clothes on the first day.

This is followed by the usual purification rules by sprinkling on the third and seventh days, noting that ablutions of garments and body are also supplemented on the third day. On the evening of the seventh day, those who have undergone this ritual are purified "to touch all their pure things" (לגעת בכול טהרתמה)[24]. In comparison with Num 19, numerous differences are noticeable. Besides a changed situation – the dead person is in a house, not a tent, for example – the additional ablutions on the first and third day and the ability to touch טהרתמה are especially noticeable.[25] If the latter points to sacred food, as Harrington assumes, can be discussed.[26] These additions of supplementary ablutions on the first and third day in the case of corpse impurity is repeated in column 50 below. As we have

[23] The reconstruction follows Qimron and García Martínez, *The Temple Scroll*, 71. Translation is my own.

[24] 11Q19 49:21.

[25] Cf. Werrett, *Ritual Purity and the Dead Sea Scrolls*, 138–39.

[26] Cf. Harrington, *The Purity Texts*, 13. For further discussion the Cecilia Wassén's contribution to this volume.

seen, the three-day purification process in case of semen impurity is probably modelled after Exod 19:10–15, where the Israelites prepare for the revelation at Sinai. Lawrence Schiffman suggests that here again this passage influenced the washing on the first and third day.[27] If this is correct, we find here a combination of Exod 19 and Num 19 resulting in this extended purification ritual showing thereby a closeness to God's revelation.

11Q19 50:13b–16a[28]

13b וכבס בגדיו
14 ורחץ ב{מ}ים הראישון וביום השלישי יזה ויכבס בגדיו ורחץ
15 וביום השביעי יזה שנית וכבס בגדיו ורחץ ובאה השמש
16a וטהר

13b And he shall wash his clothes
14 and bath on the first day and on the third day he shall sprinkle and wash his clothes and bath
15 and on the seventh day he shall sprinkle a second time and wash his clothes and bath and when the sun goes down
16a he will be clean.

Column 50 is about a pregnant woman whose fetus has died in her womb. She is equated in her impurity to a grave as long as she carries the dead unborn within her. Thus, anyone who is in the house with her defiles oneself by overhang as on a corpse, so that the provisions are formulated in parallel. Again, one is to wash one's clothes and bath on the first day, and additionally sprinkle oneself on the third and seventh days. In line 14, a correction has been made by the scribe. Yadin has determined that the scribe initially wrote במים (to wash *in water*), but then deleted the מ without adding the י, since it was obvious that יום was meant.[29]

Combining these two pieces of evidence, we get the clear picture that the Temple Scroll supplements the seven-day cleansing ritual of Num 19 with ablutions on the first and third days. These initial washings are not known in the Biblical text. These first day ablutions are extremely interesting because they go beyond the Biblical commandment. In the book of Leviticus, the only purity ritual for a multiple-day impurity in which the cleansing procedure begins with washing is that regarding skin disease. In Lev 14 the purification process starts with the priest declaring the skin diseased person as healed. The cleansing takes seven days and consists of three steps. It starts with the bird rite, shaving and ablutions on the first day. Ablutions are to be repeated on the seventh day. The pu-

[27] Cf. Lawrence Schiffman, "The Impurity of the Dead in the Temple Scroll," in *Archaeology and History in the Dead Sea Scrolls. The New York University Conference in Memory of Yigael Yadin*, ed. Lawrence Schiffman (Sheffield: Sheffield Academic Press, 1990), 148.

[28] The reconstruction follows Qimron and García Martínez, *The Temple Scroll*, 73. The translation is my own.

[29] Cf. Yadin, *The Temple Scroll*. See also Qimron and García Martínez, *The Temple Scroll*, 73: "ביום is intended."

rification process closes with sacrifices on the eighth day. All the other impurities lasting more than one day do not begin the cleansing process with an initial ablution. The Temple Scroll in contrast talks about first day ablutions for semen impurity (to enter the temple) and for corpse impurity. Interestingly we do not find first day ablutions in the section on skin disease in 11Q19 48:11–49:4, where one might expect to find them. Although, to be fair, there is quite a large gap in the section on skin disease, so maybe it has just not been preserved.

11Q19 49:16–19 and 11Q19 50:13–16 agree that ablutions on the first and third day are also required for normal cities for the corpse impure. But can we conclude from this observation that such ablutions were practiced in the Qumran community or in the group that wrote this text? This question deserves a nuanced answer that considers the textual genre of the Temple Scroll. Werrett had described the character of the scroll as "utopian."[30] And indeed, in large parts it describes an idealized temple whose construction bears eschatological features. If Yadin and Schiffman are right in assuming that the purification process is modelled after the purification for the revelation at Sinai, there are strong eschatological overtones in these rituals as well. Therefore, the question remains: Does the text want to tell us that in an ideal world there would be initial ablutions, but this time is yet to come, or that the recipients of the text already live in a purer state than the rest of Israel? To determine whether the first day ablutions are part of this idealizing orientation, further evidence of their practice must be found to ask subsequently what purpose they might have served.

2.2 4Q414

4Q414 is extremely fragmentary and written on the back of another text (4Q415).[31] The remaining fragments tell us that this text is about purification rituals, including prayers to be recited during or after immersion. This content makes 4Q414 appear as one that arises from practice rather than theory. Thus, this text can help us answer the question of whether the Qumran community also performed ablutions on the first day. For the question of first day ablutions there is one column of special interest.

4Q414 2 ii, 3, 4[32]

1 וֹתטֹהֹרֹנו לחוקי קוֹדֹשׁ [כה
2 לראשון לשלישי ולש[ביעי
3 באמֹת בריתכ[ה
4 להטהר מטמאת[
5 ואחר יבוא במים[ורחץ את בשרו וברך]

[30] Cf. Werrett, *Ritual Purity and the Dead Sea Scrolls*, 111–12.

[31] For further information cf. Eshel, "4QRitual of Purification a," in Baumgarten and Milik, *Qumran Cave 4. 25*, 135.

[32] Reconstruction and Translation follow Eshel, "4QRitual of Purification a," 141–42.

6 וענה ואמר ברוך א̇[תה אל ישראל
7 כי ממוצא פיכה נ̇[פרשה טהרת כול להבדל(?) מכל]
8 אנשי̇ נ̇ד̇ה̇ כ̇א̇[שמתם בל יטהרו במי רחץ
9 [ד]ר̇כי רצונ̇[כה ואני]
10 א̇הלל שמכה כ̇[
11 [ ]ים לה̇[

1 and you will purify us according to [your] holy laws
2 for the first, the third, and the se[venth
3 in the truth of your covenant[
4 to be purified from the impurity of[
5 And afterwards he will enter the water[and wash his body and bless.]
6 He will recite and say: Blessed are y[ou, God of Israel,
7 by what comes of Your lips [the purification of all (people) has [been required. To be separated(?) from all]
8 impure people according to their g[uilt, they could not be purified in water of purification
9 [the w]ays of [Your] will [and I]
10 praise Your name [

A definitive textual context can no longer be established due to the strongly fragmentary character, but it seems evident that a ritual of reunification is performed together with an invocation to God. As Esther Eshel has shown, line 2 points to the practice of first day ablutions, even though only two and a half words are preserved.[33] לשלישי ולש[ביעי recalls the cleansing of impurity from the dead as described in Num 19. But לראשון does not fit this context. Rather, the numbers one, three, and seven bring this text close to the provisions from the Temple Scroll that we have looked at above. Together with the overarching topic of a purification ritual is seems likely that first day ablutions were practiced in the group responsible for this scroll.

4Q414 is often discussed together with 4Q512 because they share some structural and contextual similarities and may therefore belong to the same composition, as Eshel argues.[34] "The closest parallel is found between 4Q414 2 ii 3, 4 and 4Q512 42–44 ii."[35] Because of its fragmentary status one may not wonder that direct references to first day ablutions are missing. Due to the strong parallels, it is of course quite conceivable that this text originally also mentioned first day ablutions, but this must unfortunately remain speculation. Importantly, the purification rule attested by these two manuscripts likely has connections with the

[33] Cf. Eshel, "4QRitual of Purification a," 137–38.

[34] Cf. Esther Eshel, "4Q414 Fragment 2: Purification of a Corpse-Contaminated Person," in *Legal Texts and Legal Issues. Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995*, eds. Moshe Bernstein, Florentino García Martínez and John Kampen, STDJ 23 (Leiden: Brill, 1997), Published in Honour of Joseph M. Baumgarten, 4.

[35] Eshel, "4QRitual of Purification a," 136.

yaḥad, as the terminology in 4Q512 36–38 3 (סוד אנש[ים] "counsel of men") and perhaps 4Q414 5 7 (יחד "*yaḥad*" or together?) shows.

Thus, taking 11Q19 and 4Q414 together, one can assume that first day ablutions were practiced by the milieus from which the *yaḥad* developed and very likely also within the *yaḥad* itself. Under the reasonable – though not uncontroversial – assumption that there is a link between the *yaḥad*, whose texts were preserved in the caves near Qumran and the Qumran settlement, we can assume that first day ablutions were also practiced in the Qumran settlement. From other Qumran writings and the numerous stepped stone pools in Khirbet Qumran we know that purity must have played a central role for the community. Furthermore, the meaning of first day ablutions could lie, as Milgrom already suggested, in a concept that we know from other texts from the Second-Temple period. We will take a closer look at this concept of gradual purification in the following.

3. Concepts of Gradual Purification

As we have seen, some Dead Sea Scrolls show an interesting picture: they report ablutions on the first day, which the Biblical text does not know in this way. "[W]here the Temple Scroll rules that the corpse-contaminated must bath and launder their clothing on the first day (11Q19 49:16b–17), the biblical record is silent."[36] This practice might be based on a combination of Exod 19 and Num 19. But the question remains: What purpose do these additional washings serve? Yadin assumed that with this initial washing other impurities are to be removed, to prepare the one to be cleaned for the sprinkling with the *mei niddah*.[37] The interpretation by Jacob Milgrom, which assumes a gradual purification, has found much more acceptance. Milgrom defines the structure underlying the purity commandments in Lev and Num as one of several layers of impurity. The individual parts of the purification ritual, such as the ablutions or the duration of time, remove one layer at a time, so that the level of impurity continues to decrease.[38] This mechanism of gradual purification can be found in other purity concepts in ancient Judaism. In what follows different concepts will be examined to see whether gradual purification is used and how it is understood.

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[36] Werrett, *Ritual Purity and the Dead Sea Scrolls*, 171.

[37] Cf. Yadin, *The Temple Scroll* (Jerusalem, 1983b), 332.

[38] "The answer I would like to suggest is that each ablution serves a specific function: to remove a layer (or degree) of impurity. This, I submit, is the key to the ablution regimen in the Priestly Code of the Torah" Milgrom, "Studies in the Temple Scroll," 513, parallel in Milgrom, "First Day Ablutions in Qumran," in *The Madrid Qumran Congress. Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18–21 March, 1991*, ed. Julio C. Trebolle Barrera and Luis Vegas Montaner, 2 vols., STDJ 11 (Madrid, Leiden: Brill, 1992), 563.

3.1 The Idea of Gradual Purification

If one looks more closely at the texts of the Hebrew Bible on the subject of purity, one finds that a precise reflection of the systematics of purity and impurity is missing. Rather, this must be established interpretatively. As we have seen, Milgrom interprets the structure of these purity regulations and rituals as consisting of different stages and layers.[39] But in fact, this gradual purification is not revealed very clearly in the texts. Rather, the text of the Hebrew Bible leaves blank spaces and room for interpretation, which have led to various approaches and solutions in Second-Temple texts. In the following, therefore, it will be necessary to ask where exactly there are indications and points of contact for the formation of a graded conception of purity.

In the Hebrew Bible we find several minor impurities lasting only one day. Theses impurities are normally caused by contact with impure people or objects such as some sacrifices, semen impurity, carrion contact, and contact with impure people by touch or overhang. These lighter impurities usually require bathing and sometimes laundering and last until the evening. In some cases, bathing is not mentioned, but many researchers assume that this action is inherent in the request to wait until evening.[40] In all these cases, one may ask what the status of someone after ablution is but before sunset. Does the bathing have a purpose on its own? As we have seen, Milgrom interprets this ablution as removing one layer of impurity, and we actually find a similar interpretation in the rabbinic texts as we will discuss in the next section. The Biblical texts on their own are less clear about the purpose of these ablutions. The impure person remains unclean until evening. As Wright noticed, "certain passages tie the bathing (and laundering) and waiting till evening rules together as having a collective effect and purpose (see Lev 17:15–16; 22:6–7)."[41] And he also raises the important question why bathing is often left unmentioned if it has such an important impact. However, one passage in favor of Milgrom's assumption is Num 19:7, where entry into the camp after the red cow ritual is made conditional on bathing and laundering. Wright understands this statement to parallel other provisions for entry into the camp although, as with all minor impurities, this minor impurity is not a transferable impurity.[42] In the case of minor impurities the concept of gradual purification is not verifiable. Therefore, we should move on to the more complex purification rituals.

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[39] Cf. note 37 and Jacob Milgrom, *Leviticus 1–16*, AB 3 (New York, NY: Doubleday, 1991).

[40] Cf. Hannah K. Harrington, *The Impurity Systems of Qumran and the Rabbis*, SBLDS 143 (Atlanta, GA: Scholars Press, 1993), 117; David P. Wright, *The Disposal of Impurity*, SBLDS 101 (Atlanta, GA: Scholars Press, 1987), 185 note 38.

[41] Wright, *The Disposal of Impurity*, 220–22, note 105.

[42] Cf. Wright, *The Disposal of Impurity*, 220–22, note 105.

The probably most severe impurity is corpse impurity. It lasts seven days and requires sprinkling with the *mei niddah* on the third and seventh day and bathing and laundering on the seventh day as well. The impure person remains unclean until the evening of the seventh day. Despite these different steps in the purification process, the Biblical text does not distinguish between different levels of impurity. Wright understands Num 19 as "a series of rites which are not of individual effect, but which each contribute to a larger unified goal."[43]

Lev 15 on bodily discharges differentiates four cases. The composition discusses impurity through abnormal discharge by a male person, followed by natural discharge by a male (semen impurity) and a female person (menstruation), and concludes with the abnormal discharge by a woman. The one suffering from the unnatural discharge, the *zav* or *zavah*, is impure for the duration of the disease plus seven more days of purification. The purification process begins with the first day after the cure, but no action is required. Washing of clothes and bathing follows on the last day of impurity, the seventh. On the eighth day, the bringing of a sacrifice is required. In the case of the woman suffering from discharge, bathing is not mentioned. One may well conclude in the context of the text that the same procedure applies to her as to the man, but it is not explicitly expressed. All in all, a strong interest in the transmission of impurity, i. e., how far other persons can be affected by it, can be seen in the entire chapter. As we have already discussed the case of semen impurity, and as the passage on the menstruant is quite imprecise on the rituals she must undergo, we have to focus on the *zav/zavah*. Normally one would assume different stages when the purification process begins. But after the cure of the discharge, one is still considered impure for seven days during the purification. If there is a change in purity status the text does not tell us. However, since no ablution is described for the beginning of the purification period anyway, this would be irrelevant to the question of whether ablution changes the degree of defilement. However, a verse that might be relevant for this question is Lev 15:11, according to which a *zav* does not pollute others by touch after he has washed his hands. The verse thus says very clearly that contamination can be prevented through rinsing.[44] Here, water has an effect, but the *zav* still remains impure. Different stages are not mentioned explicitly.

In the case of the parturient, on the other hand, we find quite clear references to various stages or phases of impurity, though the references to ablutions are missing here. In the first seven or fourteen days, her impurity is equated with menstruating. After that she is not to approach anything holy for 33 and 66 days respectively. After this period of purification, she is to offer a sacrifice. It is quite conceivable that ablution is implied on the seventh or fourteenth day, and on the 40th or 80th day, but the text does not speak of this, as in the other cases ex-

[43] Wright, *The Disposal of Impurity*, 220–22, note 105.
[44] Cf. Harrington, *The Impurity Systems of Qumran and the Rabbis*, 128–31.

plicitly dealing with the impurity of women (menstruant and *zavah*). Thus, it cannot be clearly determined whether the different levels of impurity are caused by ablutions.

For a skin diseased person, the Hebrew Bible commands a complex ritual. After being healed, the seven-day purification process begins with the bird rite followed by washing of clothes, bathing and shaving. Bathing, laundering and shaving is to be repeated on the seventh day and sacrifices are again to be brought on the eighth day. Here again, the question must be raised if these rites contribute to the same result or if each one of them removes one layer as Milgrom would say. A possible reference to such stages could be found in Lev 14:8. There, the one cured from skin disease may already enter the city but not the house.[45] One can assume that this person is already pure enough to enter the city but still impure enough to endanger people or objects inside the house. Thus, there seem to be several levels, but they are very vaguely defined. The question remains as to when the purifying person is truly pure. As Werrett noticed, the person is told to be pure several times: after the bird rite, after the bathing on the first day, after the bathing on the seventh day and again after the sacrifice on the eighth day.[46] It is understandable that this unclear differentiation between pure and impure has provoked various interpretations.

In sum, it can be stated that in the Hebrew Bible sometimes complex purification rituals are described, which consist of several actions. However, a concrete change of status is not reflected in connection with these individual acts. Whether the water itself has a direct effect remains unclear. Only Lev 15:11 describes a case where washing hands can prevent the transmission of uncleanness. But this effect is nowhere else repeated or even reflected. Neusner correctly noted that after the ablution the cleansing one is in the Hebrew Bible said to be unclean until evening, never clean or partially clean.[47] Nothing is said about one's contagious power before or after ablution. The observation that in the case of skin diseases, after each sub-rite of the purification ritual, the person is said to be pure is extremely interesting and points most strongly in the direction of gradual purification. Nevertheless, it remains to be noted that here the ritual begins with an extremely unusual rite and the ablution thus does not stand in isolation. Interestingly, it is also the only purity rite in the Hebrew Bible describing a first day ablution. Nevertheless, we will see in the following how in the Second-Temple period purity was understood as consisting of different stages. Probably influenced by these readings of the Biblical texts Milgrom assumes such a structure as being inherent in the texts themselves. Harrington summarizes the purity rational following Milgrom's idea as follows:

[45] Cf. Harrington, *The Impurity Systems of Qumran and the Rabbis*, 128–31.

[46] Cf. Werrett, *Ritual Purity and the Dead Sea Scrolls*, 117.

[47] Cf. Jacob Neusner, *A History of the Mishnaic Law of Purities*, SJLA 6.19 (Leiden: Brill, 1977), 99–100.

Ordinary impurities are neutralized by ablutions, which remove the threat of contamination to the profane world, and sunset, which removes the danger to sancta. For severe impurities the threat to the sacred realm can be removed only by sacrifices; sunset is not enough.[48]

But the Biblical text itself does not explicitly mention such a structure and remains vague.

3.2 The ṭevul yom

The Mishnah shows a strong interest in ritual purity, which is particularly characterized by systematizations.[49] One famous example of that systematizing principle is found in m. Kelim 1:1–4. Here the Mishna says very clearly which impurity is more or less severe. Considering the Biblical text through their hermeneutical lenses, the rabbis come to a staged system of impurities which also effects the way impurity is transmitted. The concrete hierarchy presented by m. Kelim is not of further interest for this article.[50] However, a similar tendency of hierarchization can be observed for the cleansing process.

In m. Neg. 14:2–3, cleansing from skin disease is described as a gradual process. After explaining the bird rite, the Mishnah continues to specify the shaving, laundering, and bathing on the first day of the cleansing period. Because Lev 14:8 specifies that a person after this first step may enter the city but not the house for seven days, m. Neg. 14:2 compares such a person with insects. In this initial stage the purifying person does not transmit impurity through overhang but still through touch. Although Lev names the purifying person as pure, as we have seen in the previous section, purification is not completed, and impurity can still be transmitted. Following the Biblical text again, m. Neg. 14:3 records shaving, laundering, and bathing on the seventh day. This purification turns the person into a *ṭevul yom*, i. e., someone who has bathed before the sun has set on the same day. Such a person no longer transmits impurity by touch but is not yet considered completely pure. Here the Mishna specifies this concept. A *ṭevul yom* may eat second tithe, but not heave-offerings and holy things. Rather, the former may be eaten after sunset and the latter after one has brought the atonement-offering on the eighth day. M. Neg. 14:3 systematizes this cleansing process by recording three stages of the cleansing from skin disease. In a concluding sentence, these three stages are equated with the stages of purification of a parturient. If one takes a close look at these stages, it can be confusing to clarify them, as Jacob Neusner has observed.[51] Focusing on the stages of impurity or purification one could

[48] Harrington, *The Impurity Systems of Qumran and the Rabbis*, 130.

[49] "Nearly 25 % of the laws of the Mishna are related to ritual purity." Harrington, *The Impurity Systems of Qumran and the Rabbis*, 35.

[50] See e. g., Fig. 3 in Harrington, *The Impurity Systems of Qumran and the Rabbis*, 38.

[51] Cf. Jacob Neusner, *A History of the Mishnaic Law of Purities*, SJLA 6.6 (Leiden: Brill, 1975), 273.

argue the first stage is between the bathing on the first and the seventh day, the second stage between bathing and sunset on the seventh day (i. e., a *ṭevul yom*), and the third stage before bringing the offering. But if we consider the things that are allowed in each stage, the three seem to be eating tithe, heave-offering and holy things. Of course, entering the city could also be a separate stage. Thus, the exact definition of the three stages remains unclear. But in fact, it is very telling that exactly the two types of impurity (birth and skin disease) are cited here where we also found the strongest evidence of a graded understanding of purification in the previous section.

For our question of first day ablutions, the stages after shaving, laundering, and bathing on the first and seventh day are the most interesting. Unfortunately, we do not know much about the first stage other than that it prevents transmission of impurity through overhang and that only touch is crucial. About the second stage, that of *ṭevul yom*, the Mishna fortunately provides us with an entire tractate. In m. Ṭ. Yom one can read what this figure is allowed to do in comparison with other impure people. To summarize this tractate, a *ṭevul yom* does not transmit impurity to others in most cases. It is not sure whether someone in this state is considered mostly pure or impure. The status of a *ṭevul yom* seems to be intermediary. Such a person is not completely pure but does not transmit impurity like before and is therefore allowed to touch many things and eat second tithe. Such a person is not excluded from everyday life but only from holy things.

Many Qumran texts, however, stress the fact that someone is impure until after sunset.[52] These passages are often understood as polemical references to the mishnaic concept of *ṭevul yom*.[53] When we understand this explicit claim to wait until evening as a response to the concept of *ṭevul yom* it can be dated back from the Tannaitic period to the time of the Second Temple. Following this interpretation, the Pharisees used the concept of *ṭevul yom* to achieve a greater participation of lay people. Martha Himmelfarb argues against such a polemical reading as being anachronistic.[54] She does not understand the Qumran texts as being polemical but just stating what is already written in the Hebrew Bible, that someone is unclean until evening.[55] "Indeed, it may be that the concept of the

[52] Cf. for example the passages in the Temple Scroll discussed above (11Q19 50; 51), but also other texts like 4Q284, 4Q267 9 ii 1–4, and 4Q394 1.

[53] Cf. Lawrence H. Schiffman, "Pharisaic and Sadducean Halakhah in Light of the Dead Sea Scrolls. The Case of Ṭevul Yom," *DSD* 1.3 (1994): 299.

[54] Martha Himmelfarb, "The Polemic Against the *Ṭevul Yom*: A Reexamination," in *New Perspectives on Old Texts. Proceedings of the Tenth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 9–11 January, 2005*, eds. Esther G. Chazon and Betsy Halpern-Amaru, in collaboration with Ruth Clements, STDJ 88 (Leiden, Boston: Brill, 2010).

[55] Actually, polemic is always very difficult to prove. But I agree with Schiffman and others that it is striking that many Qumran texts name the sundown directly. There is a difference naming some "unclean until evening" like the Hebrew Bible does or demanding someone

ṭevul yom is possible only *after* the destruction of the Temple."[56] But even if we agree with this later dating of the concept of *ṭevul yom*, we must acknowledge that the openness of the Biblical text has allowed or even challenged an interpretation of the purification process in favor of a staged approach. And even though Qumran would have definitively rejected it in relation to the *ṭevul yom*, such a concept can still be seen in the Qumran manuscripts as well.

3.3 Gradual Purification in Qumran

In the following section we will have a closer look at Qumran texts promoting a staged understanding of purification to ask afterwards if first day ablutions could have contributed to such a kind of systematization.

The first text which should be mentioned is 4QPurification Liturgy (4Q284).[57] Of ten fragments, about half contain enough material for a readable text. Besides feast days and the Sabbath, purification rituals are of central interest. In this text, which is very fragmentary, first day ablutions are not directly mentioned. And yet it is often interpreted in the same way together with other texts. Fragments 2 and 3 deal with a seven-day purification process with sprinklings of *mei niddah* that ends only after sunset on the seventh day. Here again the idea of the *ṭevul yom* is either not known or rejected. In 4Q284 2 i 1 it seems to be forbidden for such a purifying person to eat. Since a general ban on food does not seem practicable,[58] first day ablutions could be a solution. And the next text, 4Q514, might contain a clearer indication of this.

4QOrdinances[c] (4Q514) is extremely fragmentary, so that a connection between the fragments is difficult to discern. Fragment 1 is probably about first day ablutions, even if this is not expressed directly. It says several times in this text that someone with impurity lasting more than one day should not eat in the status of initial impurity. Here we will take lines 8–9 as an example.

4Q514 1 i 8–9

8 וגם אל יאכל ו֯ו֯ד֯ עד מבטמאתו הרישנה וכל[ט]מאי הימם ביום
9 ט[הרת]ם ירחצו וכבסו במים וטהרו ואחר יאכלו את לחמם

8 Indeed, no one who is yet in his primary uncleanness may eat. All of those who are [un]clean of days, on the day of
9 their pu[rification] they shall bathe and wash in water and they shall be clean. Afterwards they may eat their bread

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to enter the temple "when the sun goes down, afterwards" as to be found in 11Q19 45:9. The postposed אחר seems to strongly emphasize the point in time.

[56] Himmelfarb, "The Polemic Against the *Ṭevul Yom*," 214.

[57] For further information and reconstruction see Baumgarten, "4QPurification Liturgy," in Baumgarten and Milik, *Qumran Cave 4. 25*.

[58] "Otherwise, one wonders how the purifying person is expected to survive during an extended (more than one day) time of impurity." Harrington, *The Purity Texts*, 63.

Coming from the purity laws in Leviticus one may wonder what is meant with "primary uncleanness." As we have seen, there is no clear differentiation between primary and secondary or any further impurities. מבטמאתו הרישנה could imply a staged understanding of purity. But one important question remains. If Qumran knows a "first" impurity and thus further impurities, how are these differentiated when the practice of *ṭevul yom* is simultaneously rejected? Baumgarten understood this text as confirming Milgrom's thesis on the purpose of first day ablutions developed in his studies on the Temple Scroll.[59] Thus, even though this text does not speak of first day ablution, it seems to presuppose it, and helps interpret this practice. The washing on the first day removes a layer of impurity, the initial impurity. It does not make the person who washes clean, but it enables them to eat and to remain in the city.[60] Although Birenboim agrees with the basic notion that a graded understanding of purity is expressed here, he rejects the premise that someone must fast in his initial impurity.

"But in contrast with Milgrom's view *(Leviticus,* 976), this does not necessarily mean that the unclean individual must fast until his immersion. For example, 4Q274 3 i–ii indicates that only food that has been enabled (by liquids) to acquire impurity can be defiled."[61]

According to his interpretation, someone in their initial impurity may consume unmoistened food, as this cannot transmit impurity. Still the initial impurity must be removed to allow consumption of other non-consecrated food. And also, like Milgrom and Baumgarten, Birenboim assumes that this is achieved by first day ablution, even if the text does not explicitly mention it.

Another text promoting a gradual understanding of purification is 4QTohorot A (4Q274). It consists of four fragments, but one of them is completely illegible. Fragment 1 is mainly about the transmission of impurity.

4Q274 1 i[62]

0 [אל]
1 יחל להפיל את תחנ̇ו̇נו̇ משכב יג[ו]ן ישכ[ב ו]מ̇ו̇שב אנחה ישב בדד לכול הטמאים ישב ורחוק מ̇ן
2 הטהרה שתים עשרה̇ ב̇אמה בד̇ברו אליו ומערב צפון לכול בית מושב ישב רחוק כמדה הזות
3 איש מכול הטמאים [אש]ר̇ [יגע] ב̇ו ורחץ במים ויכבס בגדיו ואחר יואכל כי הוא אשר אמר טמא טמא

[59] Cf. Baumgarten, "The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts," 159–60.

[60] Cf. Milgrom, "4QTOHORA[a]: An Unpublished Qumran Text on Purities," in Schiffman and Dimant, *Time to Prepare the Way in the Wilderness*, 67; Joseph M. Baumgarten, "The Purification Rituals in DJD 7," in *The Dead Sea Scrolls. Forty Years of Research*, eds. Devorah Dimant and Uriel Rappaport, STDJ 10 (Leiden, New York, Jerusalem: Brill, 1992), 205.

[61] Birenboim, "*Tevul Yom* and the Red Heifer," 256.

[62] Reconstruction and translation follow Baumgarten, "4QTohorot Aa," in Baumgarten and Milik, *Qumran Cave 4. 25*, 100–1. Further discussion on this reconstruction can be found in Thomas Kazen, "4Q274 Fragment 1 Revisited – or Who Touched Whom? Further Evidence for Ideas of Graded Impurity and Graded Purifications," *DSD* 17.1 (2010): 64–66.

4 יקרא כול ימי היות֯ [בו הנ]ג֯ע֯ והזבה֯ דם לשבעת הימים אל תגע בזב ובכול כלי [א]ש֯ר יגע בו הזב
וש֯[כב]
5 עליו או אשר ישב עליו וא֯ם֯ נגעה תכבס בגדיה ורחצה ואחר תוכל ובכול מודה [א]ל֯ תתערב בשבעת
6 ימיה בעבור אשר ל[ו]א֯ ת֯ג֯א֯ל את מח֯נ֯י֯ קד[שי] ישראל וגם אל תגע בכול אשה֯[זב]ה֯ ○דם לימים
רב[ים]
7 והסופר אם ז֯כר וא֯ם֯ נקבה אל יג֯[ע בזב זוב טמ]א בדוה בנדתה כי אם טהרה מ֯[נד]תה כי הנה דם֯
8 הנדה כזוב וא֯שר֯ נוגע בו ואמ ת֯צ֯[א מאיש] ש֯כבת הזרע מגעו יטמא֯ ה֯[איש הנ]וגע באדם מ֯כ֯ו֯ל֯
9 הטמאים האלה בשבעת ימי טה֯[רתו א]ל יוכל כאשר יטמא לנפ[ש האדם ור]ח֯ץ וכבס ואח[ר]
bottom margin

0 [Let him not]
1 begin to cast his sup[plica]tion. In a bed of sor[ro]w shall he li[e and in a]seat of sighing shall he sit. Apart from all the unclean shall he sit and at a distance of
2 twelve cubits from the purity when he speaks to him; towards the northwest of any dwelling place shall he dwell at a distance of this measure.
3 Anyone of the unclean [wh]o [touches] him shall bathe in water and wash his clothes and afterwards he may eat; for this is as said, 'Unclean, unclean!,'
4 shall he call out' all the days [that the aff]liction is [upon him]. And a woman who has a flow of blood, during the seven days she shall not touch a *zav*, nor any vessel [w]hich the *zav* touched or laid
5 upon or sat upon. And if she did touch, she shall wash her clothes and bathe, and afterwards she may eat. She shall with all her effort not mingle (with others) during her seven
6 days so as not to contaminate the ca[m]ps of the sanct[ities of] Israel; also, she is not to touch any woman with a blood [fl]ow lasting man[y] days.
7 And one who is counting (seven days,) whether male or female, shall not tou[ch one who has an unclea]n [flux] or a menstruating woman in her uncleanliness, unless she was purified of her [unclean]liness; for the blood of
8 menstruation is like the flux and the one touching it. And when [a man has] an emiss[ion] of semen his touch is defiling. A[man who tou]ches any person from among
9 these impure ones during the seven days of [his] purifi[cation shall no]t eat, just as if he had been defiled by [a human cor]pse; [and he must b]athe and wash (his clothes) afterwar[ds]

4Q274 1 i can be divided into three sections:[63] Lines 1–4a deal with someone who is difficult to determine, but who is not to be touched by any of the impure. Lines 4b–6 take into focus the menstruant, who is not to touch the *zavim* or equally keep away from other probably pure persons. Lines 7–9 deal with the one who counts seven days, whoever that is, who is not to touch anyone with discharge or be touched by anyone with semen impurity.

Due to the damage the fragment has suffered at the upper edge, the subject of the first lines is unclear. Two alternatives have been considered here. The first interpretation has been advocated by Baumgarten[64], whose arguments are

[63] Cf. Kazen, "4Q274 Fragment 1 Revisited – or Who Touched Whom?," 67.
[64] Cf. Baumgarten, "The Laws About Fluxes in 4QTohora[a] (4Q274)."

followed by Werrett[65] and Jonathan Lawrence[66]. This interpretation understands the *zav*, that is, the one suffering from discharge, as a subject. The observations that led to this assumption are the activities of reclining and sitting attributed to him in line 1. In Lev, bed and chair are the transmitters of impurity of the *zav*. Furthermore, in line 4 the *zav* is mentioned. The entire fragment is thus about different types of discharge, with which the text picks up Lev 15. Another interpretation was presented by Milgrom[67] and continued by Harrington[68] and Kazen[69]. They see the *meṣora*ʿ, the skin diseased, as the subject of these first lines. The main argument for this is the quotation in lines 3–4 from Lev 13:45–46 טמא יקרא טמא where these words are related to the skin diseased. The arguments for the first interpretation are dispelled by the fact that the bed of pain and the seat of sighing point to a clearly metaphorical use of language, and the later introduction of the *zav* precisely does not argue for it having been the subject of the text beforehand. Baumgarten's interpretation, in turn, attempts to invalidate the argument of quoting Lev 13 with the observation that this precept was applied to all impurities in Sifra *tazria*ʿ 12:9. Kazen specifies the idea that it is a *meṣora*ʿ. According to his interpretation, it is someone who is in the process of purification after being healed from his disease and has started the purification process.[70] In this way, he also avoids the localization problems that arise for Milgrom from the fact that the Temple Scroll locates lepers east of the temple city, while here northwest is indicated. Kazen's further interpretation of the text then also depends on this assumption. He assumes that it is all about people in the phase of purification. That is, those who have entered the purification process but have not yet completed it. This interpretation becomes clearest in the last section: "one who is counting" in line 7 is probably referring to someone in the process of purification, presumably a *zav* or *zavah* after healing. This former *zav* is now not to touch a current *zav*, a semen emitter or a menstruating woman in her *niddah* until she is purified. Kazen understands this postscript as a reference to an impurity differentiation within the seven-day impurity of menstruants. As we have seen already the second section focussed on menstruants. As menstruating women enter the seven-day purification period immediately and not after the cure as the *zavim* one may wonder if she also enters this intermediate state between pure and impure. Kazen finds an answer in the admittedly late

[65] Cf. Werrett, *Ritual Purity and the Dead Sea Scrolls*, 214.

[66] Cf. Jonathan D. Lawrence, *Washing in Water*, AcBib 23 (Atlanta, GA: Society of Biblical Literature, 2006), 89–90.

[67] Cf. Milgrom, "4QTOHORA[a]."

[68] Cf. Harrington, *The Purity Texts*, 88.

[69] Cf. Kazen, "4Q274 Fragment 1 Revisited – or Who Touched Whom?"

[70] Kazen, "4Q274 Fragment 1 Revisited – or Who Touched Whom?," 68: "a healed 'leper' in the precarious in-between state subsequent to the bird rite and initial shaving, bathing and laundering, but prior to his final shaving, bathing and laundering on the seventh day and the *asham* and *chattat* sacrifices on the eighth day, i. e., during his seven-day purification period.".

Samaritan halakhah, which distinguishes *niddah* and *dabah* blood in the menstruant. "The former refers to the initial bleeding, which is considered more virulent, and has to be washed off before the counting of days can start."[71]

This fragment tells us about three different cases all showing a graded understanding of purity. Lines 1–4a are about someone (discussed are *zav* or *meṣora*ʿ) who can make already impure people even more impure. Whether this is due to a purification process which has already been started[72] or not[73] cannot be decided from these lines. Lines 4b–6 deal with the menstruant who is contaminated by *zavim* and may herself contaminate pure people. She is considered less impure than the *zav* but still impure. The last part (7–9) supports Kazen's interpretation the most. They are about the counting one (7) to be identified with someone during the seven days of his purification (9) who should not touch unclean ones (9) further defined by *zavim*, menstruants and semen emitters (7–8). This contact would contaminate the one who counts so that he is not permitted to eat unless he has washed himself. From these three cases we can learn the following:

1) Different impurities have different degrees of severity.
2) An impure person can add more impurity. This additional impurity must be removed, probably through ablutions.
3) Someone before starting purification is considered more impure than someone having started the process already. Starting the process therefore must reduce the impurity, or to say it with Milgrom's words: one layer must be removed.

3.4 First Day Ablutions as a Practice of Gradual Purification

In ancient Judaism we find a concept of graded impurity. The roots of this idea can already be found in the Hebrew Bible, where some impurities entail a longer period of purification than others. Moreover, the rituals described vary in complexity. However, this inherent gradation of impurities is nowhere made transparent. In the history of interpretation of these texts, one now finds that this system has been further elaborated. The apex of this development is probably the Rabbinic writings, where the different levels of impurity are explicated (e. g., m. Kelim 1:1–4). Temporally between these corpora are the Qumran manuscripts, in which, as we have seen, the idea that some impurities are more serious than others also prevails.

Closely related to the idea of graded impurities is the concept of gradual purification, i. e., the different steps of the purification ritual cause a weakening of the impurity. They have a purpose on their own and do not contribute to a

[71] Kazen, "4Q274 Fragment 1 Revisited – or Who Touched Whom?," 72.
[72] Cf. Kazen, "4Q274 Fragment 1 Revisited – or Who Touched Whom?"
[73] Cf. Hannan Birenboim, "Expelling the Unclean from the Cities of Israel and the Uncleanness of Lepers and Men with a Discharge According to 4Q274 1 I," *DSD* 19.1 (2012).

unified goal.[74] Graded impurity and gradual purification are based on the assumption that there are not only pure and impure, but many intermediate levels. While graded impurity is quite clearly indicated in the Hebrew Bible, gradual purification is not. As we noted, the more complex purity rituals might suggest such an understanding, but this interpretation is not compelling. In Rabbinic writings one can observe that they understood the Biblical texts as demonstrating gradual purification. Therefore, complex systems such as the introduction of *ṭevul yom* were elaborated. In the Qumran writings the picture now becomes more differentiated. Here, the idea of *ṭevul yom* as presented by the rabbis is rejected by emphasizing that impurity continues until after sunset. Whether this is a conscious demarcation or whether the concept of *ṭevul yom* was not yet developed can be left open at this point. On the other hand, we could observe from texts such as 4Q514 and 4Q274 that ablutions are also attributed an impurity-reducing effect here. "both the author(s) of the scrolls and the Rabbis deduced from Scripture that purification from various impurities was a gradual process."[75] But how this process is carried out in detail differs significantly. „For the Rabbis the *tebul yom* is a pure man for almost all intents and purposes. […] For the Qumran sectarians, the person waiting for complete purification still remains decidedly within the *impure* category."[76] Therefore the rabbinic texts allow the *ṭevul yom* to eat second tithes and the Qumran texts do not. Here the ablutions serve to remain in the city and eat nonsacred food.[77] By this additional restriction it seems reasonable to place an ablution at the beginning of the purification process, so that Milgrom rightly assumed the meaning of the first day ablutions in the reduction of impurity.[78]

4. First Day Ablutions outside the Qumran Community

In research papers on the subject of first day ablutions at Qumran, cross-references are often made to other texts and archaeological evidence. As we have seen, first day ablutions are best documented in Qumran for corpse impurity (mainly 11Q19). Therefore, it is not surprising that often *miqva'ot* at the vicinity of cemeteries are cited as evidence of the spread of this practice.[79] These ritual baths are further discussed by Yonatan Adler, who however argues against the theory of

[74] Cf. Wright, *The Disposal of Impurity*, 220–22, note 105.
[75] Birenboim, "*Tevul Yom* and the Red Heifer," 259.
[76] Harrington, *The Purity Texts*, 81.
[77] Cf. Birenboim, "*Tevul Yom* and the Red Heifer," 258–59.
[78] Cf. Milgrom, "First Day Ablutions in Qumran," 564.
[79] Cf. Lutz Doering, "Philon im Kontext des palästinischen Judentums," in *Abrahams Aufbruch. Philon von Alexandria, De migratione Abrahami,* by Philo, eds. Maren Niehoff and Reinhard Feldmeier, SAPERE 30 (Tübingen: Mohr Siebeck, 2017), 161; Eshel, "4QRitual of Purification a," 139; Harrington, *The Purity Texts*, 80–81.

a connection with first day ablutions.[80] Reviewing the various research-historical explanations of this archaeological finding, he rejects the thesis of Esther Eshel and others who have seen the purpose of these ritual baths in first day ablutions according to sectarian legal tradition. Adler argues that such *miqva'ot* are too remote from the Qumran community and too widespread to fit the special provisions of Qumran sectarians.[81] With this rejection, I fear that he misunderstands Eshel's thesis. Her point is precisely to show that this practice was not limited to the Qumran community. This idea could also be well combined with another explanatory approach that Adler rejects. According to Ze'ev Safrai and Chana Safrai, these baths served a popular custom of undergoing ablution immediately after funerals, although this was not required by the halakhah.[82] Adler rejects this on the grounds that no evidence of such a practice can be found in rabbinic literature.[83] However, he overlooks the fact that literary references can be found precisely in Qumran and also in other texts that we will discuss in a moment. His alternative interpretation focuses on those who were not in direct contact with the corpse but were secondarily defiled by those with corpse impurity. For these only a one-day cleaning process is intended, so that they would have profited from such *miqva'ot* at burial places.[84] Even though this interpretation is quite plausible, in my opinion, the use of *miqva'ot* for secondary contaminants and for first day ablutions are not mutually exclusive.[85]

Widening one's gaze, one finds several more literary references to first day ablutions. The most common reference in research here is to Tobit.[86] In Tob 2 we learn that righteous Tobit buries a strangled fellow Jew. He is thus defiled by corpse impurity. In this context, two ablutions are reported. The first time Tobit washes himself after recovering and hiding the body (Tob 2:4–5). Here impurity is not mentioned explicitly, and one can discuss if not a ritual, but a hygienic washing is intended.[87] This may be the reason why Adler does not deal with this reference in contrast to the second one. In Tob 2:9 Tobit washes himself again

[80] Cf. Yonatan Adler, "Ritual Baths Adjacent to Tombs. An Analysis of the Archaeological Evidence in Light of the Halakhic Sources," *JSJ* 40.1 (2009), 55–73.

[81] Cf. Adler, "Ritual Baths Adjacent to Tombs," 63–64.

[82] Cf. Ze'ev Safrai and Chana Safrai, "Did the Sages Constitute a Ruling Elite?," in *The Path of Peace. Studies in Honor of Israel Friedman Ben-Shalom*, eds. Dov Gera and Miryam Pucci Ben-Ze'ev (Beer Sheva: Ben Gurion University of the Negev Press, 2005) (in Hebrew), 373–440.

[83] Cf. Adler, "Ritual Baths Adjacent to Tombs," 65–66.

[84] Cf. Adler, "Ritual Baths Adjacent to Tombs," 69–73.

[85] His assumption was also criticized by Kazen: "While Adler may be right that these miqvaot were (also) used by many mourners who had contracted a one-day rather than a seven-day impurity, he simply omits or disregards the full range of textual evidence relevant to the Second Temple period, in his dismissal of a first-day immersion as a merely sectarian phenomenon." Kazen, "4Q274 Fragment 1 Revisited – or Who Touched Whom?," 78, note 88.

[86] Cf. Harrington, *The Purity Texts*, 80–81; Eshel, "4QRitual of Purification a," 139; Birenboim, "*Tevul Yom* and the Red Heifer," 255.

[87] Cf. Birenboim, "*Tevul Yom* and the Red Heifer," 255.

after the burial and sleeps outside. As Beate Ego says: "A direct connection with the regulations regarding purity in Num 19:11–13, 17–21 cannot be made easily."[88] This initial ablution after the burial points to the practice of first day ablutions as we know from Qumran. Adler rejects this verse as evidence for first day ablutions outside the Qumran community because it is only mentioned in Codex Sinaiticus.[89] The textual tradition at this point is extremely varied and complex. For simplicity, only the two major Greek variants are contrasted here. The longer Greek version (Codex Sinaiticus) mentions the washing while the shorter Greek version (Codex Vaticanus and Codex Alexandrinus) do not.[90] Mostly, however, the shorter version is considered a revision of the longer one.[91] Therefore Tob 2:9 can be understood as a reference to first day ablutions that might indicate that this practice was, after all, more widespread than the Rabbinic writings on their own suggest.[92]

A proximity of purification and burials is also known to Josephus (*C. Ap.* 2.198), but whether this is also evidence for first day ablutions unfortunately remains unclear in the text.[93] He could also mean ablutions of the secondarily defiled, as Adler explains the archaeological findings.

As further evidence for first day ablutions, many articles refer to Philo, *Spec.* 3.205–206, which Adler, however, does not discuss at all. But as we will see this is not the only instance in *De Specialibus Legibus* where one can detect that Philo must have known such a practice. In the following, we will take a closer look at Philo's references to first day ablutions and examine the contexts in which he refers to them and ask whether he, too, has a graded understanding of purity and purification and whether this differs from the concept of the Qumran community.

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[88] Beate Ego, "Death and Burial in the Tobit Narration in the Context of the Old Testament Tradition," *DCLS Yearbook* 2009: 89.

[89] Cf. Adler, "Ritual Baths Adjacent to Tombs," 64.

[90] Cf. Nóra Dávid, "Burial in the Book of Tobit and in Qumran," in *The Dead Sea Scrolls in Context. Integrating the Dead Sea Scrolls in the Study of Ancient Texts, Languages, and Cultures*, eds. Armin Lange, Emanuel Tov and Matthias Weigold, trans. Bennie H. Reynolds III, 2 vols., VTSup 140 (Leiden: Brill, 2011), 2:495.

[91] Cf. Joseph A. Fitzmyer, *Tobit*, CEJL (Berlin: de Gruyter, 2003), 5–6; Ego, "Death and Burial in the Tobit Narration in the Context of the Old Testament Tradition," 87.

[92] Dávid clearly states this parallel between Qumran and Tobit on the one hand in contrast to the Hebrew Bible and Rabbinic literature on the other, but unfortunately overlooks the further evidence for this practice, such as Philo: "Besides the Dead Sea Scrolls our only source for the purification on the first day is the book of Tobit." Dávid, "Burial in the Book of Tobit and in Qumran," 498.

[93] Cf. Doering, "Philon im Kontext des palästinischen Judentums," 161.

5. First Day Ablutions in Philo

The three pieces of evidence discussed here are all taken from *De Specialibus Legibus*, which consists of four books and is part of the *Expositio Legis*. The *Expositio* is one of three exegetical series written by Philo. It differs significantly from the other two in that it does not require knowledge of Biblical texts. Therefore, it is usually assumed that it is addressed to a non-Jewish implicit readership.[94] *De Specialibus Legibus* is immediately preceded by *De Decalogo*, with which it is directly related. In *De Decalogo*, as the name suggests, Philo interprets the ten commandments. After a first section in which Philo writes about the revelation at Sinai and the entire Decalogue, there follows an interpretation of the individual commandments, which is followed by a third part that foreshadows the content of *De Specialibus Legibus*. In this Philo summarizes the ten commandments once again and describes that every single one of these commandments forms the basis for further commandments. According to Philo the ten commandments are the main commandments for all others, so he calls them κεφάλαια νόμων (Decal. 154). Therefore, in the following four books of *De Specialibus Legibus*, Philo makes a systematizing attempt to assign all the individual commandments of the Torah to the ten commandments of the Decalogue.

5.1 Spec. *1.261*

The first text is in the first book of *De Specialibus Legibus*, which takes the first two commandments of the Decalogue as its central theme. While the first commandment emphasizes the unity of God and Philo thus opposes polytheism, the second rejects idols, which Philo uses in *De Decalogo* mainly to distinguish himself from the Egyptians and also the Greeks. These two commandments are then assigned in *Spec.* 1 all regulations for the right worship of God. Therefore, a large part of the work is taken up by the regulations for the temple service. Philo explains how the temple building has to look like and which regulations are valid for the priests. This is followed by sections on offerings and offerors. Philo begins this latter section by clarifying what requirements someone must meet to sacrifice at the temple, stating that the law wants the offeror to be pure in body (σῶμα) and soul (ψυχή).[95] The purification of the body is done through ablutions and sprinkling (διά λουτρῶν καὶ περιρραντηρίων).[96] Philo does not differentiate between different types of uncleanness in this passage. Since Philo

[94] Cf. James R. Royse, "The Works of Philo," in *The Cambridge Companion to Philo*, ed. Adam Kamesar (Cambridge: Cambridge Univ. Press, 2009), 33; Otto Kaiser, *Philo von Alexandrien*, FRLANT 259 (Göttingen, Bristol: Vandenhoeck & Ruprecht, 2015), 35. Niehoff determines the implied readership as primarily Roman: Maren Niehoff, *Philo of Alexandria. An Intellectual Biography*, AYBRL (New Haven, London: Yale University Press, 2018), 7–8.

[95] *Spec.* 1.257.

[96] *Spec.* 1.258.

speaks of sprinklings, one may think of skin disease or corpse impurity. Afterwards he describes the use of the *mei niddah*, which he interprets allegorically, supporting the connection to corpse impurity. It is striking, however, that for Philo in this context the differentiation of various sources of impurity seems to be irrelevant. Either this simplification serves the didactic reduction with regard to his non-Jewish implicit readership, or the sprinkling ritual was so self-evident before the temple visit that for him as a Diaspora Jew the connection to the actual source of impurity was no longer clearly recognizable. Regarding first day ablutions the text is not explicit.

τό γε μὴν σῶμα, ὡς εἶπον, λουτροῖς καὶ περιρραντηρίοις καθαίρει καὶ οὐκ ἐᾷ περιρρανάμενον εἰς ἅπαξ ἢ ἀπολουσάμενον εὐθὺς εἴσω περιβόλων ἱερῶν παρέρχεσθαι, ἀλλὰ ἑπτὰ ἡμέρας ἔξω διατρίβειν κελεύει καὶ δὶς περιρραίνεσθαι τῇ τρίτῃ καὶ ἑβδόμῃ καὶ μετὰ ταῦτα λουσαμένῳ παρέχει τάς τε εἰσόδους καὶ τὰς ἱερουργίας ἀδεεῖς.

As for the body, it purifies it with ablutions and sprinklings and does not allow the person to be sprinkled and washed once for all and then pass straightway within the sacred precincts, but bids him stay outside for seven days and be twice sprinkled on the third and seventh day, and after that, when he has bathed himself, it gives him full security to come within and offer his sacrifice.[97]

Philo records that one may not enter the inner court of the temple immediately after being sprinkled or washed only once. Here the unclear wording is striking, which does not distinguish between sprinkling and washing and remains strangely open. Philo continues to describe sprinkling on the third and seventh day with an ensuing washing. This second part seems to be closely related to Num 19, because the final washing is probably only connected to the seventh day, and not, as the Temple Scroll demands, also to the third day. Additionally, the sunset is not mentioned, as we have seen in many Qumran text. The practice of *ṭevul yom* is thus not rejected directly here and direct access to the temple after ablution appears possible. But again, this could theoretically be a simplification in terms of implied readership.

But what does Philo mean with the one washing or sprinkling that does not suffice? Is that a practice prior to the seven-day purification ritual, i. e., first day ablution? Or is it simply related to the sprinkling on the third day, which is the first rite without any additional ablution? Since he describes the seven-day ritual only afterwards and remains so vague about the exact definition, whether sprinkling or ablution, I am inclined to interpret it as a reference to a ritual that precedes the seven-day purification process.[98] But the next text speaks more clearly about such a ritual.

[97] Text and translation follow LCL [Colson].
[98] Cf. Doering, "Philon im Kontext des palästinischen Judentums," 161.

5.2 Spec. *3.205–206*

At the end of *Spec.* 3 Philo writes more concrete about corpse impurity. Here the explanations are under the guiding commandment "You shall not murder." The focus here is thus not the temple and its ritual regulations, but death and murder.

Τοσαύτην δὲ πρόνοιαν ἐποιήσατο τοῦ μηδένα παραίτιόν τινι γενέσθαι θανάτου, ὡς καὶ τοὺς προσαψαμένους νεκροῦ σώματος, ὃ τελευτὴν ἐνδέδεκται τὴν κατὰ φύσιν, οἴεται δεῖν μὴ εὐθὺς εἶναι καθαρούς, μέχρις ἂν περιρρανάμενοι καὶ ἀπολουσάμενοι καθαρθῶσιν. εἰς μέντοι τὸ ἱερὸν οὐδὲ τοῖς σφόδρα καθαροῖς ἐφῆκεν εἰσιέναι ἐντὸς ἡμερῶν ἑπτά, τρίτῃ καὶ ἑβδόμῃ κελεύσας ἀφαγνίζεσθαι. ἔτι μέντοι καὶ τοῖς εἰσιοῦσιν εἰς οἰκίαν, ἐν ᾗ τετελεύτηκέ τις, προστάττει μηδενὸς ἅπτεσθαι, μέχρις ἂν ἀπολούσωνται καὶ τὰς ἐσθῆτας αἷς ἀμπίσχοντο προσαποπλύναντες· σκεύη δὲ καὶ ἔπιπλα καὶ ὅσα ἄλλα ἔνδον εἶναι συμβέβηκε πάνθ᾽ ὡς ἔπος εἰπεῖν ἀκάθαρτα ἡγεῖται.

So careful was the lawgiver to guard against anyone helping to bring about the death of another that he considers that even those who have touched the corpse of one who has met a natural death must remain unclean until they have been purified by aspersions and ablutions. Indeed he did not permit even the fully cleansed to enter the temple within seven days and ordered them to purge themselves on the third and seventh. Further too, those who enter a house in which anyone has died are ordered not to touch anything until they have bathed themselves and also washed the clothes which they were wearing. And all the vessels and articles of furniture, and anything else that happens to be inside, practically everything is held by him to be unclean.[99]

Philo informs us that someone is considered unclean who has touched a corpse unless he has cleansed himself by aspersions and ablutions. This sentence is very general and could be as simple as a very brief representation of what Num 19 tells us. In the next sentence, however, he discusses the temple separately and presents the seven-day purification ritual as a prerequisite for entering it, which brings this incision close to the one discussed earlier. Here again the wording seems unusual. He says that even the fully cleansed (οἱ σφόδρα καθαροί) are not allowed to enter the temple without the seven-day purification process. So, he knows someone who has defiled himself on a corpse and is pure before he has begun the seven-day purification ritual. Obviously, this is not what the Qumran texts tell us. There we have seen purity is only achieved after competition of the whole process including sunset. But before one could observe a kind of intermediary status during the purification, still impure but already allowed to do certain things (eating non sacred food and entering the city) after the first ablution, i. e., starting the cleansing process. But if Philo knows purity before the seven-day rite, something must have caused this change in status. If Philo considers someone who touched a corpse as impure, as die Biblical law teaches, and he demands washings to become pure, and he considers someone pure before the seven-day rite then a washing must have taken place between the contamination

[99] Text and translation follow LCL [Colson].

and the purification process, which is not part of the ritual. It is plausible to compare this washing to first day ablutions.[100] The washing Philo implies here seems to have no connection to the temple, like the ritual discussed in the previous section. And again, the next sentence points also in the direction of domestic rites. Here Philo mentions the transmission of impurity through overhang. Philo describes that one corpse impure must not touch anything before he has washed himself. Two things are striking here. First, Philo here explicitly speaks of a washing of body and clothes (ἀπολούω and προσαποπλύνω), but not of sprinkling that is actually mentioned in Num 19 for the third and seventh day. Washing is only done on the seventh day there. And secondly the unclean shall not touch anything (μηδέν). If nothing should be touched bevor the washing, the washing on the seventh day cannot be meant for practical reasons. "Thus, according to Philo, a Jew must bathe immediately after contracting corpse-uncleanness even though that will not re-admit him or her to the temple precincts."[101] Therefore, it is very likely that Philo knew the practice of first day ablutions.

5.3 Spec. *3.63*

Up to this point all the evidence outside the Qumran writings points only to first day ablutions for corpse impure, but in *Spec.* 3 there is also a passage that might give us a clue to a connection of this ablution with other sources of uncleanness as we know from Qumran. In this part of *Spec.* 3 Philo talks about those commandments he connects to the prohibition of adultery.

τοσαύτην δ᾽ ἔχει πρόνοιαν ὁ νόμος τοῦ μηδὲν ἐπὶ γάμοις νεωτερίζεσθαι, ὥστε καὶ τοὺς συνιόντας εἰς ὁμιλίαν ἄνδρας καὶ γυναῖκας κατὰ τοὺς ἐπὶ γάμοις θεσμούς, ὅταν εὐνῆς ἀπαλλάττωνται, οὐ πρότερον ἑᾷ τινος ψαύειν ἢ λουτροῖς καὶ περιρραντηρίοις χρῆσθαι, πόρρωθεν μοιχείας ἀνείργων καὶ τῶν ἐπὶ μοιχείαις ἐγκλημάτων.

So careful is the law to provide against the introduction of violent changes in the institution of marriage that a husband and wife, who have intercourse in accordance with the legitimate usages of married life, are not allowed, when they leave their bed, to touch anything until they have made their ablutions and purged themselves with water. This ordinance extends by implication to a prohibition of adultery, or anything which entails an accusation of adultery.[102]

According to Philo a married couple may touch nothing after intercourse before they have undergone ablution and sprinkling. The background of this practice described here is the defilement by semen, which we know from Lev 15:18.

[100] "Hinter dieser merkwürdigen Formulierung verbirgt sich wohl der Hinweis auf eine Reinigung am ersten Tag, die die Unreinheit in gewissem Maß reduziert, so dass der Betreffende für Zwecke außerhalb des Tempels als ‚ganz rein' gelten konnte." Doering, "Philon im Kontext des palästinischen Judentums," 161.

[101] Harrington, *The Impurity Systems of Qumran and the Rabbis*, 174.

[102] Text and translation follow LCL [Colson].

However, numerous differences stand out. For one thing, in Lev 15 they are only to wash, but not to sprinkle. On the other hand, again a waiting time is given, i. e., until evening, which Philo does not mention. Moreover, transmission by touch is not mentioned in Lev. Also, in Qumran we knew an extension of impurity by semen. In the Temple Scroll we had seen that defilement by semen emission entails a three-day cleansing. Additionally, one can observe in 4Q274 2 that not only the semen itself but also the semen impure is considered to be the bearer of impurity. At least the latter also shines through clearly in Philo. Of course, one could only speak of a first day ablution if it would become more obvious that Philo also assumes an impurity of several days. But one can speak both in the case of corpse impurity and in the case of semen impurity in Philo of a direct or initial washing after the defilement. He does not indicate a waiting until sunset and a postponement of the ablution seems very unlikely in view of the clear formulation that the unclean must not touch anything. Therefore, Milgrom was probably right in assuming that this text proofs that „the ablution functions to reduce the level of impurity."[103]Although these levels are way different from those, we have seen in the Qumran texts discussed above.

6. Conclusion

Overall, some overlaps between Philo and Qumran stand out, clearly showing that first day ablutions were truly not a special practice of a small sect. Nevertheless, numerous differences between Philo's conception of purity and the one we have shown for the Qumran writings become equally clear. And exactly these differences are exiting to examine. In Qumran, gradual purification, at least according to Milgrom's interpretation, stands behind the first day ablutions and determines the whole concept. Philo describes the purification process differently drawing the demarcation line between pure and impure somewhere else. Whereas we have seen that it does not seem implausible to assume that in Qumran each partial ritual removes a layer of impurity, this is different in Philo, the mention of first day ablutions notwithstanding. In Qumran, all who are in the process of purification are impure, just as the Hebrew Bible also describes. Only after sunset on the last day of purification is one considered pure again. Especially in 4Q274 it becomes clear that, if one follows Kazen's interpretation, those who are in this intermediate status are called impure. In Philo, this is different. Philo describes the corpse impure as completely pure after an initial washing. While according to the Qumran texts the initial ablution reduces the impurity, and complete purity is only achieved after sunset of the last day of purification, Philo suggests different levels of (im)purity. In the case of corpse im-

[103] Milgrom, "4QTOHORA[a]," 67.

purity, he considers someone who has touched a corpse impure, a conception widely accepted in the ancient world.[104] After an initial ablution[105] he considers this person pure, but still not allowed to enter the Temple. For the Temple visit the seven-day ritual remains essential. Nevertheless, though in Qumran and in Philo the boundary between pure and impure is different, a graded understanding can be observed in both concepts.[106] Philo's remarks come quite close to what Wright says about the relationship between pure and impure: "Notably we do not find here simple oppositions between holy and profane or between pure and impure. There is a three-fold opposition between holy, generally pure and pure/impure."[107] Reading the Philonic writings, one may conclude that this intermediate status was sufficient for normal social intercourse in the Diaspora, and that further rituals occurred only on an eventual pilgrimage to Jerusalem.[108] But to examine the exact purity practices of the diaspora, more evidence will have to be studied. So far, we only know that initial ablutions are important to Philo's account of Jewish law, but not whether they were actually practiced or common. However, since Philo deviates from the prescriptions of the Hebrew Bible at this point, it seems plausible that he took the actions described from some sort of practice.

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[104] Cf. Harrington, *The Impurity Systems of Qumran and the Rabbis*, 172–74.

[105] In fact, Philo remains somewhat vague about what kind of ritual he has in mind: ablutions, sprinklings, or a combination of both.

[106] One might further consider whether Philo draws the line in a similar way to the rabbis, since he too does not mention the sunset as the deciding factor.

[107] Wright, *The Disposal of Impurity*, 246. See also Cecilia Wassén's article in this volume on the in-between state between pure and impure, which she regards as the normal condition.

[108] "völlig unklar ist aber, ob und in welcher Weise man *in der Diaspora* selbst Totenunreinheit beseitigte. Dass hier, weit entfernt vom Tempel, die 'first day ablutions' für den gewöhnlichen Umgang ausreichen, wäre ein mögliches Szenario." Doering, "Philon im Kontext des palästinischen Judentums," 162.

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Symbolic Purity and the Temple of the Soul in Philo's Allegorical Commentary

Michael B. Cover

"Le Temple tout entier n'est, du reste, qu'une allégorie de l'âme que le sage orne et pare pour en faire une maison digne que Dieu y descende et s'y repose."[1]

1. Introduction

The importance that Philo of Alexandria holds for the study of purity in Diaspora Judaism is both vast and riddled with methodological challenges. On the one hand, Philo has left us one of the single largest literary bodies of evidence on this topic, which is "sympathetic" and "open" to both ritual and symbolic understandings of purity.[2] This should be no surprise, given that Philo travelled on pilgrimage to the Second Jerusalem temple, eschewing its more local alternative in Leontopolis;[3] that his brother, Alexander the Alabarch, made major contributions to the same Jerusalem temple; and that, as tradition attests, Philo himself may have come from a priestly family.[4] The priestly vision of purity emerging

[1] Valentin Nikiprowetzky, "La spiritualisation des sacrifices et le culte sacrificiel au temple de Jérusalem chez Philon d'Alexandrie," *Sem* 17 (1967): 97–116, at 104.

[2] Jonathan Klawans, *Purity, Sacrifice, and the Temple* (Oxford: Oxford University Press, 2006), 117. Taking a cue from Andrej Petrovic, and looking to Greek purity discourse in a wider range of inscriptions and literary authors, some might prefer in general to speak of "inner purity" as opposed to outer purity rather than using the ritual/symbolic or ritual/moral binaries (see Andrej Petrovic and Ivana Petrovic, *Inner Purity and Pollution in Greek Religion. Vol. 1: Early Greek Religion* [Oxford: Oxford University Press, 2016], as well as his essay in this volume). I retain "symbolic" in this essay on account of its usefulness for describing Philo's thought, which has explicitly allegorical dimensions. For further considerations of analytic vocabulary for ancient purity discourse more generally, see the "Postscript" to the present essay.

[3] Philo, *Prov.* 2.64. On Philo's pilgrimage and famous encounter with the "doves of Ascalon," see Aryeh Kasher, *Jews and Hellenistic Cities in Eretz-Israel. Relations of the Jews in Eretz-Israel with the Hellenistic Cities during the Second Temple Period* (332 BCE–70 CE), TSAJ 21 (Tübingen: Mohr Siebeck, 1990), 233–35.

[4] On the temple at Leontopolis, built by Onias III, see Josephus, *B. J.* 1.1.1; 7.10.2. On Philo's brother and purported priestly lineage, see Alan Appelbaum, "A Fresh Look at Philo's Family," *SPhiloA* 30 (2018): 93–114; and Daniel R. Schwartz, "Philo, His Family, His Times," in *The Cambridge Companion to Philo*, ed. Adam Kamesar (Cambridge: Cambridge University Press, 2009), 9–31. The attribution of a priestly lineage to Philo, dates back to Jerome, *Vir. ill.* 11, and

from Philo's writings is a signal contribution to the history of religions. To quote the assessment of Jonathan Klawans: "preceding Hubert and Mauss by nineteen hundred years, Philo may well present the first truly integrated interpretation of the entire sacrificial process, beginning with ritual and moral purification."[5]

On the other hand, any student of purity coming to the Philonic corpus must deal with two principal difficulties: Philo's halakhic eclecticism and apparent spiritualization of purity discourse.[6] First, when viewed from the horizon of the halakhic discourse in the Qumran scrolls, rabbinic Judaism, and parts of the New Testament, Philo's invocation and interpretation of Jewish purity laws can often seem "eclectic" at best – a kind of legal *sha'atnez* (שעטנז), woven of both wool and linen (Lev 19:19; Deut 22:11), i. e. from both Pharisaic and Essene (or other other) traditions. Second, Philo's interpretations of purity laws, as they seem to matter most in his pattern of religion, focus on their significance for his allegory of the soul on the road to moral purity. This emphasis has sometimes been seen as part of a de-particularization process: the so-called "spiritualization" of the temple and its purity laws, once frequently used as a description of early Christian exegesis and practice.[7] About both of these difficulties in Philo, eclecticism and spiritualization, I would like to say a further introductory word.

1.1 Eclecticism

The complexity of Philo's knowledge and interpretation of purity laws can be illustrated by a recent study by Lutz Doering, "Philon in Kontext des palästi-

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remains a part of the Philonic imaginary throughout the Middle Ages. The portrait continues into the first modern edition of Philo by Adrien Turnèbe in 1552, in which the Gallican Catholic humanist speaks of Philo as "having become long ago a member of the priestly office" (τοῦ ἱερατικοῦ πάλαι γεγονὼς τέλους) in his neo-Greek preface to the Cardinal of Lorraine. As to the veracity of such a legend, Schwartz ("Philo, His Family, His Times," 11) notes that Jerome's claim "may be bolstered by some pro-priestly slant in Philo's writings" in the Exposition of the Law (*Spec.* 1.124). I would add to this the evidence of the frequency with which priestly texts are adduced by Philo as secondary and tertiary lemmas in the Allegorical Commentary (see Michael Cover, *Lifting the Veil. 2 Corinthians 3:7–18 in Light of Jewish Homiletic and Commentary Traditions*, BZNW 210 [Berlin: de Gruyter, 2015], esp. 285–87 for a study of the allegoresis of priestly passages in *Leg.* 2.53–55). There is not only "pro-priestly slant" in Philo's legal and political works, but the development of an extended symbolic interpretation of the priesthood and its appurtenances in Philo's moral theology.

[5] Klawans, *Purity, Sacrifice, and the Temple*, 117 and esp. 123: Philo presents "the most sustained and sophisticated analysis of purity and sacrifice in ancient Jewish literature."

[6] As a modern critical description of understanding ancient purity discourse, the term "spiritualization" has recently received numerous criticisms (see the "Postscript" to the present essay). Here, I retain the notion of "spiritualization" as a uniquely suitable description of certain aspects of Philo's Platonizing thought, while not denying the real religious, cultic, and affective significance of outer, ritual purity.

[7] For "spiritualization," see Nikiprowetzsky, "Spiritualisation," *passim*.

nischen Judentums."[8] On one hand, Doering demonstrates that in two passages from *De specialibus legibus*,[9] Philo seems to know a non-Pentateuchal law about ablutions from corpse-impurity similar to the "first-day ablutions" attested in Tobit, at Qumran, and in Josephus.[10] In addition to commending the exemplary lives of the Essenes,[11] it would seem that Philo took an interest in some of their legal decisions as well. Doering argues that in cases such as this one, the direction of traditional flow is typically from Palestine to Alexandria, not the other way around. On the other hand, however, Philo is equally willing to draw from Pharisaic tradition – a point which leads Doering, following Yizhak Heinemann and Eyal Regev, to conclude that Philo is not a "Pharisaic halakhist" but a "halachic eclectic."[12] This element of Philo's idiosyncrasy seems ineluctable, so long as the Palestinian legal traditions remain the *point d'appui*.[13]

1.2 Spiritualization

Philo's ability to pick and choose between the halakhic stances of various Palestinian Jewish schools raises a second question about the depth of his halakhic realism: how should one weigh the fact that Philo's interest in scriptural and traditional language about the temple and purity is woven so thoroughly into his allegorical interpretation and seems motivated at times by its significance for an ethical narrative of human moral progress? How does Philo's allegorical or "spiritual" interpretations of purity comport with his realist defense of various Jewish legal practices?

The topic of Philo's "spiritualization" of Jewish purity laws was treated in the late 1960s in an important essay by the great Philonist, Valentin Nikiprowetzky. We shall have occasion to return to Nikiprowetzsky's thoughts later in this essay. Here, Klawans's analysis of Philo and purity discourse will provide a good starting point for addressing this problem, even as it also reveals the need for further nuanced work on the subject.[14] Klawans rightly notes that to argue that Philo represents a "spiritualization" of purity laws *risks* importing the Protestant bias that cult and purity legislation is, from the outset, an "unspiritual thing" (we should not suppose that Nikiprowetzky, who came from a Jewish family, meant this when he used the word "spiritualization" in the title of his essay). This,

[8] Lutz Doering, "Philon im Kontext des palästinischen Judentums," in *Abrahams Aufbruch. Philon von Alexandria,* De migratione Abrahami, SAPERE 30 (Tübingen: Mohr Siebeck, 2017).

[9] Philo, *Spec.* 3.205–206; 1.261.

[10] Doering, "Philon im Kontext des palästinischen Judentums," 161.

[11] Philo, *Prob.* 76–91; *Hypoth.* 8.11.1–18.

[12] Doering, "Philon im Kontext des palästinischen Judentums," 166.

[13] It is here worth mentioning the doctoral dissertation of Laura von Bartenwerffer (under the direction of Prof. Doering), which takes up the question of purity discourse precisely from a diasporic rather than a Palestinian Jewish horizon.

[14] Klawans, *Purity, Sacrifice, and the Temple*, 116–23.

Klawans argues, is patently false;[15] many of the symbolic or spiritual interpretations of the temple and cultic purity offered by Second-Temple Jewish authors are already nascently present in the pattern of religion practiced "literally" by Israel in the first temple.[16]

Within this framework, Klawans attempts to redescribe Philo as a major figure in his two-fold purity typology in early Judaism. According to Klawans, there are two "spaces" of purity discourse that Second-Temple Jews inhabit. Members of the first space, typified by the authors of the Qumran scrolls, the New Testament, and later Jewish mystical texts, construe the earthly temple as symbolic of an actual temple in the heavens, attended by angels. Klawans names this first space "temple symbolism." Authors in a second space – Philo, along with Josephus and the classical rabbinic texts – understand the temple as a symbolic representation of the cosmos itself, but not of a heavenly sanctuary of the kind imagined by the apocalyptic "temple in the heavens" type.[17] Klawans titles this second space "cosmic symbolism."[18]

For reasons that will become clear as this argument unfolds, I would like to retitle Klawans's second discursive space, in which he groups Philo, "cosmic templism." In this semiotic schema, the temple serves as the primary symbol (of the cosmos). The purity laws form a kind of secondary symbolic register, relating human *imitatio Dei* to the overarching cosmic significance of the temple.[19] According to Klawans, cosmic templism works best as a description of symbolic purity in Josephus and the rabbis. But when it comes to Philo, he has to admit a certain lack of fit:

> While many of his expressions are deeply Hellenistic, and aspects of his approach are probably idiosyncratic, Philo may well help us understand better one of the dominant symbolic

[15] Klawans, *Purity, Sacrifice, and the Temple*, 105.

[16] Klawans (*Purity, Sacrifice, and the Temple*, 115) suggests that Josephus's cosmic symbolism "accords with what many scholars believe to be the general symbolic understandings of temples in the Ancient Near Eastern world, ancient Israel included … These scholarly approaches to the biblical sources lend credence to the idea that Josephus' work in this regard is not creative but conservative."

[17] Klawans' dichotomy paints with too broad a brush to capture the nuances of Philo's understanding of the tabernacle/temple. Philo does on a few occasions interpret the tabernacle τύπος of Exod 25:40 (and related texts). To classify Philo among those described under the heading of "cosmic symbolism" or "cosmic templism" thus should not preclude the presence of certain heavenly "archetypes" or "paradigms" of the earthly tabernacle (see *Leg.* 3.102; *Congr.* 8). Such heavenly archetypes, however, are not "moving" and "active" in the same mythological way that the heavenly temple of the first group is. Cf. a text like *QE* 2.83, in which the ark of the covenant is said to symbolize the "bodiless and noetic cosmos," while the table – and in fact the tent itself (as opposed to the temple or the inner sanctum) – is seen as a symbol of the elemental, physical universe. Put another way: the tabernacle symbolizes both the noetic and the corporeal/material cosmos; but this does not preclude the physical world (including the temple) from having a static heavenly archetype contained in the Logos.

[18] Klawans, *Purity, Sacrifice, and the Temple*, 106.

[19] Klawans, *Purity, Sacrifice, and the Temple*, 112–13.

approaches to these matters in ancient Judaism: the idea that the temple represents the cosmos, and the priests serve as angelic caretakers.[20]

Klawans's view is certainly an improvement over one of the descriptions mooted by Schwartz – that Philo may have practiced "the temple-less religion of an Alexandrian Jew."[21] Certainly the temple figured, however marginally, as a part of Philo's realist religious praxis and as a prominent feature in his scriptural imaginary. Still, perplexities remain. Chief among these for Klawans are 1) Philo's focus on the individual rather than the communal aspects of purity and sacrifice;[22] 2) his "emanational theology and a developed angelology" without a belief in a heavenly temple (which violates the basic pattern Klawans charts);[23] and 3) the apparent discrepancy between certain works, e. g. between *De specialibus legibus* and *De somniis*, as to what is actually symbolized in the process of ritual lustration – as well as Philo's refusal to explain all "aspects of the sacrificial process in light of the concern to imitate the divine."[24] While saving Philo from the charge of spiritualizing of the law, Klawans opens the Alexandrian's interpretation of temple and purity once again to descriptions like "idiosyncratic,"[25] this time at the symbolical rather than the realist level.

1.3 Assessment and Thesis

Should one be content with Klawans's verdict and let Philo remain haphazardly straddling the cosmic templism of Josephus and the rabbis? The answer, I think, must be negative. There is room, or rather need, to develop further analytical categories that will take account of Philo's multifaceted discourse on purity, to render these data more useful to students of Judaism and Christianity.

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[20] Klawans, *Purity, Sacrifice, and the Temple*, 123.

[21] Schwartz, "Philo, His Family, His Times," 11.

[22] Klawans, *Purity, Sacrifice, and the Temple*, 121: "Instead of focusing on the impact moral defilement may have on the land and the sanctuary (as in priestly and prophetic traditions), Philo's central concern is on the effect moral defilement may <have> on the individual sinner's soul. Thus an issue of communal concern becomes an issue of individual concern." Klawans' assumption here that the priestly and prophetic traditions about purity were originally exclusively "communal," prior to their Philonic transformation, stretches the evidence.

[23] Klawans, *Purity, Sacrifice, and the Temple*, 113. While indeed possessing an emanationist scheme of some kind in his doctrine of the Logos and divine powers, there is reason to believe that Philo's angelology is far less developed than some scholars of early Judaism suggest. For a more reserved view, see John Dillon and David Winston, "Philo's Doctrine of Angels," in *Two Treatises of Philo of Alexandria. A Commentary on De gigantibus and Quod Deus sit immutabilis* (Chico, CA: Scholars, 1983), 197–205.

[24] Klawans, *Purity, Sacrifice, and the Temple*, 120, 121.

[25] Klawans belabors the description of Philo as "idiosyncratic," on several occasions. See, e. g., *Purity, Sacrifice, and the Temple*, 118; 121; 123 ("Hellenistic, and perhaps distinctly Philonic in its particular complexity").

Returning to the three perplexities mentioned above, the problem, as I see it, begins with the third. Klawans's analysis of Philo's purity discourse has privileged *De specialibus legibus* – a treatise from Philo's commentary series known as the Exposition of the Law – as establishing the Alexandrian's normative position: that the temple represents the cosmos.[26] Oher passages, including those from the Allegorical Commentary, are then fit into this framework. Relatedly, Klawans has foregrounded the cosmic and cosmopolitan focus of the Exposition of the Law over the more anthropocentric, individualist, and psychological concerns of the Allegorical Commentary. Thus, he arrives at the problems of 1) Philonic "individualism" and 2) the oddity of Philo's "highly developed angelology."

In what follows, I would like to chart an alternative course. Rather than trying to subsume all of Philo's writings under the umbrella of "cosmic symbolism" (or, as I have called it, cosmic templism), as Klawans does, I suggest instead that the Philo's interpretation of temple and purity depends heavily upon the exegetical series in which it appears. In light of the Allegorical Commentary's relatively exclusive focus on a Platonist allegory of the soul, as opposed to the more Stoicizing cosmological accents added in the Exposition of the Law, I will argue that "microcosmic templism" or "cosmic anthropology" better describes the discursive center of Philo's purity discourse in his early *magnum opus*.

Between the Allegorical Commentary and the Exposition of the Law, we must reckon with different and only partially overlapping hermeneutical centers in Philo's thought – something Thomas Tobin mapped out years ago in his comparison of *De opificio mundi* and the *Legum allegoriae*.[27] Whereas the Exposition of the Law is focused on cosmos, polis, and community, with the individual as a secondary point of reference, the Allegorical Commentary stands this hierarchy on its head, making the cosmos a subsidiary crater within the wider landscape of the microcosmic human person. It is only within this universe of discourse that Philo's transposition of purity laws in the Allegorical Commentary, from the real to the symbolic, can be fully understood as a distinctive sub-pattern within his religious thought.

[26] See esp. Klawans, *Purity, Sacrifice, and the Temple*, 118, where *Spec.* 1.66–67 is framed as offering the dominant conceptual binary schema in Philo's ritual thought: the temple of the cosmos and the temple "made by hands." While this fits Klawans' diachronic thesis, it is not, as we shall see, the primary schema used by Philo in the Allegorical Commentary.

[27] Thomas H. Tobin, SJ, "The Beginning of Philo's Allegorical Commentary," *SPhiloA* 12 (2000): 29–43, esp. 33–34. See further discussion below.

2. Cosmos and Microcosm: Exposition and Allegorical Commentary

2.1 Chthonic and Ouranic Ancestors: "Displacing" the Temple

As a way clarifying my correction to Klawans's assessment of Philo, temple, and purity in the Allegorical Commentary, it will help to return to a well-known "correction" in the study of the history of religions, which relates directly to the construction of cosmic religion. I am alluding to Jonathan Z. Smith's famous critique of Mircea Eliade, in his analysis of the ancestral Tjilpa pole in Australian aboriginal religion. This is described by Smith in the magisterial opening chapter of *To Take Place*, entitled "In Search of Place."[28]

According to Eliade, the Tjilpa pole was a religious artifact, alleged to have been constructed by an eponymous ancestor of the Tjilpa tribe, Numbakulla. Numbakulla set up the pole, and then disappeared into the heavens. The pole, now carried from place to place by the tribe, forms a kind of "cosmic axis" between earth and heaven. It serves as a sacred "center," a ladder joining earth and heaven, as well as the present community with the ancestors. "According to Eliade," writes Smith, "the Tjilpa pole … permits the Tjilpa to 'cosmicize space and to communicate with the transhuman world of heaven.'"[29] When the pole is destroyed, the tribe dies, the cosmos is inverted, and apocalypse ensues.

Plausible as this reconstruction is, Smith argues that Eliade has fundamentally misread the Tjilpa pole myth and the data about its contemporary religious significance. According to Smith, Eliade imported the idea of a cosmic axis and a temple-like "center" from his knowledge of other religions. Smith redescribes the Tjilpa ritual in the following manner:

> I do not doubt that such understandings of place can be found within the history of religions, and that there are traditions in which poles (or world-trees, or mountains) sometimes play such connecting roles; but they are not present in the Tjilpa myth. The horizon of the Tjilpa myth is not celestial, it is relentlessly terrestrial and chthonic. The emphasis is not on the dramatic creation of the world out of chaos by transcendent figures …[but] on a world fashioned by ancestral wandering across the featureless, primeval surface of the earth. In the ancestral "dream time," when the ancestors emerged from their "sleep" beneath the surface of the earth, their activities transformed the primeval earth into its present topography …. *It is anthropology, not cosmology, that is to the fore.*[30]

It goes without saying that the ability of two such laureled historians of religion to explain the same ritual of the Tjilpa pole in almost antithetical ways – one as an expression of cosmic transcendentalism, focused on a civic center; the

[28] Jonathan Z. Smith, *To Take Place. Toward a Theory of Ritual* (Chicago: University of Chicago Press, 1987), 1–23.

[29] Smith, *To Take Place*, 10.

[30] Smith, *To Take Place,* 10–11. Emphasis added.

other as an expression of chthonic anthropism, focused on a plurality of sacred sites – should raise questions about Klawans's application of a single pattern of cosmic templism to Philo, Josephus, and the rabbis – dispersed as they are over a period of several centuries. Even if Klawans is right in detecting elements of this common pattern in all three groups, his categorization of Philo as "idiosyncratic," "fanciful," and "Hellenistic," betrays the need for further nuance in describing the Alexandrian's religion.

In particular, I would like to suggest that Klawans makes an analogous – though not identical – descriptive mistake to Eliade, in considering Philo's interpretation of cultic purity primarily within the context of collectivist civic religion, centered around an earth-heaven axis – namely, the Jerusalem temple and its cosmic archetype. While this is perhaps the general picture that emerges from the Exposition of the Law and select passages in the *Quaestiones in Genesin et Exodum*,[31] the case of the Allegorical Commentary – and other passages in the *Quaestiones* – is different.

The clearest description of this difference between the two Philonic commentary series, to my knowledge, is to be found in Tom Tobin's study, mentioned above. Tobin's primary aim is to differentiate the *Legum allegoriae* from *De opificio mundi* – roughly parallel treatises on Gen 1–2 in the Allegorical Commentary and the Exposition of the Law, respectively. Although both treatises use Platonizing allegoresis, *De opificio mundi* keeps its focus on cosmology. To the contrary, Tobin notes:

> *Leg.* 1.1 is not really about the creation of the world. Rather, it is about the division between the creation of the ideas of mind and of sense-perception in Gen 1:1–2:6 on the one hand and the creation of the individual mind and the particular sense-perception in Gen 2:7–25 on the other. *This interpretation is really anthropological* rather *than cosmological*. More specifically, Philo's interpretation in *Leg.* 1.1 is of a piece with his allegory of the soul which is the dominant pattern of interpretation in the whole of *Legum allegoriae*."[32]

To use Smith's redescription of the Tjilpa ritual, in Philo's Allegorical Commentary "it is anthropology, not cosmolology, that is to the fore."[33] The sacred *spaces* of the Allegorical Commentary are not principally the singular cosmos, but the plurality of patriarchal souls – each of which, in its own way and through its own pattern of perfection, gives birth to a psychic landscape, through which

[31] For Philo's "cosmic religion," esp. in the Exposition of the Law, against the backdrop of astronomical cosmic religion, see David T. Runia, *Philo: On the Creation of the Cosmos according to Moses. Introduction, Translation, and Commentary*, PACS 1 (Leiden: Brill, 2001), 201, and esp. 207–9, "Excursus: The Hellenistic Cosmic Religion."

[32] Tobin, "The Beginning of Philo's Allegorical Commentary," 33–34 (emphasis added).

[33] There remains, of course, a critical difference between the Philonic and Tjilpa ancestral models: in the latter, the earth-heaven axis is removed entirely; the ritual is entirely chthonic. In the former, by contrast, the earth-heaven axis is not eradicated by transferred to the body-soul polarity. Philo thus maintains a "cosmic" or "heavenly" pole in this schema through Platonizing psychology.

the soul of the Jewish reader makes his way out of the land of the body and into the soulscapes of the patriarchs in some as-yet-to-be-imagined ὑπερουράνιος τόπος.[34] If Tjilpa religion is one of chthonic ancestors, Philo's religion in the Allegorical Commentary is one of ouranic ancestors or paradigms, not of one of a singular cosmic temple.

This is not to suggest, as Smith does of the Tjilpa, that cosmology has no place in Philo's Allegorical Commentary – nor that there is no anthropology in the Exposition of the Law. To borrow again the language of Albert Schweitzer, coined in another context, cosmology is a "subsidiary crater" within the dominant anthropocentrism of Philo's Allegorical Commentary.[35] Framed in a more Philonic way – and at the risk of overgeneralizing – we might suggest that whereas the Exposition of the Law most often speaks of the temple as a symbol of the cosmos, the Allegorical Commentary understands the temple primarily as a symbol of the microcosmos – the perfect and scaled universe created by God in every human person, particularly within the composite soul itself. I have tried to sketch this alternation of emphasis between the two series in Figure 1:

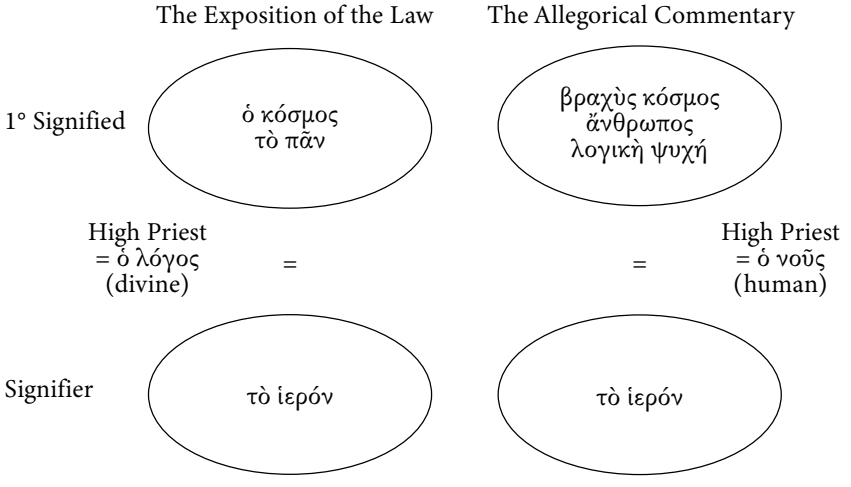

Figure 1: Centers of Purity Discourse in the Exposition and the Allegorical Commentary

It is this microcosmic emphasis in Philo's thought that leads to many of the features that Klawans calls "indiosyncrasies" and "fancies."

[34] See Plato, *Phaedr.* 247c. The basic framework of Philo's differentiation of patriarchal soul-types, in addition to being exegetically derived from the texts of Genesis, may take a cue from Plato's differentiation of souls in *Phaedr.* 246e–247a – some of which follow Zeus, others of which follow lesser gods and daemons in their noetic and moral ascents.

[35] Albert Schweitzer, *The Mysticism of Paul the Apostle* (*Mystik des Apostels Paulus*), trans. W. Montgomery (London: A. & C. Black, 1953 [1930]), 225.

2.2 Philo and the Human Microcosm: Her. *152–153; 155*

Philo expresses this "microcosmic" principle in the Allegorical Commentary, *inter alia*, in a remarkable passage from the Abrahamic treatise, *Quis rerum divinarum heres sit*.[36] Philo is interpreting God's command to Abraham in Gen 15:9–10, that he take a heifer, goat, ram, turtle-dove, and a pigeon, and divide the first three of these down the middle.[37] "The heifer signifies the soul, the ram speech, and the goat sense-perception."[38] Through the allegorization of various clean animals, Philo develops microcosmic portrait of the human being. Expounding the "equal" division of the first three animals – soul into "reasoning and unreasoning," speech into "true and false," and sense-perception into "real and illusory"[39] – leads Philo to a discussion of the cosmos and the human microcosm.

(§ 152) As for proportional equality (ἀναλογία), we find it practically in everything great or small, throughout the whole world. Those who have most carefully examined the facts of nature say that the four elements are proportionally equal, and that the whole world received and retains forever its frame, through being compounded according to this same proportion, which assigned an equal measure to each of the parts. (§ 153) They tell us too that our four constituents – dry, wet, cold, and hot – have been mixed and harmonized by proportional equality and that we are nothing more than a compound of the four factors mixed on this principle .... (§ 155) Thus, some have ventured to affirm that the tiny animal, man, is equal to the whole world (τῷ παντὶ κόσμῳ τὸ βραχύτατον ζῷον, ἄνθρωπον, ἴσον), because each consists of body and reasonable soul (ὅτι ἑκάτερον ἐκ σώματος καὶ ψυχῆς καθέστηκε λογικῆς), and thus they declare that the human being is a small world, and alternatively, that the world is a great human being (ἐναλλάττοντες βραχὺν μὲν κόσμον τὸν ἄνθρωπον, μέγαν δὲ ἄνθρωπον ἔφασαν τὸν κόσμον εἶναι).[40]

While Philo here knows a tradition reported by "some" Jewish colleagues about the commensurability of macro- and microcosmos – insisting that God shows no preference for the large or the small – his own personal emphasis on the holiness of the human soul throughout the Allegorical Commentary confirms his adoption of this microcosmic position. As his exegesis of Gen 15:9 and the division of heifer, goat, and ram indicates, the sacrificial vocabulary of the Pentateuch – in this case, three clean animals – becomes an allegory for the faculties of the human soul, the microcosmos within the microcosmos, and as I will suggest in the following section, the temple within the temple.

[36] Philo, *Her.* 152–155.
[37] Philo, *Her.* 125–132.
[38] Philo, *Her.* 125–126; see Colson, Philo LCL, 4.275.
[39] Philo, *Her.* 132.
[40] Philo, *Her.* 152–153, 155. Trans. Colson, LCL, lightly adapted.

2.3 The Human Microcosm as a Temple

The argument of this essay rests on two premises: that Philo understood the human being as a microcosm and that Philo also envisions the human microcosm as a little temple. In what follows, I offer a few examples from the Allegorical Commentary in which the temple and particular priestly appurtenances are linked to the anthropological microcosm.

First, however, I wish to return to the seminal essay of Valentin Nikiprowetzy on Philo and the spiritualization of sacrifices, mentioned earlier. Nikiprowetzky begins his essay with Philo's transformation of the scriptural language of purity and sacrifice to apply to the human person. Nikiprowetzky highlights, in particular, the warrant Philo finds for seeing the soul as the principal agent of sacrifice, both in the Pentateuch itself as well as in the prophetic critique of cult and sacrifice. Pointing to *Ebr.* 87, Nikiprowetzky paints Philo's view on sacrifice and purity as similar to that of Maimonides: if the animal sacrifices are necessary, they are only so by "contingent necessity," as an accommodation for human pedagogy in virtue.[41]

Most critical, for the present argument, Nikiprowetzky underscores a text from *De somniis*,[42] which expressly states the equivalence between human microcosm and temple:

> For there are, as is evident, two temples of God: one of them this universe, in which there is also, as high priest, His First-born – the divine Word; and the other, the rational soul, whose priest is the true Human Being; the outward and visible image of whom is he who offers the prayers and sacrifices handed down from our fathers, to whom it has been committed to wear the aforesaid tunic, which is a copy and replica of the whole heaven, the intention of this being that the universe may join with the human being in the holy rites and human being with the universe.[43]

This pericope makes it clear that the variety of sacrifices and lustrations allegorized by Philo in the rational soul are really only synechdocal symbols – parts for wholes. As Nikiprowetzky puts it:

> from the perspective of the "spiritual cult," the soul of the person making the offering is at the same time the victim of the sacrifice, the temple where that victim is immolated,

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[41] Nikiprowetzky, "Spiritualisation," 100.

[42] Philo, *Somn.* 1.215; Nikiprowetzky, "Spiritualisation," 102–9.

[43] Philo, *Somn.* 1.215: δύο γάρ, ὡς ἔοικεν, ἱερὰ θεοῦ, ἓν μὲν ὅδε ὁ κόσμος, ἐν ᾧ καὶ ἀρχιερεὺς ὁ πρωτόγονος αὐτοῦ θεῖος λόγος, ἕτερον δὲ λογικὴ ψυχή, ἧς ἱερεὺς ὁ πρὸς ἀλήθειαν ἄνθρωπος, οὗ μίμημα αἰσθητὸν ὁ τὰς πατρίους εὐχὰς καὶ θυσίας ἐπιτελῶν ἐστιν, ᾧ τὸν εἰρημένον ἐπιτέτραπται χιτῶνα ἐνδύεσθαι, τοῦ παντὸς ἀντίμιμον ὄντα οὐρανοῦ, ἵνα συνιερουργῇ καὶ ὁ κόσμος ἀνθρώπῳ καὶ τῷ παντὶ ἄνθρωπος. See also Philo, *QE* 2.51, cited by Nikiprowetzky ("Spiritualisation," 103).

and the priest who therein offers the sacrificial rites. And indeed, the essential point of the "spiritual cult" is that these three realities are inextricably intertwined.[44]

The fullest expression of this piety comes in the identification of the rational soul with the temple itself, as a space for the high priest mind to inhabit, offer sacrifices, and contemplate the Existent, insofar as it is able.

As a corollary to this, I would like to add an example from *De migratione Abrahami* where Philo equates not just the temple in its entirety with the microcosmic soul, but also various parts of the temple. In *Migr.* 97–98, Philo suggests that the "laver" (λουτήρ) or bronze washing basis in LXX Exod 38:26, in which priests perform ritual lustrations, symbolizes the soul's own process of self-reflection:

(§ 97) It was for this reason that Moses charged not only the men but also the women to provide the sacred appointments of the Tabernacle (τὴν τῶν ἱερῶν ἔργων κατασκευὴν).... (§ 98) In their abounding enthusiasm, they dedicate their mirrors (τὰ κάτοπτρα) for the making of the laver (λουτήρ [Exod 38:26]), to the end that those who are about to perform sacred rites (ἱερουργεῖν), as they are washing (ἀπονιπτόμενοι) hands and feet – that is, the *purposes* which they take in hand and which form the base and support of the mind – may be helped to see themselves reflected by recollecting the mirrors (ἐνοπτρίζωνται ἑαυτοὺς κατὰ μνήμην τῶν ἐσόπτρων) out of which the laver was fashioned. For if they do this, they will not overlook any ugly thing showing itself in the appearance of the soul (οὐδὲν αἶσχος ἐν τῷ τῆς ψυχῆς εἴδει), and <being thus purified> will dedicate the most sacred and perfect of offerings (ἱεροπρεπέστατον καὶ τελεώτατον ἀναθημάτων) – the offering of fasting (νηστεία) and perseverance (καρτερία).[45]

The priest's hands and feet – allegorically, the soul's intentions and foundations – are in this passage literally mirrored in the temple's accoutrements. The washbasin of the tabernacle becomes the washbasin of the soul. Thus, Philo links two symbols of the human microcosm – the priest and the temple – through the metaphorics of the mirror.

3. Cosmos and Microcosm as Competing "Centers" in Philo's Biblical Commentaries

Taking microcosmic templism as the default exegetical center of the Allegorical Commentary helps to clarify a number of problems that Klawans identifies in Philo's understanding of purity. Especially illustrative are the seemingly divergent interpretations of ritual lustration in *Spec.* 1.264–265 and *Somn.* 1.81–82, which

[44] Nikiprowetzky, "Spiritualisation," 103: "Ainsi, dans les perspectives du "culte spirituel", l'âme de l'offrant est à la fois la victime du sacrifice, le temple où cette victime est immolée et le prêtre qui y célèbre les rites sacrificiels. Et, en effet, l'objectif essentiel du "culte spirituel" est que ces trois réalités se confondent indissolublement."

[45] Philo, *Migr.* 97–98. Emphasis added.

Klawans points out but cannot resolve.[46] Although both passages show some debt to microcosmic templism, precisely *how* each text deploys this interpretive lens illuminates the difference between the patterns of religion in the two series.

The first passage, *Spec.* 1.264–65, comes from the Exposition of the Law. Here, Philo presents the process of ritual purification, based roughly on Num 19:17, as one intended to recall the human being to an awareness of his composite, somatic composition:

> (§ 1.264) For [Moses] holds that the most profitable form of purification (ὠφελιμωτάτη κάθαρσις) is just this, that a man should know himself, and the nature of the elements of which he is composed, ashes and water, so little worthy of esteem. (§ 1.265) For if he recognizes this, he will straightway turn away from the insidious enemy, self-conceit (οἴησις), and abasing his pride (τὸ ὑπέραυχον) become well-pleasing to God and claim the aid of his gracious power who hates arrogance (ἀλαζονεία).

This interpretation, while clearly anthropological in focus, keeps the *composite* human being and its material cosmic analogue in view.[47] The ashes and water symbolize the corporeal dimension of the human being.[48] This fits, generally, within the pattern of cosmic templism that Klawans is advancing. Importantly, it is not *imitatio Dei* that motivates psychic cleansing, but rather a recognition of human created *distance* from God. Purification comes from awareness of the fact that one is composite, like the cosmos, and not transcendently simple, like God. Philo's threefold reiteration of the vice to be expunged – "self-conceit" (οἴησις), "pride" (τὸ ὑπέραυχον), and "arrogance" (ἀλαζονεία) – makes it clear that the pollutions to be removed are passions and their attendant vices: Ethics is in the foreground.

Klawans's second passage, *Somn.* 1.81–82, is drawn from the last fully extant treatise of the Allegorical Commentary. Here, Philo discusses purification as a process of cleansing the rational soul not only of vices, but more importantly of

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[46] Klawans, *Purity, Sacrifice, and the Temple*, 120–1: "Philo in this respect forges a synthesis between the prophetic and priestly traditions – but it's a synthesis that, like much else in Philo, contains some idiosyncratic elements .... The philosopher's approach was not always typical. Instead of focusing on the impact moral defilement may have on land and sanctuary (as in the priestly and prophetic traditions), Philo's central concern is on the individual sinner's soul." See n. 51 (p. 282) on Wolfson and Nikiprowetzky. By "idiosyncratic," Klawans appears to mean philosophical.

[47] See Philo, *Spec.* 1.266, where the cosmic elements of earth and water, through pathetic fallacy, speak an aside to the human being, reminding him of his creation out of perishable matter. See also, *Spec.* 1.257, where Philo speaks of purification of *both* body and soul – the latter, needing to be purified particularly of the emotions.

[48] See Philo, *Somn.* 1.213–214, in which Philo applies the same tradition about water and ashes from Num 19:17 to the high priest's entry in Exod 29:4. It is clear that this microcosmic tradition could appear in either series. There, as in the Exposition, the focus is on the "public services appointed by the law" (τὰς νόμῳ προστεταγμένας . . . λειτουγίας), not on the deeper mysteries symbolized by the priestly cult. What is, in the Exposition, the principal point of lustration, becomes, in the Allegorical Commentary, only an entrée to a more complex allegorical system.

its epistemological deficit resulting from an undue influence of sense perception. Philo is interpreting the dream of Jacob at Bethel, and particularly the narrative detail that "the sun had set" (ἔδυ ὁ ἥλιος [Gen 28:11; *Somn.* 1.72]). Admitting that the sun has several figural meanings (*Somn.* 1.73), Philo explains that one of these is "sense-perception." The sun serves as symbol of "visible light" and the faculties which see by it. To say that "the sun has set" in this allegorical register means that the disturbances of sense-perception (αἱ κατ' αἴσθησιν κινήσεις), during sleep, are temporarily suspended. When the soul enters into this Platonizing "Dream time," it is more open to direct revelation from God (*Somn.* 1.84).

As an elaboration of this interpretation of Gen 28:11, Philo adduces a secondary lemma, Lev 22:6–7, linking Jacob's preparation for his dream with a priest's preparation for entering the temple:

(§ 1.81) For the priest, too, [Moses] lays down an inexorable law, in the form of a prediction, in the words: "He will not eat of holy things unless he has washed (λούσηται) his body with water, and the sun be set (ἐὰν … δύῃ ὁ ἥλιος), and he have become clean (καθαρός)" (Lev 22:6–7). (§ 1.82) For he makes perfectly evident by this declaration that no one is absolutely free from pollution (εὐαγὴς εἰσάπαν), so as to celebrate the holy and reverent mysteries, by whom the splendors of mortal life, objects as they are of sense perception (τὰς αἰσθητάς), are still held in honor. But if a man disdains them, the consequence is that he is shone upon by the light of sound sense, and by means of it he is able completely to purge and wash out (ἐκνίπτεσθαι καὶ ἀπολούεσθαι) of himself the defilements (κηλῖδας) of vain opinions (κενῶν δοξῶν).[49]

Here, human moral purification happens not by considering the somatic "ashes and water" of one's *bodily* composition, the microcosmic quintessence of dust of which one is made. Rather, moral purification arises from a recognition of the weakness of one's own *psychic* constitution and abilities, particularly of one's dependence on sense perception while awake and living in a body. Purgation – which can only be partial in this model, until the eschatological evening falls – means a radical re-evaluation of sense perceptible "glories" which produce vain opinions, in exchange for the more pure knowledge of the noetic world that enters the mind through scripture, revelation, and dreams. In this version of purification, it is precisely the *imitatio Dei* – the eclipsing of sense-perceptible light and the dawning of divine radiance upon the God-imaged soul – which activates human purgation and offering (*Somn.* 1.72–74; 1.84). In Philo's allegory of the soul, epistemological rather than ethical purity comes to the fore, even as the latter is never fully eclipsed from view.

The difference between the allegories of "moral purification" in these two texts – *De specialibus legibus* and *De somniis* – hinges not only upon their relative emphases on ethical or epistemological purity. Additionally, whereas the Exposition of the Law focuses on rightly locating the anthropological microcosm

[49] Philo, *Somn.* 1.81–82.

within its macrocosmic analogue, the Allegorical Commentary centers its purity discourse almost exclusively around the microcosmic soul and the priestly offerings made within by the high priest, reason.

4. An Unclean Death: Hanging and Corpse Impurity in the Allegorical Commentary

In the foregoing sections, I have argued that Philo's discourse on purity in the Allegorical Commentary is anything but idiosyncratic. It follows a coherent, architectonic logic that centers upon the anthropic microcosm – a pattern Philo tells us he shares with some of his Jewish colleagues.[50] The rational soul stands as a temple, in which the mind of the sage serves as high priest, victim, sanctuary, and holy of holies. While there are, according to Philo's own formulation, "two temples" (*Somn.* 1.215) within the Allegorical Commentary, Philo is focused primarily on the human microcosmic temple. In the Exposition of the Law, by contrast, both macrocosmic and microcosmic temple come into bifocal view, such that the public and private dimensions of moral purity are exhibited in a more balanced way.

In this next argumentative movement, I would like to demonstrate and strengthen the thesis by illustrating its inverse: if for Philo in the Allegorical Commentary, the height of worship is the purification of the rational soul, the reciprocal position is also true: the greatest blasphemy is generated not by pollution of the Jerusalem temple nor by civic hubris and arrogance, but by the inner impurity generated by disparaging Moses and the Holy Scriptures *within* the individual mind. Anyone who exemplifies such inner impurity, Philo warns, may justly be punished through becoming, in death, an unclean corpse.

The passage I will use to illustrate this point comes from the treatise immediately preceding *De somniis*, *De mutatione nominum*. In a central section of this treatise, Philo redresses an attack against Moses and the scriptures by a contemporaneous scoffer – whether an apostate Jew or Gentile, it is not clear – which would undermine the trustworthiness of the scriptural text itself, particularly the narratives in Genesis wherein God changes the names of the patriarchs and matriarchs:

> (§ 61) Why, just recently I heard a godless, impious man, who scoffed and railed thus: "Great indeed and super abundant are the gifts that Moses says the Leader of the Universe extends. For in Abram's case, by the addition of a letter, of one alpha; and again, with another appendage of a rho, he thought a marvelously great benefaction had been furnished … insofar as he changed the name of Abram's wife Sara (Σάρα) to Sarah (Σάρρα), doubling the rho." And stringing together many similar examples, he ran through them breathlessly and with a sneer. (§ 62) It was not long before he paid the price befitting his

[50] Philo, *Her.* 155.

stupidity. By some small, chance circumstance, he was driven to hanging <himself?> (ἐπ' ἀγχόνην ᾔξεν),[51] so that this polluted and unclean fellow did not even meet his end with a clean death (ἵν' ὁ μιαρὸς καὶ δυσκάθαρτος μηδὲ καθαρῷ θανάτῳ τελευτήσῃ). Worthily, then, lest another be snatched by the same errors, would we excise these suspicions, using natural reason to demonstrate that the things which have been said by Moses are worthy of all studious zeal.[52]

Philo's attribution of impurity to a hung corpse reflects a broader halakhic discussion in early Jewish sources. The tradition that a hung corpse, if left exposed overnight, defiles has its origin in the legislation in Deut 21:22–23:

[22] When someone is convicted of a crime punishable by death and is executed, and you hang him on a tree; [23] his corpse must not remain as carrion <i.e. all night> upon the tree; you shall bury him that same day, for anyone hung on a tree is under God's curse (כי קללת אלהים תלוי). You must not defile your land (לא תטמא את־אדמתך) which the Lord your God is giving you for possession.

In Philo's example, the impurity of the scoffer's death would be almost guaranteed if this were this a suicide: having hung himself, there would be no one to take his body down. He might similarly become unclean, even if hung by others.

Of course, Deut 21:23 was interpreted by Second-Temple and later Jewish exegetes in a number of ways. One principal difficulty involves the question of whether the phrase קִלְלַת אלהים should be rendered as a subjective genitive ("cursed by God"), as the NRSV, or as an objective genitive ("having cursed God"). The OG, Targum Neofiti, and Gal 3:13 all suggest the subjective reading; Josephus, Symmachus, Targum Onqelos, the Tosefta (t.Sanh. 9.7; b.Sanh. 46b), and a baraita in the Bavli (b.Sanh. 45b) suggest the objective one. Intriguingly, in a study of these and additional halakhic texts, Moshe Bernstein suggested that the Mishnah (m.Sanh. 6.4; b.Sanh. 46a) almost uniquely witnesses to a "double" interpretation of Deut 21:23, in which two interpretations of the objective rendering, "having blasphemed" and "remaining an affront to God, while hung" are present.[53] Analogously, Yigael Yadin (although gainsaid by Bernstein) suggested that a fusion of subjective and objective interpretations of קִלְלַת אלהים is present in the Temple Scroll (11QT 64:6–13).[54]

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[51] The ambiguity about whether the scoffer's death involves a suicide or not introduces a further complication into the precise halakhic rationale behind declaring his death unclean. If Philo is discussing a suicide, this may well contribute to his assessment of the scoffer's death as unclean – certainly, in a psychic-noetic sense, and also because there would be no one to take down his corpse. Space does not permitted me to discuss the ritual status of a strangled corpse, which might also come to bear on this intriguing case. On this topic, see David J. Halperin, "Crucifixion, the Nahum Pesher, and the Rabbinic Penalty of Strangulation," *JJS* 32 (1981): 32–46.

[52] Philo, *Mut.* 61–62.

[53] Moshe J. Bernstein, "כי קללת אלהים תלוי (Deut 21:23): A Study in Early Jewish Exegesis," *JQR* 74 (1983): 21–45, esp. 30–32.

[54] Yigael Yadin, *The Temple Scroll*, 3 vols (Jerusalem: Israel Exploration Society, 1977), 1:290; 2:204a–b; cf. Bernstein, "Study in Early Jewish Exegesis," 40.

For our purposes, it is intriguing that Philo, in *Mut.* 62, seems to attest some version of a "double exegesis."[55] His "scoffer," though first a "blasphemer" (objective rendering), is also said to have died an objectively "unclean death" (subjective rendering) – by which presumably the death upon the gallows is meant. In this, Philo espouses a double halakhic interpretation, which parallels in a loose way the Pharisaic-rabbinic double tradition of the Mishnah, and find an even closer analogue in the Temple Scroll as interpreted by Yadin. Just as the one who "curses the Jewish people" (objective rendering) in 11QT 64:10 becomes "cursed by God and men" (subjective rendering) in 11QT 64:11–12, so Philo's scoffer first blasphemes Moses and the Jewish scriptures – polluting his mind – and then as a natural consequence of this psychic, inner impurity, receives in his body an unclean (viz. "cursed") death.

Although Philo derives the uncleanness of the hung corpse and its connection with the blasphemer from Jewish halakhic tradition, here, as elsewhere in the Allegorical Commentary, he frames this impurity through his central logic of the human microcosmic temple. The primary locus of purity or pollution is in the mind itself – the true human being. It is not, first and foremost, the land or the people that the "blasphemer" desecrates, but his own mind, symbolically rendered according to the Platonizing allegory of the soul. The destruction of the temple of the mind, however, if left unchecked, naturally leads to the death and pollution of the body – the cataclysmic destruction of the entire psycho-somatic microcosm. This short anecdote may be the closest we ever come to reading a Philonic apocalypse – albeit one writ small, on the microcosmic scale.

As I have now argued both positively and negatively, it is no surprise to find the language of impurity and purity in Philo's writings precisely where we do. Once the human soul is conceived of as a microcosmic temple, the cleansing and profanation of the soul provides the discursive center, from which purity legislation can derive a new semiotic significance. This is temple and purity "on the go" – a developing pattern of religious thought for life in the Diaspora.

5. Postscript: Philo as a Witness to Diasporic Purity Discourse in the Second-Temple Period

In the foregoing discussion, I have offered a "correction" or an improvement on Klawans's model of cosmic templism as a description of Philo's purity discourse. The aim has been to improve this symbolic model as a viable and useful one for exploring the variegated landscape of purity discourse in the Second-Temple period. Not all scholars of ancient purity, however, will be interested in rehabilitating Klawans's system, either for Philo or for other Jewish authors

[55] For the term "double exegesis," see Bernstein, "Study in Early Jewish Exegesis," 40.

and communities, including Josephus, the Essenes, the authors of the New Testament, or the rabbis. In particular, within the field of ritual studies, many have offered competing accounts of the way purity practices arose and were sustained in Ancient Israel and Second-Temple Judaism, which do not rely on temple or symbol. In this postscript, I wish to address these studies directly, in order to better articulate the contribution of Philo's witness.

I begin by presenting an all-too-brief summary of two alternative, non-symbolic accounts of ancient Greek and Jewish purity. First, working in the field of Greek cultic and religious inscriptions, Andrej Petrovic has developed a model whose primary term, "inner purity," provides a vehicle for describing attention to the purity of the heart, mind, or soul in a Greek idiom without necessarily contrasting this with an "outer" antipode.[56] Second, in the field of Jewish purity proper, Thomas Kazen, in a series of books and articles, has argued that in fact "symbolic" models of purity – such as the one offered by Klawans – "often fail" on account of their implicitly structuralist underpinnings.[57] In place of such models, Kazen, along with other scholars such as Tracy Lemos,[58] have suggested an "evolutionary" or "cognitive" alternative: that purity/and impurity discourse, rather than radiating outward from a distance via temple and symbol, develops naturally and organically in the very local soil, through the emotion of disgust. The thesis of localized, evolutionary, and psychological roots of Jewish purity discourse has been combined by several scholars with Andrea Berlin's notion of "household Judaism," which looks to the lived experience of Jewish domiciles in antiquity, rather than to public spaces or biblical law, for the basic structures that allowed purity rituals to flourish during the Second-Temple and Roman periods.[59]

How might the present study of Philo come to bear upon these and various other non-symbolic descriptions of purity in late antiquity? First, Petrovic's model makes a critical and helpful intervention in the study of "pagan" Greek purity discourse and provides a new way of interpreting certain registers of purity discourse in Platonist figures such as Plutarch and Philo. In the foregoing essay, I have begun to adopt it in certain instances. In Philo's case, however, it

[56] Petrovic and Petrovic, *Inner Purity and Pollution*, *passim*.

[57] See most recently Thomas Kazen, "Levels of Explanation for Ideas of Impurity: Why Structuralist and Symbolic Models Often Fail While Evolutionary and Cognitive Models Succeed," *JAJ* 9 (2018 [2019]): 75–100; Thomas Kazen, "Disgust in Body, Mind, and Language. The Case of Impurity in the Hebrew Bible," in *Mixed Feelings and Vexed Passions. Exploring Emotions in Biblical Literature*, ed. Franklin Scott Spencer (Atlanta, GA: Society of Biblical Literature, 2017), 97–115.

[58] Tracy Lemos, "Where There Is Dirt Is There A System? Revisiting Biblical Purity Constructions," *JSOT* 37 (2013): 265–94.

[59] See, e. g., Andrea Berlin, "Household Judaism," in *Galilee in the Late Second Temple and Mishnaic Periods 100 BCE–200 CE. Vol. 1: Life, Culture, and Society*, eds. David Fiensy and James Strange (Minneapolis, MN: Fortress, 2014), 208–15.

cannot account entirely for his cultic allegoresis; hence, the language of "symbolic" remains helpful.

The work of Kazen and others on "evolutionary-cognitive" models of purity likewise offers a critical corrective to overly structured symbolic accounts of purity, both in the Hebrew Bible and in the Jewish Diaspora. Certainly, purity discourse, even in Alexandria, did not develop in exclusion from biology and natural and cultural aversions. At the same time, one feels that Philo's witness in several of these studies is either being ignored or ruled out. Consider, for instance, Kazen's discussion of Philo in his most recent article on the subject.[60] There, Philo and Klawans appear together in a discussion of "symbolic and allegorical models,"[61] which Kazen aims to dismiss in favor of evolutionary and cognitive alternatives. Philo, writes Kazen, explicitly championed the "symbolic" approach to purity;[62] if his allegorical method "fell out of vogue" with the rise of historical criticism, its ghost survived to reanimate modern structuralist scholars like Klawans, Mary Douglas, and Jacob Milgrom.[63]

While Kazen's diachronic analysis of interpretive discourses proves quite interesting, it fails to reckon with one critical fact: that Philo of Alexandria (along with the Letter of Aristeas, Aristobulus, Philo's anonymous colleagues, etc.) is not *merely* a forerunner of modern structuralist critics; he is also a data point *within* the field of ancient Jewish purity discourse, contemporaneous with or prior to other primary sources that Kazen considers. Put another way, it is not just modern structuralists, but also late ancient Jews who were symbol-makers. They read their world both through their natural affective responses as well as through the scriptures and a symbolic imagination. My own position, then, is probably closer to that of Roland Deines, whose study in this volume attends both to the temple-symbolic and local elements of Jewish purity rituals.[64] What is desirable, overall, is a more balanced model – one which combines the best of "symbolic" and "evolutionary-cognitive" analysis – if one is to account for late ancient Jewish purity discourse in its full depth and diversity.

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[60] Kazen, "Levels of Explanation."

[61] Kazen, "Levels of Explanation," 83–88.

[62] Kazen, "Levels of Explanation," 83.

[63] Kazen, 2019, 84.

[64] In addition to his essay in this volume, see Roland Deines, *Jüdische Steingefäße und pharisäische Frömmigkeit: ein archäologisch-historischer Beitrag zum Verständnis von Joh 2,6 und der jüdischen Reinheitshalacha zur Zeit Jesu*, WUNT 2/52 (Tübingen: Mohr Siebeck, 1993).

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"Be separate said the Lord and I will receive you"

2 Cor 6:14–7:1 as an Example of the Connection of Purity and Identity in the New Testament

Milena Hasselmann

1. Introduction

Questions of purity are questions of identity. Surely, questions of purity perform functions other than providing information about identity, and identity issues are described by topics other than questions about pure and impure. Not every purity determination has an identity-defining character and not every identity discourse is led about purity ideas. But identity and purity are so closely related that statements about identity and belonging are touched whenever purity regulations are relevant. Depending on the historical or literary context, the function of purity for questions of identity changes as well as the relationship of the two topics to each other.

Whenever purity regulations are important for a group's daily life, they are also likely to provide information about identity and affiliation. Of course, the significance purity holds for identity is dependent on the historical or – for our matter – literary context. But it is the great merit of the sociologist Mary Douglas[1] to have shown that purity issues are not only a topic of Jewish or monotheistic religion, but play a role in almost all, not just religious, groups, and often take on a group-specific function.

However, the connection between purity and identity is one that is worth investigating with a view to ancient Jewish and biblical texts. This is hardly disputed concerning texts from the Hebrew Bible or the Qumran Scrolls, but also New Testament texts are no exception to this rule. They show that purity issues are important for the emerging identity of Early Christianity. An overview of the use of purity and impurity terminology in the New Testament texts shows that the topic pervades the entire New Testament text corpora, even if it is only explicitly negotiated in a few places.

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[1] See Mary Douglas, *Purity and Danger. An Analysis of the Concepts of Pollution and Taboo* (London: Routledge, 1994).

This may come as a surprise since purity issues are not a central topic of New Testament texts, and in today's Christian practice, purity issues are not as relevant as in many currents of ancient and contemporary Judaism. But the New Testament itself provides numerous examples, in which we can see the enduring importance of purity in the daily life of the Jesus movement and in Early Christianity. There is a long history of scholarship concerning these texts, and this article will attempt – in a nutshell – to provide an answer to the question once raised by James Crossley, who titled an article: "From Jesus Observing Purity Laws to Some Christians Not Bothering."[2]

The understanding of the Jewish identity of Jesus, for whom the traditional purity regulations would have been self-evident, at least makes the ambivalent and diverse treatment of purity-relevant topics in the New Testament in need of an explanation which must go beyond the temporal difference between the historical Jesus and the emergence of the New Testament texts. Also, the increasing devotion to the mission to gentiles has certainly contributed to the purity-free piety practice of Christianity but is insufficient as a sole explanation. In the following, therefore, a New Testament purity text is considered in terms of its function for establishing identity. A particularly convincing example is the often-overlooked text in 2 Cor 6:14–7:1.

An analysis of this text needs further clarification at two points: On the one hand, the concept of identity requires precision in order to be meaningful and on the other hand, it needs to be taken into account – although this might seem self-evident – that the New Testament does not exist in a "traditional vacuum" but is influenced by many traditions which are in parts textually comprehensible. Any study of New Testament issues must incorporate these realities as well as possible. This applies especially when dealing with a topic which plays such a central role in texts of that time, such as the issue of purity. Particularly relevant of course is the Old Testament, which Frank Crüsemann calls the "space of truth" ("Wahrheitsraum"), in which the New Testament finds its unfolding.[3] In its Hebrew and Greek variants, it influenced the authors of New Testament texts and their topics. The additional sources I investigate are not simply the background against which the New Testament unfolds. They do not serve as heuristic means to an end. Instead, they have their own thematic relevance and, together with the New Testament, they form a frame in which the connection between purity and identity is explored. Though in a short time I will deal with the texts more concretely, I will first clarify to matter of "identity."

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[2] James Crossley, "From Observing Food and Purity Laws to Some Christians Not Bothering. A Socio-Historical Explanation," in *Jesus in Continuum*, ed. Tom Holmén, WUNT 289 (Tübingen: Mohr Siebeck, 2012), 87–113.

[3] Frank Crüsemann, *Das Alte Testament als Wahrheitsraum des Neuen. Die neue Sicht der christlichen Bibel* (Gütersloh: Gütersloher Verlagshaus, 2011).

2. Defining Identity as Social Identity

Identity is both a popular and useful category when analyzing ancient, biblical, and other texts. It is true that identity is important to all kinds of individuals and groups and therefore probably leaves traces in all kinds of texts. But this observation is not enough to gain accurate insights into group phenomena. The concepts of identity are highly differentiated and vary depending on the context in which they are used and the constellation to which they are applied. Finally, the concepts also reflect different psychological and social science trends. One has to choose precisely which aspect of identity to talk about in order to gain a term that is as concrete and fitting as possible.

Ancient texts have a very different relationship to groups and individuals than we have today. The idea of individualism is a fairly recent concept, and yet many biblical texts chose individual figures as the protagonists of their stories. At the same time, we can never separate the protagonists from their groups. Biblical, ancient individuals always only function in connection with the group to which they belong. Therefore, it is necessary to ask about individual identity in relation to the individual's group in ancient texts. Luckily since the 1970's a theory has been developed which focuses exactly on this interface. This theory is called the social identity theory and its founding fathers were Henri Tajfel and John Turner. Those who are acquainted with the Qumran Studies have probably heard of the theory since it has been popularized recently by Jutta Jokiranta[4]. Also some New Testament scholars such as like Philip Esler, Aaron Kuecker, Christian Strecker, and Manuel Vogel have introduced the theory into the discussion of New Testament texts, though it has not yet taken root as it has in the Qumran studies.[5]

The theory of social identity focuses on the identity of an individual as it arises from its belonging to a certain group. Social identity is described in the words of the theory's founder Tajfel as "those aspects of an individual's image of himself which derive from his membership of groups that are salient to him."[6] The theory is far more complicated than this basic definition suggests, but for now I

[4] Jutta Jokiranta, *Social Identity and Sectarianism in the Qumran Movement*, STDJ 105 (Leiden: Brill, 2013), 9.

[5] See for example Philip Esler, *Conflict and Identity in Romans. The Social Setting of Paul's Letter* (Minneapolis: Augsburg Fortress, 2003); Aaron Kuecker, *The Spirit and the "Other." Social Identity, Ethnicity and Intergroup Reconciliation in Luke-Acts*, LNTS 444 (London: Bloomsbury, 2011); Christian Strecker, "Identität im frühen Christentum? Der Identitätsdiskurs und die neutestamentliche Forschung," in *Religionsgemeinschaft und Identität. Prozesse jüdischer und christlicher Identitätsbildung im Rahmen der Antike*, ed. Markus Öhler, BThSt 142 (Neukirchen-Vluyn: Neukirchener Verlag 2013), 113–67; Manuel Vogel, "Modelle jüdischer Identitätsbildung in hellenistisch-römischer Zeit," in *Religionsgemeinschaft und Identität. Prozesse jüdischer und christlicher Identitätsbildung im Rahmen der Antike*, ed. Markus Öhler, BThSt 142 (Neukirchen-Vluyn: Neukirchener Verlag, 2013), 43–68.

[6] Henri Tajfel, ed., *Differentiation Between Social Groups. Studies in the Social Psychology of Intergroup Relations* (London: Academic Press, 1978), 8.

will concentrate on some central parts. The theory was originally developed in the context of conflict research. The aim was to find out how individuals of one group behave towards individuals of another group. In summary, it has become clear that the mere subdivision into groups, without specific characteristics and without a real conflict, already leads to a strong preference of the members of the own group, the so-called In-Group, over those of the other group, the so-called Out-Group. From these results, further experiments have shown that the more important a group is to an individual, the more they identify with the characteristics of that group. This goes so far that the individual completely retreats behind the group and the identity of the individual is almost exclusively determined by belonging to that group. These are extreme cases, of course. But they show that individual identity is also dependent on group affiliation. In terms of the connection between purity and identity, the question arises, to what extent purity is so constitutive for group affiliation that individuals regard purity as identity-shaping due to this affiliation. The extent to which purity is important to an individual is not the only issue, but also the extent to which that importance is based on purity being a group feature or rather a "group belief."

John Turner, the second founder of the original theory, supplemented the theory with the observation that social identity is formed by different processes. Though I do not wish to develop this observation further, it should be sufficient to point out the two main processes that are relevant to my analysis: *social categorization* and *social comparison*. Turner defines the social categorization as follows: "Social categorizations are conceived as cognitive tools that segment, classify and order the social environment, and thus enable the individual to undertake many forms of social action. But they do not merely systematize the social world; they also provide a system of orientation for *self*-reference: they create and define the individual's place in society."[7] Social categorization refers to human behavior, which divides the environment of the individual into different, distinguishable groups and thus creates orientation. In the course of this, I ask whether purity in the particular tradition studied serves to categorize the environment.

The second process is called *social comparison* and describes the concrete form of social identity as it emerges from the comparison of one's own group with another. Having categorized the environment, individuals tend to compare their own In-Group with other Out-Groups with respect to different points of reference. I ask to what extent purity serves to achieve a positive result in a comparison. In other words, I ask if purity is a positive factor for the in-group compared to other groups.

[7] Henry Tajfel and John Turner, "An Integrative Theory of Intergroup Conflict," in *The Social Psychology of Intergroup Relations*, eds. William G. Austin and Stephen Worchel (Chicago: Brooks/Cole Publishing, 1979), 33–47, 40.

On these three factors – (1) the observation that the identity of the individual depends on group affiliation, (2) purity as a factor for social categorization, and (3) purity as a factor for social comparison – I build my analysis of the examined texts. The analysis is preceded by an exegetical examination of each investigated text and a description of the specific use of purity terminology or idea of purity per se.

Of course, all the concepts of identity we know today are modern concepts, so we need to be careful and not anachronistically imply that, for example, Paul had this or that concept in mind when writing his letter to the Romans. Instead, I use the social identity theory purely as a heuristic tool in order to get a sharper view of the texts in question. I am not implying that Paul had the same view. Even if he did mean similar aspects, he certainly did not do so with the same methodological background and terminology. The investigation of various purity texts under the question of their importance for the social identity of the individual is motivated by the thesis that the ambivalence of the New Testament purity texts can be accounted for by the fact that on the one hand the importance of purity as a facet of social identity in Early Christianity has decreased, but purity on the other hand still was a natural part of everyday life. This tension has led to conflicts and discourses, which on the one hand are characterized by the traditional identity-defining meaning of purity and on the other hand are reflected in the various representations of the meaning of purity in the New Testament texts.

3. Paul's "Call for Separation" in 2 Cor 6:14–7:1 as an Example of an Identity Forming Use of Purity Language

A text which is hardly ever analyzed within the context of purity is 2 Cor 6:14–7:1: Paul's call for separation.

The letters to the Corinthians are not known for Paul's discussion of purity issues. Unlike Rom 14 or the deutero-Pauline letters, both letters use remarkably little purity terminology. The context and content of 2 Cor 6:14–7:1, however, show a high relevance for the topic of the present work when considered in detail. A closer look at the semantics reveals that the delicately interspersed purity terminology is not randomly chosen at this point but has its own significance. The relevance of the text for the relationship between purity and social identity is evident at two levels. On the one hand, using terms like ἀφορίζω – "*separate*," ἀκάθαρτος – "*unclean*," καθαρίζω – "to *cleanse*," μολυσμός – "*defilement*" Paul broadly presents the topic of purity. On the other hand, the text pragmatics suggests a treatment on the premise of issues of affiliation, since the central theme of the section is the self-description of the community in opposition to and distinction from others. In addition, in two places within these six verses,

themes are evoked which are closely related to purity regulations and which highlight the subject in their own way. The regulations in view are the Old Testament prohibitions of putting clean and unclean animals under a yoke (6:14) and the temple context, especially since the community to whom Paul speaks identifies itself with the temple. Because of God's dwelling among his people, they are to be separate from the nations. (6:16).

I refrain at this point from the extensive discussions about authenticity and integrity of the section and simply look at the text itself.[8]

Using the help of the theory of social identity it is decisive to understand the formation of in- and out-groups and the criteria by means of which these groups are categorized and compared. An analysis of the Pauline terminology and its concrete use in the present context makes it possible to describe the processes of categorization.

At first glance, the topic and language of the section to be examined fall outside the scope of the 2 Corinthians. The main theme of the letter is the confrontation with opponents and the defense of the apostolate from a Pauline perspective.[9] The portrayal of Paul's self-image and his role as an apostle is delimited from his opponents, so that both topics are closely related.[10] In 2 Cor 6:14–7:1 Paul describes at a meta level dynamics of belonging and demarcation within the developing Christian community as one that sees itself as the recipient of the promises. This community stands in unquestioned continuity and closeness to the people of Israel as the first recipient of this promise and distinguishes itself from those who do not follow the universal call for mercy. At the same time, the combination of scriptural quotations enables people from the gentiles to be included in a very small space without replacing the first-chosen people of Israel.[11] The call for separation aims to make the community exclusive. However, this call does not occur in a vacuum, but is caused by a specific situation. This is shown on the one

[8] For detailed discussion of the problem of authenticity see for example Reimund Bieringer and Jan Lambrecht, eds., *Studies on 2 Corinthians*, BETL 112 (Leuven: Leuven University Press, 1994).

[9] In his interpretation, Bultmann warns against considering the letter's purely biographical character due to the undoubtedly personal character of the letter. It is personal only insofar as Paul as a person was also the holder of the office he describes, cf. Rudolf Bultmann, *Der zweite Brief an die Korinther*, KEK Sonderband (Göttingen: Vandenhoeck & Ruprecht, 1976, 21.

[10] The identity of these opponents is still the subject of exegetical discussion. A decision is not necessary for the question at hand, because it does not influence the interpretation of the present section. Bieringer, who presents the classic approaches and summarizes them in a table, offers good insight into the discussion, Reimund, Bieringer, "Die Gegner des Paulus im 2. Korintherbrief. Forschungsüberblick," in *Studies on 2 Corinthians*, eds. Reimund Bieringer and Jan Lambrecht, BETL 112 (Leuven: Leuven University Press, 1994), 181–221, here 218.

[11] Crüsemann speaks of a compressed "Torah for the Nations"; see Marlene Crüsemann, "Das weite Herz und die Gemeinschaft der Heiligen. 2 Kor 6,11–7,14 im sozialgeschichtlichen Kontext," in *Gott ist Beziehung. Beiträge zur biblischen Rede von Gott*, eds. Claudia Janssen and Luise Schottroff (Gütersloh: Gütersloher Verlagshaus, 2014), 206–27, 218–23.

hand by the confrontation with the "opponents," who sometimes determine implicitly, sometimes explicitly the argumentation of the entirety of 2 Corinthians. On the other hand, it becomes tangible in the explicit juxtaposition of those who are called ἀπίστοι – *nonbelieving* in 6:14. By naming these groups, concrete conflicts and arguments are indirectly invoked, which intensify the struggle for belonging and identity. One reason for the literary-critical questions discussed is also the surprising sharpness with which Paul calls for separation at this point, which stands in contrast to his proclaimed universality of God's care and the associated unity of community. As a parenesis, the section aims at the readers' willingness to change and act and seeks to achieve this through a combination of requests and arguments. Barnett sees this section as "the climax of the apostolic excursus."[12] The argumentative strategy consists primarily of a combination of written quotes that are connected to each other and thus obtain their own meaningfulness. The combination of Scripture and word is to be regarded as Pauline, even if it is striking that it is not introduced with the usual introductory formulas such as καθὼς γέγραπται "as it is written." This argumentation is prepared by a series of rhetorical questions, which, by means of opposing poles, explains the introductory sentence, which prohibits mixing with the ἀπίστοι. The order of rhetorical questions leads to the actual thesis of the reasoning in 16aβ: ἡμεῖς γὰρ ναὸς θεοῦ ἐσμεν ζῶντος "for we are the temple of the living God."

This thesis summarizes Paul's central concern to establish the exclusivity of the congregation of believers. With the metaphor that is used in 2 Corinthians as well as in 1 Cor 3:16–17 and 6:19, Paul shapes an ecclesiological image that does not receive the same attention as that of the "body" or the "planting" but especially in the context of the Corinthian community is suitable to clarify the encouragement and the claim that results from belonging to Christ. This affiliation is an exclusive affiliation and requires a clear decision. The consequences of this decision are finally described by the catechism and in 7:1. Paul draws consequences from it that concern the concrete behavior of the community.

Semantically, the widespread use of purity terminology and metaphor stands out. This includes not only the explicit terms such as ἀφορίζω, ἀκάθαρτος, καθαρίζω, and μολυσμός, but also topics that are brought into the argumentation by the examples given, such as the combination of different animals under a yoke in 6:14 or the temple context in 6:16.

In summary, the section can be described as one that, in parenetic form, makes statements about questions of belonging and identity and does so in the mode of purity determinations, which – as will be shown below – are not only indirectly confirmed, but at the same time undergo a special development that has an impact on the community. Even though the section stands out from its context

[12] Paul Barnett, *The Second Epistle to the Corinthians*, NICNT 8 (Grand Rapids: Eerdmans, 1997), 342.

in some ways, it does not fall out. Volker Rabens rightly emphasizes that the call for demarcation is not an absolute one, but a selective one, which is based on a situation of concrete danger. It therefore does not represent a contradiction to the call for diversity, as found in 1 Cor 12, but rather describes a way of dealing with contact with people who, from the Pauline perspective, endanger the cohesion of the community.[13]

Purity is addressed in two ways in 2 Cor 6:14–7:1. On the one hand, Paul uses a broad spectrum of terms that fall within this context. These include four terms, which are unambiguously and immediately valid as (un)purity terms: ἀφορίζω, ἀκάθαρτος (both in 6:17) and καθαρίζω, μολυσμός (both in 7:1). They are supplemented by the concept of sanctifying (ἁγιωσύνη; 7:1), which is a concept of correspondence and has purity as a prerequisite. On the other hand, at two points within these six verses, topics are mentioned that are closely linked to purity regulations and that profile the topic in their own way. These are the Old Testament prohibition of putting pure and impure animals under a yoke (6:14) and the temple context, which is affected by the self-identification of the community as a temple (6:16). The temple as the place of God's presence requires a special purity from men for them to be able to adequately counter the concentration of holiness. The warning of mixing with the impure in the form of the ἀπίστοι, which is explained by the various confrontations in 15–16a, is therefore reinforced in the self-identification as a temple. Here, the counterpart from "inside" and "outside," which was intended to be internal in for example 1 Cor 5, is transferred to the counterpart between the community and people far from the community.[14] A congregation whose members see themselves as temples and who therefore pay special attention to whatever kind of purity required must all the more differentiate itself from those who are not members of the congregation and have no respect for such purity. The image of the temple evokes various associations for the community in Corinth, and it cannot be assumed that the entire audience will only make the connection to the Jerusalem temple without further ado. The implication associated with it is linked to the Old Testament Jewish conception of the temple. Self-identification does not serve as a substitution for the temple, but rather uses the idea underlying the temple constructively, since, as Böttrich rightly observes that the temple is never just a building, but always a transcendental dimension.[15] A special degree of sanctification is associated with

[13] See Volker Rabens, "Paul's Rhetoric of Demarcation. Separation from 'Unbelievers' (2 Cor 6:14–7:1) in the Corinthian Conflict," in *Theologizing in the Corinthian Conflict. Studies in the Exegesis and Theology of 2 Corinthians*, ed. by Reimund Bieringer, BTS 16 (Leuven: Peeters, 2013), 229–54, 231, 251.

[14] See Martin Vahrenhorst, *Kultische Sprache in den Paulusbriefen*, WUNT 230 (Tübingen: Mohr Siebeck, 2008), 209.

[15] Böttrich argues on the one hand against a substitution of the temple, but on the other hand also against a spiritualization, as particularly prominently represented by Wenschkewitz.

the temple, which at the same time has a separating effect on the outside and a connecting effect on the inside. The human criterion by which this ambivalently understood separation is achieved is purity, or the separation of everything impure, as Paul demands by quoting various texts from the Scriptures in the following verses. Purity is thus already a characteristic of the two substantive associations that determine questions of belonging in the Pauline argument. This is reinforced by the density of the purity terminology used in 6:17 and 7:1.

Second Corinthians 6:17 is the substantive and structural core of the categories in 6:16b–18. The purity issue is explicitly introduced by the separation request in 17a: ἐξέλθατε ἐκ μέσου αὐτῶν καὶ ἀφορίσθητε "Go from their midst and separate yourself." This is an almost literal quotation from Isa 52:11^{LXX}, which is repeated in 17bα: καὶ ἀκαθάρτου μὴ ἅπτεσθε "And the impure do not touch."

In the original quotation, the prohibition not to touch anything impure precedes the request for distancing, so the reason for the segregation is obvious. In Paul's use, which ultimately aims more at the segregation itself than at its reasoning, the distractions are taken apart and interchanged. In the first place, separated from a reason, is the request to distance oneself from others. This request requires something that requires removal. The renewed request for distance through the verb ἀφορίζω concretizes this necessity even without the context provided in Isa 52. The term ἀφορίζω in the NT describes a distinction between good and bad, between wanted and not wanted, it also describes positively the separation into something special.[16]

This distinction implies a lack of alternatives and exclusivity between two poles, which is linked to the mutually exclusive juxtapositions in verses 14–16. The lexeme contains such a need for decision, as illustrated by the rhetorical questions. The use of ἀφορίζω as a verb of separation is also reminiscient of the association with leprosy, since in Lev 13 and 14 the isolation that the priest orders after the declaration of impurity is expressed with ἀφορίζω as a translation of the Hebrew הִסְגִּיר , In ἀφορίζω, the topic of segregation already culminates with the terms of purity. The call to move away from the center of others is taken from Isa 52, but at the same time it allows associations with the center as the core of the community of Israel, as it is expressed particularly in Deuteronomy. It is only in 2 Cor 6:17bα that what was already implied by Paul's use ἀφορίζω is finally concretized by the request not to touch the impure. What in the context of exile

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See Christfried Böttrich, "‚Ihr seid der Tempel Gottes.' Tempelmetaphorik und Gemeinde bei Paulus," in *Gemeinde ohne Tempel. Zur Substituierung und Transformation des Jerusalemer Tempels und seines Kultes im Alten Testament, antiken Judentum und frühen Christentum*, eds. Beate Ego et al., WUNT 118 (Tübingen: Mohr Siebeck, 1999), 411–25. For Wenschkewitz see Hans Wenschkewitz, *Die Spiritualisierung der Kultusbegriffe. Tempel, Priester und Opfer im Neuen Testament* (Leipzig: Leipzig University, 1932).

[16] Thus, Paul describes himself in Rom 1:1 as having been singled out for the gospel, and also in Acts 13:2 the Holy Spirit commands the church to set apart Barnabas and Saul for his work.

in Isa 52 appears abstract, sounds almost like a blanket statement in Pauline's usage. What is impure is left undefined or presupposed, but the ἀπίστοι are addressed implicitly, which have been the counterpart from 6:14 on even through the rhetorical questions. The dynamic that delimitation requirements and thus membership criteria are described with the help of purity regulations and their implications continues in the explanation of the temple thesis from 6:16. While 6:18 states that the relationship between God and the community is reciprocal, familial, and entirely unrelated to questions of purity, 7:1 concludes with the section on purity questions in this manner:

Ταύτας οὖν ἔχοντες τὰς ἐπαγγελίας, ἀγαπητοί, καθαρίσωμεν ἑαυτοὺς ἀπὸ παντὸς μολυσμοῦ σαρκὸς καὶ πνεύματος, ἐπιτελοῦντες ἁγιωσύνην ἐν φόβῳ θεοῦ.

Because we have these promises, beloved, let us purify each other of the defilement of the flesh and the spirit to accomplish holiness in fear of God.

The tone changes noticeably. The imperatives, which convey instructions and prohibitions, are transformed into an indicative, which issues promises and whose message is conveyed with great intimacy through the affectionate familial term "beloved."[17]

This is the basis for a summary of the previous imperatives, which are now attached by means of an inclusive and therefore less harsh-looking hortative. Despite this change in tone, the content is resumed. Paul summarizes his reasoning and states that because of the promises he and his addressees are obliged to distinguish themselves from those who are not part of the community. The demarcation is done by cleaning. Semantically, a wide field within the purity issue is in view here: καθαρίζω is the basic concept of every cleaning and can include everything from physical washing to exercises of penance. The use of the term marks the fundamental nature of the statement. It is a thorough cleaning.

Both the inference from the proclaimed self-identification of the community as a temple and the final direct salutation, which translates what has been said into concrete instructions, operate with ideas of purity as a hallmark of the community. The choice of terms used and the topics that imply purity call for an enormous range of ideas about purity that cannot be refined to a concept or area and which is precisely how their argumentation power is maintained.

[17] Wischmeyer shows that the adjective ἀγαπητός contains an aspect of election and therefore expresses a special closeness and familiarity at this point. It was also an adjective that Paul withheld from the name of his Christ-believing siblings, even if he also knew that the non-Christ-believing Jews were loved by God, according to election (Rom 11:28), cf. Oda Wischmeyer, "Das Adjektiv ΑΓΑΠΗΤΟΣ in den paulinischen Briefen. Eine traditionsgeschichtliche Miszelle," *NTS* 32/3 (1986): 476–80.

4. Conclusion

The command in 6:14 not to mix with those who are faithless clearly demarcates two groups. Members of the addressed group should remove themselves from those who are called unfaithful. This is why Barnett calls the whole section a "call for separation."[18] The fact that there are two groups facing each other and the unambiguousness with which the evaluation of these groups is already made by the initial picture is an indication that this is an identity discourse in the sense of the social identity theory. Paul negotiates the question of who belongs and who does not. He does so by alerting an existing in-group to the danger of mingling with members of the outgroup. It is not about the constitution of social identity, but about their preservation. The fact that these are mutually exclusive groups becomes clear from the five rhetorical questions. A mixture of in- and outgroup is just as unwanted, as it is possible to create a connection between the poles of justice and lawlessness, light and darkness, Christ and Beliar, faith and unbelief, or temples and idols. Even before the actual reasoning of this subdivision, the in- and out- groups are so differentiated from each other that they are simply not mediated or compatible. The real reason Paul speaks of groups that are mutually exclusive is the fact that some do not recognize Jesus as the Messiah. This is the central criterion for dividing the groups. The ἀπίστοι in 6:14 are those who do not believe in Christ. The point in the context of 2 Cor 6:14–7:1, however, lies in the reasoning which follows from 6:16, and which, as has already been shown above, is thematically and semantically marked by ideas of purity. Following on from the self-identification of the community as the temple of the living God, Paul reveals the consequences of it. Here purity is made the criterion of those who belong to the in-group. According to the processes of social identity, purity not only serves to categorize and thus divide the environment into those that belong to the in-group and those that do not. On the grounds of purity, there is at the same time a judgmental moment corresponding to the process of social comparison. Paul juxtaposes the two groups in such a way that devaluation is associated with the term "unclean." The categorization and comparison of both groups by means of explicit and implicit purity features clarifies that there are no grey areas in the evaluation, but that the one group is the only one accepted. At the same time, the breadth of semantics, which reflects the majority of differentiated concepts of purity, makes it clear that for Paul's argumentation the point is not in the processes or the evaluation of actual purity regulations, but in the fact that purity in itself is a value. The fact that Paul operates in such a central way with purity terms and the discursive force at play, functions as a strong indication that purity was a significant value for the formation of the community of those who professed Jesus as the Messiah. The fact that purity was significant

[18] Barnett, *Corinthians II*, 341.

to individuals and used by Paul as an argument in group descriptions and discourse on belonging makes it possible to speak of purity in the sense of social identity as an identifying feature. In the process, the question of the extent to which specific rules of purity in the community in Corinth were followed takes a back seat. However, this conclusion finds its limitation in the insight that purity is ultimately a kind of derived identity that results from belonging to Christ and only intervenes insofar as this understanding of purity means a confession to Jesus as the Messiah. Speaking with the terms of social identity, the characteristic of purity makes it possible to show once and for all that belonging to Christ for Paul is not just a membership of any group within a categorized world, but that a distinctively positive evaluation is associated with this affiliation. In this maybe rather figurative sense, the notion of purity serves as a facet of social identity.

This insight into the discussion in 2 Corinthians describes only one aspect of New Testament purity texts. The analysis of other texts broadens this picture and sometimes also contradicts it. The aim of investigations like this is to show the importance of Jewish rulesets for the identity of the evolving Christian community, even though some of these rules are hardly ever mentioned or even criticized. This analysis shows that in the New Testament purity has by no means lost the identity forming significance that shaped many texts of the Old Testament and other ancient Jewish sources.

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Purity and Impurity of Food and People in Acts 10:1–11:18

Is the Abolition of Jewish Food Laws at the Center of the Cornelian Narrative?

Christina Eschner

Questions of purity and impurity are among the topics which are of greatest importance for early Christianity in general. Since different early Christian texts attest to issues of purity and impurity, a broad spectrum of various problems surfaces. The paradigm of pure and impure appears mainly in two contexts: Firstly, moral transgressions are often linked to impurity, which is cited multiple times in connection with injustice or sin.[1] In catalogues of virtues, impurity is often juxtaposed with concrete transgressions like fornication.[2] On the other hand, purity and holiness[3] are associated with justice.[4] Accordingly, different texts of the New Testament can speak of catharsis in the context of sin.[5] Secondly, the complex of eating is closely associated with questions of purity. The contrast of pure and impure appears in three different contexts: Paul, for example, speaks of impure foods (Rom 14:14; 1 Cor 8:7). Mark 7:1–23 (cf. LukeQ 11:39, 41 // MattQ 23:25–26) represents a long dispute on the question, whether eating without

[1] Cf. 2 Cor 12:21: […] τῶν προημαρτηκότων καὶ μὴ μετανοησάντων ἐπὶ τῇ ἀκαθαρσίᾳ καὶ πορνείᾳ καὶ ἀσελγείᾳ. Cf. also 2 Pet 2:1–22, esp. 2:9–10, 13, 20.

[2] Gal 5:19: "The deeds of the flesh are obvious, which are these: fornication, impurity, licentiousness (πορνεία, ἀκαθαρσία, ἀσέλγεια)" (unless otherwise indicated, all translations in this article are mine). Cf. also Eph 5:3, 5; Col 3:5. See also Eph 4:19. On using impurity terminology in the context of sexual transgressions see Heb 13:4; Jude 7–8; Rev 14:4; 17:4.

[3] On the contrast of impurity and sanctification see also 1 Thess 4:7.

[4] On the connection of purity and justice see also the juxtaposition of the unjust and members of the community defined as "saints" in 1 Cor 6:1–2. Cf. esp. Rom 6:19: "Just as you used to offer the parts of your body in slavery to impurity and to lawlessness, resulting in further lawlessness (δοῦλα τῇ ἀκαθαρσίᾳ καὶ τῇ ἀνομίᾳ εἰς τὴν ἀνομίαν), so now offer them in slavery to righteousness leading to holiness (δοῦλα τῇ δικαιοσύνῃ εἰς ἁγιασμόν)." See also 1 John 1:9 and Titus 2:14; Eph 5:26–27. See also the pure conduct in 1 Tim 4:12; 5:2 and the use of "pure" in the sense of "free from fault" (Acts 18:6; John 13:11).

[5] Cf. 1 Cor 6:9–11; 2 Pet 1:9; Acts 22:16 (Ananias to Paul): "And now what are you waiting for? Get up, be baptized, and wash your sins away (ἀπόλουσαι τὰς ἁμαρτίας σου) […]!" On the explicit mentioning of purification from sins and injustice etc. see also 2 Cor 7:1; Heb 1:3; 1 John 1:7, 9; and also Heb 10:2; 1 John 3:3–10.

prior hand washing will contaminate people. The Acts of the Apostles address purity issues several times within the context of food: In the so-called Apostolic Decree, forbidden foods such as meat sacrificed to idols are considered to be impure (15:20). Moreover, purity and impurity are a central topic of the narrative of Cornelius's conversion in Acts 10:1–11:18. It includes table fellowship with gentiles and is situated in the context of the general opening of the community to gentiles without any preconditions. This makes it of fundamental importance for Acts, since the inclusion of gentiles into the Christian community is obviously disputed (cf. 10:14, 28, 47; 11:2, 8, 17). Evidently, it is precisely the conversion of Cornelius which – apart from the conversion of the Ethiopian (8:26–38) – legitimizes this inclusion (cf. 10:3, 11–16, 22, 30; 11:5–10, 13).

The Cornelius narrative contains several repetitions and duplications. On the one hand is the vision of Cornelius (10:3–8; cf. also 10:22, 30–32; 11:13–14), on the other hand the vision of Peter (10:9–16; cf. also 11:5–10).[6] Luke continues with the report of the actual conversion of Cornelius. He recounts that Peter follows Cornelius's messengers (10:17–23), meets him in Caesarea (10:24–33), and holds a missionary sermon in his house (10:34–43). While Peter is still speaking, the Spirit comes upon the gentiles and thereby legitimizes their baptism (10:44–48). In Acts 11:5–18, Peter gives a speech justifying his visit to Cornelius and his act of baptizing the gentiles. Here, the narrative of Cornelius's baptism and central aspects of Acts 10 are repeated.

In Acts 10:1–11:18, the discussion of purity and impurity is directed towards food (10:14; 11:8), but also towards people (10:28). In the process, traditional definitions of things and people as "pure" and "impure" are questioned and corrected repeatedly. This concerns both the vision of Peter and the conversion of Cornelius and his house. For this reason, a closer look at the concept of impurity at the beginning of the narrative shall follow.

1. The Initial Situation: The Previous Definition of Pure and Impure

1.1 The Characterization of Food as Impure in Peter's Vision (Acts 10:9–16)

In Peter's vision, food is labelled impure several times. Just before Peter's vision, Luke had reported about Cornelius's vision and about how, on the following day, his messengers approached the town of Joppa. At the same time, Peter is having

[6] Like the vision of Cornelius (Acts 10:2), Peter's vision also happens during prayer (10:9). Additionally, the term ὅραμα is used both for Cornelius's (10:3) and Peter's apparitions (10:17; 11:5). Gerhard Schneider, *Die Apostelgeschichte*, 2 vols., HTKNT 5 (Freiburg i.Br.: Herder, 1980–1982), 2:67 n. 75, therefore interprets both as "korrespondierende Visionen."

a vision while praying at the sixth hour, that is, around midday. He gets hungry[7] and food is prepared for him (10:9–10). Peter sees a vessel, similar to a large linen cloth, descending from heaven (10:11; cf. 11:5). When he looks into this vessel, he discovers (cf. 11:5fin–6) that it contains three different classes of animals: quadrupeds, reptiles, and birds of the sky (10:12).[8] A voice calls on Peter to slaughter and eat these animals (θῦσον καὶ φάγε in 10:13; cf. 11:7), but he objects due to their perceived impurity. In 10:14 he states: "Certainly not, Lord, for I have never eaten anything common and unclean" (Μηδαμῶς, κύριε, ὅτι οὐδέποτε ἔφαγον πᾶν κοινὸν καὶ ἀκάθαρτον). The syntagm "common and unclean" (κοινὸν καὶ ἀκάθαρτον) is of central importance for the text at hand. It occurs a second time with almost the exact wording in 11:8, when Peter repeatedly refuses to slaughter and eat, saying: "Certainly not, Lord, for nothing common or unclean (κοινὸν ἢ ἀκάθαρτον)[9] has ever entered my mouth."[10]

The phrase κοινὸς καὶ ἀκάθαρτος has caused much consideration in research. Most have discussed the relation between these two words. Some consider κοινός and ἀκάθαρτος to relate to different things.[11] Wahlen, for example, understands κοινός as a third category between pure and impure, namely, concerning the type of food for which it is unclear if the tithes have been paid.[12] According to Parsons, κοινός in Acts 11:8 means food which has been contaminated by being mixed with

[7] The motif of hunger is emphasized too much by Luzia Sutter Rehmann, "What Happened in Caesarea? *Symphagein* as Bonding Experience (Acts 10–11.18)," in *Decisive Meals. Table Politics in Biblical Literature*, eds. Kathy Ehrensperger, Nathan MacDonald and Luzia Sutter Rehmann, LNTS 449 (London: T&T Clark, 2012), 99–133.

[8] In Acts 11:6, land animals also include wild animals besides quadrupeds and reptiles: τὰ τετράποδα τῆς γῆς καὶ τὰ θηρία καὶ τὰ ἑρπετά. On similar lists cf. esp. Gen 1:28, 30; also Gen 1:24; 6:20; Rom 1:23.

[9] In Acts 11:8 instead of κοινὸν καὶ ἀκάθαρτον we find κοινὸν ἢ ἀκάθαρτον (the same within the narrative in 10:28).

[10] In Acts 11:8, the verb ἐσθίω from 10:14 is changed to εἰσῆλθεν εἰς τὸ στόμα μου (cf. Matt 15:11, 17). Edith M. Humphrey, "Collision of Modes? – Vision and Determining Argument in Acts 10:1–11:18," *Semeia* 71 (1995): 65–84, here 76, interprets this change in a way that the motif of entering is the central aspect of the story. While nothing impure entered Peter's mouth, nevertheless impure gentiles are now on the way to the house where he is staying, and he will enter into an impure house soon.

[11] More often, scholars support a different understanding, at least on the basis of connotation. Cf. L&N, 53.39: "It is possible that there is some subtle distinction in meaning, particularly on a conative level, between κοινός and ἀκάθαρτος in Acts 10:14, but it is difficult to determine the precise differences in meaning on the basis of existing contexts. The two terms are probably used in Acts 10:14 primarily for the sake of emphasis."

[12] See Clinton Wahlen, "Peter's Vision and Conflicting Definitions of Purity," *NTS* 51 (2005): 505–18, here 512–13. Especially rabbinical sources attest to such a classification, as doubtful things exist next to the fundamental categories of pure and impure (cf. m. Demai). However, the use of κοινός κτλ. for doubtful things cannot be proven, as it always refers to distinctly forbidden and excluded things in Greek speaking Judaism (cf. also objections quoted by Wahlen himself [513]).

impure food, but ἀκάθαρτος means food that is impure by nature.[13] However, the use of κοινός cannot be proven for either situation. Instead, in Greek speaking Judaism the term always denotes something strictly forbidden for Jews. It clearly evolved as a term for things prohibited by the Law.[14] Thus, the syntagm κοινὸς καὶ ἀκάθαρτος in Acts 10:14; 11:8 means that here the term ἀκάθαρτος, which is much broader in scope, is specified by κοινός.[15] The term κοινός emphasizes that it is not a natural, unavoidable type of impurity but an impurity caused by transgression of the Law. The word κοινός, in contrast to what most researchers presume, is no translation of the Hebrew term for "impurity," טמא. The central meaning of κοινός κτλ. is rather the fact that things forbidden for Jews, as, for example, pork, are common for people outside of Judaism.[16] This usual meaning of κοινός as "common" is clearly apparent in the use of the term in Josephus, *Ant.* 4.137.[17] In this passage, Jews are outright accused of having their own food and drinks uncommon to others (ὡς καὶ τὰς τροφὰς ὑμῖν ἰδιοτρόπους εἶναι καὶ τὰ ποτὰ μὴ κοινὰ τοῖς ἄλλοις).[18] The addition τοῖς ἄλλοις is striking here. This distinctly shows that the use of κοινός for foods forbidden to Jews has developed from a juxtaposition of traditions of the Jews and of other people outside Law-abiding Judaism. First Maccabees 1:41–63 equally confirms this background. There, the adjective κοινός[19] defines food twice: on the one hand concerning forbidden

[13] Cf. Mikeal C. Parsons, "'Nothing Defiled AND Unclean.' The Conjunction's Function in Acts 10:14," *PRSt* 27 (2000): 263–74, here 264, 266–68: He differentiates strictly between the syntagm κοινὸν καὶ ἀκάθαρτον in Acts 10:14 and the phrase using ἤ instead of καί to connect the two words (10:28; 11:8). In his opinion, both terms are synonymous in Acts 10:14, but not in the other instances: Instead in Acts 10:28 and 11:8, κοινός means a Jew and food ritually contaminated by contact with a gentile or impure food, while ἀκάθαρτος points to a gentile or food impure by nature (i.a. in alignment with Colin House, "Defilement by Association. Some Insights from the Usage of KOINOΣ/KOINOΩ in Acts 10 and 11," *AUSS* 21 [1983]: 143–53).

[14] Research on the use of κοινός κτλ. in Jewish documents shows that Law-abiding Jews often used it interchangeably with impurity terminology. For κοινός κτλ. being limited to things forbidden by the Law in comparison to impurity terminology, cf. Christina Eschner, *Essen im antiken Judentum und Urchristentum. Diskurse zur sozialen Bedeutung von Tischgemeinschaft, Speiseverboten und Reinheitsvorschriften*, AJEC 108 (Leiden: Brill, 2019), 94–95.

[15] Ernst Haenchen, *Die Apostelgeschichte*, 7th ed., KEK 3 (Göttingen: Vandenhoeck & Ruprecht, 1977), 335, calls both terms a hendiadys. Strictly speaking, in a hendiadys the two terms grouped together describe two different aspects of a term (cf. Heinrich Lausberg, *Elemente der literarischen Rhetorik. Eine Einführung für Studierende der klassischen, romanischen, englischen und deutschen Philologie*, 10th ed. [Ismaning: Hueber, 1990], § 305). In comparison, κοινὸς καὶ ἀκάθαρτος is rather a cluster of synonyms, because one word would basically suffice.

[16] Cf. here in detail Eschner, *Essen*, 95–105. The term κοινός κτλ. therefore reveals the opposite point of view on forbidden food as compared to ἀσυνήθης (Josephus, *Bell.* 2.152) and ἄθεσμος (*Bell.* 7.264). These two words define things forbidden for Jews as something contradicting Jewish tradition.

[17] Cf. Eschner, *Essen*, 102–4.

[18] Strictly speaking, Jews do not have their own foods and drinks but refuse those common to other peoples.

[19] In 4 Macc 7:6 the verb κοινόω also appears in the context of questions concerning food, namely in connection with holiness (see Eschner, *Essen*, 111).

offerings (θύειν ὕεια καὶ κτήνη κοινά in 1:47), on the other hand concerning animals not eaten by Law-abiding Jews. In that regard v. 62 states: "But many in Israel stood firm and were confirmed in themselves not to eat common food (τοῦ μὴ φαγεῖν κοινά)." As in Acts 10:1–11:18 κοινός stands in close connection with terms denoting impurity,[20] but the main topic of the entire paragraph is the policy of unification of Antiochus IV Epiphanes.[21] He strives to create a united people also incorporating the Jews. Therefore, they should abandon their own traditions[22] and accept foreign customs (1 Macc 1:44) in order to be assimilated with the other people who do not follow the Jewish Law. In 1:41–42 it says: "Moreover King Antiochus wrote to his whole kingdom, that *all should be one people*, (42) and that *everyone should give up his (particular) customs*." The term κοινός clearly emphasizes that by eating the respective food, the Jews take on something that is common to other people outside Judaism and thus is the custom in general.[23] As 1 Macc 1:47 distinctly shows by mention of pigs, the animals called κοινά are animals being eaten by other people of the kingdom without hesitation. At the same time, 1 Macc 1:47, 62 point out that this widespread practice is devaluated.[24] The English "common" best reflects the Greek κοινός in this context, since it includes both a positive connotation of "something one shares" and a negative sense of something "ordinary, vulgar." In this way, the English "common" expresses both nuances of the word's meaning in just one adjective.

Considering the use of κοινός for forbidden foods, we can conclude that this connotation was not developed before the assimilation of the Jews into Hellenistic society as demanded by the Seleucids. Most likely, it developed during this time of crisis.[25] Accordingly, Luke puts less emphasis on the concept of impurity

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[20] Cf. esp. 1 Macc 1:63: […] ἵνα μὴ μιανθῶσιν τοῖς βρώμασιν; in parallel also 1:48: […] βδελύξαι τὰς ψυχὰς αὐτῶν ἐν παντὶ ἀκαθάρτῳ καὶ βεβηλώσει.

[21] Cf. Eschner, *Essen*, 73–78.

[22] On abandoning one's own traditions cf. 1 Macc 1:42, 49 and esp. 1:52 (πᾶς ὁ ἐγκαταλείπων τὸν νόμον with contradiction in 1:57); likewise 1 Macc 1:56. Elias J. Bickermann, *Der Gott der Makkabäer. Untersuchungen über Sinn und Ursprung der makkabäischen Erhebung* (Berlin: Schocken, 1937), 134–35, also emphasizes that Antiochus IV did not only plan to assimilate the Jews into Hellenistic culture but also wished to abolish their specific traditions.

[23] The same in Richard Bauckham, "James, Peter, and the Gentiles," in *The Missions of James, Peter, and Paul. Tensions in Early Christianity*, eds. Bruce Chilton and Craig Evans, NovTSup 115 (Leiden: Brill, 2005), 91–142, here 103: "'Profane animals' were those commonly used for sacrifice and food among other peoples, but forbidden to Jews by the Torah." According to Jonathan A. Goldstein, *I Maccabees. A New Translation with Introduction and Commentary*, AB 41 (New York: Doubleday, 1976), 222–23, Antiochus demands the sacrifice of animals which cannot be offered according to Jewish Law. Goldstein rather thinks of imperfect than of impure animals (cf. his reference to Lev 22:19–24; Deut 15:21; 17:1).

[24] Cf. LSJ, s. v. κοινός A.VII: "*common, profane*," and s. v. κοινόω I.3: "*make common, defile*, […] *deem profane*" (emphasis original); BDAG, s. v. κοινός 2: "pert. to being of little value because of being common, *common, ordinary, profane*" (emphasis original).

[25] Cf. also Klaus Haacker, *Der Brief des Paulus an die Römer*, THKNT 6 (Leipzig: Evangelische Verlagsanstalt, 1999), 286.

by the use of κοινός in his narrative. Instead, he uses the term to stress that slaughtering and eating such animals is strictly forbidden for Law-abiding Jews, in contrast to other people.[26]

1.2 The Impurity of the Gentiles and the Prohibition of Closer Contact with Them (Acts 10:28; 11:3)

Luke also uses the syntagm κοινὸς ἢ ἀκάθαρτος, that is, "common or unclean," within the actual narrative of the conversion of Cornelius. Here, it does not occur in relation to food but to people. Luke tells us how Peter and his companions[27] follow Cornelius's messengers (10:17–23) and meet him in Caesarea (10:24–33). He reports in detail that Peter encounters a large crowd of people (10:25–26; cf. 11:12) consisting of Cornelius's relatives and close friends (10:24) when arriving at his house (10:27). Judging by Peter's reaction to this crowd, they are clearly gentiles. In 10:27–28 it says: "Talking with him, Peter went inside and found many people gathered there. (28) He said to them: 'You are aware that it is unlawful (or forbidden) for a Jew to associate intimately with a gentile (or one of another nation) or visit him.'" In this passage, Peter explicitly calls Cornelius's family and friends people of different descent (ἀλλοφύλῳ). Moreover, he distinctly states that by entering Cornelius's house he has come in closer contact[28]

[26] Research often supports translating the κοινός phrases in Acts 10:14–15, 28; 11:8–9 with "common" (Frederick F. Bruce, *The Acts of the Apostles. The Greek Text with Introduction and Commentary*, 3rd ed. [Grand Rapids, MI: Eerdmans, 1990], 256; C.K. Barrett, *The Acts of the Apostles*, 2 vols., ICC [Edinburgh: T&T Clark, 1994, 1998], 1:488; Luke T. Johnson, *The Acts of the Apostles*, SP 5 [Collegeville, MN: Liturgical Press, 1992], 181; Joseph A. Fitzmyer, *The Acts of the Apostles. A New Translation with Introduction and Commentary*, AB 31 [New York: Doubleday, 1998], 453; Parsons, "'Nothing Defiled AND Unclean,'" 265; cf. also "gemein" in Jacob Jervell, *Die Apostelgeschichte*, KEK 3 [Göttingen: Vandenhoeck & Ruprecht, 1998], 299; Jürgen Roloff, *Die Apostelgeschichte*, NTD 5 [Göttingen: Vandenhoeck & Ruprecht, 1981], 162; Wilfried Eckey, *Die Apostelgeschichte. Der Weg des Evangeliums von Jerusalem nach Rom*, 2 vols. [Neukirchen-Vluyn: Neukirchener Verlag, 2000], 1:233; moreover "ordinär" in Klaus Haacker, *Die Apostelgeschichte*, Theologischer Kommentar zum Neuen Testament 5 [Stuttgart: Kohlhammer, 2019], 189). Additionally, the translation of κοινός with "unclean" is widely used, e.g., Richard I. Pervo, *Acts. A Commentary*, Hermeneia (Minneapolis, MN: Fortress, 2008), 258, 261: "unclean and impure"; Johannes Munck, *The Acts of the Apostles. Introduction, Translation and Notes*, rev. William F. Albright and Christopher S. Mann, AB 31 (Garden City, NY: Doubleday, 1967), 90, and esp. Matthew Thiessen, *Contesting Conversion. Genealogy, Circumcision, and Identity in Ancient Judaism and Christianity* (Oxford: Oxford University Press, 2011), 127–31. Thiessen explicitly refuses a translation with "common" because he mistakenly assumes it has the same meaning as the term "profane," an interpretation of the gentiles which he rightfully rejects (131). This definition of the gentiles as "profane" in general, however, is proclaimed by, e.g., Jonathan Klawans, "Notions of Gentile Impurity in Ancient Judaism," *AJSR* 20 (1995): 285–312, here 292, 298; cf. also Friedrich Hauck, "κοινός κτλ.," *TWNT* 3:789–810, here 797.

[27] Cf. Acts 10:45; 11:12.

[28] The verb κολλάομαι points to a *very close relationship* of people with other people because it has the connotation of "adhere to something."

with gentiles than is usual or permitted for a Jew. While there is no formal or commonly binding law prohibiting close contact between Jews and gentiles,[29] the term ἀθέμιτόν ἐστιν makes it very clear that Jews who are in intimate contact with gentiles do not comply with Jewish customs and traditions.[30]

Additionally, Acts 11:3 belongs within this larger framework of prohibiting closer contact with gentiles, as here the Jewish Christians of Jerusalem criticized Peter for having table fellowship with gentiles. It says in Acts 11:2–3: "When Peter came up to Jerusalem, those who were circumcised debated with him, (3) saying, 'You went into the house of uncircumcised men and ate with them (εἰσῆλθες πρὸς ἄνδρας ἀκροβυστίαν ἔχοντας καὶ συνέφαγες αὐτοῖς).'" Both this statement and the one in 10:28 clearly show that the criticism of the circumcised believers in Jerusalem is not limited to table fellowship with gentiles. In a more fundamental sense, it rather surmounts to the question whether *closer contact* with gentiles, like entering their house, is allowed to Jews at all.[31] But table fellowship clearly happened in Cornelius's house – according to the rules of ancient hospitality.[32]

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[29] Thus Stephen G. Wilson, "Law and Judaism in Acts," *SBLSP* 116 (1980): 251–65, here 257. Within diaspora Judaism, there are some limitations to the table fellowship of Jews and gentiles, but essentially it is allowed (see Eschner, *Essen*, 119–46). In Palestine, occasional prohibitions of table fellowship with non-Jews do occur (e.g., Philip F. Esler emphasizes in *Community and Gospel in Luke-Acts. The Social and Political Motivations of Lucan Theology*, SNTSMS 57 [Cambridge: Cambridge University Press, 1987], 86: "One consequence of this attribution of ritual impurity to Gentiles is that it is difficult to imagine how it would be possible for any genuine table-fellowship to occur even between Jew and Gentile in a Jewish home"; similarly Str-B 4/1:374, who admit exceptions, however). At the same time, there are also signs of special hospitality (cf. Peter J. Tomson, *Paul and the Jewish Law. Halakha in the Letters of the Apostle to the Gentiles*, CRINT 3/1 [Assen: Van Gorcum, 1990], 231–35). This suggests for the interpretation of Acts 10:28 that table fellowship with non-Jews was not forbidden in general but will definitely have consequences like contamination (see also Barrett, *The Acts of the Apostles*, 1:515). Contra Roloff, *Die Apostelgeschichte*, 171, who assumes a prohibition of fellowship between Jews and non-Jews which is valid for every Jew.

[30] Cf. also BDAG, s.v. ἀθέμιτος: "This term refers prim. not to what is forbidden by ordinance but to violation of tradition or common recognition of what is seemly or proper"; cf. s.v. 1: "pert. to not being sanctioned, *not allowed*, *forbidden*" (emphasis original); cf. also Daniel R. Schwartz, *2 Maccabees*, CEJL (Berlin: de Gruyter, 2008), 277; idem, "'Someone Who Considers Something to Be Impure – For Him It Is Impure' (Rom 14:14). Good Manners or Law?" in *Paul's Jewish Matrix*, eds. Thomas G. Casey and Justin Taylor (Rome: Gregorian & Biblical Press, 2011), 293–309, here 304. Cf. also LSJ, s.v. θέμις I: "*that which is laid down* or *established, law* (not as fixed by statute, but) *as established by custom*" (emphasis original).

[31] Similarly Klaus Haacker, "Dibelius und Cornelius. Ein Beispiel formgeschichtlicher Überlieferungskritik," *BZ* 24 (1980): 234–51, here 240: Acts 11:3 being related to "gar nicht primär […] gemeinsame Mahlzeiten, sondern handelt pauschal vom Umgang mit Heiden, spezieller vielleicht vom Betreten ihrer Häuser, wobei die Erwähnung der Tischgemeinschaft nur als besondere Zuspitzung des Vorwurfs erscheint." Cf. also Pervo, *Acts*, 278 (following Plunkett); Jervell, *Die Apostelgeschichte*, 314.

[32] On the interpretation of Acts 10:1–11:18 against the backdrop of ancient hospitality traditions, cf. Andrew E. Arterbury, "The Ancient Custom of Hospitality, the Greek Novels, and Acts 10:1–11:18," *PRSt* 29 (2002): 53–72. On the vital importance of the motif of hospitality for community formation in Acts in general cf. Dennis E. Smith, "Meals as a Literary Motif in Acts

Hence, table fellowship is *one* act which brings Jews and non-Jews into close contact.[33]

So why is such close contact between Jews and non-Jews perceived as problematic? Why do the Jewish Christians of Jerusalem strictly reject it? The reason for prohibiting any contact lies in the definition of the gentiles as "common or unclean." The consecutive text in 10:28b implies thus: "But God has shown me that I should not call any human being common or unclean (μηδένα κοινὸν ἢ ἀκάθαρτον λέγειν ἄνθρωπον)." In v. 29, Peter explicitly justifies his visit to Cornelius with the abolition of the gentiles' impurity: "For this reason I came without raising any objection when I was sent for. So, I ask for what reason you have sent for me."

Peter was already entering a close relationship with gentiles when he entertained Cornelius's messengers in Joppa. Acts 10:23 says: "Then Peter invited the men (i. e., the servants of Cornelius) and treated them as guests (εἰσκαλεσάμενος οὖν αὐτοὺς ἐξένισεν)." This already reveals a small glimpse of the topic of table fellowship between Jews and gentiles. Just like Peter's stay in the house of Cornelius later, the lodging of Cornelius's messengers most likely also included catering for them. It is striking that Peter is the host here, although he himself is a guest in the house of Simon the tanner at the time. Strictly speaking, Peter transgresses the laws of purity already when asking gentiles to enter the house, which also applies to his lodging at a tanner's house (10:6, 32 with 9:43). Especially in this context where questions of purity are center stage, it is probably no coincidence that Peter is the guest of a tanner of all people, as this profession was despised and associated with impurity due to their contact with animal carcasses.[34]

The following results stand out: Peter's vision and the actual story of Cornelius's conversion use the same terms for impurity. Both times the phrase κοινὸν ἢ ἀκάθαρτον describes what is impure; in Peter's vision it is the forbidden food, and in the Cornelius narrative it is the gentiles. These findings expose how the two parts are connected.[35] The following two questions need to be answered:

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of the Apostles," in *Handbook of Early Christian Meals in the Greco-Roman World*, ed. Soham Al-Suadi and Peter-Ben Smit (London: T&T Clark, 2019), 165–76.

[33] Cf. also Jervell, *Die Apostelgeschichte*, 308: The verb κολλάομαι is explained in Acts 11:3 with table fellowship. On the linguistic proximity of Acts 10:28 and 11:3 cf. Eschner, *Essen*, 556 with n. 713.

[34] Cf. evidence in Str-B 2:695.

[35] Other researchers explain the tensions in Acts 10:1–11:18 differently: According to Martin Dibelius, Luke combines two traditions here which originally did not belong together – the vision of Peter, which was meant to solve the problem of pure and impure food, and a narrative of a conversion (cf. "Die Bekehrung des Cornelius" [1947], in *Aufsätze zur Apostelgeschichte*, ed. Heinrich Greeven, 5th ed., FRLANT 60 [Göttingen: Vandenhoeck & Ruprecht, 1968], 96–107). By contrast, Karl Löning argues for the cohesiveness of both traditions from the beginning (cf. "Die Korneliustradition," *BZ* 18 [1974]: 1–19).

Is there a connection between the (abolition of the) impurity of food and the impurity of human beings? What is this connection?

How does the concept of purity and impurity fit into the larger context? That is to say, what is its function and to what purpose is the abolition or redefinition of the concept? Does Acts 10:1–11:18 really aim to abolish the Jewish food laws? Previous research has often suggested thus, and initially, Peter being instructed in his vision to eat unclean food may prompt one to agree.

In the following, we will address the fundamental question how to interpret the impurity of the gentiles in Acts 10:28.

2. The Characterization of Gentiles as "Common" and Impure in Acts 10:28 against the Backdrop of Ancient Judaism

Regarding the impurity of gentiles in Acts 10:28, research is torn between an interpretation as ritual[36] or moral impurity.[37] In fact, several moral commands such as fearing God, justice, and prayer (10:2, 4, 30–31) as well as charity (10:2; cf. 10:4, 31; and also 9:36; 24:17) are mentioned in this context. Nevertheless, the impurity of the gentiles in Acts 10:28 is more of a ritual-corporal than of moral nature. The immediate context of this statement about impurity is the rejection of close contact with gentiles. Thus, impurity has the clear function of *regulating social contact*. This is typical of ritual impurity, since the crucial difference between ritual and moral impurity consists in the fact that the former is transferable by physical contact. Therefore, one should avoid any physical contact with things and people perceived as ritually impure, as the Lukan Peter himself declares in Acts 10:28a. The following statement in Acts 21:28 is consistent

[36] Cf. Pervo, *Acts*, 284; Barrett, *The Acts of the Apostles*, 1:515; Gedalyahu Alon, "The Levitical Uncleanness of Gentiles," in *Jews, Judaism and the Classical World. Studies in Jewish History in the Time of the Second Temple and Talmud*, trans. Israel Abrahams (Jerusalem: Magnes, 1977), 146–89, here 154; Jerome H. Neyrey, "The Idea of Purity in Mark's Gospel," *Semeia* 35 (1986): 91–128, here 100; cf. also Christoph Heil, *Die Ablehnung der Speisegebote durch Paulus. Zur Frage nach der Stellung des Apostels zum Gesetz*, BBB 96 (Weinheim: Beltz Athenäum, 1994), 122.

[37] Thus esp. Klawans, "Notions," 300–302, who vehemently rejects an interpretation as ritual impurity; and, following him, Christine E. Hayes, *Gentile Impurities and Jewish Identities. Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002), 50; cf. also Bauckham, "James, Peter, and the Gentiles," 107; idem, "James and the Jerusalem Community," in *Jewish Believers in Jesus. The Early Centuries*, ed. Oskar Skarsaune and Reidar Hvalvik (Peabody, MA: Hendrickson, 2007), 55–95, here 73; Jack J. Gibson, *Peter between Jerusalem and Antioch. Peter, James, and the Gentiles*, WUNT 2/345 (Tübingen: Mohr Siebeck, 2013), 118; Christoph Heilig, "The New Perspective (on Paul) on Peter. Cornelius's Conversion, the Antioch Incident, and Peter's Stance towards Gentiles in the Light of the Philosophy of Historiography," in *Christian Origins and the Establishment of the Early Jesus Movement*, ed. Stanley E. Porter and Andrew W. Pitts, TENTS 12 (Leiden: Brill, 2018), 459–96, here 472, 475, 484, etc. On the challenges of a moral interpretation cf. esp. Thiessen, *Contesting Conversion*, 133–37, who supports an interpretation as genealogical impurity instead.

with such a characterization of gentiles as ritually impure. Here, Paul brought Greeks into the temple and thereby made this holy place "common," meaning he desecrated it (ἔτι τε καὶ Ἕλληνας εἰσήγαγεν εἰς τὸ ἱερὸν καὶ κεκοίνωκεν τὸν ἅγιον τόπον τοῦτον).[38] In contrast, moral impurity is usually not contagious and does not require physical separation, which is why it is hardly a reason for denying any close contact.

In Acts 10:28, Peter admits that he himself has thus far[39] supported such negative assessment of the gentiles as "common or unclean," which was normal for Jews at the time. Thus, there appears to be a close connection between Acts 10:28; 11:3 and the Book of Jubilees.[40]

2.1 The Ritual Impurity of Gentiles and Idols (Book of Jubilees, Joseph and Aseneth)

In the Book of Jubilees, the connection between the ritual impurity of the gentiles and the prohibition of contact with them (including the denial of table fellowship) is exactly the same as in Acts 10:28.[41] This restraint is part of Abraham's last admonition to his grandson Jacob (Jub. 22:10–24). The basic command in this text is "Separate from the nations!" Three prohibitions further specify the instruction, each discussing a form of close contact (Jub. 22:16): "Separate from the nations, and do not eat with them. Do not act as they do, and do not become their companion!"[42] Abraham justifies this demand for a strict separation from the gentiles by associating the gentiles with impurity. More specifically, he does not define the gentiles themselves as impure, but he assesses their deeds and their ways as impure, which Jacob should avoid as a compass for his own way of life.[43] He continues in v. 16:[44] "[…] for their actions are something that is impure, and all their ways are defiled and something abominable and detestable." Also,

[38] Cf. also Acts 24:6. On the impurity of the gentiles cf. also John 18:28.

[39] Cf. that κἀμοί in Acts 10:28b adds a contradiction.

[40] A connection between Acts 10:28 and Jub. 22:16 is also supported, e. g., by Markus Bockmuehl, *Jewish Law in Gentile Churches. Halakhah and the Beginning of Christian Public Ethics* (Edinburgh: T&T Clark, 2000), 59.

[41] For more details cf. Eschner, *Essen*, 208–24.

[42] Translation here and in the following texts by James C. VanderKam, *The Book of Jubilees,* vol. 2: *Translation*, CSCO 511 (Leuven: Peeters, 1989).

[43] The definition of the deeds of the gentiles as impure in Jub. 22:16–17 exists in close association with the requirement of Jub. 22:16 not to follow the gentiles' example. Similar requests appear frequently in Jubilees, cf. esp. 3:31; 21:21–23 with 22:19. On the danger of adopting the deeds of the gentiles by mixing and associating with them cf. already Ps 106:35; 2 Kgs 17:15.

[44] The idea of the impurity of deeds and ways appears frequently in Jubilees, cf. 21:21: "I see, my son, that all the actions of mankind (consist of) sin and wickedness and all their deeds of impurity, worthlessness, and contamination. With them there is nothing that is right"; 23:17 for those who abandon the covenant: "[…] every mouth speaks what is sinful. Everything that they do is impure and something detestable; all their ways are (characterized by) contamination, and corruption."

in other passages does the Book of Jubilees connect gentiles with impurity (cf. especially 1:9; 11:16–17; 20:7).[45]

As for Acts 10:28, research is also divided on whether the impurity of the gentiles in the Book of Jubilees is ritual[46] or moral.[47] The interpretation of the impurity of the gentiles in the Book of Jubilees as moral impurity is rooted in the fundamental assumption that only from rabbinical times on were the gentiles regarded as generally ritually impure. Before that, it was because of certain immoral deeds (such as idolatry) that they were deemed to be morally impure, that is, morally corrupted.[48] In this case, however, contact with them did not ritually contaminate a Jew.[49] In order to determine when the idea of the gentiles' ritual impurity originated, it is crucial to evaluate the statements on the impurity of the gentiles in Ezra and Nehemiah. The issue circles around whether the impurity of the gentiles (cf. Neh 13:4–9; Ezra 6:21) is of ritual[50] or merely moral[51] nature here.[52]

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[45] Cf. James C. VanderKam, *The Book of Jubilees*, Guides to Apocrypha and Pseudepigrapha 9 (Sheffield: Sheffield Academic, 2001), 132.

[46] Thus, e. g., Jacob Milgrom, "The Concept of Impurity in Jubilees and the Temple Scroll," *RevQ* 16 (1993): 277–84, here 282 and 279; cf. also Craig L. Blomberg, *Contagious Holiness. Jesus' Meals with Sinners* (Downers Grove, IL: InterVarsity Press, 2005), 72. The ritual purity is strongly emphasized by John C. Endres, *Biblical Interpretation in the Book of Jubilees*, CBQMS 18 (Washington, DC: Catholic Biblical Association of America, 1987), 31. Considering the topics covered in Jub. 21, he sees the main interest of the author in cultic-ritual purity, cf. also 248.

[47] Jonathan Klawans vehemently emphasizes an interpretation in the sense of moral impurity, cf. *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000), 46–48; idem, "Idolatry, Incest, and Impurity. Moral Defilement in Ancient Judaism," *JSJ* 29 (1998): 391–415, here 403–5. Cf. also Hayes, *Gentile Impurities*, 47. Following Klawans, esp. Liora Ravid underlines the specific focus of the Book of Jubilees on moral impurity, cf. "Purity and Impurity in the Book of Jubilees," *JSP* 13 (2002): 61–86, esp. 71–72, 81. She uses the category of "metaphysical impurity" (71–72) for the corruption of Israel (Jub. 1:7–9, 14) and the contamination of the Sabbath (2:25–27).

[48] Cf. Klawans, *Impurity and Sin*, 134–35; idem, "Notions," esp. 302–11; in parallel also Hayes, *Gentile Impurities*, esp. 47–54, 107–44.

[49] Cf. Klawans, "Notions," 288.

[50] Cf. Saul M. Olyan, "Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community," *JSJ* 35 (2004): 1–16, here 10–12.

[51] Cf. Klawans, *Impurity and Sin*, 44–46.

[52] Especially Alon favors an early dating. According to him, the gentiles' ritual impurity is one of the first *halachot* and traces back to the Hebrew Bible (so "Uncleanness," 147, 168, against Adolf Büchler, "The Levitical Impurity of the Gentiles in Palestine before the Year 70," *JQR* 17 [1927]: 1–81, who claims that the impurity of the gentiles is a novelty of the first century CE). Alon states that the restriction of gentiles from entering the temple (cf. Josephus, *Ant.* 12.145–146) is based on the assumption that the gentiles are impure ("Uncleanness," 165–67, 187). In agreement, e. g., Vered Noam, "'The Gentileness of the Gentiles.' Two Approaches to the Impurity of Non-Jews," in *Halakha in Light of Epigraphy*, ed. Albert I. Baumgarten et al., Journal of Ancient Judaism Supplements 3 (Göttingen: Vandenhoeck & Ruprecht, 2011), 27–41, here 41.

Since the author of the Book of Jubilees does not address questions of ritual impurity in detail, one has to give credit to the advocates of moral impurity.[53] Apparently, he does not think in the categories of purity and impurity outlined in the book of Leviticus.[54] Nevertheless, the impurity of the gentiles is clearly of a physical-ritual nature which focuses on aspects of practical relevance. Just as in Acts 10:28, declaring gentiles to be impure aims to make Jews avoid close contact with them. This reveals its *function to organize social contacts*, which is typical of the idea of ritual impurity. However, instead of calling it "cultic" or "ritual" impurity, one should speak of "physically transferable" impurity. Still, the consequences of violating the prohibition of contact with gentiles, thus contaminating a person, remain unclear.[55]

In the Book of Jubilees, assessing the deeds and ways of the gentiles as "impure" is embedded in a strict juxtaposition of Jews and gentiles. In stark contrast to the impurity of the gentiles stands the self-perception of Israel as the holy people. Strikingly, the book emphasizes Israel's holiness in general,[56] which is why it demands separation from the gentiles. Israel as a holy people needs to avoid contact with anything possibly contaminating at all costs. This concerns especially the contact with gentiles who are perceived to be impure.

More specifically, the impurity of the gentiles is closely linked to their worship of idols. The prohibition of contact with gentiles should prevent Jews from partaking in idolatry.[57] Like in Jubilees in general, immediately after the strict demand for separation gentiles are said to be completely determined by idola-

[53] Jub. 31:1 specifically mentions a cleaning ritual, cf. 21:16.

[54] Rightfully so Ravid. But her partial emphasis on moral impurity at the expense of ritual purity laws is problematic and has provoked objections in research. Cf. esp. James C. VanderKam, "Viewed from Another Angle. Purity and Impurity in the Book of Jubilees," *JSP* 13 (2002): 209–15, who points out the material provided by the precursory texts from Genesis and Exodus taken up in Jubilees. Similarly also Lutz Doering, "Reinheit und Tempel. Ein Beitrag zum Verhältnis von Law und Narrative im Jubiläenbuch," in *Law and Narrative in the Bible and in Neighbouring Ancient Cultures*, ed. Klaus-Peter Adam, Friedrich Avemarie and Nili Wazana, FAT 2/54 (Tübingen: Mohr Siebeck, 2012), 243–62, esp. 259–60, who rejects in much detail the view held by some that the idea of ritual impurity is absent from the Book of Jubilees (245–57; previously also idem, "Purity and Impurity in the Book of Jubilees," in *Enoch and the Mosaic Torah. The Evidence of Jubilees*, ed. Gabriele Boccaccini and Giovanni Ibba [Grand Rapids, MI: Eerdmans, 2009], 261–75).

[55] Cf. that there is no mention of a cleaning by rites.

[56] Eberhard Schwarz, *Identität durch Abgrenzung. Abgrenzungsprozesse in Israel im 2. vorchristlichen Jahrhundert und ihre traditionsgeschichtlichen Voraussetzungen. Zugleich ein Beitrag zur Erforschung des Jubiläenbuches*, EHS.T 162 (Frankfurt am Main: Peter Lang, 1982), 21, views the segregation of Israel from other peoples within the context of the Sabbath (Jub. 2:19–21): The seventh day of the week is the "ideological basis" of the demand for separation. For more details cf. Eschner, *Essen*, 211–13.

[57] Cf. Schwarz, *Identität*, 23–25, who specifically thinks of participation in cultic meals. There is a similar function of dietary laws in Let. Aris. 134–142 with 151–152, cf. esp. 139, 142 (cf. Eschner, *Essen*, 79–85).

try.[58] Jubilees 22:17–18 reads: "They offer their sacrifices to the dead,[59] and they worship demons.[60] They eat in tombs,[61] and everything they do is empty and worthless. (18) They have no mind to think, and their eyes do not see what they do and how they err in saying to (a piece of) wood: 'You are my god'; or to a stone: 'You are my Lord; you are my deliverer.' (They have) no mind." By close contact with gentiles, Jews would eventually also become worshippers of idols. Yet multiple times a warning not to participate in idolatry goes out to Israel (20:7–8; 21:5; 36:5), because that would lead to their downfall.[62]

There seems to be a close connection between the impurity of the gentiles and idolatry. In Jubilees, there are several statements pointing out how idolatry leads to impurity. This impurity is more related to the idea of ritual than to moral impurity.[63] Prohibiting idolatry as such – that is, banning any immoral action – is not the focus here. Thus, Abraham does not tell Jacob to avoid idolatry by threatening him that he would become morally impure, just like other peoples do because of forbidden actions.[64] Instead, the purity of Jews is endangered by any

[58] On a very strict interpretation of the idolatry of the gentiles cf. also m. Ḥul. 2:7, according to which the intention of the gentiles is always idolatry.

[59] There are hints that such offerings to the dead took place also in Israel (cf. Deut 26:14; Ps 106:28; Sir 7:33; EpJer 26). Such offerings are rejected in Sir 30:18–19; Wis 14:15; Sib. Or. 3:547 (in connection to sacrifices to idols); 8:382–384; Pirqe Avot 3:4 (Rabbi Shimon's saying). On the interpretation of Tob 4:17 see Eschner, *Essen*, 175–76.

[60] On sacrifices to demons cf. esp. Deut 32:17; Lev 17:7; Ps 106:37; Bar 4:7; 1 En. 19:1; Sib. Or. 8:386.

[61] The background of holding meals on tombs evokes the pagan tradition of Parentalia. This is a Roman festival mainly celebrated by children on the graves of their parents. Next to offerings to the dead, it also included extravagant banquets to which the deceased were invited (cf. Hermann Rönsch, *Das Buch der Jubiläen oder Die kleine Genesis* [Leipzig: Fues's Verlag, 1874], 124–25; Hugh Lindsay, "Eating with the Dead. The Roman Funerary Banquet," in *Meals in a Social Context. Aspects of the Communal Meal in the Hellenistic and Roman World*, ed. Inge Nielsen and Hanne Sigismund Nielsen, 2nd ed., Aarhus Studies in Mediterranean Antiquity 1 [Aarhus: Aarhus University Press, 2001], 67–80, here 75). Cultic celebrations for the dead were widespread in the lands surrounding Israel (cf. Marvin H. Pope, *Song of Songs. A New Translation with Introduction and Commentary*, AB 7C [Garden City, NY: Doubleday, 1977], 210–29). In Greece and Asia Minor, however, only in the case of especially distinguished people (such as rulers), the relatives celebrated a meal at the grave (cf. Peter Ruggendorfer, "Das Mahl zu Ehren der Verstorbenen. Bankette im funerären Kontext im antiken Griechenland und Kleinasien," in *The Eucharist – Its Origins and Contexts. Sacred Meal, Communal Meal, Table Fellowship in Late Antiquity, Early Judaism, and Early Christianity*, ed. David Hellholm and Dieter Sänger, WUNT 376 [Tübingen: Mohr Siebeck, 2017], 3:1589–614, esp. 1610).

[62] Cf. Jub. 22:22: "There is no hope in the land of the living for all who worship idols and for those who are odious. For they will descend to sheol and will go to the place of judgement. There will be no memory of them on the earth. As the people of Sodom were taken from the earth, so all who worship idols will be taken."

[63] Against Klawans, "Idolatry," 405, who interprets contamination in the scope of idolatry one-sidedly as moral impurity.

[64] E. g., in Lev 18:24 LXX with regard to sexual transgressions and the sacrificing of children: μὴ μιαίνεσθε ἐν πᾶσιν τούτοις· ἐν πᾶσι γὰρ τούτοις ἐμιάνθησαν τὰ ἔθνη ἃ ἐγὼ ἐξαποστέλλω πρὸ προσώπου ὑμῶν.

physical contact with doers of impurity, meaning with people who commit idolatry.[65] The Book of Jubilees cautions against this type of contact several times.[66] Moreover, the author of Jubilees interprets impurity caused by idolatry as more concrete altogether than the Hebrew Bible. He regards the idols themselves as impure.[67] They contain impurity and thus contaminate by mere physical contact. This tendency towards a *reification of impurity while practicing idolatry* was widespread in ancient Judaism and appears in writings from the diaspora as well as in those from rabbinical Judaism.[68] In the story of Joseph and Aseneth, the writer reflects the idea of objectified impurity in the shape of idol images and meat sacrificed to idols. This is clearly shown by how Aseneth turned away from her idols in Jos. Asen. 10:12–13: "And Aseneth hurried and took all her gods that were in her chamber (cf. 2:3), the ones of gold and silver who were without number, and ground them to pieces, and threw all the idols of the Egyptians through the window looking north[69] from her upper floor to beggars and needy (persons). (13) And Aseneth took her royal dinner and the fatlings and the fish and the flesh of the heifer and all the sacrifices of her gods and the vessels of their wine of libation and threw everything through the window looking north, and gave everything to the strange dogs. For Aseneth said to herself, 'By no means must my dogs eat from my dinner and from the sacrifice of the idols,[70] but let the strange dogs eat those (cf. 13:8).'"[71] In this scene, Aseneth feels the need to destroy all idols she previously worshipped and everything associated with idolatry.[72] This shows impressively how impurity has become much more concrete than it used to be in the Hebrew Bible. Apparently, every physical (!) contact with

[65] Cf. the mentioning of *their* deeds in Jub. 22:16–17, *their* idols and *their* impurity in Jub. 20:7 etc.

[66] Cf. esp. Jub. 1:9: "For they will forget all my commandments – everything that I command them – and will follow the nations, their impurities, and their shame. They will serve their gods, and (this) will prove an obstacle for them – an affliction, a pain, and a trap"; cf. 1:14. Cf. also Jub. 11:16: Abram leaves his father to avoid worshipping idols with him.

[67] Cf. here that idols and impurity are virtually interchangeable in Jub. 11:4; 20:7; cf. also 1:9; 11:16–17; 21:5.

[68] On impurity of idols in rabbinical literature cf. Hayes, *Gentile Impurities*, 131–38, 142, 215–21.

[69] Thus in the longer version of the text. This highlights that Aseneth throws her belongings into the street. Cf. Ross S. Kraemer, *When Aseneth Met Joseph. A Late Antique Tale of the Biblical Patriarch and His Egyptian Wife Reconsidered* (New York: Oxford University Press, 1998), 52.

[70] According to the longer version, which is most likely the original (cf. in detail Uta B. Fink, *Joseph und Aseneth. Revision des griechischen Textes und Edition der zweiten lateinischen Übersetzung* [Berlin: de Gruyter, 2008], 72–98; Kraemer, *When Aseneth Met Joseph*, 225, however, regards the shorter text as the original like Philonenko). In the shorter version in Jos. Asen. 10:13 one only finds "and gave everything to the dogs as food" (καὶ ἔρριψεν πάντα διὰ τῆς θυρίδος τοῖς κυσὶ βοράν), without explicitly making her own dogs exempt.

[71] Translation by Christoph Burchard, *OTP* 2:216.

[72] On the destruction of idols cf. also Jos. Asen. 11:4–5; 12:9, 12; 13:11; 19:5. Cf. Jub. 31:2 and the destruction of the altar in 1 Macc 4:45 with 4:43.

idols and offerings now contaminates, even Aseneth's dogs. The idols themselves are infectious. At the same time, this allows for a straightforward solution of the problem of idolatry, that is, the destruction of all objects related to the worship of idols.

Regarding idolatry, we can therefore conclude the following: If there used to be a clear boundary between moral and ritual impurity in the Hebrew Bible, as especially Klawans among many other researchers assumes, this is no longer the case later on. In subsequent times, this boundary is surely dissolving and both categories become intertwined.[73] Thus, the following development appears to have taken place: Originally, people thought that one would become impure by idolatry. From this, people developed the belief that touching idols caused impurity. This was extended to worshippers of idols and thereby to the gentiles. By touching them, one would become impure.[74] Hence, the concept of the gentiles' ritual impurity seems to belong among the legislations introduced in Judaism during the time of the Second Temple.[75]

All in all, Acts 10:28 represents the early phase of the concept of the gentiles' impurity. Here just like in Jubilees, *close* types of contact like table fellowship or marriage are considered to be contaminating. However, rabbinical Judaism ex-

[73] During the Second Temple period, a gradual transition between ritual and moral impurity seems to have been more common than, e. g., Klawans assumes. While he sees indeed an intermingling of ritual and moral impurity in 1QS, 1QM, 1QH^a (so *Impurity and Sin*, 75–91), for the most part he assumes a continued differentiation of these two categories for the rest of Judaism. However, unlike what Klawans presupposes, not all cases of impurity, for which no concrete cleansing methods are mentioned, can automatically be attributed to moral impurity. In addition, the Book of Jubilees does not seem to make a very clear distinction between ritual and moral impurity (cf. also Doering, "Purity and Impurity," 272–74).

[74] A connection between ritual impurity of the gentiles and the tradition of ritual impurity of the idols is also assumed by, e. g., Alon, "Uncleanness," 147, 169–70. However, most researchers have explained the impurity of the gentiles with a disregard for the Levitical rules of purity. The gentiles were necessarily viewed as impure, because they did not observe the purity rules. Therefore, any contact with them was forbidden for Jews (cf. Emil Schürer, *Geschichte des jüdischen Volkes im Zeitalter Jesu Christi*, 4th ed., 3 vols. [Leipzig: J. C. Hinrichs'sche Buchhandlung, 1901–1909], 2:89–92; 3:182–83; James D. G. Dunn, "The Incident at Antioch [Gal. 2.11–18]," in *Jesus, Paul, and the Law. Studies in Mark and Galatians* [Louisville, KY: Westminster John Knox, 1990], 129–82, here 142 and 154). According to Alon, on the other hand, the impurity of the gentiles does not stem from their disregard for the laws of ritual purity in Lev 11–15. Instead, it is inherent to them by their descent and thus permanently applicable ("Uncleanness," 147–48).

[75] This view of the gentiles as physically contaminating is also supported by a practice Josephus told about the Essenes: According to *Bell.* 2.150, they would wash themselves even after touching a less inaugurated member, just as after contact with someone from a different nation ([…] ὥστ' εἰ ψαύσειαν αὐτῶν ἐκείνους ἀπολούεσθαι καθάπερ ἀλλοφύλῳ συμφυρέντας). This comparison suggests that the gentiles per se were regarded as impure. Thus, the Essenes extended the ritual impurity of gentiles to outsiders and less inaugurated members. Differently Hayes, *Gentile Impurities*, 63–67; Klawans, "Notions," 299–300: They regard taking a bath after contact both with a non-member and with gentiles, which is used as comparison to the former, to be a special tradition of the Essenes.

panded the contaminating effect of contact with gentiles much further:[76] Now, *each and every contact* with gentiles, even just a chance encounter or touch, leads to contamination.[77] In contrast then to, for example, the Book of Jubilees, gentiles are distinctly associated with different types of Levitical impurity, especially with contamination by bodily fluids.[78]

2.2 The Devaluation of the Gentiles as a "Common Crowd" (Josephus, Letter of Aristeas)

The juxtaposition of the Jews and the gentiles is also at the center of the term κοινός, which Acts 10:28 mentions in connection with the terminology of impurity. As stated in the beginning with reference to food, κοινός often appears in ancient Jewish texts regarding traditions Law-abiding Jews themselves strictly avoided, but which were otherwise widespread (see above 1.1). Hence, this term refers to the gentiles in contrast to the Jews. It does not only emphasize their different origin but implies a clear *devaluation* of anything non-Jewish. Κοινός describes the "common practice" as opposed to something special, classifying it as to be of inferior quality. Such a *derogatory* point of view on non-Jews clearly occurs in Josephus and in the Letter of Aristeas. Both use it to describe the actions of the Greek historian Theopompus (born ca. 377 BCE in Chios, died after 320 BCE). Josephus writes:

> [Ptolemy II] began to discuss with Demetrius how it was that though this legislation (sc. the Jewish Law) was so admirable none of the historians or poets had made mention of it. Demetrius explained that no one had ventured to undertake a description of these laws because of their divine and awful nature, and that some who had already attempted this had been afflicted by God; and he told how, when Theopompus wished to relate something about them, he had become disturbed in mind for more than thirty days and during lucid intervals had tried to appease God, suspecting that it was from this source that his mad-

[76] In contrast, diaspora Judaism is much less severe. Joseph may refuse to kiss Aseneth because that would contaminate him, but he is willing to enter a gentile's house to share a meal.

[77] On impurity of the gentiles in rabbinical sources cf. the copious material in Alon, "Uncleanness," 149–56; Jacob Neusner, *Ohalot. Commentary*, vol. 4 of *A History of the Mishnaic Law of Purities*, SJLA 6 (Leiden: Brill, 1974), 340–45. On the discussion with Alon cf. Hayes, *Gentile Impurities*, 199–204; and on the discussion with Hayes and Klawans cf. Vered Noam, "Another Look at the Rabbinic Conception of Gentiles from the Perspective of Impurity Laws," in *Judaea-Palaestina, Babylon and Rome. Jews in Antiquity*, ed. Benjamin Isaac and Yuval Shahar, TSAJ 147 (Tübingen: Mohr Siebeck, 2012), 89–110. Cf. also Mira Balberg, *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley, CA: University of California Press, 2014), 122–47.

[78] Non-Jews in rabbinical literature are depicted in analogy with menstruating women and those affected by discharge. On the assessment of non-Jews as *zav* cf. sources in Str-B 4/1:374–75 with nn. a and b; Yair Furstenberg, "Outsider Impurity. Trajectories of Second Temple Separation Traditions in Tannaitic Literature," in *Tradition, Transmission, and Transformation from Second Temple Literature through Judaism and Christianity in Late Antiquity*, ed. Menahem Kister et al., STDJ 113 (Leiden: Brill, 2015), 40–68, here 52–54, esp. n. 37; Hayes, *Gentile Impurities*, 122–24.

ness came; not only that, but he learned from a dream that this misfortune had befallen him because he had been too curious about divine things and wished to disclose them to *common men* (τοῦτ' αὐτῷ συμβαίη περιεργαζομένῳ τὰ θεῖα καὶ ταῦτ' ἐκφέρειν εἰς *κοινοὺς ἀνθρώπους* θελήσαντι), and so he gave up his plan and recovered his reason.[79]

Here, the gentiles are defined by the term κοινός as "common people," in contrast to the Jews as the holy people. Since the Law had been revealed to them, they are apparently allowed to be in contact with the divine. Like calling the gentiles impure, the use of κοινός therefore also reflects Israel's persuasion of a certain privileged position as opposed to other peoples.[80]

In summary, the background of Acts 10:28 is the negative evaluation of gentiles which was generally quite common in ancient Judaism. Calling them "impure" appears especially in the Book of Jubilees and later in rabbinical Judaism; calling them "common crowd" appears also in diaspora Judaism. In the Book of Jubilees and in Acts 10:28, purity and impurity serve as an ordering principle for social contact. Because of the impurity of the gentiles, both texts require a certain separation from them. Consequently, this impurity can be transmitted via physical contact. As such, it has a material basis and rather belongs to the so-called "ritual" impurity. It is closely associated with the impurity of idols. In the Book of Jubilees and in the story of Joseph and Aseneth, this impurity of idols and their sacrificial meat is also thought of in a material way. Overall, the traditions from ancient Judaism clearly show that in Acts 10:28 evaluating the gentiles as fundamentally unclean or "common" implies a strict difference between Jews and gentiles. Just this view of the gentiles being generally unclean and "common" is dissolved in Acts 10:1–11:18.

3. The New Definition of the Pure/Impure Code in Acts 10:1–11:18 by God Himself

During Peter's vision, the previously accepted definition of food as impure is re-defined. When Peter refuses to slaughter and eat the animals in the vessel, he hears a voice again (Acts 10:15). It points to God as the one who decides on purity and impurity (cf. 11:9). In this context, the contrast between impurity and purity is explicitly marked by the the verbs κοινόω, "make common," and καθαρίζω, "to clean." Both are used here in a declarative sense.[81] It seems that, finally, clas-

[79] Josephus, *Ant.* 12.110–112, translation by Ralph Marcus, *Josephus. Jewish Antiquities. Books XII–XIII*, LCL 365 (Cambridge, MA: Harvard University Press, 1943), 55, 57. Cf. Let. Aris. 315: "It was revealed to him in a dream that it was due to his meddlesome desire to disclose the things of God to *common men* (τὰ θεῖα βούλεται περιεργασάμενος εἰς κοινοὺς ἀνθρώπους ἐκφέρειν); and then – he said – he ceased and so recovered" (translation by R. J. H. Shutt, *OTP* 2:33).

[80] For more details cf. Eschner, *Essen*, 105–6.

[81] On a declarative interpretation of καθαρίζω cf. Lev 13:6, 13, 23 LXX; Mark 7:19fin (see

sifying things and people as "pure" and "impure" is a matter of definition. How they are to be defined is central to the idea of (im)purity in general. This also appears to be the background of the statement, which Acts 10:28 portrays, saying Peter should not *call* anyone "common or impure" (cf. κοινὸν ἢ ἀκάθαρτον *λέγειν*). Thus, the voice's demand of Peter in Acts 10:15 is as follows: "What God has declared clean (ἅ ὁ θεὸς ἐκαθάρισεν), you are not to call common (σὺ μὴ κοίνου)."

Accordingly, how Peter and God define what is pure and impure conflicts. This represents a decisive modification of the biblical tradition concerning the Jewish food laws. It states several times that the Jews, by observing the dietary laws, are to follow exactly the distinction between pure and impure God himself had set for them. As it says in Lev 20:25 LXX: "And you shall make a distinction between the clean and the unclean cattle, and between clean and unclean birds; and you shall not make yourselves abominable by cattle, or by birds, or by any creeping things of the earth, which I have separated for you by reason of uncleanness."[82] This is also why Peter refuses to slaughter and eat. While he believes to act in compliance with God by his definition of "pure" and "impure," this is actually not so according to the voice from above and hence God himself. What Peter regards as impure and "common," God judges to be pure.

3.1 The Defense of Close Contact by a New Evaluation of the Gentiles (Acts 10:28, 35)

Moreover, the actual narrative of the conversion of Cornelius supplies a new definition of pure and impure, in fact with reference to the gentiles. Acts 10:28 suspends the differentiation of people into pure and impure based on their descent. This becomes evidently clear by the use of the term ἀλλόφυλος, "of foreign descent." Since this is the only time the New Testament mentions the term, it stands out.[83] By it, the Lukan Peter emphasizes that the only criterion previously separating people into pure and impure is their descent from different tribes.[84] The demand to stop calling anyone "common or impure" means, therefore, that no one should automatically be considered impure *because of his descent from gentiles*.

Eschner, *Essen*, 616–17). Friedrich Hauck, "καθαρός κτλ.," *TWNT* 3:416–21 and 427–34, here 428; Haenchen, *Die Apostelgeschichte*, 335; Schneider, *Die Apostelgeschichte*, 2:69 nn. 88 and 89, advocate for a declarative understanding of Acts 10:15; 11:9. On the declarative understanding of κοινόω cf. Hauck, "κοινός κτλ.," 810.

[82] Also specifically emphasized in 11Q19 LI, 8–10, cf. also CD-A VI, 17–18 with VII, 3–4.

[83] Cf. also the mere text-critical option in Acts 13:19 D*. Cf. also 3 Macc 3:6.

[84] By using ἀλλόφυλος, Luke chooses a term which allows him to especially stress the descent of Jews and gentiles from different tribes (cf. LSJ, s.v. ἀλλόφυλος: "*of another tribe, foreign*" [emphasis original]).

But what is the deep-reaching reason for Peter's radical re-evaluation of the gentiles? Apparently, it is the result of realizing that God himself does not judge the gentiles to be unclean, as Peter heretofore held and also assumed for God. The striking connection of 10:28 with 10:34–35 illustrates this clearly.[85] Acts 10:34–35 contains the same refusal to segregate people according to their ancestry, this time with reference to God. Here at the beginning of his missionary sermon, the Lukan Peter states: "Now I realize how true it is that God shows no partiality, (35) but that in every nation he who fears him and works righteousness[86] is acceptable to him (ἀλλ᾽ ἐν παντὶ ἔθνει ὁ φοβούμενος αὐτὸν καὶ ἐργαζόμενος δικαιοσύνην δεκτὸς αὐτῷ ἐστιν)." The phrase "in every nation" creates a stark contrast to the strict separation of Jews and gentiles. Therefore, God's positive attitude towards people is not dependent on which nation they come from.[87] His point of view is what causes the demand to Peter in Acts 10:28 to remove any strict distinction between Jews and non-Jews. To highlight this, Luke strongly emphasizes throughout the story that the meeting of Peter and Cornelius was initiated by God: Cornelius shall fulfil God's command (10:5–6) and the Holy Spirit orders Peter to go with the men from Caesarea (cf. 10:19–20; 11:12), whom he sent himself (10:20). At the same time, Peter's entry into a pagan home is based on a divine order, commanded by a holy angel (10:22b). Finally, Peter's sermon is given to him by God (10:33fin).

Thus, the argument of Acts 10:28, 35 is as follows: If God himself accepts the gentiles who fear him and practice righteousness, then Peter does not have to look down on them and avoid them. On the contrary, he would be contradicting God's attitude by such a behavior. Peter should finally abandon a distinction between Jews and gentiles based on their descent, since God himself does not discern in this way.

3.2 Piety and Righteousness as New Boundaries for Close Contact (Acts 10:35)

Acts 10:35 also shows that in early Christianity, the boundaries of contact were shifted but not completely dissolved. At first, Acts 10:28 seems to indicate there is no more boundary hindering the contact between Jews and gentiles. The demand

[85] On the one hand, there is a connection between ἀλλόφυλος and ἔθνος; on the other hand, κοινὸς ἢ ἀκάθαρτος and δεκτός form a pair of opposites (cf. on this Eschner, *Essen*, 560–61).

[86] On ἐργαζόμενος δικαιοσύνην cf. Ps 14:2 LXX; Heb 11:33; Jas 1:20; cf. also ἐργάζομαι ἀνομίαν (Matt 7:23); τὸ ἀγαθόν (Rom 2:10; Gal 6:10); κακόν (Rom 13:10).

[87] Cf. also that Judaism itself sometimes portrays a very positive view of the gentiles, e.g., in Ps.-Philo, *De Jona* (cf. esp. 216–219). According to this, the gentiles seem to actually have a consciousness of God but are not counted among the people of God (as baptism and the gift of the Holy Spirit enable according to Acts 10:44–48; 11:15–18). More on the distinctly positive image of the gentiles in *De Jona* in Folker Siegert, "Die Heiden in der pseudo-philonischen Predigt *De Jona*," in *Die Heiden. Juden, Christen und das Problem des Fremden*, ed. Reinhard Feldmeier and Ulrich Heckel, WUNT 70 (Tübingen: Mohr Siebeck, 1994), 52–58.

to not call *any* (cf. μηδένα) person "common or impure" seems to suggest that separating people into pure and impure has been abolished altogether. Acts 10:35 then clarifies: This will be true regarding people's descent, but at the same time an incisive, new limitation is pre-emptively established. Depending on their behavior, not all people enjoy God's benevolence. Instead, Peter emphasizes that piety and righteousness are compulsory premises for God's positive attitude towards a person, and it never extends to those who worship idols. Thus, the criterion defining whom the Jewish Christians can have close contact with is no longer Jewishness (by descent or circumcision) but fear of God and the practice of good deeds.[88] Hence, one should not consider anyone as impure simply based on their ancestry and thus exclude them from close contact while they, although being pagans, worship God and practice righteousness.

The passage at hand describes Cornelius himself as a distinctively positive person. He is introduced in detail in the beginning (10:1–2), and this characterization is repeated and extended in Acts 10:22. Twice, Cornelius is said to be God-fearing (φοβούμενος τὸν θεόν in 10:2, 22);[89] he is pious[90] (cf. εὐσεβὴς καὶ φοβούμενος τὸν θεὸν σὺν παντὶ τῷ οἴκῳ αὐτοῦ in 10:2) and righteous (ἀνὴρ δίκαιος καὶ φοβούμενος τὸν θεόν in 10:22). By calling him thus, Luke uses an affiliation of the two virtues of piety and righteousness which was widespread at the time, thereby explicitly defining Cornelius's life as godly.[91] This clearly counts Cornelius among the gentiles who are pleasing to God (cf. especially 10:4, 31). On the whole, Cornelius is portrayed as someone who lives according to some Jewish ordinances[92] and is very close to Judaism.[93] The use of δίκαιος[94] clearly shows this.[95] Therefore, the community of salvation is opened to pagans via those

[88] Cf. on this that piety was already cited in Luke 1:50 as the defining prerequisite for God's mercy on all people (καὶ τὸ ἔλεος αὐτοῦ εἰς γενεὰς καὶ γενεὰς τοῖς φοβουμένοις αὐτόν).

[89] On the question of whether φοβούμενος τὸν θεόν may refer to belonging to the group of the so-called God-fearers, cf. Eschner, *Essen*, 536–38.

[90] On εὐσεβής cf. also the characterization of the soldier in Acts 10:7, who is loyal and faithful to Cornelius.

[91] On proof of the combination of εὐσέβεια and δικαιοσύνη – widespread in pagan contexts as well as in Greek speaking Judaism – cf. Eschner, *Essen*, 538–39.

[92] Barrett, *The Acts of the Apostles*, 1:520, thinks that "[i]t is unlikely that 'practicing righteousness' would be understood as simply 'being good,'" but it also does not mean "observing all commandments and righteous ordinances. […] Since Cornelius is certainly included something less (or other) than this must be in mind, possibly observance of the commandments of the sons of Noah (regarding judgments, blasphemy, idolatry, incest and adultery, murder, theft, and eating meat containing blood […])."

[93] Similarly Barrett, *The Acts of the Apostles*, 1:493, 497.

[94] Cf. that the term δίκαιος is used in the context of a life according to the Jewish laws, e. g., in Luke 1:6 (ἦσαν δὲ δίκαιοι ἀμφότεροι ἐναντίον τοῦ θεοῦ, πορευόμενοι ἐν πάσαις ταῖς ἐντολαῖς καὶ δικαιώμασιν τοῦ κυρίου ἄμεμπτοι); 2:25; 23:50. Cf. also δίκαιος in Luke 18:9; 20:20; 23:47.

[95] Cf. Fitzmyer, *The Acts of the Apostles*, 457 (pointing to Acts 10:35); Barrett, *The Acts of the Apostles*, 1:512. Differently Pervo, *Acts*, 272, who sees a reference to the alms given by Cornelius.

gentiles who are God-fearing and just, meaning who are very similar to the Jewish Christians in any case.[96]

In summary, in Acts 10:28b what was previously in the way of close contact with gentiles – their assumed ritual impurity – is overridden and thus, close contact such as table fellowship is made possible.[97] Likewise, the degrading view Law-abiding Jews held of gentiles as being a "common crowd" is abolished. But Acts 10:1–11:18 does not permit close contact with all pagans and thus even with idolaters. Instead, the restriction of closer forms of contact to those who are pleasing to God remains. But the gentiles indisputably belong to them as long as they are God-fearing and just. The decisive factor is therefore not their origin, but their behavior.

4. Abolishing the Strict Differentiation between Jews and Gentiles at the Core of Acts 10:1–11:18

With very few exceptions,[98] researchers have interpreted Acts 10:1–11:18 to repeal the dietary laws for Jewish Christians.[99] Especially the vision has prompted this suggestion: The request to Peter to slaughter and eat has been interpreted to mean that the prohibition to consume impure animals is now abolished.[100] More

[96] Cf. Christoph W. Stenschke, *Luke's Portrait of Gentiles Prior to Their Coming to Faith*, WUNT 108 (Tübingen: Mohr Siebeck, 1999), 148–64, 310–14, 382–83; similarly already Jacob Jervell, *Luke and the People of God. A New Look at Luke-Acts* (Minneapolis, MN: Augsburg, 1972), 44.

[97] The admission of the gentiles to the meal is therefore carried out in Acts 10:1–11:18 by cleaning, but not by washing, as, e.g., within 1QS in the case of the community meal (cf. Eschner, *Essen*, 231–38). Rather, a redefinition of the gentiles as pure takes place.

[98] Explicitly different, e.g., Peter J. Tomson, "Jewish Food Laws in Early Christian Community Discourse," *Semeia* 86 (1999): 193–211, here 207, who emphasizes that this is about "communion with non-Jews" without overriding the food laws.

[99] The consensus in research suggests that the Jewish Christians of the Lukan community were Law-abiding. However, some argue in favor of a complete abandonment of the Law, e.g., Craig L. Blomberg, "The Law in Luke-Acts," *JSNT* 22 (1984): 53–80, here 70–71; Jerome H. Neyrey, "The Symbolic Universe of Luke-Acts. 'They Turn the World Upside Down,'" in *The Social World of Luke-Acts. Models for Interpretation*, ed. Jerome H. Neyrey (Peabody, MA: Hendrickson, 1991), 271–304, here 295; Daniel R. Schwartz, "The End of the Line. Paul in the Canonical Book of Acts," in *Paul and the Legacies of Paul*, ed. William S. Babcock (Dallas, TX: Southern Methodist University Press, 1990), 3–24, here 4–5. Also, Mark A. Seifrid, "Jesus and the Law in Acts," *JSNT* 30 (1987): 39–57, here 40, 51, considers this a possibility.

[100] For scholars who hold that abolishing parts of the Law is of central importance to the vision, cf. Rudolf Pesch, *Die Apostelgeschichte*, 2 vols., EKKNT 5 (Zürich: Benziger; Neukirchen-Vluyn: Neukirchener Verlag, 1986), 1:339; Blomberg, "The Law in Luke-Acts," 64–65; Hans Hübner, *Das Gesetz in der synoptischen Tradition. Studien zur These einer progressiven Qumranisierung und Judaisierung innerhalb der synoptischen Tradition*, 2nd ed. (Göttingen: Vandenhoeck & Ruprecht, 1986), 190–91, pointing to Lev 11: "Apg 10 f. ist also die Annullierung dieser alttestamentlichen Gesetze"; cf. also 30, 185; Wilson, "Law and Judaism in Acts," 257;

specifically, many consider the table fellowship between Peter and Cornelius in the following narrative to be proof of the abrogation of the Jewish food laws.[101]

However, Acts 10:1–11:18 contains no reason for abolishing the food laws found in Lev 11/Deut 14. Instead, the passage *only* hints to the dietary laws in context of the vision by mentioning different animal species. Within the actual narrative of Cornelius's conversion itself, the food laws are no longer of any concern. This is especially striking since the Lukan Peter is explicitly criticized for his table fellowship with the gentiles. It is this – and not, for example, the baptism of gentiles – which the Jewish Christians in Jerusalem accuse Peter of according to Acts 11:3. Thus, a slight remark to the food consumed during the meal would have been expected if this were the issue at stake. If it had been so, different arguments would seem plausible: Firstly, Peter in his defense could have reasoned that Cornelius never served any food forbidden to Jews, which seems likely given his characterization as "just" and "pious."[102] Secondly, Peter could argue that Jewish Christians and therefore he himself no longer have to obey the Jewish dietary

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Jack T. Sanders, *The Jews in Luke-Acts* (Philadelphia: Fortress, 1987), 119: Acts 10:1–11:18 is "a divinely approved sequel to the abolition of Jewish food laws." Cf. also Pervo, *Acts*, 544, according to whom the Law in Luke, "insofar as it deals with dietary laws and regulations for purity, is opposed to the manifest will of God (10:10–16)"; Alfons Weiser, *Die Apostelgeschichte*, 2 vols., ÖTK 5 (Gütersloh: Mohn; Würzburg: Echter Bibel, 1981, 1985), 1:253–62, esp. 255; Seifrid, "Jesus," 41–44; Gibson, "Peter," 122, 128–29. Jacob Milgrom, *Leviticus. A New Translation with Introduction and Commentary*, 3 vols., AB 3, 3A, 3B (New York: Doubleday, 1991–2001), 1:726, reads Acts 10:1–11:18 in a way that the dietary laws had been abolished, at the same time eliminating the separation between Jews and gentiles. On such an interpretation of Acts 10:1–11:18 as the dissolved separation between pure and impure foods on the one hand and of the abrogated differentiation between Jews and gentiles on the other hand cf. also Helmut Merkel, "Das Gesetz im lukanischen Doppelwerk," in *Schrift und Tradition. Festschrift für Josef Ernst zum 70. Geburtstag*, ed. Knut Backhaus and Franz G. Untergaßmair (Paderborn: Schöningh, 1996), 119–33, here 126–27; Craig S. Keener, *Acts. An Exegetical Commentary*, 4 vols. (Grand Rapids, MI: Baker Academic, 2012–2015), 3:2234.

[101] Exemplarily Dibelius, "Bekehrung," 99, who also recognizes the problem of allowed and forbidden kinds of meat in Peter's vision in the other parts of Acts 10:1–11:18. He therefore proposes the food laws as the main topic of Acts 11:3: "er habe mit Unbeschnittenen zusammen gegessen, also offenbar auch Unreines." Similarly David L. Matson, *Household Conversion Narratives in Acts. Pattern and Interpretation*, JSNTSup 123 (Sheffield: Sheffield Academic, 1996), 114, 119: "Thus, the abrogation of the food laws becomes an explicit feature of the household mission" (cf. also 129, 188). Cf. also John Paul Heil, *The Meal Scenes in Luke-Acts. An Audience-Oriented Approach*, SBLMS 52 (Atlanta, GA: Society of Biblical Literature, 1999), 253, 262–63. Keener too interprets Acts 10:23, 48; 11:3 in the context of the Jewish food laws. Instead of meat offerings to idols or pork, which Cornelius most likely would not have served, he thinks about food which had not been tithed correctly (*Acts*, 2:1777–78, 1816, 1819–20). Joseph B. Tyson, "Guess Who's Coming to Dinner. Peter and Cornelius in Acts 10:1–11:18," *Forum* 3 (2000): 179–96, here 190–91, 195, on the historical level for the 40s and 50s of the first century CE.

[102] Likewise Barrett, *The Acts of the Apostles*, 1:533, 538, according to whom Cornelius, being a pious man, would not have offered Peter pork or meat from other impure animals; cf. also Haacker, "Dibelius und Cornelius," 240; Stephen G. Wilson, *Luke and the Law*, SNTSMS 50 (Cambridge: Cambridge University Press, 1983), 73; Keener, *Acts*, 2:1816.

laws. However, the text at hand does not suggest that Peter indeed violated the food laws. The vision reappears several times after Peter refuses,[103] but in spite of the repeated order to slaughter and eat, there is no record of Peter actually eating impure animals. On the contrary, the passage contains clear signals denying this. Acts 11:10, for example, records everything being drawn up again into heaven.[104] Overall, Peter appears not to understand the meaning of the vision (10:17) and keeps thinking about it (10:19). This leads to the conclusion that eating the animals and thereby violating the food laws is not the actual purpose of the vision.[105] But what, then, is its true intention?

4.1 The Abolition of Previously Valid Distinctions as the Purpose of Peter's Vision

Visions are per se open to multiple interpretations, their function is limited by the argumentative context.[106] It is striking that the visions in Acts 10:1–11:18 are not explained in detail – as, for example, in the Book of Revelation – by an *angelus interpres*. Instead, the progress of events does the interpreting.[107] Luke states in 10:19–20: "While Peter was still thinking about the vision, the Spirit said to him, 'Look, three men are looking for you. (20) So get up, go downstairs, and go with them making no distinction (καὶ πορεύου σὺν αὐτοῖς μηδὲν διακρινόμενος), for I have sent them.'" The Spirit does not explain the vision to Peter in full detail but gives him a clear order on how to act. Since this instruction is directly connected to the vision, it is of essential importance to its meaning. Apparently, the Spirit tells Peter to abandon previously valid distinctions. The verb διακρίνω points to this. Similarly, it appears in Acts 11:12, where the Lukan Peter repeats the order voiced to him in 10:20: "The Spirit told me to go with them *making no distinction* (sc. *and not to make a distinction between them and us*)" (εἶπεν δὲ τὸ πνεῦμά μοι συνελθεῖν αὐτοῖς μηδὲν διακρίναντα). Thus, twice in Acts 10:1–11:18 the verb διακρίνω describes how the events around Peter's entry into Cornelius's house unfolded. It appears in Acts 10:20 as a present participle in the middle voice, in

[103] Cf. ἐπὶ τρίς in Acts 10:16 with vv. 13, 15; cf. also 11:10. Depending on whether one interprets ἐπὶ τρίς as referring to the entire procedure (i. e., the order and the reasoning behind it in 10:13, 15) or not, the vision repeats itself twice (so, e. g., Haenchen, *Die Apostelgeschichte*, 335) or the order to slaughter and eat happens again another time (cf. Schneider, *Die Apostelgeschichte*, 2:69 with nn. 90 and 91).

[104] Cf. Acts 11:10: καὶ ἀνεσπάσθη πάλιν ἅπαντα εἰς τὸν οὐρανόν as the more detailed statement compared to καὶ εὐθὺς ἀνελήμφθη τὸ σκεῦος εἰς τὸν οὐρανόν in 10:16.

[105] Cf. also Matthias Klinghardt, who also rejects the abolishment of the food laws as the scope of Acts 10:1–11:18. He argues that "Petrus der Aufforderung ‚schlachte und iß' ja tatsächlich nicht nachkommt" (*Gesetz und Volk Gottes. Das lukanische Verständnis des Gesetzes nach Herkunft, Funktion und seinem Ort in der Geschichte des Urchristentums*, WUNT 2/32 [Tübingen: Mohr Siebeck, 1988], 212 n. 14). Contrarily Merkel, "Gesetz," 126 n. 33: "Wie sollen Tiere aus einer Vision geschlachtet und gegessen werden!"

[106] Cf. Humphrey, "Collision of Modes?," 69, 81.

[107] Cf. Humphrey, "Collision of Modes?," 73–77, 82.

Acts 11:12, however, the majority of the oldest text witnesses attest to a participle in the active voice.[108]

Some researchers consider διακρίνω in these phrases (esp. in Acts 10:20)[109] to have a special meaning, thus "to doubt" or "to hesitate."[110] Those who support this opinion follow the relevant dictionaries, which clearly differentiate between the use of διακρίνω in the active and middle voice. While they translate διακρίνω in the active voice in the regular way as "to distinguish,"[111] they suggest a special meaning of "to doubt" for the middle voice.[112] Some dictionaries state explicitly that this use of the verb διακρίνω only appears in the literature of early Christianity.[113] The respective researchers assume this meaning because διακρίνω

[108] For Acts 11:12, several variations in reading are attested. In 𝔐 the middle voice appears, which can be explained as an assimilation to Acts 10:20. In some manuscripts this phrase is completely missing (𝔓^{45vid} D l p* sy^{h}). Most manuscripts read an active participle, either διακρίναντα (א^{2} A B 33 81 945 1739) or διακρίνοντα (א* E Ψ 1175), or ἀνακρίναντα (𝔓^{74}).

[109] Cf. Bertil Gärtner and Hans F. Bayer, "Unterscheidung/Zweifel," in *Theologisches Begriffslexikon zum Neuen Testament*, eds. Lothar Coenen and Klaus Haacker, 2 vols. (Wuppertal: Brockhaus; Neukirchen-Vluyn: Neukirchener Verlag, 1997, 2000), 2:1719–20; Esler, *Community*, 94. Cf. Barrett, *The Acts of the Apostles*, 1:511, who interprets Acts 11:12 in the sense of "making no distinction." He also considers this for 10:20 (1:540) but prefers an interpretation as "not doubting, not hesitating" for the middle voice (1:511). Cf. Johnson, *The Acts of the Apostles*, 185, who also suggests for Acts 11:12 "without doubting" (198); Heil, *The Meal Scenes in Luke-Acts*, 250, 260 with n. 45; Ben Witherington III, *The Acts of the Apostles. A Socio-Rhetorical Commentary* (Grand Rapids, MI: Eerdmans, 1998), 351 n. 100; Pervo, *Acts*, 272, who defines the phrase in Acts 10:20 as "multivalent" but interprets Acts 11:12 as "avoiding distinctions" (262, cf. 287).

[110] Cf. the frequent translation of Acts 10:20 and 11:12 with "ohne Bedenken," e. g., in Haenchen, *Die Apostelgeschichte*, 331–32; Schneider, *Die Apostelgeschichte*, 2:56, 59 (cf. 70: pointing to the assumption of a special meaning); Jervell, *Die Apostelgeschichte*, 300–301; Fitzmyer, *The Acts of the Apostles*, 456, who translates Acts 10:20 as "without hesitation" (also 11:12; cf. 469, 471) but consults the regular meaning "debate, dispute" for his explanation.

[111] Cf. also LSJ, s. v. διακρίνω II: "*distinguish*" (emphasis original); Franz Passow, *Handwörterbuch der griechischen Sprache,* rev. Valentin C. F. Rost et al., 5th ed., 4 vols. (Leipzig: Vogel, 1841–1857; repr., Darmstadt: Wissenschaftliche Buchgesellschaft, 2008), s. v. διακρίνω a: "auseinander scheiden, absondern, ausscheiden, trennen"; b: "unterscheiden"; BDAG, s. v. διακρίνω 2 pointing to Acts 11:12: "to conclude that there is a difference, *make a distinction, differentiate*" (emphasis original); cf. also Gerhard Dautzenberg, "διακρίνω," in *Exegetisches Wörterbuch zum Neuen Testament*, ed. Horst Balz and Gerhard Scheider, 2nd ed., 3 vols. (Stuttgart: Kohlhammer, 1992), 1:732–738, here 733.

[112] Cf. BDAG, s. v. διακρίνω 6: "to be uncertain, *be at odds w. oneself, doubt, waver*" (emphasis original, i.a. with reference to Acts 10:20; Matt 21:21; Mark 11:23; Rom 4:20; 14:23; Jas 1:6; 2:4; Jude 22; Luke 11:38 D); Dautzenberg, "διακρίνω," 732–734; L&N, 31.37: "διακρίνομαι, διαλογισμός, οῦ *m*, διστάζω: to think that something may not be true or certain – 'to doubt, to be uncertain about, doubt.' διακρίνομαι: πορεύου σὺν αὐτοῖς μηδὲν διακρινόμενος 'go with them, with no doubts at all' Ac 10.20"; cf. also LSJ, s. v. διακρίνω VII: "*doubt, hesitate, waver*, […] usu. in Med. and Pass.," with reference to Acts 10:20 (emphasis original).

[113] Cf. BDAG, s. v. διακρίνω 6: "(this mng. appears first in NT)"; Friedrich Büchsel, "κρίνω," *TWNT* 3:920–55, here 948. On suggestions for the derivation of this special meaning by different researchers cf. the overview in Peter Spitaler, "Διακρίνεσθαι in Mt. 21:21, Mk. 11:23, Acts 10:20, Rom. 4:20, 14:23, Jas. 1:6, and Jude 22. The 'Semantic Shift' That Went Unnoticed by Patristic Authors," *NovT* 49 (2007): 1–39, here 3–4.

marks the opposite of faith in several early Christian phrases.[114] Taking everything into account, this special meaning of διακρίνω during the first century CE and later remains very uncertain. Spitaler, for example, was able to prove that the proposed change of meaning of διακρίνω is based on its Latin translation and therefore only appears much later.[115] The fathers of the church show no signs of a change of meaning in their interpretation of texts containing διακρίνομαι in the New Testament. Rather, they use this verb in its regular sense of "to contest/to dispute" or "being separated or divided."[116] In addition, Baumert objects to the assumption of a special meaning in early Christianity.[117]

Taking a closer look at the two διακρίνω phrases documented in Acts 10:20 and 11:12, the wording in Acts 11:12 can definitely be interpreted as "to distinguish." Greek literature supplies many parallels in the use of this verb in the active[118] and passive voice[119] in the sense of "to distinguish." It is precisely this usual translation of διακρίνω which best fits the context at hand focusing on purity questions. Categorizing things and people into pure or impure itself is the result of a process of differentiation. Even Plato explicitly uses the verb διακρίνω to define things as pure or impure, namely, to categorize pure and impure lust.[120] Josephus uses διακρίνω for the distinction between the food allowed and forbidden to Jews.[121] An understanding of διακρίνω in the sense of "to distinguish" also fits better with the description of Peter in Acts 10:1–11:18. During the vision, Peter never seems doubtful and insecure. Instead he is very firm in his rejection of transgressing the food laws and therefore his position on the distinction between pure and impure.[122] Finally, the use of διακρίνω in Acts 15:9 also supports the interpretation in the sense of "to distinguish." Here, Peter recapitulates

[114] Cf. Jas 1:6: αἰτείτω δὲ ἐν πίστει μηδὲν διακρινόμενος; Mark 11:23: […] μὴ διακριθῇ ἐν τῇ καρδίᾳ αὐτοῦ ἀλλὰ πιστεύῃ/Matt 21:21: ἐὰν ἔχητε πίστιν καὶ μὴ διακριθῆτε; Rom 4:20: εἰς δὲ τὴν ἐπαγγελίαν τοῦ θεοῦ οὐ διεκρίθη τῇ ἀπιστίᾳ ἀλλ᾽ ἐνεδυναμώθη τῇ πίστει. Spitaler rejects the argumentation ("Διακρίνεσθαι," 6).

[115] Cf. Spitaler, "Διακρίνεσθαι," 2, 37–39. On further problematic assumptions related to a meaning of "to doubt," cf. 4–13; idem, "'Doubting' in Acts 10:20?," *Filología neotestamentaria* 20 (2007): 81–93, here 83–86.

[116] Cf. Spitaler, "Διακρίνεσθαι," 13–36. Cf. also the detailed examination of the evidence some researchers cite for an understanding in the sense of "to doubt." In contrast, Spitaler rejects such interpretation in general (8–12). Cf. also idem, "'Doubting,'" 88–92.

[117] Cf. Norbert Baumert, "Das paulinische Wortspiel mit κριν-," *Filología neotestamentaria* 15 (2002): 19–64.

[118] So, e. g., Homer, *Od.* 8.195; Herodotus, *Hist.* 3.39.4; Aristotle, *Pol.* 1341A; Plutarch, *Comp. Lyc. Num.* 2.4; Appian, *Bell. civ.* 5.12.120; Athenaeus, *Deipn.* 6.36 (239B); 13.54 (588E). Cf. Josephus, *Ant.* 3.259.

[119] Cf. Thucydides 1.49: διεκέκριτο οὐδέν ἔτι.

[120] Cf. Plato, *Phileb.* 52C: Οὐκοῦν ὅτε μετρίως ἤδη διακεκρίμεθα χωρὶς τάς τε καθαρὰς ἡδονὰς καὶ τὰς σχεδὸν ἀκαθάρτους ὀρθῶς ἂν λεχθείσας […].

[121] Cf. Josephus, *Ant.* 3.259: Καὶ περὶ τῶν ζῴων δὲ διέκρινεν ἕκαστον, ὅτι τρέφοιντο καὶ οὗ πάλιν ἀπεχόμενοι διατελοῖεν.

[122] Cf. esp. the emphatic negation μηδαμῶς in Acts 10:14; 11:8, which only appears here in the New Testament (but cf. Gen 18:25; Jonah 1:14; Ezek 4:14 [each LXX]).

the opening of the community to the gentiles described in Acts 10:1–11:18[123] and explicitly states with reference to διακρίνω: "God, who knows the heart, bore witness to them (sc. the gentiles) by giving them the Holy Spirit, just as he also did to us (sc. the Jews). (9) And he made no distinction between us and them (καὶ οὐθὲν διέκρινεν μεταξὺ ἡμῶν τε καὶ αὐτῶν) by cleansing (also) their hearts by faith."

This is where the idea of the impurity of the gentiles appears for the second time in the book of Acts. Connecting 10:28 and 15:9 (as some researchers do)[124] leads to a certain discrepancy: In 10:28 the impurity of the gentiles is already said to no longer be applicable in general with the result that there is no more basic difference between Jews and gentiles; yet 15:9 mentions the issue of purification of the gentiles again, which can only happen when they turn to Jesus (cf. τῇ πίστει). Thus in 15:9 they must still be unclean. However, there are fundamental differences in the wording of both passages which leads one to argue against a close connection of the two statements on impurity. In 10:28, the gentiles' ritual impurity has been dissolved before they turned to Jesus and received the Spirit (cf. 10:35), so that the Jews could come into closer physical contact with them. In 15:9, however, the main topic is the impurity of the heart, that is, moral impurity which can only be overcome by faith.[125]

Different from the active voice in Acts 11:12, the use of the middle voice in 10:20 demands an explanation. It is quite uncertain whether διακρίνω in the middle voice means "to distinguish."[126] Finally, does the expression μηδὲν διακρινόμενος in 10:20 have a meaning of its own compared to μηδὲν διακρίναντα in 11:12? Ultimately, even researchers who strictly reject a semantic shift of the verb accept a variation in nuance for Acts 10:20, including (among others) "to dispute" in 10:20, "to distinguish" in 11:12.[127] But because the two phrases in Acts 10:20

[123] Cf. Eschner, *Essen*, 375–78.

[124] So, e. g., Pesch, *Die Apostelgeschichte*, 2:78. Also, Hans J. Sellner, *Das Heil Gottes. Studien zur Soteriologie des lukanischen Doppelwerks*, BZNW 152 (Berlin: de Gruyter, 2007), 309, assumes a connection between Acts 10:28 and Acts 15:9, stating that Acts 10:28 has been modified in 15:9. In opposition Barrett, *The Acts of the Apostles*, 2:717.

[125] Taken together, the ritual impurity of the gentiles in Acts 10:28 is most likely closely related to the impurity of the idols, which Acts 15:20 re-activates by the use of ἀλίσγημα. Thus, the impurity of the idols in Acts 15:20 should be interpreted in a ritual sense, as it is common in Judaism at the time (see Eschner, *Essen*, 353–56). Researchers often see a connection between Acts 15:9 and 15:20, but this must be rejected (cf. Eschner, *Essen*, 357 n. 278).

[126] The perfect stem should rather be treated separately. In Plato, *Phileb.* 52C (see n. 120 above), διακεκρίμεθα can either be interpreted as middle voice or passive with a non-passive meaning (deponent verb).

[127] See Spitaler, who suggests for the middle voice in Acts 10:20 (in analogy with the use of διακρίνομαι in Acts 11:2) the interpretation "to contest/to dispute" ("'Doubting,'" 88–92: "without contest/dispute/objection"). See also Baumert, "Wortspiel," who explicitly advocates for interpreting διακρίνω as "to differentiate," understanding the middle voice in the sense of "to separate/distance oneself" (19–20, 23, 31–32). With this interpretation of Acts 10:20 as "[…] go with them in no way distancing yourself" (32), the command appears to be tautological. Then,

and 11:12 appear so closely together, the meaning of διακρίνω can *not* diverge so strongly.[128] Especially looking back from Acts 11:12 to 10:20, it can be argued that both διακρίνω phrases are on the same level and should thus to be understood as "making no distinction."[129] By comparison of the wordings, Acts 10:20 turns out to be generally more distinctive. It is not only the use of the middle voice that is unusual, but also the use of the present tense: Normally one would expect the aorist if the author did not want to emphasize the time aspect.[130] Either the middle voice in Acts 10:20 tries to assimilate to πορεύομαι (also in the middle voice here),[131] or it expresses the cognitive meaning of the middle voice. The latter would emphasize Peter's own position on the topic of differentiation or rather his own interest in such a separation ("making no difference to you"). Therefore, Acts 10:20 highlights διακρίνω more than 11:12, as it appears here for the first time. In the phrase in Acts 11:12, representing merely a repetition, Luke does not need to use the more striking form again.

The vision itself also seems to indicate that the more important topic is not impurity as such but the abolishment of previous differences. In Acts 10:14; 11:18, for example, the Lukan Peter mentions only the forbidden foods, using them to explain his refusal of the order to slaughter and eat. Thus, this does not permit one to think that there were only impure animals in the vessel descending from heaven.[132] Acts 10:12 specifically says: "In it were *all kinds* of four-footed animals and reptiles of the earth and birds of the air." The universal πάντα in this statement suggests that the three classes of animals mentioned are represented in the vessel *with all their respective species* (cf. also the article τά). It follows that the vessel contains both pure and impure animals, therefore also those forbidden to Jews according to Lev 11/Deut 14. In summary, the purpose of the vision is not that Peter should eat only impure animals, but that he should eat of *all* animals, *without making a distinction*, like he used to.

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the participial construction does indeed have no meaning of its own, which can be deduced from it being used twice.

[128] See also the respective use in context with μηδέν as well as the use within the request to go with Cornelius's companions.

[129] The understanding in the sense of "to distinguish" also seems likely for the use of διακρίνω in the middle voice in Rom 14:23 (see Eschner, *Essen*, 339 with n. 213).

[130] Due to the use of the present tense, the making of distinctions in Acts 10:20 seems to be a longer process.

[131] In Acts 11:12, συνελθεῖν αὐτοῖς is used instead.

[132] In opposition to Pesch, *Die Apostelgeschichte*, 1:338, according to whom Peter's reaction in Acts 10:13–14 presumes that the majority of the animals was impure. Kalervo Salo, *Luke's Treatment of the Law. A Redaction-Critical Investigation*, AASF 57 (Helsinki: Suomalainen Tiedeakatemia, 1991), 210, even holds the opinion that Luke considered *all* animals in the vision to be impure.

4.2 The Symbolic Meaning of the Vision

In the story, Peter himself points to his vision of slaughtering and eating the animals twice and summarizes its result. In 10:28 he states: "But God has shown me […]." In 10:34, Peter begins his missionary sermon as follows: "Now I realize how true it is (ἐπ' ἀληθείας, cf. Luke 4:25; 20:21; 22:59; Acts 4:27) […]."[133] Both references are clearly connected to motifs from the vision, which becomes especially clear by the use of impurity terminology in the phrase κοινὸν ἢ ἀκάθαρτον. Both the vision (Acts 10:14; 11:8) and the narrative (10:28) employ these terms, thus representing the closest connection between the two parts.[134] However, there is one important modification: The vision applies them to animals or foods, while the narrative uses them in a much wider sense with respect to people.[135] Concerning Peter's application of the terms to people, the request of the Spirit in 10:20 is crucial: "So get up, go downstairs, and go with them making no distinction!" Here, the command not to make distinctions pertains to the recently arrived gentiles, thus *people*. It seems that precisely this request is why Peter understands the abolished impurity of the animals in the vision (10:15; 11:9) to mean the abolishment of the impurity of non-Jewish people. Hence, the admonition of the Spirit is the central link between the vision and the narrative of Cornelius's conversion.

In conclusion, the request to slaughter and eat within the vision should not be taken literally. Strikingly, the report does not mention Peter actually transgressing dietary laws, although a literal understanding of the vision permits it. Thus, Peter's vision, in which he is asked to no longer distinguish between clean and unclean animals, carries first and foremost symbolic meaning.[136] In fact,

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[133] In Acts 10:34–35 as compared to 10:28, Peter has also learned from Cornelius that God had appeared to him too.

[134] The reminder that God had purified the animals in the vision (Acts 10:15; 11:9) not only happens by the explicit use of impurity terminology in Acts 10:28 but also by God's rejected distinction between Jews and gentiles according to 10:35. This is especially true in view of the previous designation of the gentiles as impure in Acts 10:28.

[135] Also, Jervell, *Die Apostelgeschichte*, 305–6, 308, emphasizes that the narrative focuses on people, not animals.

[136] On a symbolic interpretation of the vision cf. John B. F. Miller, "Exploring the Function of Symbolic Dream-Visions in the Literature of Antiquity, with Another Look at 1QapGen 19 and Acts 10," *PRSt* 37 (2010): 441–55, here 453–54: According to him, especially Peter's initial literal understanding of the vision speaks in favor of a symbolic interpretation, because Peter does not even consider it as an option to violate the food laws (cf. also idem, *"Convinced That God Has Called Us." Dreams, Visions, and the Perception of God's Will in Luke-Acts*, BiInt 85 [Leiden: Brill, 2007], 207). Cf. also Haenchen, *Die Apostelgeschichte*, 335: "der Wortsinn scheint für den Erzähler überhaupt nicht in Betracht zu kommen"; Pervo, *Acts*, 274–75; Roloff, *Die Apostelgeschichte*, 170; Chris A. Miller, "Did Peter's Vision in Acts 10 Pertain to Men or the Menu?," *BSac* 159 (2002): 302–17; Friedrich Avemarie, *Die Tauferzählungen der Apostelgeschichte. Theologie und Geschichte*, WUNT 139 (Tübingen: Mohr Siebeck, 2002), 368; Hermut Löhr, "Speisenfrage und Tora im Judentum des Zweiten Tempels und im entstehenden Christentum," *ZNW* 94 (2003): 17–37, here 31; Haacker, *Die Apostelgeschichte*, 190. Thiessen, *Contesting Conversion*,

the Jewish dietary laws fit particularly well with the concept of distinction, because the process of differentiation is essential for observing them. Josephus's use of διακρίνω clearly illustrates this.[137] In conclusion, the following connection between the vision and the narrative stands out: *Just as Peter in his vision should no longer discern between pure and impure animals but eat all of them, he should also no longer distinguish between Jews and God-fearing gentiles in his encounter with Cornelius.* His vision therefore serves primarily to ensure that Peter actually responds to Cornelius's call despite possible resistance.[138]

How, then, does this transfer from animals to humans take place? The Hebrew Bible already relates the observance of the Jewish food laws (i. e., the differentiation between pure and impure foods) closely to Israel's separation from the nations.[139] Texts from Greek-speaking diaspora Judaism especially emphasize that by following the dietary laws, Jews distinguish themselves from the gentiles.[140] The symbolic use of the Jewish food laws also appears: The Letter of Aristeas reflects an interpretation of the food laws which is very similar to Acts 10:1–11:18, also focusing on the distinction, or rather separation, of the Jews from the gentiles.[141] Apparently, Acts 10:1–11:18 dissolves precisely this issue.

All in all, the following stands out regarding the abolition of the Law or the Jewish food laws: The narrative of Cornelius does not portray the Jewish food laws as abolished but their closely related function of distinguishing Israel from the gentiles. Peter's vision serves to highlight that with God, there is no distinction in relation to *people*, namely, between Jews and God-fearing gentiles. Therefore, Peter should no longer make this distinction. The verb διακρίνω appearing twice in the Cornelius narrative also expresses this. Each time, the Spirit calls Peter to follow the men of Cornelius; in both instances, this verb needs to be understood in the sense of "to distinguish." The Spirit thus states that Peter

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136–37, points to the comparison of Jews and gentiles with pure and impure animals in 1 En. 89:11–14, etc. On the vision cf. lastly John R. L. Moxon, *Peter's Halakhic Nightmare. The "Animal" Vision of Acts 10:9–16 in Jewish and Graeco-Roman Perspective*, WUNT 2/140 (Tübingen: Mohr Siebeck, 2017), according to whom the main point is not the distinction between Jews and gentiles but prejudices in general.

137 Thus in Josephus, *Ant.* 3.259 (on the text see n. 121 above). Multiple times, observing the Jewish food laws is a matter of distinguishing between pure and impure, e. g., already in Lev 11:47 LXX with διαστέλλω: […] διαστεῖλαι ἀνὰ μέσον τῶν ἀκαθάρτων καὶ ἀνὰ μέσον τῶν καθαρῶν καὶ ἀνὰ μέσον τῶν ζωογονούντων τὰ ἐσθιόμενα καὶ ἀνὰ μέσον τῶν ζωογονούντων τὰ μὴ ἐσθιόμενα; in Lev 20:25 LXX with ἀφορίζω: καὶ ἀφοριεῖτε αὐτοὺς ἀνὰ μέσον τῶν κτηνῶν τῶν καθαρῶν καὶ ἀνὰ μέσον τῶν κτηνῶν τῶν ἀκαθάρτων καὶ ἀνὰ μέσον τῶν πετεινῶν τῶν καθαρῶν καὶ τῶν ἀκαθάρτων […].

138 On the possibility of refusing to go along with the messengers of Cornelius cf. Acts 10:29: διὸ καὶ ἀναντιρρήτως ἦλθον μεταπεμφθείς; cf. also Acts 19:36.

139 Cf. Lev 11:44–45; Deut 14:2, 21, also Eschner, *Essen*, 48–51.

140 Cf. Eschner, *Essen*, 59–106.

141 According to the Letter of Aristeas, the food laws protect the Jews from contact with idolatrous gentiles. They would transform them into idolaters too and make them loose their special status, their purity (139, 142 with 130; cf. also 151–152); for more details see Eschner, *Essen*, 79–85.

should go with the gentiles *without making a distinction*. This means that the opening of the community of salvation to the gentiles *does not entail a principal rejection of the Law.*[142] Accordingly, circumcision is no longer a prerequisite for the gentiles' salvation but for Jewish Christians, this law is generally still valid.[143]

5. Conclusions

In contrast to what scholars mostly assume, Jewish dietary laws or the question of the impurity of certain foods are not at the center of the Cornelius narrative. Instead, it is the demand to abandon previously valid distinctions. This idea of *differentiating* pervades the entire passage in various ways, connecting its two parts (the vision and its interpretation) by use of the terminology of impurity. The focus of these statements on impurity, however, is less on the matter of purity and impurity itself. Rather, the process of differentiating is crucial here, as it is connected to purity and impurity in general. The vision to Peter, for example, aims for him to give up the usual distinction between clean and unclean animals when it exhorts him to slaughter and eat (10:15; 11:9). As he meets the messengers of Cornelius, the demand in the vision should make him distinguish no longer between Jews and God-fearing gentiles but to enter into close contact with such gentiles (10:20; 11:12). The *abolition of the distinction between Jews and God-fearing gentiles* is therefore the aim of the entire text (10:28, 35).

In the story of the conversion of Cornelius, however, close contact with pagans (such as table fellowship) does not come about through the elimination of Jewish food laws, as scholars usually assume. Rather, *a new view of the gentiles* opens up contact with them. The vision does not abolish the impurity of forbidden food but the gentiles' evaluation as the generally impure and "common crowd." It is precisely this realization which prompts Peter to come into close contact with the gentiles and to enter their house.

Therefore, on the one hand, early Christianity changed significantly how to evaluate gentiles. On the other hand, the conditions for close contact familiar to Judaism remained essentially the same. If one regards idolatry as the background of the ritual impurity of the gentiles, the following applies according to Acts 10:1–11:18: As the example of Cornelius impressively shows, not all gentiles are idolaters. Thus, not all gentiles are ritually unclean and bad. Yet idolaters are, which means they continue to be strictly excluded from close contact with Jewish Christians. Hence in early Christianity, close contact between Jews and gentiles was permitted, but by no means does it include all gentiles.

[142] See also Jervell, *Die Apostelgeschichte*, 317.

[143] Cf. here that Paul does not ask the Jews to break the Law (Acts 21:18–26; 25:8; 28:17). Cf. also Luke 16:17.

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