

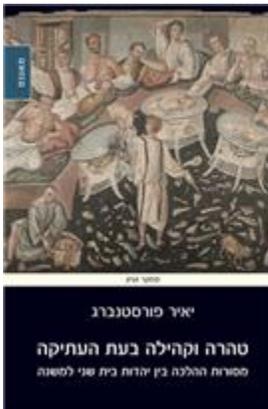


Reviews of the Enoch Seminar 2018.01.01

Yair Furstenberg, *Purity and Community in Antiquity: Traditions of the Law from Second Temple Judaism to the Mishnah*. Jerusalem: Magnes Press, 2016 [Hebrew]. ISBN: 978-965-493-874-7. Pp. 479. \$42. Hardcover.

Hanan Birenboim

The Hebrew University of Jerusalem



Observance of purity laws was one of the most salient features of Jewish society in the Second Temple period and was practiced by many Jews in the time of the Mishnah. Many studies have sought to understand the nature of this observance and to explore its motives and societal repercussions. The present work, a veritable masterpiece, also discusses these questions, exploring purity laws in both the Second Temple and tannaitic periods. The author demonstrates an impressive and comprehensive familiarity with a number of diverse sources, subjecting them to meticulous textual and philological analysis, and reaching conclusions with important historical significance.

In his introduction, the author discusses different approaches to the historicity of early rabbinic sources, presenting an intricate approach of his own. On the one hand, he is aware that earlier sources changed in the hands of later redactors. On the other hand, he reveals these layers of redaction, showing the halakhic shifts in the conceptions of purity laws in the Second Temple and tannaitic periods. This discussion raises questions regarding the relationship between the Pharisees and the early rabbis. The author argues that an examination of the respective halakhic stances of the two groups, especially their approaches to purity, demonstrates differences between the Pharisaic conception of purity vis-à-vis those of other sects during the Second Temple period. At the same time, it also highlights processes of change taking place during the transition from the Second Temple period to the age of the Tannaim, a fact reflected, among other things, by archaeological findings.

The first part of this book discusses the uniqueness of the Pharisaic conception of purity, contrasting it to other systems prevailing during the Second Temple period. Chapter One serves as an introduction; the author explores the development of purity laws in Jewish society, comparing the Second Temple period to the biblical period. He suggests that the people of the later period

simply wished to implement the purity laws mandated by the Pentateuch in their immediate surroundings.

The concept of sin-based impurity, referred to as “moral impurity,” became highly developed in the Second Temple Period, so much so that new categories of impurity were produced. As opposed to the view of J. Klawans, Furstenberg argues that the tendency to blur the boundaries between ritual defilement and moral defilement prevailed among many circles at that time and is not a defining characteristic of the Qumran sect. In the author’s opinion, already at the beginning of the period, there was a tendency to reify impurity, attributing it to objects or people involved in forbidden activities. The identification of moral defilement with ritual defilement in the Qumran scrolls is a reflection of this broader trend. The author distinguishes between two types of Qumran works: those which demand separation and purity—and which imply that the community provides a framework for separating from sources of impurity—and those which distinguish between the basic impure status of the “sons of iniquity” and members of the *Yahad* community who have been liberated from this defilement by the grace of God. This view is part of an eschatological-cosmological *Weltanschauung* occupied by forces of purity battling forces of impurity, a conflict which manifests itself in concrete entities such as evil spirits which must be exorcised. Similar views of the cosmic battle against impurity appear in the descriptions of John the Baptist, as well as in the doctrines of Jesus, all of which are discussed briefly. The author concludes that the Pharisaic doctrine of purity should be understood within the context of other contemporary views and not as a unique phenomenon. Chapter Two is dedicated to this approach.

The second chapter opens with an analysis of the Pharisaic requirement of hand-washing before eating. The author correctly argues that at the center of the Pharisaic observance of hand-washing was a concern for impurity, suggesting that the foundation of the Pharisaic practice was a prevailing view in the Ancient Near East regarding the impurity of hands. Due to the chronological gulf separating the two views, I think that this claim requires more evidence. It should also be explained why and how the Pharisees specifically, as opposed to other sects, were influenced by this approach. In any case, the author rejects the claim that the practice of hand-washing was originally only applied to the consumption of holy offerings and *teruma*, arguing that early sources already demonstrate the concern for the purity of unconcentrated food. Beit Shammai modeled the practice after the meal norms prevalent in the Hellenistic and Roman world. Beit Hillel, however, deviated from it due to concerns related to impurity. The New Testament also mentions the Pharisaic observance of purity laws for unconsecrated food. But what is the background for this practice? The author suggests that it concerns the decrees of Antiochus Epiphanes. Additionally, he points to a trend, reflected in Hellenistic sources, to defend the body from the invasion of defilement. I think, however, that these general explanations are insufficient. This is especially so given that the Pharisaic innovation was not only the concern for eating defiled foods,¹ but rather the invention of an intricate system of impurity through transmission, which is absent in Scripture. This inevitably led to concern for the very impurity which the Pharisees had created.

Chapter Three discusses another characteristic of Pharisaic Halakhah: drawing artificial lines of demarcation within a single object, distinguishing pure parts from impure parts. For example, the Pharisees did not abstain from eating from vessels with contaminated exteriors (despite the fear that the impurity could spread to the food), a practice for which they were harshly criticized. However, it should be recalled that in many cases these were categories of impurity

¹ As opposed to the author’s note on p. 117, the members of the Qumran sect were also concerned about eating impure food.

“invented” by the sages, and what they had forbidden they could permit. In any case, this conception is reflected by the Pharisees’ discussions of the connection required between constituent parts of a food item or vessel for the impurity to spread to the entire object. The author suggests that as opposed to the view that defilement controls a person, that is, possession by an independent, demonic power, Pharisaic Halakhah allowed a man to control the influence of defilement on his surroundings. But, in my opinion, it can be argued that according to the worldviews of Jesus and the Sadducees, as well, human actions can determine the extent of impurity’s spread. For these groups, however, the principles of impurity’s transmission were different from those of the Pharisees (for example, according to them impurity spreads to all parts of a given object), and they also observed different precautions (half-defiled vessels should not be used for a meal). This raises the question: why did the Pharisees formulate more lenient behavioral laws for living life under the specter of impurity?

In chapters Four and Five the author shows how the different approaches towards impurity are expressed on the societal level—a reality in which impurity is inevitable. One of the tools used by the authors of the Qumran scrolls for managing this reality was the principle that an impure person can perform ritual immersion already on the first day of his purification process. In the author’s opinion, while this immersion removes the concern for spreading impurity, it does not allow the purifier to consume pure foods. The Qumran texts tell of a complex system used to manage the different types of impure people in this intermediate state. Conversely, in the Pharisaic conception, the principle of *Tevul Yom* allows an impure person to immerse and eat unconsecrated food in a pure state only on the last day of the purification process, before sunset (at which point *teruma* can be consumed, as well). The author points out that according to the Pharisees, every impure person retains his status until the end of the purification process thus “exempting him from maintaining purity during the intermediate period, with all the restrictions this would entail.” He implies that the Pharisees’ approach was lenient. This would, however, not be true for those likely to come into contact with an impure person—such people would have to be extremely cautious in avoiding defilement. In addition, I think that we should entertain the possibility that even according to Qumranic Halakhah, immersion on the first day of the purification process may permit the consumption of unconsecrated food as opposed to just halting the spread of impurity (see e.g., 4Q274 1i 5). On the other hand, if the Pharisees maintained that unconsecrated food was permitted immediately after immersion on the seventh day of the purification process, it is not clear why, one cannot immerse immediately at the beginning of the purification process and thus eat unconsecrated food in a pure state. According to the author, the distinction between Qumran Halakhah and Pharisaic Halakhah on this matter is simply whether or not one can eat unconsecrated food (in purity) on the seventh day. I would suggest that according to Pharisaic Halakhah, an impure person can indeed eat unconsecrated food in a pure state already after immersion on the first day of the purification process—a stance I have suggested was shared by Qumranic Halakhah as well. However, one must admit that there is no trace of such a stance in rabbinic literature. However, the Pharisees allowed the consumption of *teruma* after immersion and sunset on the seventh day, without needing to wait for the offering of sacrifices in the temple on the following day; and they did not ostracize an impure person from the community but rather allowed him to remain despite his status.

The recognition found in the Qumranic Halakhah of intermediate states within the purification process is also reflected in laws related to the integration of people undergoing purification while taking part in various agricultural activities. These laws also demonstrate the

importance of liquids in the transmission of impurity. It should be noted that similar laws appear in tannaitic traditions.

In Chapter Five, the author discusses the impurity of the *'am-ha'aretz*, showing the shared basis of all the measures taken by the different halakhic movements in the Second Temple period for distancing “foreigners,” and emphasizing the uniqueness of the Pharisaic Halakhah in this regard. Likewise, he shows how the demand to separate from gentiles in the era of Ezra and Nehemiah developed into a more specific view that identified any contact with gentiles as defiling. It is difficult, in my opinion, to accept the author’s claim that the impurity of *'amei-ha'aretz*, observed by the Pharisees, is a consequence of their “otherness,” that is, their being outside of the social circle of the Pharisees. The fact that according to the Pharisees it is necessary to have a status of purity before entering pure circles, and that immersion is not sufficient for this purpose, may just demonstrate their stringent approach to matters of purity; the fact is that impurity disappears after a period of tenure (*hazaqa*), even if the purifier does not act like the Pharisees in other matters. The author himself notes that according to tannaitic literature, the *'am-ha'aretz* does not contaminate in the same way as a gentile and that even Pharisees who are careful to eat unconsecrated food in a state of purity are considered impure to those maintaining more stringent regulations.

Both archaeological evidence and early rabbinic literature show that concern for purity persisted even after the temple had been destroyed—at least until the Bar Kokhba revolt. In the second part of the book, the author discusses the significance of this post-Temple observance of purity laws and its societal repercussions in the Mishnaic and Talmudic eras.

Chapter Six discusses the conception of purity among the sages of Yavneh. These sages sought to create a unified and systematic set of purity laws. This led to a significant expansion of the system of transmission: the ruling that food can contaminate other food, as well the creation of a hierarchy of secondary sources of defilement (this is opposed to early tannaitic Halakhah that only recognized two levels: a generative cause of impurity and the “offspring” of impurity). Although the author describes well the evolution of the impurity system in this period, I do think that the motives driving changes are not sufficiently addressed.

An additional idea which developed in Yavneh was one that subordinated impurity to human will. The laws of purity were reorganized around this idea, making it easier to adhere to purity within a totally impure environment. The ability of food to contract impurity became entirely dependent on human will, according to a person’s needs. By analyzing parallel traditions in the Mishnah and Tosefta, the author argues that there is no proof that human intention played any role whatsoever in the laws of purity before the period of Yavneh; only then these factors became relevant. Here also, the discussion of the reasons behind these developments is not broad enough, in my opinion. Additionally, I think some of the author’s claims about the reworking of early disputes in later times, are insufficiently grounded in evidence.

Chapter Seven examines the development of the impurity of the *'am-ha'aretz* in the generation of Usha. A comparison to earlier periods demonstrates that halakhic development on this matter reflected changes to the nature and degree of purity observance. On the one hand, there is no restriction of contact with an *'am-ha'aretz*; the *haver* may even enter his home. In other words, concern for impurity no longer dictates societal relationships. On the other hand, it is precisely this leniency which requires the *haver* to watch the *'am-ha'aretz* constantly. The author shows how earlier laws from the generation of Yavneh—which dictated strict supervision of one’s vessels to protect them from major sources of impurity or lesser ones like that of the hands—were reinterpreted in the generation of Usha as measures for separating from an *'am-ha'aretz*. The later

Halakhah reflects a new social order in which the *haver* is no longer someone who has separated himself completely from an impure environment. He is rather someone who adheres to purity in his own private domain. This does not, however, change his social identity and he must continue to be careful, when necessary, about the needs of purity which arise around him. Earlier *mishnayot* in tractate *Hagigah* assume that awareness of impurity was a shared concern of the entire community, presenting the principle that whenever the needs of the market dictate it, all are believed in regard to impurity. Parallel *mishnayot* in *Taharot*, however, reflect a different reality—that of the generation of Usha, when awareness of impurity was no longer a societal norm. At that time one who wished to maintain purity needed to monitor anything he wanted to protect from defilement. The author does admit, however, that his analysis shows that the process of reinterpreting earlier traditions in light of a reality, marked by close societal contact with the ‘*am-ha’aretz*, had already begun in the generation of Yavneh.

In Chapter Eight, the last chapter of the book, the author points to the fact that some tannaitic sources assume that concern for impurity was only required for *terumah*—not for unconsecrated food. It is clear, however, that there are also early sources which interpret concern for purity as concern for the purity of unconsecrated food. The meaning of the term *taharot* changes depending on its context and the identification of *taharot* with the laws of *teruma* would grow stronger as the tannaitic period drew to a close. This obviously reflects a reality in which concern for eating unconsecrated food in a state of purity had begun to decline, becoming a stringency observed by a small number of individuals. Accordingly, earlier traditions which described eating unconsecrated food in a state of purity as a norm, were adapted to refer to an exceptional situation. The practice of hand-washing also, which in ancient Halakha was naturally interpreted as part of maintaining purity when consuming unconsecrated food, was imbued with new meanings. Sources from the end of the tannaitic period already try to remove the laws of hand-washing before food from the framework of purity laws.

Sources also show that in the post-tannaitic era, a new type of concern for purity developed, one that did not accord with the normal principles of contamination from the tannaitic era. In parallel to the wish to observe the purity of *teruma* according to well-known halakhic principles and the creation of new rules making it easier to keep the laws of impurity when consuming unconsecrated food, there are also expressions of a popular wish to avoid any direct contact with sources of impurity. I think that this new phenomenon—the popular concern for impurity at the end of ancient times—can be analyzed much further.

In conclusion, the monograph by Furstenberg is an erudite, comprehensive, and enlightening study, which will serve as an excellent introduction to any future research exploring the observance of purity laws in ancient times. But beyond its discussion of purity, the author’s analysis of a variety of rabbinic, halakhic traditions and the conclusions he reaches, reveal, in my opinion, the complex process by which early rabbinic literature was redacted, and re-redacted, generation after generation, layer upon layer. This analysis extends beyond the specific topic of this book: one cannot reach any historical conclusions from early rabbinic literature without subjecting texts to the type of philological and textual research undertaken by the author in this book. Even after such an analysis, there is obviously no guarantee that the researcher has succeeded in uncovering the historical truth buried under layers of editorial activity. As the author himself

admits “with this type of textual criticism ... there is always room for alternative readings.” Nevertheless, without this kind of criticism, any attempt to reach historical conclusions from early rabbinic literature is doomed to failure. The present book highlights this fact clearly.