

The Stringent Observance of Body-Purity in the Jewish Society of the Land of Israel in the Second Temple Era

Synopsis

The Purpose of the Study

The laws of purity and defilement played an important role in the various fields of the halacha (Jewish Religious Law) in the Second Temple period. This claim is based, among other things, on the wealth of information found in the Apocrypha, Philo's and Josephus Flavius' writings, The New Testament, Rabbinic Literature and, of course,,, on the multitude of archeological findings dated to this era (mainly ritual baths and stone utensils). The discovery and impending publication of the Judea Desert Scrolls, which contain halachic polemics on various issues in general and those on purity and defilement in particular, also enhance and confirm this claim.

The question at the basis of this study is what the reasons for this stringent observance are. Why is it that the laws of purity and defilement became so prevalent in Israel that "the defilement of a knife is more difficult for the people of Israel than bloodshed" (*Tosefta, Yoma*, 1, 12; *Ibid. Shevuot* , (1, 4, translation mine)? Obviously, the Bible is the basis for the halacha on these matters, which were prevalent in the Second Temple era. However, the necessity of such stringent observance is not evident from the Bible, and the late Rabbinic halachic tradition decrees expressly that the affinity to purity is restricted only to the Temple grounds, the priests and the holy sacrifices alone. It thus seems that examining the reasons that led to such stringent observance of body-purity is a task of utmost importance for anyone preoccupied with the different halachic views regarding purity and defilement prevalent among the different groups extant in the Second Temple era, especially since these reasons affected the formulation and consolidation of these views. However, a survey of the literature shows that scholars deal very sparsely with these issues and that the given accounts are insufficient.

Section 1: The Stringent Observance of Purity regarding Ordinary Food in the Second Temple Era and Following its Destruction

This section deals with the distribution of purity and defilement laws during the Second Temple era, namely whether they were significant only in relation to the Temple and the work therein or whether they were all-encompassing and affected everybody's lives. This fundamental question was discussed in depth as early as the

beginning of the modern study of the Second Temple era. According to A. Büchler, the affinity to purity was restricted to the Temple grounds, and was relevant only to the priests alone. In his opinion, it is only following the destruction, when the priests became more stringent in their observance of the laws of purity in relation to ordinary food as well, that the edicts expanding the boundaries of the laws of purity were formed. In response, G. Alon claims that "in the days of the Second Temple, two systems became prevalent in Israel: one, a system of reduction, which situated the laws of purity within the boundaries of the Temple and the priesthood, and the other, a system of expansion, which decreed laws of defilement to all the people of Israel" (translation mine). He adds that this was one of the bones of contention between the Sadducees and the Essenes such that the Essenes adhered to the expanded system whereas the Sadducees (i.e. the priests) abided by the system of reduction. Among the Pharisees, however, both systems could be found, according to Alon, and the system of reduction eventually prevailed.

The question regarding the boundaries of the laws of purity is integrated into various scholars' attempts to define the Pharisees and to characterize them as a social-economic group. Finkelstein, for example, argues that the Pharisees decreed laws in various areas including those of purity and defilement and tithes, but since not everybody adhered to these laws and behaved accordingly, the Pharisees established 'havurah's' whose members undertook, among other things, to observe the Pharisee purity laws and to eat ordinary food in purity. In fact, Finkelstein identifies the 'haverim' mentioned in the Rabbinic Literature with the Pharisees. Hence, in his opinion, it is the Pharisees who expanded the boundaries of the laws of purity.

The discovery and advent of publication of the Qumran Scrolls about sixty years ago invigorated the study of the ancient laws of purity and defilement. Many scholars note the similarity between the Qumran sect's purity laws, which pertain also to its members' common meals described, for example, in *IQS* and in *IQSa* and the Rabbinic Literature's description of the laws of the 'haverim', who were stringent regarding the eating ordinary food in purity. This comparison raised anew the question of the connection between the 'haverim' and the Pharisees, and many scholars accept Alon's opinion regarding the boundaries of the laws of purity; the claim that the 'havurah's' existed mainly in the days of the Temple; and that the 'haverim' were, in fact, Pharisees.

This view gained strong support when J. Neusner published his study about the Pharisees. He concludes, in commensuration with Alon, that under Hillel's leadership, the Pharisees abandoned the political arena in Herod's days and their main concern became the observance of the purity laws in ordinary life in addition to the priests' stringent observance of these laws within the temple boundaries. However, at the same time that Neusner's study was published, E. Rivkin also published a study in which he claims that the Pharisees should not be identified with the 'haverim' and that the Pharisees did not necessarily eat ordinary food in purity. This study was the basis for Sanders' detailed discussion of this matter, the conclusion of which is that the Pharisees did not at all try to live like priests and that the laws of purity and defilement were not necessarily the main concern in their lives, especially since the majority of these laws pertained only to the Temple and its gifts.

The different views of Neusner and Sanders are the views prevalent in the literature, and the scholars who follow in their footsteps attempt to either confirm or refute some of the evidence on which each of the two views is based. Neusner's explanation for the stringent observance of purity laws in the Second Temple era, namely the attempt of the sages in Herod's days to create a focus of sanctity alternative to that of the Temple, is accepted by many scholars dealing with this issue. In this section, I discuss in depth the different views presented above and argue that many scholars have reached invalid conclusions on this matter because they understood the sources in the Rabbinic Literature pertaining to it incorrectly. A re-examination of these sources using the method described below leads me to a different conclusion.

First, one must distinguish between three different approaches to the use of Rabbinic Literature as a historical source. The first approach assumes that the events described in the Rabbinic Literature occurred as described. Indeed, some additions or legendary material resulting from later redactions may have occasionally infiltrated the sources, but when these artificial modifications are removed from the versions at hand, one may reach the original "historical core" at their base.

In stark contrast to the above approach, the second approach argues that the Rabbinic Literature cannot yield any historical information whatsoever for the following reasons. First, the sources at our disposal have been modified and processed by later redactors, who modified the language and style and perhaps even the contents of the ancient versions. Thus, the various sources can, at most, reflect the reality of the redactors' times but not that which they allegedly relate to. Moreover, it is not at all

clear to what extent the original version of the different extant writings is at our disposal. At times, the writings are preserved in a number of manuscripts, which differ greatly and significantly and whose original version ('Urtext') cannot be retrieved. In fact, for certain writings, such a version may never have existed since they were created in a gradual process lasting many generations. And under such conditions, it is very difficult to talk of an 'original text'.

In contrast to the two above approaches, there is a third approach which claims that the issue cannot be dealt with unilaterally. On the one hand, it is clear that not every quote in the Rabbinic Literature was actually uttered by the speaker referred to in the manner in which it is presented. On the other hand, however, it is possible to prove that the Rabbinic Literature did not undergo a late redaction that gave all the sources a similar hue. In fact, the exact opposite is true: this literature contains traditions from different times in their original forms, which retain linguistic, stylistic and content-related features characteristic of different periods. A careful and meticulous analysis of these properties may enable one to determine the periods of the different versions and, at times, even to learn historical facts from them. This method, which differentiates between the different strata of which the Rabbinic Literature is composed, is the method I used to examine the relation between the Pharisees and the 'haverim'. First, I examined all the sources which contain the term 'Pharisees' meaning the **sect** of Pharisees in its various forms in order to determine the Pharisees' attitude to the laws of purity (especially those pertaining to eating ordinary food in purity); I then examined the sources in which the terms 'haver', 'haverim' and 'havurah' appear in their various forms, as well as cases where these terms are used as terminus technicus in reference to specific groups, and analyzed the images of the 'haverim' as they are reflected in these sources. My conclusions are as follows:

1. Almost all the mundane sources containing the term 'Pharisees' pertain to the Second Temple period and the sources in which the sages use this term pertain to sages from this period or from the Yavneh generation. This conclusion obviously agrees with conclusions arising from other sources (Josephus Flavius, The New Testament) regarding the time of the Pharisees.
2. In some of the sources, the Pharisees in general are depicted as eaters of ordinary food in purity and this is part of their definition as Pharisees (in contrast to Rivkin, Sanders and others).

3. Almost all the sources in which the sages use the terms 'haver', 'haverim' and 'havurah' pertain to sages from Usha's generation or from later generations; only very few cases mention these terms as coming from the lips of sages from the Yavneh generation.
4. It seems that joining a 'havurah' is not a halachic obligation, as one can fulfill all the duties imposed on the 'haverim' (*Mishnahh, Demai 2, 3, Tosefta, Demai 2, 2*) without being a 'haver'. Therefore, it seems that the main purpose of the 'havurah's' is to facilitate the haverim's observance of the purity laws, so that they will not have a problem of contact with those who do not observe these laws. In other words, the laws of the 'havurah' reflect conditions in which many people did not adhere strictly to the laws of purity, and, as a result, those who did observe these laws stringently and who came into contact with the others faced a problem. It may also be the case that the 'haverim' were admired and were granted a high social status, a fact that encouraged people to join the 'havurah's' and to observe the purity laws. In fact, this may even have been one of the purposes of the creation of the 'havurah's'. It also seems that the 'haverim' were not necessarily religious scholars, since the *Tosefta, Demai* states that a Torah scholar "should undertake... (*Laws of Havarot*, ibid. 2, 13) and also discusses "a layman who undertook..." (*Laws of Havarot*, ibid. 3). It is obvious that a layman who joined the 'havurah' did not become a Torah scholar as a result of his joining. It is also apparent that not all the Torah scholars ate ordinary food in purity (in contrast to the sources dealing with the 'Pharisees').

In my opinion, these differences reflect the **decline** in the degree of observance of the laws of purity and defilement after the destruction of the Temple. This decline derived from the fact that the basis of the purity laws is the necessity to maintain the purity of the Temple and the holy sacrifices and the purpose of the system that expanded the boundaries of these laws was "to expand the sanctity of the priests onto the entire people of Israel and the purity of the holy food to ordinary food" (translation mine). Therefore, the destruction of the Temple resulted in a slackening in the observance of the purity laws. It seems that this tendency became prevalent even among circles that postulated the expansion of the laws of purity before the destruction of the Temple. Accordingly, it is possible to account for the differences between the 'Pharisees' and the 'haverim' that arise from the sources mentioned above. The sources dealing with

the 'Pharisees' reflect the reality of the time of the Temple. In this period, the sages ('Pharisees') in general observed the eating of ordinary food in purity strictly and this is why the sources convey that the 'Pharisees' are eaters of ordinary food in purity and that eating ordinary food in purity is a definite obligation and not a mere stringency. On the other hand, the sages did not observe the laws of purity (meaning mainly eating ordinary food in purity) after the destruction of the Temple as stringently as they did in the days of the Temple. This is the background against which the 'havurah's' arose, and, as mentioned above, their aim was to encourage adherence to the laws of purity among sages and laymen alike. This is why in almost all the sources the term 'haverim' is mentioned by sages from the generation of Usha or later sages: the 'havurah's' were created only after the destruction. Note, however, that the process in which these groups were formed began already in the generation of Yavneh and that this time-interval was a transition period in which the 'havurah's' began to consolidate.

Archeological findings clearly support this conclusion.

Ritual Baths:

To date, 350 echeloned water installations from the times of the Second Temple, the *Mishnah* and the *Talmud* were found in the Land of Israel, most of which seem to have been used as ritual baths. However, from the 306 such installations enumerated by R. Reich in his work dedicated to this subject, 280 are from the days of the Temple and only 26 are dated to the days of the *Mishnah* and the *Talmud*. Thus, concludes Reich, "regarding the days of the *Mishnah* and the *Talmud*... one may point first and foremost to a significant decline in the construction of ritual baths... In the days of the *Mishnah* and the *Talmud* the use of ritual baths declined significantly in comparison to the days of the Second Temple" (translation mine). In my opinion, this reflects the decline in the observance of purity laws following the destruction of the Temple to which I pointed above, and in this case, the archeological findings support firm the conclusion arising from the analysis of the textual sources.

Stone Utensils:

In the second half of the first century B.C., an industry of stone utensils unbeknownst till then began to develop in the Land of Israel, an industry utilizing soft stone. The sudden appearance of this industry in the Galilee and Judea, primarily in Jerusalem and its surroundings, as well as its total absence in many other areas in Israel and outside it and its disappearance following the destruction of the Temple, suggests that

it was a characteristic Jewish craft. The wide distribution of these utensils and the large quantity discovered point to the fact that these were not luxuries. Magen posits that the observance of purity laws, which began to be prevalent at this time, is what stood behind the great rise in production, marketing and wide use of stone utensils, which, according to the halacha of the sages, cannot become defiled. I believe that there is no doubt that Magen is right, but in contrast to the common view, it seems that these utensils did not disappear with the destruction of the Temple and that their use continued well into the third and even fourth century C.E., albeit to a minor extent, as can be gleaned from the analysis of the findings of the excavations in a number of sites in the Galilee (such as Zippori), which have not yet been published in an orderly fashion. This fact, too, confirms the conclusion that following the destruction of the Temple, the observance of the purity laws gradually declined. This decline, in my opinion, was the background against which the 'havurah's' were created. The archeological findings also suggest that the stringent adherence to eating ordinary food in purity in the days of the Temple did not pertain to individuals such as priests, who eat the holy gifts in purity, or the members of the Qumran sect, but, rather, was a custom prevalent in wide circles, as evinced by the wide distribution of stone utensils. As aforementioned, I believe that the Rabbinic Literature suggests that this was also the custom of the Pharisees. This conclusion raises the question of why so may Jews observed the eating of ordinary food in purity in the days of the Second Temple.

Section 2: The Defilement of Gentiles and its Consequences

Many scholars believe that the observance of eating ordinary food in purity in the days of the Second Temple derived from changes in the Jewish society, especially among the Pharisees, during Herod's reign. This view is presented most comprehensively in J. Neusner's studies, where he analyzes all the sources dealing with the Pharisees in the Rabbinic Literature, Josephus Flavius' writings and the New Testament. This analysis led Neusner to conclude that from the times of Herod, the main concern of this group was the stringent observance of the purity laws and the eating of ordinary food in purity. He argues that because of the hostility between Herod and the Pharisees, the latter had to abandon the political arena and they concentrated on the construction of a spiritual world bases on the stringent observance of all the Biblical laws (and especially the laws of purity), in order to fulfill the command "and ye shall be unto me a kingdom of priests and a holy nation" (*Exodus*,

19:6). Neusner's claim is accepted by several scholars, who expand his theory and provide additional support for it. Thus, for example, R. Deines states that from the middle of the first century B.C., the Pharisees made a religious revolution that focused on the individual's religious experience. According to him, this was a Pharisee ideal, which infiltrated wide circles of the people due to the Pharisees' great power and influence and it was expressed in the development of the institution of the synagogue, which became a place where Torah is studied and interpreted, among other things, in order to enhance the individual's religious experience and an attempt to live a 'priestly' life outside the Temple boundaries (as says Neusner). In his opinion, the Pharisees' religious power reached its peak in the days of Herod, who distanced himself from the Sadducee aristocracy and generated the emergence of a new social elite, in which Jews immigrating from the Diaspora such as the Babylonian Hillel, who later became the leader of the Pharisees, were integrated. In this period, the use of ritual baths expanded and the Pharisees decreed that stone utensils cannot become defiled. In Deines' opinion, the wide distribution of such utensils points to the extent of Pharisee influence and to the fact that the Pharisee ideal of observing the purity laws outside the Temple boundaries became prevalent in wide social circles. The use of sarcophagi for gathering the bones of the dead, which started to become prevalent at this time, is connected, in his opinion, to the spread of the Pharisee belief in the resurrection of the dead and the eternity of the soul.

However, the arguments of Neusner and his followers do not stand in the face of the criticism.

1. As shown by Sanders, Neusner's claims regarding the characteristics of the Pharisees in the Rabbinic Literature are based on invalid assumptions. Moreover, an analysis of Pharisee traditions according to these assumptions (mistaken though they are) leads to conclusions that differ greatly from Neusner's.
2. Neusner's postulations regarding the Pharisees' political status in Herod's days are based on M. Smith's study, which deals, among other things, with the differences between מלחמת היהודים and *Kadmoniot* on the subject of the descriptions of the Pharisees. However, following the 19th century scholars, D. Schwartz has shown that Smith's arguments are invalid and that the Pharisees in Herod's days had considerable political power such that threatened Herod's

position (This is why Nicolaus of Damascus, Herod's scribe and the source of Josephus Flavius' descriptions, is hostile to them).

3. There is no evidence of Pharisee involvement in the development of the synagogue.
4. Archeological findings show that ritual baths were in use as early as the second century B.C.
5. The claim that the use of sarcophagi attests to a belief in the resurrection of the dead is no longer accepted in the field for various reasons.
6. The archeological findings in Jerusalem show that the stone utensils were in use as early as the Persian era. There is no doubt that the use of such utensils reached its peak in the second half of the first century B.C., but this seems to be connected to the development of the stone-masonry industry in Jerusalem following Herod's construction of the Temple (which may also be the reason for the use of sarcophagi for gathering the bones of the dead).

Another account for the stringency regarding ordinary food in the days of the Second Temple can be found in the words of those scholars who claim that this strict adherence derived from a desire for a holy experience and was based on the fact that there is a connection between purity and sanctity. E. Regev argues that actions that are part of one's daily routine such as eating, prayer, reciting 'Shema', the benediction after eating bread and reading the Torah were perceived at the time as actions expressing sanctity and, therefore, were performed in purity. Regev emphasizes that basically, the purity in question is the kind of purity whose purpose is to attain personal sanctity for every individual. However, this account, too, has no support in the sources, among other reasons, in my opinion, because the sole matter that can be pointed at with any degree of certainty as expressing stringent adherence to purity laws outside the Temple boundaries is that of eating ordinary food in purity, whereas immersion in a ritual bath prior to prayer and reading the Torah, for example, are not connected to purity and derive from other reasons.

I would like to propose a different account for the stringent observance of the purity laws regarding ordinary food in the days of the Second Temple, based on the anthropological model developed by M. Douglas. Douglas claims that a society attributes defilement to a situation in which an object, an action or a certain idea deviates from an accepted system of classifications thereby undermining the social order that each society desires to achieve. Similarly, when a certain society threatens

the cultural identity and the political unity of a minority group living in its midst, this situation is expressed symbolically in the members of this group's attitude towards their bodies, and more specifically, to the body's openings: every excretion from the body causes defilement since the body serves as a symbol for the minority group, which wants to stay cohesive and impenetrable from within and from without. Although Douglas reneged from using this model to interpret the commands of the Torah pertaining to purity, she argues that it is valid in other cases and that generally, when a certain society adheres stringently to purity laws, this reflects the desire of certain strata in that society to isolate themselves from other strata they perceive as a threat to them and, therefore, they are viewed as defiled, a fact resulting in social stratification. And, indeed, as can be gleaned from A. Baumgarten's study regarding the sectism in the Second Temple period, in those times stringent adherence to purity laws played a central role in delineating different groups in the Jewish society, which, in turn, rendered them into sects. This phenomenon, however, reached full completion only in the Hasmonean period, whereas an examination of the historical sources shows that stringent adherence to purity laws regarding ordinary food is expressed as early as the beginning of the Second Temple period. I argue that this is a consequence of the threatening encounters between the Jewish minority and the gentile majority in the Babylonian Diaspora and under the Persian rule. In accordance with Douglas' theory, the fear from contact with gentiles was expressed symbolically via stringency regarding the laws of body-purity in *Leviticus* 12-15. Moreover, life in the Diaspora (and the later encounter with Hellenism) generated national isolationism within Returnee-circles and hostility towards the gentiles (who, as mentioned above, were perceived as a threatening element), which was expressed ritualistically in referring to the gentiles as defiled. The fear of defilement led to a recoiling from anything that contacted them and this is why, for example, they avoided eating foods prepared by gentiles or such that came into contact with physical defilements. The consciousness of purity also led to stringent observance of the other Biblical purity laws and, eventually, the Jews' ritualistic expressions of the desire to isolate themselves from the gentiles in the Persian period became the main characteristic of such groups in the Jewish society in the Hellenistic period that wanted to separate themselves from the other groups.

Both the stringent adherence to the purity laws regarding ordinary food and the view that the gentiles are ritualistically defiled are expressed often in writings from the Persian and Hellenistic periods.

In contrast to many scholars, I believe that *Ezra* and *Nehemiah* contain abundant expressions of the view that the gentiles are ritualistically defiled. (The defilement in question is not a 'moral' defilement, as say Klawans and Hayes). Furthermore, a number of places in *Chronicles* emphasize the importance of stringent observance of body-purity and the view that idolatry causes ritualistic defilement (a view which is absent from the parallel sections in *Kings*.) In my opinion, this view developed following the view regarding the gentiles' defilement (in contrast to Alon, who argues the opposite). In addition, the importance of stringent adherence to body-purity is understood from *Haggai* 2, and *Isaiah* 52 contains an expression of the view pertaining to the gentiles' ritualistic defilement.

In the Hellenistic period, the view regarding the ritualistic defilement of the gentiles became exacerbated as a result of the encounter with the Hellenistic culture. The practical effects of gentile-defilement were many, and this was expressed in the Jewish literature of the time such as *Jubilees*, *The Testament of Levi*, *Daniel*, *Maccabees*, *Tobit* and *Judith*. I also believe that the myth of the Watchers' sin and their defilement expresses the criticism directed by isolationist circles against priests who transgressed by marrying gentile women and became gentile-defiled. This may also be a criticism against marrying female **proselytes** and these isolationist circles may have objected to proselytizing because of gentile-defilement. The view regarding gentile-defilement and objection to inter-marriage (with female proselytes) is also expressed in a number of sections in the Qumran Scrolls.

Section 3: Alternatives to the Temple and Stringent Observance of the Purity Laws

In this section, I discuss one reason for the stringent observance of the purity laws in the days of the Second Temple. This period was characterized by the widening and expansion of the sanctity of the Temple, in which the purity laws must be observed, to the entire city of Jerusalem. This phenomenon begins as early as the Persian period and is expressed in *Ezra* and *Nehemiah*. I believe that this derives from a decline in the status of the Temple both because of its size and because it was constructed under Persian sponsorship and was financially supported by the Persian king. This is also why the status of the community and its rituals, which were not connected to the

Temple nor run by the priests, rose. The community's rituals and ceremonies that were performed in Jerusalem (outside of the Temple) created a framework of sanctity in which the believer could worship God. This is how one may explain the fact pointed to by T. Ashkenazi that *Ezra* and *Nehemiah* describe the process of constructing "the house of God" which is not the Temple alone: the city of Jerusalem and the community of the Returnees are part of the house of God. In her opinion, this view constitutes the main pivot along which the plot develops in these books and this is expressed in several places. However, it must be emphasized that the change in the status of Jerusalem has a ritualistic significance, which is expressed, among other things, in stringency regarding the laws of purity.

Another explanation for the rise in the status of Jerusalem at that time can be found in the writings of J. Weinberg, who claims that the community of the Returnees were a "civil-temple community", i.e. a voluntary, state-like social organization at whose center was a temple and at whose base was the free joining of members, who have certain rights (for example, an exemption from paying taxes to the royal treasury). Since Jerusalem was the site of the Temple, it held a central and important place for this community. Nehemiah's immigration and the restoration of Jerusalem's walls raised its status even higher. According to Weinberg, the Temple and the city-walls had equal significance in the eyes of the community members and the residents of Jerusalem: "The Temple was the community's public-religious basis; it is what defined the Jerusalem's status such that it was the religious-ritualistic center of the community. The walls strengthened the community's political base and defined the city of Jerusalem as the community's administrative center" (translation mine).

Although this theory focuses on the financial and political status of the Temple and the city surrounding it, one cannot ignore the possibility that the rise in Jerusalem's status also had religious-ritualistic significance. In other words, Jerusalem and the Temple within it became one unit around which the community's political, economic and religious activities revolved. This may be the reason that the view that ritualistic purity laws should be stringently adhered to within the city boundaries was formulated.

The rise in Jerusalem's political and financial status was accelerated in the Hellenistic period. This is connected to the fact that the Hellenistic kings, especially the Seleucids, were of the greatest city builders in history and they constructed cities throughout the East, cities that played a crucial role in the Hellenization of the East

and in the enhanced financial development that characterized this era. It is true that the process of Hellenization was significantly slower in Judea than it was along the coast, Cisjordan or Idomea, but it became evident following the Seleucid conquest of the Land of Israel at the beginning of the second century B.C., and even more so following Antiochus Epiphanes' ascent to the throne in Syria. At that time, the Hellenists made a far-reaching political and religious reform in Jerusalem as part of their effort to integrate themselves into the Seleucid kingdom. Among other things, Jerusalem became a polis named Antiochia and a colony of foreign soldiers was established therein, the residents of which made a custom of performing idolatry in the Temple. Eventually, a rebellion broke out in Jerusalem. This rebellion led to Antiochus' edicts, which, in turn, were followed by the Hasmonean revolt and the establishment of the Hasmonean state. I believe that during the Hasmonean reign, a significant change in Jerusalem's religious status occurred, and that the process that began in the Persian period, when the sanctity of the Temple spread to the entire city, reached its peak. In reaction to the damage done unto the status and sanctity of Jerusalem, which became a polis with idolatry performed within it as a result of the actions of the Hellenized, the Hasmoneans, in agreement with the Pharisees, decided to concretize the city's abstract sanctity, which is already expressed in the Bible. (This may be an expression of the influence of the Hellenistic view regarding the status of the polis and the relation between it and its temple, which is but one of its institutions, on the Hasmonean view). The practical significance of this decision was that the Biblical expression "the place which the Lord shall choose", which until then was understood as the Temple, was now understood as the entire city of Jerusalem, a fact which had many ritualistic implications. However, many circles did not accept this innovative and daring interpretation and this raised a polemic that is echoed clearly in the literature of the time. This matter was also part of a problem that all the religious streams of the Jewish society faced, namely how can the contradiction between the desert model of holiness of *Leviticus*, which differentiates between two levels of sanctity, that of the Tabernacle (and the tribe of Levi surrounding it) and the area of the other tribes camping around them, be reconciled with the idea of sanctity in *Deuteronomy*, which recognizes one place "which the Lord shall choose to place his name there" and which is not connected to the organization of the camp. One should emphasize that this question has a direct impact on determining the areas which the various impure cannot enter and in which different degrees purity laws must be

observed. The literature of the Second Temple period contains different answers to this question. (The subject is dealt with in *Jubilees*, *The Temple Scroll*, *4QMMT* and *The Book of Dreams* in *Enoch*, and the Rabbinic Literature may also contain traditions that reflect the Pharisee view on this matter.) Scholars' opinions are divided regarding the difference between the different systems. My opinion is that both the *Temple Scroll* and *4QMMT* (as well as *Enoch*) express the view that "the place that the Lord shall choose" refers to Jerusalem. This, however, means that Jerusalem was chosen as a **permanent** alternative to the Tabernacle and its grounds and, therefore, a Temple that would encompass the entire grounds of the town should be constructed: Jerusalem is 'the holy camp' and 'the city of the Temple' and the laws of the Biblical 'divine camp' apply within its boundaries (even before the Temple is built). The other cities of Israel are akin to the 'camp of Israel' and the practical implication of this claim is that only lepers are denied entry therein. The Pharisees, in contrast, claimed that although Jerusalem was chosen as the site of a future temple, this does not mean that the **entire** city would become part of this temple but rather, that the system of the Biblical camps should be realized within it. The practical effect of this view is that the other cities in Israel are not holy and there is no need to expel the impure from their grounds or to be stringent about purity within them. (However, the Rabbinic Literature also echoes the ancient Pharisee view, according to which the expression "the place that the Lord shall choose" refers to the Temple and the other cities of Israel have the status of the 'camp of Israel' and lepers must be denied entry to them.)

The Qumran sect constitutes another example of a framework that was perceived as an alternative to the Temple. The view that the temple in Jerusalem is defiled and that it is an institution which no longer fulfills its role is expressed in a number of places in the sect's writings. The sect's isolation from the Jewish society and from the Temple created the need to find an alternative that would fulfill the groups' religious needs, which, in turn, led to the fact that the sect perceived itself and its unique needs as a framework in which the divine presence, which abandoned the defiled Temple in Jerusalem, resides. Many places in the sect's writings express the view that the Temple's defilement is the cause of the fact that the atonement of sins no longer depends on sacrificial work but, rather, on membership in the sect and stringent observance of the laws of the Torah and the sects' regulations. This view had ritualistic implications such as the sect-members' stringent stringency regarding the purity of their bodies and their food and the distancing of the impure (and those with

physical handicaps, who were considered impure) from its circle (as is said in the *Damascus Document* and in *IQSa*). Moreover, in *IQShirShabb*, the members of the sect are perceived as priests serving in an earthly temple (which is actually the sect and its unique rituals) in conjunction with the pure angels who serve in the divine Temple.

Section 4: The Laws of Body-Defilement in the Judea Desert Sect's Halacha

A number of scholars have noted that in the Qumran Scrolls in general and in *IQH* in particular there is a sense of disgust and loathing of man qua man. Recently, A. Glicklich has proposed that this view developed as an extreme counter-reaction to the anthropocentric Hellenistic view, which glorified the human body and which infiltrated the Hellenistic strata in Judea. One of the extreme expressions of this view is the important status of athletic competitions in the Hellenistic culture, which, as many sources attest, were conducted in complete nudity. Glicklich claims that the athletic practice sessions, which took place in a gymnasium constructed in Jerusalem, and which, according to *2 Maccabees*, attracted many of the priests, were what led the conservative priests, who objected to the Hellenistic reforms, to develop a feeling of loathing of the human body, a loathing which was expressed in practice by the regulations in *IQS* that forbid the exposure of body organs.

Thus, in my opinion, should one also account for the Essene view, recounted by Josephus Flavius, that oil contaminates one's body. The Essenes were revolted by the exposure of their bodies and anointing them with oils (as was customary in the Greek games) since they negated the anthropocentric view at the base of this action.

In any case, in light of the above, I argue that the Qumran sect viewed body-defilement as a symbol of man's physical baseness, a baseness that is innate and cannot be removed. Moreover, I believe that this view is also what stands at the basis of the Qumranic innovation, which is unparalleled at that time, that sin causes ritualistic defilement. The explanation for this is that even sin was perceived by the members of the sect as an extreme expression of man's physical baseness, since sin is conceived in desires and passions and is born in the actions one performs with his organs and senses. In my opinion, this is how one should interpret the liturgical texts accompanying the act of immersion, from which it is understood that when one immerses oneself for purification, one mentions his sins. The reason for this is not, as some scholars such as J. Baumgarten and J. Klawans believe, that every defilement is connected to sin, but because one's defilement, which derives from disgusting bodily

phenomena, symbolizes his physical baseness, and one's sins are a direct result of this baseness. The immerser mourns his baseness and mentioning his sins is only an expression of this baseness. This view regarding man's defilement as deriving from being human led to the process of purification being viewed as a divine grace and as a super-natural action, since by immersion one overcomes his material existence and becomes pure.

The Qumran sect's view regarding the nature of body-defilement is not restricted to the belief that it expresses man's physical-baseness. The sect also has a strong opinion about the reason for this baseness: at present, the spirit of the yoke rules the world and this decrees that bad spirits rule man and lead him to sin. Various physical phenomena such as leprosy also derive from a bad spirit that has taken hold of a person. However, in the future (at the end of days), the reign of the spirit of the yoke will end and the spirit of truth will rule the world. Only then will the inherent baseness that characterizes man qua man disappear, as, obviously, will the defilement that symbolizes it ritualistically. The view that defilement is a ritualistic expression of a physical situation caused by a bad spirit's hold on man is expressed in a number of sections in the Qumran writings and, in my opinion, is what stands behind the statement preserved in *4Q274a* that different impure defile each other. In other words, different defilements are caused by the damage meted by different bad spirits and they can be likened to contagious diseases. Therefore, for example, a leper can transfer his disease to one suffering from gonorrhea and vice versa (in contrast to the sages' position on this matter). Nevertheless, there is a great similarity between the processes of purification described in the Bible and this is, perhaps, why the writers of the scrolls compare between the laws of the various defilements and apply one set of laws to a different defilement. According to the above image, the different impurities are akin to different symptoms of contagious diseases from the same 'family', which also generate different phenomena whose cure is similar.

The rest of the section deals in detail with the laws of different kinds of body-defilement (defilement caused by death, gonorrhea, leprosy, a woman giving birth, menstruation, and semen emission) that are preserved in the various sources from the days of the Temple, in order to examine the unique views expressed therein (especially in the *Qumran Scroll*), and compares them with their parallels in the Rabbinic Literature in an attempt to account for their mode of development. The discussion of each defilement includes a survey of the Biblical commands related to

it, followed by an analysis of what can be gleaned from the Second Temple Literature regarding its modes of transmission, what is forbidden to the impure during his period of defilement and the process of purification.

This analysis has led me to a number of conclusions regarding the characteristics of the Qumranic halacha system, which are expressed in the laws of body-defilement as they are expressed in the scrolls. In addition to the claim that the Qumranic halacha views defilement as no more than a halachic situation, in many cases the Qumranic halachic system resembles that of the sages regarding the way the various Biblical commands are integrated into one coherent system. Thus, for example, I learned that in contrast to the literature, the sage-related term of one-day-immerser exists in the Qumranic halacha as well, and that both the people of Qumran and the sages learned this from a quite similar interpretation of Biblical verses. The difference between the two halachic systems pertains only to the question of determining the cases in which a defiled person needs only to immerse himself in water in order to be considered pure. The people of Qumran, who stringently adhered to eating ordinary food in purity, applied this law to the purity of ordinary food, whereas the sages, who did not eat ordinary food in purity following the destruction of the Temple, applied this law to the purity of tithes. However, the Pharisees disagreed with the Sadducees and the members of the Qumran sect about the status of the red heifer: the Sadducees believed that it was a sacrifice and, therefore, a one-day-immerser cannot participate in its work, whereas the Pharisees claimed that the heifer is not a sacrifice and that the sprinkling of the heifer's ashes is a ritualistic purification ceremony and not a priestly atonement ritual and, therefore, a one-day-immerser may participate in the work (just like he may eat tithes). Like other controversies between the Sadducees and the Pharisees, this controversy derived, in my opinion, from the Pharisees' desire to get the people to participate in God's worship to the greatest extent possible. By defining the red heifer as 'house-repair-holies' and not as 'tabernacle-holies', they enabled the people to participate in the ceremony of preparing the ashes and to sprinkle it onto the impure (using children), actions to which the Sadducees and the member of the Qumran sect objected, as can be gleaned from a number of sections in the Qumran scrolls.