Impurity and Sin in Ancient Judaism

Jonathan Klawans

Preface

The goal of this book is to gain a better understanding of the relationship between impurity and sin in ancient Judaism. In the course of this study, we will examine passages from the Hebrew Bible, the New Testament, the Dead Sea Scrolls, rabbinic literature, and other ancient Jewish texts. In so doing, we will see how various groups of ancient Jews disagreed in subtle and not-so-subtle ways regarding impurity, sin, and their interrelationship. The nature of these disputes is complex, and for this reason their full dimensions will be revealed gradually. The reason for the disputes, however, is actually rather simple, and can be stated here. The Hebrew Bible, the foundation of all ancient Jewish literature, presents ambiguities to interpreters, both modern and ancient. One ambiguity is in evidence in full force with regard to the relationship between impurity and sin. We begin by looking at two passages. Standing alone, each passage is clear enough, but once they are juxtaposed, questions arise.

(19) When a woman has a discharge, her discharge being blood from her body, she shall remain in her defilement seven days; whoever touches her shall be impure until evening. (20) Anything that she lies on during her defilement shall be impure, and anything that she sits on shall be impure. (21) Anyone who touches her bedding shall wash his clothes, bathe in water, and remain impure until evening; (22) and anyone who touches any object on which she has sat shall wash his clothes, bathe in water, and remain impure until evening. (23) Be it the bedding or be it the object on which she has sat, on touching it he shall be impure until evening. (24) And if a man lies with her, her defilement is communicated to him; he shall be impure seven days, and any bedding on which he lies shall become impure. (Lev. 15:19–24)"
The first passage can be understood readily enough. Menstrual blood was considered by ancient Israelites to be a source of “uncleanness” or “impurity.” (Most Bible translations prefer the term “uncleanness,” but I will consistently use the more accurate term preferred by scholars, “impurity.”) If someone touched a menstruant, he or she became ritually impure. And whoever became impure had to keep away from all holy things (Lev. 15:31). In order to become ritually pure once more, such a person would have to bathe and perhaps even launder his or her clothes. What is more, if a couple had sexual relations while a woman was in such a state, the man contracted from her a longer-lasting form of ritual impurity (Lev. 15:24). According to subsequent passages, Leviticus 18:19 and 20:18, that couple has also committed a capital crime. There is much more to say on this passage—what is ritual impurity, and why did ancient Israelites believe in it? But nonetheless, even without defining our terms we know what we are dealing with here: ancient beliefs—taboos if you will—regarding substances that exude from the body.

The second passage quoted has posed greater difficulty. This passage comes at the end of a long list of various incestuous, adulterous, and otherwise “abhorrent” sexual sins which the Israelites are not to commit. The passage uses some language similar to that in the passage from Leviticus 15. The terms “impure” and “defile” in both passages stem from the same Hebrew root: tameh (תָּמָּה). Yet some of the terminology is not shared. The second passage speaks forcefully of “abominations” (נָאָכַל). Menstruation is certainly viewed in the first passage with a great deal of concern, but it is not referred to as an “abomination.” Moreover, in the first passage the impurity is conveyed by a substance that exudes from the body (in this case, menstrual blood) to a person (the menstruant), and from that person to another by means of close physical contact. This impurity, however, is not all that severe: in most cases a bath and the passing of the day are sufficient to remove the defilement. But in the second passage the impurity that is contracted by the performance of sin is conveyed to the land; the passage says nothing about sinners conveying impurity to another person by means of close physical contact. Also unlike the first kind of impurity, the impurity discussed in the second passage is not short-term. Nor can this impurity be simply washed away. The impurity discussed in Leviticus 18—in contrast to that discussed in Leviticus 15—is brought about by abominations, is apparently permanent, and brings about dire consequences.

With the assumption that we know what Leviticus 15 means, we have three options in trying to understand Leviticus 18. The first is the option taken here: both passages discuss defilement, but the defilements are not of the same sort. This is the option espoused by many biblical scholars, and it is the one I will follow in this book. A second option is to telescope the two passages and assume that they both speak about disparate aspects of the same kind of defilement. Following this logic, a menstruant would in-

deed defile the land (as Leviticus 18 says of the sinner), and someone who commits a sexual sin would indeed defile the bed and clothes they touch (as Leviticus 15 says of the menstruant). This option can hardly be correct, because a great deal of evidence from within the purity laws of Leviticus argues against it, as we will see in chapter 1.

The remaining option is to understand Leviticus 18 as a metaphor. Generally the assumption of this argument is that Leviticus 15 must be taken literally: What is discussed in Leviticus 15 is the real impurity, and what is discussed in Leviticus 18 is an illustrative figure. This is an attractive approach, for it allows for a more abstract conception of sin (as favored in western thought), as opposed to the more physical, concrete conception of sin that results if Leviticus 18 is taken literally. Attractive as it may be, this approach is problematic. The more we learn about impurity—as manifested in both Leviticus 15 and Leviticus 18—the more we realize that the “metaphor–literal” dichotomy is insufficient to account for the differences between Leviticus 15 and 18. We will return to this point later in this book.

A fundamental tenet of this book (and arguments for this tenet will be presented in chapter 1) is that Leviticus 18, and other passages like it, can and ought to be taken as literally—and as seriously—as passages like Leviticus 15. Both must be discussed as defilements, for the texts themselves use this language. But that fact does not mean that the differences between them (which are substantial) can be overlooked. To the contrary, a full understanding of impurity in the Hebrew Bible and ancient Judaism requires that we remain aware of both the similarities and the differences between these two types of defilements. The defilement discussed in passages like Leviticus 15 will be referred to here as “ritual impurity,” and the defilement discussed in passages like Leviticus 18 will be referred to as “moral impurity.”

But this is just the beginning. The purpose of this book is not so much to make the point that the Hebrew Bible knows of two types of defilements, but to demonstrate the impact that this point has on the study of ancient Judaism.

Before going any further, one issue of nomenclature must be addressed. References to “ancient Jews” and “ancient Judaism” in this work, following scholarly convention, apply to people who lived and wrote texts that were composed during and after the second temple period (from the late sixth century BCE to the second century CE). The terms “Israelite” and “biblical” apply to the people who lived and the texts that were composed before the building of the second temple, sometime toward the end of the sixth century BCE. Breaking the past into historical periods is an inexact science, to say the least. Yet the convention adopted here is both common and useful. It is widely recognized that second temple period Judaism is quite distinct from first temple period Israelite religion, resulting in the widespread convention of distinguishing between “Israel” and “ancient Judaism.” Also, the study of the Hebrew Bible on the one hand and ancient Judaism on the other are often considered to be two distinct fields. Yet the dividing line between the two fields is frequently drawn too deeply, and our topic is a case in point. In part, this work will serve to confirm a point that Jacob Milgrom has made in his authoritative commentary on Leviticus: the better one understands the Hebrew Bible, the better one can understand the literature of ancient Judaism.

The argument of this book is that the distinction drawn between ritual and moral impurity in the Hebrew Bible—and in particular a correct understanding of the
nature of moral impurity—allows for a better understanding of ancient Jewish literature broadly speaking. Scholars of ancient Judaism have been very interested in ritual impurity but not so interested in moral impurity. This fact has had two unfortunate results. First, passages that in fact discuss moral impurity have been misinterpreted in light of the more prevalent notion of ritual impurity. For instance, certain passages in the ancient Jewish book of Jubilees are commonly cited as evidence that ancient Jews considered Gentiles to be ritually impure. However, the passages in question in fact discuss moral impurity and not ritual impurity. A number of passages of ancient Jewish literature have been similarly misconstrued, as we will see, especially in chapter 2. Such misunderstandings are particularly conspicuous in contemporary scholarship on the New Testament. For this reason, this book expands the scope of previous analyses and takes into account evidence concerning John the Baptist, Jesus, and Paul.

In addition to the misunderstanding of various texts, a second unfortunate result of moral impurity’s not receiving due attention is that an extremely important aspect of the dynamic of ancient Jewish sectarianism has been overlooked. Not only do a number of ancient Jewish texts discuss moral impurity, but some actually reveal that ancient Jews held different attitudes about the nature of moral defilement. This should not be surprising, since we know that ancient Jews disagreed on how ritual impurity was understood (rabbinic literature is full of such disagreements). Surprising or not, the fact that ancient Jews disagreed about the defiling force of sin has barely been recognized.

The purpose of this book is to counter these trends. It will argue that the notion of the defiling force of sin is articulated in a number of ancient Jewish texts. And it will argue that issues of moral impurity play an important role in the greater dynamic of ancient Jewish sectarianism. The writings and sayings of the Dead Sea sectarians, the early rabbinic sages, the Pharisees, and even Jesus will all make a good deal more sense when we give due attention to the notion of moral defilement.

The structure of this work strikes a balance between chronology and phenomenology. The overall structure is chronological: the book begins with the Hebrew Bible, and then it analyzes the interpretation of the Bible in the literature of ancient Judaism. But the primary concern is phenomenological: the goal is not so much to trace the history of ancient Jewish conceptions of impurity as to analyze the different approaches to these conceptions. Thus when phenomenological clarity stands to gain, the chronological structure will be abandoned. Therefore the treatment of Philo (whose thinking on impurity and sin is dealt with in some detail in the introduction to part II) precedes the treatment of the Dead Sea Scrolls, and the treatment of rabbinic literature precedes that of the New Testament. I believe that the logical flow of the claims made in these chapters will justify breaking with chronology.

The starting point is the observation that the Hebrew Bible addresses two distinct types of defilement, the first caused by natural and largely unavoidable bodily functions ("ritual impurity"), and the second brought about by certain sins ("moral impurity"). The bulk of the first chapter will categorize in simple terms these two distinct conceptions of biblical impurity.

The next step is to trace the early history of attitudes toward both types of de-
Ritual and Moral Impurity in the Hebrew Bible

The introduction argued that many of the recent treatments of impurity in ancient Judaism do not fully take into consideration the fact that certain grave sins have their own distinct defiling force. Yet some biblical scholars, as we have seen, have indeed paid due attention to this phenomenon. Building especially on the work of Hoffmann, Milgrom, Frymer-Kensky and Wright, this chapter will schematize the two main conceptions of impurity in the Hebrew Bible (first two sections).

Once the schematization is spelled out clearly, some ancillary questions will be addressed in the next four sections. First, how do the food laws fit into this picture? Second, can moral impurity be understood as metaphorical? Third, what is the relationship between the two impurity systems? And fourth, how does each of these systems look under the lens of gender studies? After coming to terms with many aspects of defilement and sin in the Hebrew Bible, we will find ourselves much better positioned to understand the dynamic between impurity and sin in ancient Judaism.

Throughout this chapter I will offer some correctives and challenges to the biblical scholarship reviewed in the introduction. Still, the ultimate purpose of the schematization is not so much to critique contemporary biblical scholarship as to establish a conceptual framework that will allow for a better understanding of the relationship between sin and impurity in ancient Judaism. We therefore cannot discuss every instance of the use of purity language in the Hebrew Bible, nor can we discuss every facet of the types of purity discerned there. Needless to say, we also cannot discuss the role that purity plays in each biblical document. Our ultimate goal is not to reevaluate biblical impurity law, but rather to reevaluate the dynamic between impurity and sin in ancient Judaism.

Biblical studies today finds itself at odds over the dates of various biblical documents, and one of the current debates concerns the relative and absolute dates of the priestly strands in the Pentateuch. Generally, contemporary scholars recognize two major strands of priestly contributions: the priestly strand, which retains the classic designation P, and the Holiness Code, designated with an H. Leviticus can be divided into two parts, with chapters 1–16 being assigned roughly to P, and chapters 17–
means of sacrifices, sprinklings, washings, and bathtings. Rituals, however, are not always sufficient: even after ritual purificatory procedures, one may remain impure until evening (e.g., Lev. 15:5). Still, rituals frequently play an important role in the transition from impurity to purity, and for this reason also, the term "ritual" is in this context a useful description.

Yet the term "ritual" is not completely unproblematic. Although rituals play an important role in achieving ritual purity, they also play a role—albeit a different one—in the achievement of moral purity. The term "ritual" is not the perfect adjective, but it is better than the commonly used alternatives. Neither of the other two possibilities—"cultic" or "levitical"—is preferable. The term "cultic" is shunned here because, as we will see, the cult center plays an equally important role in both forms of impurity. Moreover, to set cult in opposition to morality seems to make even less sense than opposing ritual to morality. The term "levitical" is avoided here for two reasons. First, both types of impurity are articulated within the book of Leviticus, and neither is articulated solely in that book. Second, neither type of impurity is particularly concerned with Levites. All Israelites—priests and laypersons—had to concern themselves with both types of defilement. The name "levitical" is bad enough—we need not perpetuate misnomers.

Finally, by using "ritual" and "moral" we are able to employ terminology that is both parallel and pliable. By isolating two adjectives to modify the noun "impurity," we find ourselves with two categories that at the same time express the difference and interrelatedness of the two types of defilements. They are both defilements, but each of a different sort. A further benefit is the fact that both terms are adjectives with related adverbs ("ritually" and "morally"), allowing for a more felicitous description of substances or sins that may defile in some way. The terminology selected here is not perfect, but these terms are, at least for now, our best options.

Ritual impurity results from direct or indirect contact with any of a number of natural sources including childbirth (Lev. 12:1–8), scale disease (Lev. 13:1–14:32), genital discharges (Lev. 15:1–33), the carcasses of certain impure animals (Lev. 11:1–47), and human corpses (Num. 19:10–22). Ritual impurity also comes about as a by-product of certain purificatory procedures (e.g., Lev. 16:24; Num. 19:8). All of these passages can be assigned to the priestly source (P), although Numbers 19 shows signs of being influenced by the ideology of the Holiness Code (H). The durations of these impurities differ, as do the requisite cleansing processes—but the intricacies of these laws are not our concern at this moment. What is our concern is that there are three distinct characteristics of ritual impurity. (1) The sources of ritual impurity are generally natural and more or less unavoidable. (2) It is not sinful to contract these impurities. And (3) these impurities convey an impermanent contagion.
For whatever reason, certain cultic procedures were believed to defile the priests involved. These were sacrificial procedures, activities involving animals, blood, and death—natural things—albeit with some degree of human behavioral control. But the addition of human behavior into the equation does not make this defilement any less natural than the other ritual impurities. Human behavior, after all, plays a role in sexual relations and childhood as well. Human behavior is part of nature, and in the final analysis, ritual impurity in all its forms is natural.

Ritual impurity is also more or less unavoidable. The “more or less” is important here, because certain contacts are relatively avoidable: in Leviticus 11:43, for instance, Israelites are urged not to defile themselves with certain impure animals. But discharge, disease, and death are, alas, unavoidable. And as has been noted, some impurities are not only unavoidable, but obligatory. Israelites are obligated to bury their dead, though priests are allowed to contract corpse impurity only in certain cases (Lev. 21:1–4). Yet even priests, along with all Israelites, are obligated to reproduce (Gen. 12:8, 97). And of course priests are obligated to perform cultic procedures that leave them defiled as a result.

2. It is not a sin to contract these impurities. This idea proceeds logically from the observations drawn above. As Frymer-Kensky, Sanders, and Wright have noticed, it would be impossible, if not absurd, to consider natural processes such as menstruation to be prohibited. Nonetheless, both Sanders and Wright maintain that some or all of these defilements as a general rule are discouraged. But there is no indication that permitted sex is discouraged in any way, that an Israelite man is supposed to avoid coming into physical contact with the mother of his newborn children, or that any Israelite is to avoid contact with the dead. To the contrary, we have noted that many of these things are proper, and some of them even obligatory, even though they are ritually defiling. More problematic for the view that these impurities are to be avoided is the fact that our documents do not contain any warnings against contracting impurity in general, or any advice on how to reduce contact with impurity. If contracting these impurities were indeed discouraged, we should expect to find precautionary measures of some sort. In this regard, a brief comparison with the Zoroastrian impurity system is apt. In Zoroastrianism, impurity and evil are closely identified, and thus impurity is viewed as a source of grave danger. Also, as in ancient Israel, corpses were viewed as a source of ritual impurity. During the course of caring for corpses, Zoroastrians would take a number of precautionary measures in order to reduce the spread of impurity: special dress, the pairing of corpse-bearers, and the presence of a dog. These apotropaic rituals are the kinds of precautions we would expect to find in ancient Israel if ritual impurity were indeed viewed with the degree of danger and misfortune that some suggest.

Priests, of course, must limit their contact with corpse impurity (Lev. 21:1–4), but they are not prohibited from contracting other impurities (Lev. 22:4–7). The primary concern incumbent upon the priests is not to avoid ritual impurity, but to safeguard the separation between ritual impurity and purity (Lev. 10:10). Thus priests are sternly warned against eating sacred food or entering sacred precincts when in a state of ritual impurity (Lev. 7:20–21). Practically speaking, the obligation incumbent upon priests is not avoidance of ritual impurity, but awareness of ritual impurity. By extension, it is not accurate to say that Israelites are encouraged to limit their contacts with ritually impure substances or people. Rather, Israelites are obliged to remain aware of their ritual status at all times, lest they accidentally come into contact with the sacred while in a state of ritual impurity (Lev. 15:31). As long as they remain aware of their status, there is little chance of danger or transgression.

Even though ritual impurity is not sinful, a few biblical narratives view at least one form of ritual defilement as a punishment for moral shortcomings: Moses’s sister Miriam was afflicted with “leprous” when she spoke against her brother’s Cushite wife (Num. 12), and the Judean King Uzziah was similarly afflicted when he asserted priestly prerogatives (2 Chron. 26). Yet as both Frymer-Kensky and Douglas have emphasized, there is nothing within the legal traditions to justify viewing scale disease as a positive indication that the stricken individual has transgressed. As far as both P and H are concerned, the leper is ritually impure, but the leper is not guilty.

There are, though, two ways that ritual impurity can lead to sin. Numbers 19:13 and 19:20 state that the refusal to purify from corpse impurity is a transgression punishable by karet (being cut off from the people). The outcome of such a refusal, moreover, is the defilement of the sanctuary. In this case, the defilement of the sanctuary is to be understood along the lines laid out by Milgrom in his article “The Priestly ‘Picture of Dorian Gray.’” The concern here is not that the direct contact of a ritually impure person defiles the sanctuary ritually, but rather that the wanton sin of refusal to purify, in and of itself, defiles the sanctuary, morally, even from afar.

The second way in which ritual impurity and sin are connected is on a more concrete level. Israelites (priests included) are warned against entering the sanctuary or coming into direct contact with holy foods when in a state of ritual impurity (Lev. 7:20–21; 15:31; 22:3–7). Clear, to do so is extremely sinful: the sanctuary will be defiled, and the sinner is subject to karet. Similarly, those directly defiled by corpses, leprosy, or genital flows are banned from entering the Israelite camp (Num. 1:4). Possibly the refusal to adhere to this ban would result in karet, but the punishment is not specified. Yet accidental violations can be ameliorated: Leviticus 5:1–13 describes the sacrificial procedures that can rectify, among other things, the effects of an accidental defilement.

Despite these prohibitions related to ritual impurity, there is still nothing inherently sinful about being ritually impure. As long as the prohibitions are adhered to, the impure Israelite—priest or layperson—has done nothing wrong. The ritual purity system concerns itself with the status of an individual vis-à-vis the sacred, and not with an individual’s moral status within the community as a whole.

3. The third characteristic of ritual impurity is that it conveys to persons an impermanent contagion. This is obviously true of the impurity that Israelites contract when they come into contact with people suffering from defiling conditions. The person who comes into contact with a menstruant or someone afflicted with an irregular flux contracts a defilement that lasts until sundown (Lev. 15:5, 21). Contact with more severe forms of impurity, like a corpse, can last a week (Num. 19). Being afflicted with a defiling condition can result in an even longer period of defilement. Menstruation lasts roughly a week, but the defiling state left after giving birth lasts, in its less severe form, either 33 or 66 days (Lev. 12). Finally, genital flows, scale disease, and house funguses last an unspecified amount of time, but even these forms of impurity are conceived of as impermanent; that is why the biblical tradition records
purificatory procedures. Roughly equal space is devoted, for instance, to the symptomatology of scale disease on the one hand (Lev. 13) and the rituals performed upon its purification (Lev. 14) on the other. Although it is emphasized that such individuals are isolated for the duration of their affliction (Lev. 13:45–46), the paradigm is one of eventual inclusion, not permanent exclusion. Regarding scale disease, this claim is borne out by the biblical narratives, which generally conceive of the disease as impermanent.23 In the final analysis, we hear of no form of ritual impurity that does not have purificatory procedures, from waiting until sundown, to bathing bodies, washing clothes, and performing sacrificial rites. Even when long-lasting, the status of ritual defilement is an impermanent one.

Moral Impurity

The Bible, however, is concerned with another form of purity and impurity, referred to here as “moral.” The term is imperfect, to say the least, but avoiding the term “moral” here only obscures the nature of what is being described: Moral impurity results from what are believed to be immoral acts. We cannot avoid the term “impurity” either. What we will call “moral impurity” results from committing certain acts so heinous that they are explicitly referred to in biblical sources as defiling.24 Thus describing these acts as impurities is not our choice to make: the biblical sources have explicitly described these sins as impurities. These defiling acts include sexual sins (e.g., Lev. 18:24–30), idolatry (e.g., Lev. 19:31; 20:1–3), and bloodshed (e.g., Num. 35:33–34).25 These three sinful behaviors are also frequently referred to as “abominations” (הטלת שם).26 They bring about an impurity that morally—but not ritually—defiles the sinner (Lev. 18:24), the land of Israel (Lev. 18:25; Ezek. 36:17), and the sanctuary of God (Lev. 20:3; Ezek. 5:11). This defilement, in turn, leads to the expulsion of the people from the land of Israel (Lev. 18:28; Ezek. 36:19).

There are five important differences between moral and ritual defilement. (1) Whereas ritual impurity is generally not sinful, moral impurity is a direct consequence of grave sin.27 (2) Whereas ritual impurity often results in a contagious defilement, there is no contact-contagion associated with moral impurity. One need not bathe subsequent to direct or indirect contact with an idolater, a murderer, or an individual who committed a sexual sin.28 (3) Whereas ritual impurity results in an impermanent defilement, moral impurity leads to a long-lasting, if not permanent, degradation of the sinner and, eventually, the land of Israel.29 (4) Whereas ritual impurity can be ameliorated by rites of purification, that is not the case for moral impurity;30 moral purity is achieved by punishment, atonement, or, best of all, by refraining from committing morally impure acts in the first place. (5) In addition to these phenomenological differences, there are also terminological distinctions drawn in the texts themselves. Although the term impure (נושאי) is used in both contexts, the terms “abomination” (נושאי) and “pollute” (נפוע) are used with regard to the sources of moral impurity, but not with regard to the sources of ritual impurity.31

Because moral impurity has no contact-contagion or ritual lustrations, and it does involve serious prohibitions, it is imperative to distinguish between moral and ritual impurity. These distinctions are summarized in the following table.

<table>
<thead>
<tr>
<th>Impurity Type</th>
<th>Source</th>
<th>Effect</th>
<th>Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ritual</td>
<td>Bodily fluids, corpses, etc.</td>
<td>Temporary, contagious impurity</td>
<td>Bathing, waiting</td>
</tr>
<tr>
<td>Moral</td>
<td>Sins: idolatry, incest, murder</td>
<td>Defilement of sinners, land, and sanctuary</td>
<td>Atonement or punishment, and ultimately, exile</td>
</tr>
</tbody>
</table>

The moral impurity of sexual sins is most clearly articulated in the concluding verses of Leviticus 18 (24–30):

(24) Do not defile yourselves (נושאי), in any of these ways, for it is by such that the nations that I am casting out before you defiled themselves. (25) Thus the land became defiled (נושאי), and I called it to account for its impurity, and the land spewed out its inhabitants. (26) But you must keep My laws and My rules, and you must not do any of those abhorrent things (נושאי), neither the citizen nor the stranger who resides among you; (27) for all those abhorrent things were done by the people who were in the land before you, and the land became defiled. (28) So let not the land spew you out for defiling it, as it spewed out the nation that came before you. (29) All who do any of those abhorrent things—such persons shall be cut off from among their people. (30) You shall keep My charge not to engage in any of the abhorrent practices that were carried out before you, and you shall not defile yourselves through them: I the Lord am your God.

The point of the passage is quite evident: sexual sins defile the sinners and the land upon which their sins have been committed. But in what way are the sinners and the land defiled? As Büchler noted so long ago, there is no hint in Leviticus 18, or in any of the other passages to be discussed in this section, of ritual defilement.32 The sinners themselves are defiled (v. 24), but not ritually.33 What decides the matter is that the impurity contracted is conveyed to the land. Ritual impurity, in contrast, is never conveyed to, or contracted from, the land.34 Indeed, the defilement of the land in this passage does not appear to threaten the ritual status of those who are on it. The effect of the defilement of the land is that the all its residents are subject to exile. The sinners and the land are defiled in Leviticus 18 in the sense that they have been in some way shamefully degraded. The people are supposed to be holy (Lev. 19), but if they sin in such ways, their holiness is no longer possible and, as a result, God’s blessings are revoked. The idea that sexual sins defile the people and the land is expressed in Jeremiah 3:1 as well as in a number of other biblical traditions.35

The morally defiling force of sexual sins is also articulated in Numbers 5:11–31, which lays out the laws of the ordeal that determines the innocence or guilt of a suspected adulterer.36 What is revealed by the ordeal is whether the woman is “defiled” or not (5:13–14). Ritual impurity is not of concern here; if that were the concern, the ceremony could never take place in the sanctuary.37 And since all sexual acts are ritually defiling, at least for a short while (Lev. 15:18), no ordeal would be necessary to determine that status.38 The concern is, rather, to determine whether the woman has morally degraded herself by committing adultery, that is, whether the woman is morally impure. The language of impurity when used with regard to sexual transgression does not refer to a temporary contagion, but to a permanent debasement.39
The defiling force of idolatrous sins is articulated — at least regarding certain idolatrous acts — in the Holiness Code. Leviticus 19:31 reflects the view that necromancy is a defiling act. Leviticus 20:1–3 views sacrificing children to Molech as an act that defiles the sanctuary and profanes the name of God. More general statements about the defiling force of idolatry can also be found. Jeremiah 2:23 is rather to the point:

How can you say, “I am not defiled, I have not gone after the Baalim?”

Earlier, in the same chapter, the prophet articulates the idea that such sins defile the land (2:7). A number of other biblical traditions reflect the same perspective, that the act of idolatry defiles the land or the land of Israel. A number of traditions also suggest that idolatry defiles the sanctuary itself, especially when the sin takes place within or in close proximity to the sanctuary. The Holiness Code traditions are the tip of an iceberg; it appears that all acts of idolatry were viewed as morally defiling in ancient Israel. But again, there is no indication in these or any other passages that idolatry or even idols defile ritually. The defilement of idolatry is moral; the sinners, the sanctuary, and the land are rendered impure by such acts, but no contact-contagion is involved.

The defiling force of bloodshed is articulated in Numbers 35:33–34:

(33) You shall not pollute (נאה הו) the land in which you live; for blood pollutes the land, and the land can have no expiation for blood that is shed on it, except by the blood of him who shed it. (34) You shall not defile (נאה ויה) the land in which you live, in which I Myself abide, for I the Lord abide among the Israelite people.

The term “pollute” (נahoma), as Bichler correctly argued, is a technical term that articulated the defiling force of sins. This term is synonymous with the term “defile” (נאהו) only in the latter term’s moral sense — but it is not used in contexts of ritual impurity.

The defiling force of murder, as well as of idolatry, is also clearly expressed in Psalm 106:34–41:

(34) They did not destroy the nations as the Lord commanded them; (35) but mingled with the nations and learned their ways. (36) They worshipped their idols, which became a snare for them. (37) Their own sons and daughters they sacrificed to demons. (38) They shed innocent blood, the blood of their sons and daughters, whom they sacrificed to the idols of Canaan; so the land was polluted (נאהו) with bloodguilt. (39) Thus they became defiled (נאהו) by their acts, debauched (נאהו) through their deeds. (40) The Lord was angry with His people and He abhorred (נאהו) His inheritance. (41) He handed them over to the nations; their foes ruled them.

Ritual and Moral Impurity in the Hebrew Bible and Ancient Judaism

The morally defiling force of bloodshed is also reflected in other biblical traditions. And we know quite well that the act of murder does not defile in any ritual way, because murderers were admitted to the sanctuary. Murder, like sexual transgression and idolatry, is morally impure: the sinful behavior defiles the sinner, the sanctuary, and the land of Israel.

Moral impurity is best understood as a potent force unleashed by certain sinful human actions. The force unleashed defiles the sinner, the sanctuary, and the land, even though the sinner is not ritually impure and does not ritually defile. Yet — and this is the source of much confusion — the sinner is seen as morally impure.

That idolatry, incest, and murder defile the sinner morally but not ritually can be seen in a number of the traditions cited above. Such is the clear connotation of Leviticus 18:24: “Do not defile yourselves (נאהו לא) in any of those ways,” and Leviticus 19:31: “Do not turn to ghosts ... to be defiled by them (נאהו לא).” Consider also the statement from Jeremiah quoted above (2:23): “How can you say, ‘I am not defiled, I have not gone after the Baalim?’” Indeed, the moral defilement of the people of Israel by sin is articulated already in Hosea: “Behold, you have forgotten, O Ephraim; / Israel has defiled himself.” Further confirmation of the fact that these sins defile the sinner in some way can be seen in the narrative and legal traditions that use the term “impure” with regard to women who have, unwittingly or unwillingly, been partner to a sexual offense or have been in relations with a foreigner. Thus Dinah is considered defiled subsequent to her victimization (Gen. 34:5ff.). Similarly, the ordeal of a suspected adulteress serves to determine if the woman has defiled herself by so sinning (Num. 5:12ff.). Even a divorced woman whose second marriage ends in either divorce or the death of her husband is considered to have such a status, at least as far as her first husband is concerned (Deut. 24:1–4). In these situations, the woman does not defile ritually, but she is still defiled in that she suffers a permanent and degrading change in status. Sinful acts willingly committed by a woman are, of course, punished, but even unwilling experiences can deprive a woman of the possibility of marrying a priest (Lev. 21:7, 13–14). This legal ramifications of moral defilement is significant, for it demonstrates that even though the woman in question is not defiled ritually (and does not defile ritually either, for that matter), she is defiled in a very real way: She has been debased, and her status has been degraded. Wright has claimed regarding these defilements that “the defamation of the people as impure in these verses is a moral reproach rather than a technical description of their ritual condition.” This is a moral reproach, to be sure, but it is a reproach with distinct legal ramifications — limitation of marriageability, if not capital punishment — and denotes a very literal technical way a permanent degradation of status.

Since moral impurity does not produce ritual defilement, such sinners are not excluded from the sanctuary. To the contrary, recall again the case of the suspected adulteress (Num. 5:11–31), who is brought into the sanctuary itself in order to determine her status. Recall too where ancient Israelite murderers sought sanctuary: in the sanctuary (Exod. 21:14). Moral impurity does indeed affect the sanctuary (e.g., Lev. 20:3), but its effect does not reach the sanctuary by the entrance of sinners into the sanctuary. Moral impurity affects the sanctuary even from afar, in its own way, along the lines drawn by Jacob Milgrom in his article, “Israel’s Sanctuary: The Priestly Picture of Dorian Gray.”
We are to understand the effect moral impurity has upon the land in a similar way. A number of the traditions that have been cited so far state that these three sins have the capacity to defile the land of Israel. Among the more explicit traditions to this effect are Leviticus 18:24–30 and Jeremiah 31 (sexual immorality); Numbers 35:33–34 (bloodshed); Jeremiah 2:7 and Ezekiel 36:18 (idolatry); and Ezekiel 22:1–4 and Psalm 106:34–40 (bloodshed and idolatry). There is no suggestion in any of these traditions that the land is defiled by these sins in any ritual way. Indeed, in biblical law or narrative the land is never a source of or a means of transmitting ritual defilement. Rather, the land suffers a noncontagious degradation. The ultimate result of this defilement, if it remains unchecked, is the exile of the land’s inhabitants. This idea, as we have seen, is clearly expressed in the concluding verses of Leviticus 18, and it is central to the thought of the prophet Ezekiel as well.

It is not only the land of Israel that is subject to this moral defilement; a few biblical traditions refer to the idea that foreign lands were considered to be defiled. Amos 7:17 threatens the insolent Israelites with exile to a polluted land. Joshua 22:19 suggests that the tribal holdings east of the Jordan River are impure from idolatry. In my view, the traditions that refer to foreign lands as impure are to be understood in the context of moral impurity. It is true that according to subsequent rabbinc halakhah, foreign lands defile ritually, but Büchner is no doubt correct in his insistence that the biblical traditions are not to be seen as evidence for the antiquity of this rabbinc halakhah. The biblical traditions are concerned not with ritual impurity but with moral impurity: the noncontagious defilement that results from sin. And it is important to note that the rabbinc traditions explicitly view the halakhah in question as a rabbinc innovation. It would appear that foreign lands, like the land of Israel, are subject to moral defilement.

Thus the sources of moral impurity convey a defilement both to the sinners and to the land upon which the sins are committed. As a result of this defilement, the sinners and the land experience a degradation in status. Now it must be asked: Is this condition permanent? The Holiness Code gives no indication of any methods for the removal of these defilements. Ablations, as we have seen, are not efficacious here. The Day of Atonement service involves the purification of the altar and shrine, which removes the stain left by sin upon the sanctuary (Lev. 16:11–19). This service also includes other sacrifices which atone for the people (16:20–22). But these sacrifices do not appear to purify grave sinners, or the land upon which the grave sins were committed. Such sinners either live out their lives in a degraded state (like the guilty adulteress) or suffer capital punishment (like apprehended murderers). The land, it appears, likewise suffers a permanent degradation.

The prophet Ezekiel, whose writings have the closest affinity to the Holiness Code, does, however, describe the ultimate purification of sinners (Ezek. 36:16–18, 22–25):

(16) The word of the Lord came to me: (17) O mortal, when the House of Israel dwelt on their own soil, they defiled it with their ways and their deeds; their ways were in my sight like the impurity of a menstruous woman [תַּחְתָּוָה]. (18) So I poured out My wrath on them for the blood which they shed upon their land, and for the fetishes with which they defiled it . . .
(22) Say to the house of Israel: Thus said the Lord God: Not for your sake will I act, O House of Israel, but for My holy name, which you have caused to be profaned among the nations to which you have come. (23) I will sanctify My great name which has been profaned among the nations. (24) I will take you from among the nations and gather you from all the countries, and I will bring you back to your own land. (25) I will sprinkle pure water upon you, and you shall be purified: I will purify you from all your uncleanness and from all your fetishes.

In the beginning of this passage, we see ideas similar to those in Leviticus 18: The Israelites are exiled as a result of the defiling force of their idolatrous, murderous, and sexual sins. But then Ezekiel envisions a miraculous purification of the people, enacted directly by God. The prophet is here building on the simile constructed earlier in the passage, comparing God’s rejection of sinful Israelites to the status of a menstruous woman. By conjugating the image of ritual purification, Ezekiel may be figuratively describing the ease with which God will be able to bring about a change in the people’s moral status. Just as a menstruating woman can cleanse herself quickly and easily from her ritual impurity, so too will God purify the people from the defiling force of their sins. Then again, Ezekiel’s vision may have been meant to be taken more literally: that God will, as the prophet says, purify the people from sin by dousing them with clean water. Whether Ezekiel envisions a literal purification of the people by God, or (more likely) is figuratively describing God’s power of forgiveness, the fact remains that what is envisioned here is a future hope. Without God’s help, the defilement of the people by sin is permanent. Ezekiel also describes a process for the purification of the land which has been defiled by the blood that was shed upon it (Ezek. 39:14–16). But again, this description is part of an eschatological vision. Thus in the end the Holiness Code and Ezekiel converge: the defilement of sinners and the land by grave sin is, for all practical purposes, permanent.

The Dietary Laws: Between “Ritual” and “Moral”

A word must be said at this point about how the dietary laws of Leviticus 11 and Deuteronomy 14 relate to the schema that has been laid out here. On the one hand, the book of Leviticus juxtaposes the dietary restrictions with laws of ritual purity; the dietary laws are presented in Leviticus 11, and the bulk of the impurity laws in Leviticus 12–15. Indeed this juxtaposition stands to reason, for a number of the dietary restrictions involve issues of purity. This is especially true of the laws dealing with the defilement conveyed by carcasses of certain impure creatures (Lev. 11:24–45). And yet, as many have realized, the bulk of the dietary restrictions are not purely laws per se. The carcasses of prohibited fish and birds are not considered to be ritually defiling, but eating them is nevertheless forbidden. Moreover, ingestion of the impure foods is not just considered ritually defiling, but is prohibited (e.g., Lev. 11:4). And to be sure, we hear of no purification procedures that can ameliorate the defilement contracted by ingesting forbidden foods. Hoffmann, for these reasons, included the dietary restrictions in his second, more serious category of defilement (낡ות), which is roughly analogous to what we have called moral impurity.

Additional arguments in favor of such a view are (1) that the consumption of forbidden foods has a deleterious (if not defiling) effect on the person who violates the law (Lev. 11:43, 20:25), and (2) that this effect appears to be defined in opposi-
the best thing to do is drop them from the discussion altogether. At any rate, the philosophical debate on metaphor continues, and no end is in sight. And for better or for worse, the debate has not yet had a substantial impact on the study of biblical and ancient Jewish literature. A reasonable definition of metaphor will be offered here—one that may not be pleasing to all sides in the debate, but that will at least accurately reflect the usage of the term in the scholarship in question.

It appears that the scholars who characterize moral impurity as metaphorical or figurative are using the terms in a rather traditional way. Thus when they claim that the usages as metaphorical, the implication is twofold. First, metaphorical or figurative language is defined in opposition to usage that is literal or technical; metaphorical language is not meant to be taken literally. Second, metaphors involve a degree of transference: a term or phrase that is literally applicable in one case has been transferred to a context to which it is not literally applicable. In sum, metaphorical language is a secondary, nonliteral (or nontechnical) usage that is informed by the prior, literal usage of the language in question. What this boils down to is that when purity language is used metaphorically, then no real defilement or purification is actually taking place.

To illustrate the argument that moral impurity can be understood as nonmetaphorical, we return to a key passage from Leviticus (18:24–25):

Do not defile yourselves in any of those ways, for it is by such that the nations that I am casting out before you defiled themselves. Thus the land became defiled.

Let us focus for the moment on the idea that the land became defiled—a point that many commentators assume to be metaphorical. To say this passage is a metaphor ought to involve two claims, neither of which is correct in our view. First, to say that Leviticus 18 is a metaphor should mean that it is not literal. Second, to say that it is a metaphor should mean that the usage of purity language in this context is secondary.

I fail to see why Leviticus 18:24–25 cannot be taken literally. More specifically, I fail to see why the defilement of land must be metaphorical. If people can be defiled, why not the land? Although few biblical traditions state so explicitly, a number of sources imply or assume that the land of Israel is holy. Among these are the sources that equate the boundaries of the land with the habitation of God, the passages that emphasize God’s possession of the land of Israel, and the traditions that emphasize that the obligation to follow certain laws is incumbent upon all the residents of the land of Israel, not just Israelites. The unique status of the land of Israel is bound, at least for the Holiness Code, in the notion that God’s dwelling is located in the midst of it: “You shall not defile the land in which you live, in which I Myself abide, for I the Lord abide among the Israelite people” (Num. 35:34). Now if the land of Israel can be holy, the land can be defiled. And as Hoffmann correctly understood almost a century ago, the concept of impurity in the context of grave sins is to be understood in opposition to the idea of holiness. Thus Leviticus 18:24–30 can be read quite literally: the performance of sexual misdeeds defiles the sinners and the land upon which the sins are committed. This defilement is not literal, to be sure, because ritual impurity conveys an impermanent contamination. The defilement is moral, and what is conveyed is a permanent degradation of status. According to the Holiness
Code, the holy people defile their once-holy land by performing grave sin. The end result is the exile of the people from the land of Israel.

Similarly, I do not see why the defilement of the person by sin is necessarily metaphorical. Wright, even as he recognizes that sin has a defiling effect on the sanctuary, insists that the defilement of the person by sin is not a real defilement. Indeed, he explicitly describes Leviticus 18 and Numbers 5 as metaphorical: "[T]he defilement of the people as impure in these verses is a moral reproach rather than a technical description of their ritual condition... both P and H use 'impure' as a moral metaphor with reference to sexual sins." As was argued earlier, however, the use of 'impure' in the context of sexual sin is just as technical as the use of the term with regard to ritual impurity. People who commit sexual sins defile their persons, so that they suffer a degradation of their status, the primary legal ramification of this degradation being a decrease in marriageability. People who commit idolatrous sins or murder also defile their persons, the general ramification of this being—as Hoffmann put it—rejection by God.

Thus I see no reason why moral impurity is any more, or less, figurative than ritual impurity. In fact, I see no reason why either type of impurity is any more, or less, real than the other. I certainly cannot understand why the (moral) defilement of the land by blood spilled upon it ought to be a metaphor (Num. 35:33–34), while the (ritual) defilement of a person who merely enters a tent in which there lies a corpse is real (Num. 19:14). To be more accurate, we ought to understand that with both kinds of impurity, we are dealing with perceived effects that result from actual physical processes. In the case of ritual impurity, a real, physical process or event (e.g., death or menstruation) has a perceived effect: impermanence contagion that affects people and certain objects within their reach. In the case of moral impurity, a real, physical process or event (e.g., child sacrifice or adultery) has a different perceived effect: a noncontagious defilement that affects persons, the land, and the sanctuary. In both cases, the impurity is conveyed by contact: ritual impurity is conveyed by direct and indirect human contact, and moral impurity is conveyed to the land by sins that take place upon it. In both cases, moreover, there are practical legal ramifications. The ritually impure person must keep away from sacred things, and in some cases must be barred from certain precincts. The morally impure person may be subject to capital punishment or, in the case of unwed female partners to sexual misconduct, permanent degradation and fewer options for marriage. When the land has been defiled to a great extent, then its people are exiled. Though the sources and modes of transfer of moral and ritual impurity differ, we are dealing, nonetheless, with two analogous perceptions of contagion, each of which brings about effects of legal and social consequence.

We turn now to the second aspect of the definition: metaphors are secondary usages of terminology which has a different primary (literal) use. That moral impurity involves the secondary use of purity terminology is stated or implied by many scholars: Levine refers to "applied concepts of purity," Schwartz speaks of "transformation," and Wright speaks of "metaphorization." Yet I know of no detailed analysis that establishes firmly the secondary nature of the usage which we refer to as moral impurity. To the contrary, it was noted above that the idea of the defiling force of sin ap-

pears in Hosea (5:3 and 6:10), Jeremiah (2 and 3), Deuteronomy (21:23 and 24:1–4), the deuteronomic history (1 Kings 14:24; 2 Kings 16:3), and possibly Amos (7:17), in addition to the Holiness Code and Ezekiel. Now the date of the priestly traditions is a notoriously difficult question, subject to increasing controversy. It is not directly relevant to the work at hand and cannot be taken up here, but what is important to keep in mind is this: Moral impurity is commonly assumed to be a secondary use of purity terminology, and yet the usage appears in prophetic and deuteronomic texts that would, by almost all accounts, be considered earlier than the priestly traditions that attest to the "primary" usage of impurity terminology. This is problematic, to say the least. The bottom line, in my view, is this: We simply cannot know which usage came first. Thus we cannot assume that traditions like Leviticus 18 involve a secondary, metaphorical usage of ritual impurity terminology.

I am not denying that there are metaphorical or figurative uses of purity language in the Hebrew Bible. What I am suggesting is that the usage described here, which has commonly been assumed to be metaphorical, is not. There are indeed a number of passages in the Hebrew Bible in which the language of ritual impurity, or the image of ritually impure persons, is used metaphorically to illustrate the sinfulness of Israelites. Similarly, there are a number of passages in which the language of ritual purity and purification is used metaphorically to illustrate righteousness or atonement. In each of these passages, there is an explicit or implied comparison between ritual impurity or purity on the one hand and sinfulness or righteousness in general on the other. For example, in Isaiah 41:15–17, the Lord states:

(15) And when you lift up your hands,
I will turn My eyes away from you;
Though you pray at length, I will not listen.
Your hands are stained with crime—
(16) Wash yourselves clean;
Put your evil doings
Away from My sight.
Cease to do evil;
(17) Learn to do good . . . .

This passage is not concerned with the ritual defilement of sinners, or with the ritual purification of moral defilement. The image of ritual purification here serves, rather, to illustrate the atonement for which the prophet is calling.

And from the perspective of the sinner, we find in Psalm 51 the following prayer for forgiveness:

(4) Wash me thoroughly of my iniquity,
and purify me of my sin;
(5) for I recognize my transgressions,
and am ever conscious of my sin . . . .
(9) Purge me with hyssop till I am pure;
wash me till I am whiter than snow.

Here too the concern of the passage is not with the morally defiling force of grave sin, but rather with personal atonement from sin in general. The image of purifica-
tion is used figuratively to illustrate that atonement. What these passages do not state is that ritual purification can serve as a means of removing the defiling force of grave sin. After all, in these passages the washing is done not by the individual sinner, but by God. The real key to understanding these passages is this: The hope expressed is that full atonement from sin could prove to be as easy a matter as purification from ritual impurity. Just as, say, a person who touches the carcass of an impure animal can purify himself or herself quickly and completely, so too does the sinner and prophet hope that God will effect atonement quickly and completely.

In a similar vein, a number of biblical passages compare the status of a sinner to that of a ritually impure person. The following example is from Deutero-Isaiah (64:4-5):

(4) . . . It is because You are angry that we have sinned;
We have been steeped in them from of old,
And can we be saved?
(5) We have all become like an impure thing [טומא],
And all our virtues like a filthy rag.

The point of this passage is not that sinners are ritually defiling, but that sinners find themselves in a state of rejection by God. A number of biblical passages engage in the same sort of simile, comparing the sinfulness of Israel to ritually impure persons. Some other passages utilize terms of ritual impurity to describe sinful, especially idolatrous, objects. In these passages no form of impurity has been contracted or conveyed, and thus no purification is to take place. These passages, by virtue of the juxtaposition of ritual impurity with sinfulness, or ritual purity with righteousness and atonement, are indeed figurative in nature. But this phenomenon is distinct from that seen in the passages analyzed above, which ascribe a nonritual and nonmetaphorical defiling force to certain grave sins.

A Single Symbolic System?

The distinction between ritual and moral defilement having been established, the question that must now be raised is whether the two systems are connected at all. As we saw in the introduction, Mary Douglas at first expressed the view that as an anthropologist she claims “to find in the totality of the biblical purity rules a symbolic system.” Building explicitly on her work (the first stage of it), Wright has argued that “all the defilement-creating conditions in the priestly legislation are of the same conceptual family and system.” Yet Wright goes even further, suggesting that “the whole purity system including tolerated impurities has a moral basis and rationale.” As Wright himself notes, this claim echoes themes from Jewish-Hellenistic apologetic literature (especially Aristides and Philo). To be fair, Wright recognizes that his analysis here enters the realm of speculation. Yet the conjectures have been offered, and they must be assessed.

Wright claims to find a fundamental connectedness between the two major components of the purity system as he sees it. He identifies a number of similarities between the two, in addition to the obvious terminological one. According to Wright, the two “share loci of pollution (the sanctuary) and similar ways of removing that pollu-

lution (mainly chattat sacrifices). This main phenomenological association is complemented by parallels in rules of restriction and exclusion.” The fundamental difference between the two types of defilement is the issue of intention. According to Wright, the fundamental connectedness between the two types of defilement justifies viewing the entire “spectrum” of impurity as a symbolic system with a moral basis.

The first objection to be raised is the fact that these similarities are overdrawn. Regarding terminology, the term “defile” (טומא) is, to be sure, used in both contexts. But the verb “pollute” (טומא) is used only in the context of what we have called moral impurity, and the same is true of “abomination” (טומא). With regard to the loci of impurity, certain sins can defile the land, while no ritual impurity can do so. And even with regard to the sanctuary, Wright’s permitted impurities defile the sanctuary on contact, while the prohibited impurities defile it from a distance. With regard to methods of removal, the chattat sacrifice is one similarity among many differences. First and foremost among these differences is the fact that ablation does not remove the impurity brought about by sin. In fact, we hear of no method at all for the removal of the defilement of land by sin. And with regard to restriction and exclusion, those who commit sin are not declared to be ritually impure and are not excluded from the sanctuary. Each of these differences is significant, and taken together they demonstrate conclusively that the differences outweigh the similarities when one compares the defiling force of sin to ritual impurity. In my view, it is best to recognize and emphasize the distinctive nature of the defiling force of sin, despite the fact that the systems overlap at some points.

The second objection against the “single-system” argument is the fact that the search for a single symbolic system is not called for by the text itself. The Pentateuch is fully capable of expressing very clearly that one ritual serves as a reminder of some other greater purpose. The Sabbath ritual, for example, serves to remind Israel of either the Exodus from Egypt (Deut. 5:14-15) or the creation of the world (Exod. 20:10-11). More generally, the tassels on Israelites’ garments serve to remind the people to obey their laws (Num. 15:37-41). When it comes to the ritual impurity laws, we are never told that these regulations are to serve as behavioral reminders of the morally defiling force of sin. We are simply given the laws of ritual impurity on the one hand, and the notion of moral impurity on the other.

A third problem is that there is a fundamental logical flaw to Wright’s argument. Wright has emphasized that the use of impurity language with regard to sin involves metaphorization — the secondary application of language originally used in the context of ritual defilement. Then he argues that morality is the basis of the whole system, and that ritual impurities symbolize moral sin. If we telescope the two claims, we are left with the conclusion that ritual defilement serves to symbolize its own metaphorization. The circularity here is problematic indeed.

It is instructive at this point to bring in the view of D. Z. Hoffmann, who three generations ago also argued that the systems interlock in a symbolic fashion. When commenting on Leviticus 11, Hoffmann suggests that the categories of ritual impurities are analogous to, and therefore symbolize, certain categories of sins. Yet he consistently sees ritual impurity as the symbolic one, never viewing the defilement of sin as metaphorical. Those who are ritually defiled are symbolically impure. Those
Ritual and Moral Impurity in the Hebrew Bible and Ancient Judaism

who committed sin have truly, and permanently, defiled their bodies. It is telling that Hoffmann and Wright can present competing interpretations as to which of the two systems serves as the more symbolic one. This phenomenon is in itself a strong argument for seeing the two conceptions as I have presented them: as two distinct but analogous conceptions of contagion.

There can be no doubt, of course, that the two systems overlap in various ways. Yet they overlap with other “systems” in the Hebrew Bible as well. The sacrifices offered by the ritually impure person are part of a larger sacrificial system. The prohibitions that leave the sinner mortally defiled are part of a larger system of law and justice. The day devoted to the purgation of the sanctuary is just one of many holy days in the Israelite calendar. And as we saw in the previous section, the purity systems overlap with the dietary laws in various ways as well. The single system—if there is one—is Israelite religion as a whole. The systems of impurity should not be associated so closely and at the same time removed too far from their greater context. A full understanding of each of these systems requires one to rely on the resources of the entire Hebrew Bible.

In the end, one cannot eliminate the possibility that the two impurity systems are connected on some deeper level. Yet none of the arguments in favor of such a view is persuasive. Indeed, the impetus behind the search for a single symbolic system seems to come not from the text itself, but from external preconceptions—from either structural anthropology or homiletics. And the results that the search has yielded so far are not convincing. But even more problematic is the fact that in the final analysis, the differences between the two systems outweigh the similarities. It is best, therefore, to take the two systems on their own terms, especially since they are too often confused as it is. For now, it is best to let the emphasis fall on the distinction that ought to be made between ritual and moral defilements.

Gender and the Biblical Impurity Systems

We take up, finally, the issue of gender, in order to shed some light on the ways in which these two systems relate to women, men, and sexuality in general. We do so not only for the sake of taking up a timely theme, but also because as our analysis progresses through the various literatures of ancient Judaism, we will see now and then notably different approaches to some of these issues.

Once it is established that ritual impurity is generally natural, unavoidable, not sinful, and impermanent, it becomes easier to see that the relationship between conceptions of defilement and conceptions of gender is much more complex than what one might at first assume. It is true that traditional Judaism, in both the medieval and modern periods, has been interested in primarily only one source of ritual impurity: that which originates in menstrual blood. And as is well known, of all the Mishnah tracts dealing with ritual impurity, only the tractate dealing with menstrual impurity—tractate Niddah—receives systematic treatment in the Jerusalem and Babylonian Talmuds. But the Hebrew Bible knows of no such selective focus. For a variety of reasons, the menstrual taboo was the only aspect of the biblical ritual impurity system that was maintained for very long after the destruction of the second temple in 70 CE. When we examine the ritual impurity legislation of the Hebrew Bible, however, we find a system that is rather even-handed in its treatment of gender. In Leviticus 15, regular and irregular genital discharges from both men and women are sources of ritual defilement. The menstrual taboo of Leviticus, in order to be properly understood, must be viewed within this broader context. And once the scope is widened, it becomes clear, to quote Howard Eilberg-Schwarz, that ritual impurity “is a state which both genders generate and occupy.”

Menstrual blood is but one source of ritual impurity, and it is hardly the raison d’être of the biblical impurity system. Indeed, according to Leviticus 15, irregular flows from men or women produce a more severe state of ritual defilement than menstruation does. And in ancient Israelite society, most women of childbearing age were very likely pregnant or lactating much of the time. Thus ancient Israelites probably did not find themselves ritually impure on a regular basis as result of the menstrual taboo. Moreover, the other major sources of ritual impurity are clearly gender-blind. “Leprous” impurities affect men and women equally, and the corpses of men and women equally constitute the source of the most severe form of ritual defilement. Systems of ritual impurity can be constructed and utilized for the purpose of subjugating women, but that is not the ultimate purpose of the biblical one. Even if it were, as Mary Douglas’s recent work has demonstrated, the biblical system with its “purification for all” attitude would be useless to the task.

Now there is, to be sure, a gender imbalance. Note, for instance, that purification after the birth of a female child takes longer than after the birth of a male child (Lev. 12:2–5). This discrepancy has given rise to various speculations for, literally, millennia. But we ought not be so quick to view this discrepancy as reflecting poorly on women. In fact, the situation is much more complex. There is a degree to which the capacity to defile reflects value. Human corpses, as we have seen, render those who come into contact with them ritually defiled for an entire week (Num. 19:11). And yet the carcasses of quadrupeds, including pigs, convey a ritual impurity that lasts for only a single day (Lev. 11:24–26). This can hardly mean that ancient Israelites valued quadrupeds more highly than they did human beings. By the same token, we cannot assume that the gender imbalance of Leviticus 12:2–5 reflects negative attitudes toward women or girls.

In truth, I do not know why women are ritually defiled for a longer period of time after the birth of a daughter than after the birth of a son. But when we take into account all that we have said about ritual impurity—that it is natural, unavoidable, and not sinful—and we add to that the observation that capacity to defile can reflect positive value, then it becomes clear that we cannot simply assume that the prolonged defilement after the birth of a daughter is to be understood as articulating a negative attitude toward women or girls.

Now I am not claiming that the ancient Israelite ritual impurity system was egalitarian—it was not. Very little in ancient Israel was. Women were indeed, for the most part, excluded from ritual life. But in order to understand this exclusion properly, it is essential to keep in mind that ritually impure men were excluded in much the same way as ritually impure women. Indeed, a number of biblical passages problematize masculine impurities more than feminine ones (Exod. 19:15; Deut. 23:10–12). The real question is why ritually pure women were excluded from sacred roles in the ancient Israelite cult, but that question is not likely to be answered by an analysis of biblical ritual impurity legislation.
In ancient Israel, then, ritual impurity was perceived to be natural, unavoidable and not sinful, for both males and females. Because the bulk of the laws apply to both men and women equally and assume that all Israelites will become ritually impure from time to time, the system as a whole was not constructed in order to enforce a permanent exclusion of women. And because women were probably only infrequently affected by these tabous, the ritual impurity system would be doing a poor job, if the intent were to subject them. In the final analysis, one cannot build a very strong case in defense of the argument that the biblical ritual impurity laws were legislated for the purpose of subjugating women.

When we turn to examine the notion of moral defilement, however, we find that the gender imbalance looks larger, and particularly when it comes to sexual transgression. The sexual laws of Leviticus 18 and 20 are, first of all, addressed to the men in the community. Moreover, as is well known, there is a double standard here, for a married man can legally have more than one sexual partner, while a married woman legally cannot. There is also the fact that among the morally defiling sins specified in Leviticus is the prohibition of having sexual relations with a woman who is menstruating (Lev. 18:19 and 20:18).

Again, however, we can push the gender imbalance too far. First of all, there are also ways in which these laws are more lenient with regard to women: While male homosexuality is explicitly prohibited, lesbianism is not. But more important, even though the sexual laws are addressed to men, on the whole they apply equally to men and women. Being that these are sexual laws, the prohibitions ultimately shape the behavior of both men and women. Of course, we are still left with the problematic prohibitions of sexual relations during menstruation. On the one hand, because this prohibition focuses on the nature of women’s bodies, there is some cause to see it as biased against women. On the other hand, it is important to keep in mind that the prohibition applies equally to men and women (Lev. 20:18). Thus while the situation of menstruation affects women (just as the situation of flux affects men), the prohibition of sex during menstruation affects men and women both. Moreover, there is a degree to which even this prohibition can be seen in a different light. As Ross Krauer points out, the regulations regarding the menstrual taboo actually empower women, by giving them the opportunity to decline sexual relations by claiming that they are ritually impure.

With regard to the sex laws, both women and men who willingly commit sexual transgressions are sentenced to death. That is so because in Leviticus 18 and 20, sexual transgression is not primarily a crime of property committed against a husband or father, but an abomination—a crime against God. It is precisely this aspect of the sexual laws that is of interest to us. Like idolatry and murder—crimes that do not discriminate when it comes to gender—the sexual transgressions have the power to defile the land and bring about exile to its inhabitants. Men and women, equally, can perpetrate these crimes. And both men and women equally, if caught, will be punished. Furthermore, the ultimate result of the accumulation of moral impurity—the exile of the people from the land of Israel—is a punishment that affects everyone. Men and women, the children and the elderly, the innocent and the guilty—all will suffer equally the terror of exile.

As was noted at the beginning of this chapter, a scholarly consensus views Leviticus as a composite work. Leviticus 1–16, roughly, stems from the priestly source...
Moral Impurity in the Second Temple Period

The previous chapter demonstrated that a number of biblical traditions express the idea that certain grave sins—especially idolatry, murder, and sexual transgression—have their own distinct defiling force. In this chapter we will see that the biblical idea of moral defilement persists into the second temple period. It is well known that much of ancient Jewish literature is concerned with ritual impurity, but what is not sufficiently appreciated is the fact that ancient Jewish literature also concerns itself with the defiling force of sin. In this chapter, we will study selected passages from the books of Ezra and Nehemiah, the book of Jubilees, the Temple Scroll, the Damascus Document, and other sundry texts. The passages analyzed here have generally, and erroneously, been understood to be concerned with ritual impurity. I will argue, however, that they are best understood as articulations of the concept of moral impurity.

Ezra, Nehemiah, and the Expulsion of the Foreign Wives

One of the thornier issues in the history of Judaism in the second temple period is the date of Ezra. Regardless of when Ezra served as a leader of the Jewish people in Jerusalem, the narratives of the books of Ezra and Nehemiah make it clear that both of these figures faced similar social crises. Much to these personalities’ dismay, a number of the Jews had married local Gentile women. Both Ezra and Nehemiah urged the dissolution of these marriages. As even a casual reader of these books may notice, the chronology is confusing. Yet whether one or two expulsions took place, and in which order they occurred, is not of concern here. Indeed, it is not directly relevant for us if any expulsion occurred at all. Our concern is the ideology behind these books’ opposition to marrying foreign women. Is this ideology rooted in any conception of impurity, and if so, which type of impurity is operative?

That purity is a concern of the books of Ezra and Nehemiah can hardly be called into question. Terms of defilement are used with reference to the problem (Ezra 9:1; 9:11-14), and the proposed solution—divorce—is referred to as a purification