

PURITY AND IMPURITY

Part 1: introduction

CREEPING BEINGS

Leviticus 11:29-31

Of the creeping things that crawl upon the ground, the following are **tamei** for you: the choled, the achbar, the tzav and its ilk, the anakah, the ko'ach, the l'ta'ah, the chomet and the tinshemet. These, of all the creeping beings, are **tamei** for you. Anyone who touches the dead body of any one of these shall be **tamei** until evening.

וְזֶה לָכֶם הַטֹּמֵא בַשָּׂרָץ הַשָּׂרָץ עַל
הָאָרֶץ הַחֹלֵד וְהָעֶכְבֹּר וְהָצָב
לְמִינָהּ: וְהָאֲנָקָה וְהַכֹּחַ וְהַלְטָאָה
וְהַחֲמֵט וְהַתְנַשְּׁמֶת: אֵלֶּה הַטֹּמְאִים
לָכֶם בְּכָל הַשָּׂרָץ כֹּל הַנִּגַּע בָּהֶם
בְּמֹתָם יִטְמָא עַד הָעֶרֶב:



TERMINOLOGY

Translations

impure • unclean • defiled

pure • clean • acceptable

Theological Dictionary of the Old Testament^a

The root of the word ‘tamei’ appears with the same meaning in Jewish Aramaic, Syriac and Middle Hebrew. It is not attested in classical Arabic, but later Arabic has a verb *ṭumā*, “choked with mud”, and a noun *ṭammay*, “mud of the Nile”.

The Egyptian root for ‘tahor’ means both “purify” and “be or become pure”; it is also used as an adjective, “pure”. The verb is sometimes used concretely, to mean “wash”, “make clean” (eg clothing); and sometimes figuratively, “purify” (eg the king, priests, a temple, or an altar), ie make free from impurity or evil. In the sense “be pure” it is used of persons, parts of the body, clothing, buildings, sacrifices, etc, as well as the cloudless sky. Certain Hebrew passages suggest “gleaming” as a fundamental meaning.



^a G Johannes Botterweck and Helmer Ringgren (eds), *Theological Dictionary of the Old Testament* (Grand Rapids, Michigan: William B Eerdmans, 1974; rev 1977): vol 5 pp 288, 290, 330.

THE SYSTEM

Primary sources of tumah

» a human corpse «
the dead body of a creeping being
roadkill
a person who has touched a corpse
semen
certain water used in Temple ritual
certain people involved in Temple ritual
a woman suffering from discharge
a menstruating woman
a woman who just gave birth
a man suffering from discharge
someone suffering from the disease of tzara'at

Maimonides^b identifies these as the 11 biblical 'fathers of tumah' (a human corpse makes 12, but it's technically a 'grandfather'). However, he also refers to an expanded list of fathers of tumah based on rabbinic rules, including a vessel that has touched a human corpse, a vessel that has touched a person who has touched a human corpse, a person who has touched a vessel that has touched a human corpse, a vessel which has touched a person who has touched a vessel which has touched a human corpse, and so on and so forth. This expanded list has 32 entries.

^b See the introduction to his commentary on Seder Tohorot.

Transmission of tumah^c

touch (a person touches a source of tumah)

carriage (a person carries a source of tumah)

shift (a person is carried by a source of tumah)

space (a person shares space with a source of tumah)

occupation (a person works with a source of tumah)

resting (a person sits, lies or rests on a source of tumah)

connection (a person actively in contact with a source of tumah becomes equivalent to it)

Levels of tumah^d

Whatever becomes tamei from a father of tumah is called 'rishon l'tumah'. If a rishon l'tumah transmits its tumah onwards, it creates a sheini l'tumah. A sheini l'tumah does not transmit tumah to ordinary food, but only to priestly food and sacrificial food, which, if tamei, is called shlishi l'tumah. Shlishi l'tumah transmits tumah only to sacrificial food, which becomes r'vi'i l'tumah. A r'vi'i l'tumah cannot transmit its tumah any further.

In general, people, vessels, food and drink can become tamei – but people and vessels can only become tamei from a father of tumah.

^c Very much simplified from Shlomo Feldman, *Sha'arei Da'at* [Hebrew] (Jerusalem: Tzuf Books, 2001): vol 1 p 539-540. There are a few other, less common, methods of transmission of tumah, including consumption (where a person eats a source of tumah) and intercourse (where a person has sex with someone who is tamei).

^d Adapted from Hyam Maccoby, *Ritual and Morality: the ritual purity system and its place in Judaism* (Cambridge: Cambridge University Press, 1999): 214.

Eradication of tumah

ritual immersion

permanent destruction

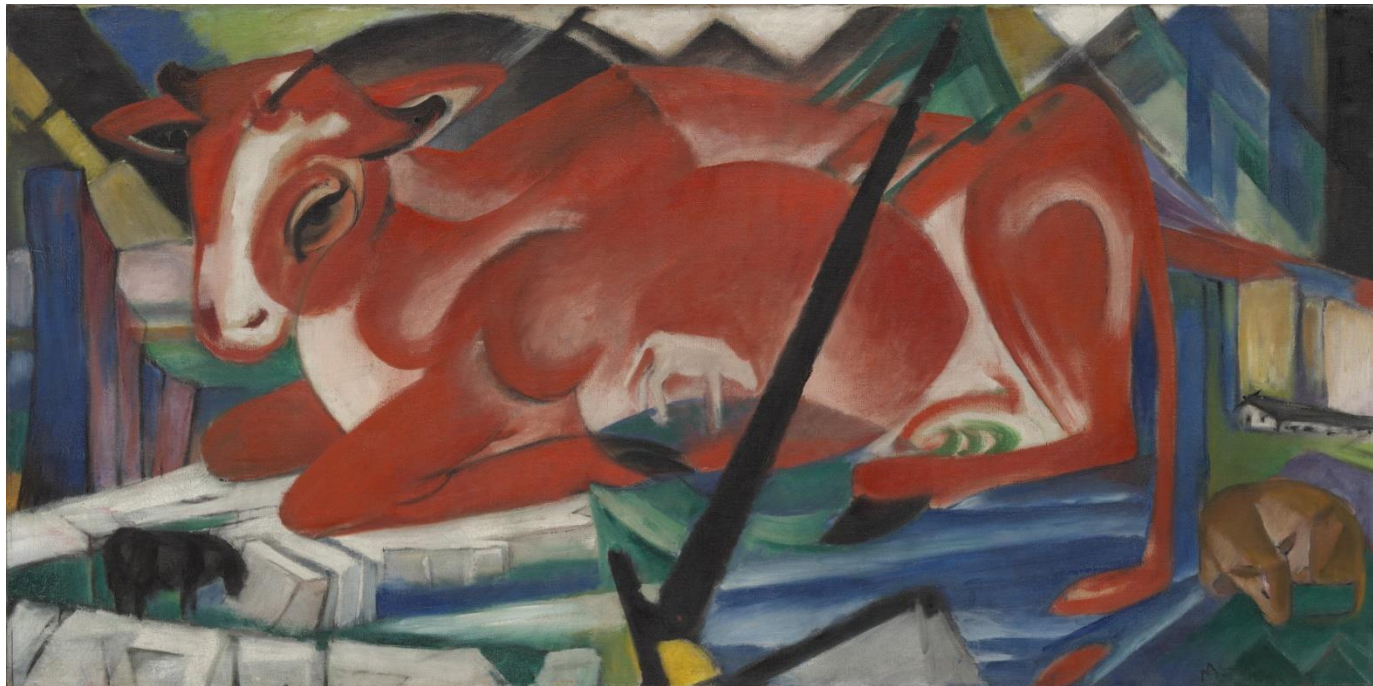
temporary destruction

the red heifer

bird sacrifices

time

handwashing



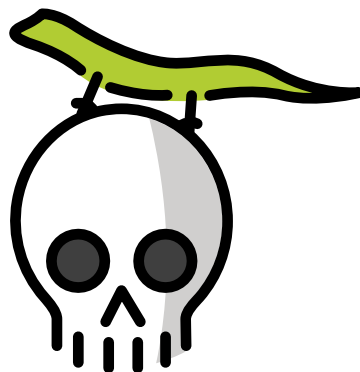
RIPPLE EFFECT

Mira Balberg^e

Since the sources of tumah in the Torah are quite limited in number, and their effect normally extends only to whatever has direct contact with them, tumah generally transpires as a noticeable event. Some events that bring about tumah are an inseparable and even recurring part of life (birth, death, menstruation, seminal emission), whereas others are more rare and crisis-like (tzara'at disease, abnormal genital discharges); but all these events are discernible and traceable to a particular point in time. Whoever is tamei, whether on account of experiencing the bodily conditions mentioned above or on account of having direct contact with a source of tumah, is presumably aware.

The picture in rabbinic texts is notably different. The Mishnah presents tumah as the daily and ongoing concern of everyone, even of persons who are not currently tumah or known to have had contact with a source of tumah. In other words, tumah in the Mishnah is approached not only as a noticeable event, but also, and perhaps much more prominently, as an ongoing reality. The Mishnah greatly increased the transferability of tumah, and thereby made it much more pervasive and all-encompassing.

^e Mira Balberg. *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014): 27-28.



TUMAH AND TOHORAH

Part 2: what is a thing?

COMPLETION

m.Keilim 20:7

From when does a mat become tamei?^a From when it is trimmed, for this marks the end of its manufacture.

מחצלת מאימתי מקבלת טומאה משתקנב והיא
גמר מלאכתה:

CHANGE

m.Keilim 13:5

A needle which became rusty: if this prevents it being used for sewing, it is tahor. Otherwise, it is still tamei. A hook that was straightened out is tahor. If it is bent back, it returns to being tamei.

מחט שהעלתה חלודה אם
מעכבת את התפירה טהורה ואם
לאו טמאה צינורא שפשטה
טהורה כפפה חזרה לטומאתה:

m.Keilim 22:2

If one leg is removed from a three-legged^b table, it becomes tahor. If a second leg is removed, it is still tahor. If the third leg is removed and the owner thereafter intends to use the tabletop as a tray,^c it is tamei.

השלחן שנטלה אחת מרגליו טהור
נטלה שניה טהור נטלה השלישית
טמא כשיחשוב עליו:

^a It is important to note that in general, this tractate uses the word 'tamei' in a different sense, perhaps better understood as 'susceptible to tumah'. When the Mishnah says that a fully-manufactured mat is tamei, it means that if the mat encounters a source of tumah, then it will become tamei. It does not mean that any fully-manufactured mat is automatically tamei in fact. Cf the observation: "Bread moulders." That means only that bread is the sort of substance that moulders (unlike, say, honey).

^b Tiferet Yisra'el ad loc

^c Bartenura ad loc

DESTRUCTION AND CREATION

m.Keilim 19:6

A bed becomes tamei^d and the two long sides are removed. Two new boards are made for it, to be used with the original sockets.^e If the new sides get broken, the bed is still tamei, but if the old sides wherever they are in the world get broken, the bed including its new sides is tahor. Everything depends on the old sides.

Rabbi Israel Lipschitz^f

The Mishnah says: *Metal vessels are tamei even when broken*. This means that they became tamei, then were made tahor by being broken, but, when put back together, their original tumah returned.^g This must mean that, likewise, anybody who touched the pieces in the past – while they were broken – retroactively becomes tamei when the vessel is reassembled.^h

מטה שננטלו שתי ארוכות שלה
ועשה לה חדשות ולא שנה את
הנקבים נשתברו חדשות
טמאה וישנות טהורה שהכל
הולך אחר הישנות:

מיטמאין ... שבורין ר"ל
דבנטמאו ונטהרו ע"י שבירה
וחזרו ונתקנו שחוזרין לטומאתן
ישנה אז גם אדם ... שנגעו בהן
למפרע בשעה שהיו שבורים
חזרו ונטמאו:

^d Tiferet Yisra'el ad loc

^e This is significant because it means that the old boards could still be reinstalled: Bartenura ad loc.

^f Tiferet Yisra'el to m.Keilim 14:7

^g The conventional understanding of this mishnah is that when a metal vessel becomes tamei and is broken into pieces, it becomes tahor, but the pieces retain a sort of dormant tumah: should they be put back together, the reassembled vessel will immediately be tamei once again.

^h This is very much a minority view, although one shared by Eliyahu Rabbah ad loc, who reaches the same conclusion by reading מיטמאין, 'are tamei', as מטמאין, 'render tamei'.

ECONOMICS

b.Avodah Zarah 8b

Eighty years before the destruction of the Temple, the rabbis decreed tumah over glassware.

פ' שנה עד לא חרב הבית גזרו טומאה על ...
כלי זכוכית:

Rabbi Louis Ginzbergⁱ

During the days of the First Temple, our ancestors did not use glass at all. The leading craftsmen in glass were Canaanites of Tyre and Sidon. The eventual importation of glass into the Holy Land occasioned sharp competition between local and imported products, for many preferred glass vessels (which could not become tamei) to locally-produced earthenware and metal dishes, which required safeguarding against tumah. When tumah was decreed for glassware this competition was partially lessened, since glassware from Tyre and Sidon no longer possessed the advantage of being free from the liability to tumah.

LABOUR

m.Keilim 15:2

Bakers' chopping boards are tamei. Householders' chopping boards are tahor – unless they are dyed red or saffron, in which case they are tamei.

ארוכות של נחתומים טמאות ושל בעלי
בתים טהורות סרקן או כרכמן טמאות:

ⁱ Louis Ginzberg, *On Jewish Law and Lore* (New York: Atheneum, 1955; repr 1970): 80-81.

MODERN UNDERSTANDINGS

Mira Balberg^j

When human beings put labour into natural resources and process them in order to use them, nature in effect becomes ‘man’s inorganic body’ and thereby becomes humanised. When we fill a cup with water from a fountain, the cup functions as an extension of our mouth; the clothes we wear are an extension of our skin; the plough we use is an extension of our hands and feet; and so on. We see whatever we do with artifacts as if it were done by us, and do not say “my gun shot him” or “my pencil drew the picture” but rather “I shot him” or “I drew the picture”, thus identifying inanimate objects that we use with ourselves.

Howard Eilberg-Schwartz^k

The notion that God permits Adam to name the animals implies that God confers on humanity the power to define the character of wildlife and thus master it. This idea corresponds to the Mishnaic idea that human beings classify the world by planning how to use things. People define the character of objects by planning how to use them. God appointed human beings as agents to carry out the work of classification. In the Mishnah, humans can act on God’s behalf because they are fundamentally like God in that they have the capacity to think, or more specifically, the capability of analysing the world around them. It is this rational capacity which enables human beings to understand the order of creation and to imitate God’s act of classifying the world.

^j Mira Balberg. *Purity, Body and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014): 77.

^k Howard Eilberg-Schwartz. *The Human Will in Judaism: the Mishnah’s philosophy of intention* (Atlanta: Brown Judaic Studies, 1986): 105-109.

Sir Philip Pullman¹

It was so odd. It didn't make any sense in the way a physicist would expect. We got a piece of ivory, just a lump, and there were no Shadow Particles with that. It didn't react. But a carved ivory chess piece did. A big splinter of wood off a plank didn't, but a wooden ruler did. And a carved wooden statuette had more... We're talking about elementary particles here, for goodness' sake. Little minute lumps of scarcely anything. They knew what these objects were. Anything that was associated with human workmanship and human thought was surrounded by Shadow Particles. And then we got some fossil skulls from the museum and tested them to see how far back in time the effect went. There was a cut-off point about thirty, forty thousand years ago. Before that, no Shadow Particles. After that, plenty. And that's about the time, apparently, that modern human beings first appeared.



¹ Sir Philip Pullman. *The Subtle Knife* (London: Scholastic, 1997): 93.

MIND-BENDERS

m.Keilim 18:8

A tefillin-box has four compartments and comes into contact with a corpse.^m If the first compartment falls off and is replaced, the tefillin-box is still tamei with corpse-tumah. So too with the second and the third. But if the fourth compartment falls off, the tefillin-box is tahor from corpse-tumahⁿ – although still tamei through having had contact with something tamei with corpse-tumah. This continues to be the case even if one goes back to the first compartment and replaces it again; ditto the second. But if one replaces the third, the whole tefillin-box becomes completely tahor, because something that is only tamei through contact cannot transmit its tumah further through contact.



תפלה ארבעה כלים התיר
קציצה הראשונה ותקנה
טמאה טמא מת וכן שניה וכן
שלישית התיר את הרביעית
טהורה מטמא מת אבל
טמאה מגע טמא מת חזר
לראשונה והתירה ותקנה
טמאה במגע וכן שניה התיר
את השלישית טהורה
שהרביעית במגע ואין מגע
עושה מגע:

^m Bartenura ad loc.

ⁿ Because the tefillin-box that came into contact with the corpse no longer exists: literally all of its component parts have been replaced, Tin Man-style.

m.Keilim 26:4

A sandal has two straps^o and comes into contact with a corpse.^p If one strap breaks off and is replaced, the sandal is still tamei with corpse-tumah. If the second strap then breaks off and is replaced, the sandal is tahor from corpse-tumah^q – although still tamei through having had contact with something tamei with corpse tumah. If the second strap fell off before the first strap had been replaced, when they are both replaced, the sandal is completely tahor.

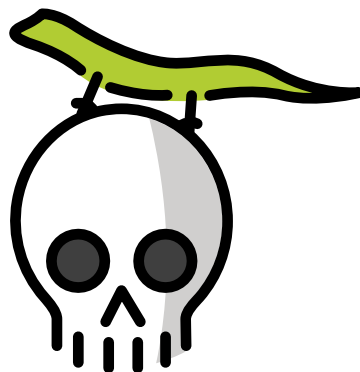
סנדל שנפסקה אחת מאזניו
ותקנה טמא מדרס נפסקה
שניה ותקנה טהור מן המדרס
אבל טמא מגע מדרס לא
הספיק לתקן את הראשונה
עד שנפסקה שניה טהורה:



^o Literally, 'ears'.

^p Per the gloss of Tiferet Yisra'el ad loc.

^q Unlike the case of the tefillin-box above, part of the sandal which came into contact with the corpse still exists and is still in place: the sole. However, a sole on its own cannot contract tumah (as it has no function) so the original sandal's corpse-tumah disappeared because the original sandal no longer exists in any usable form. The replacement of the sandal's most important parts mean that פנים חדשות באו לכאן – 'a new face has come here': Rosh ad loc.



TUMAH AND TOHORAH

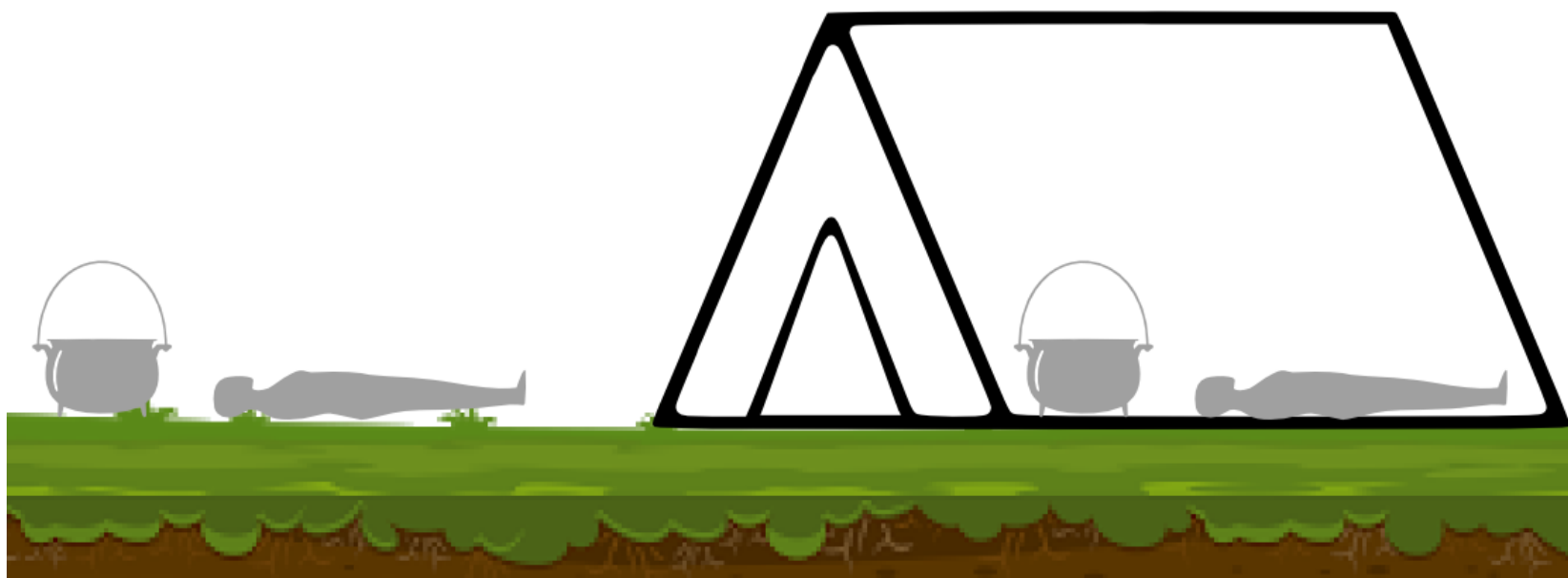
Part 3: the kippah and the corpse

FROM THE BIBLE TO THE MISHNAH

Numbers 19:11, 14-16

Anyone who touches the corpse of any human being is impure for seven days. This is the rule: when somebody dies in a tent, everyone who enters the tent and everyone who is in the tent is impure for seven days. And all the open utensils – that are not fastened with a lid – are impure. And out in the open, anyone who should touch one who was slain by sword, or who died, or a human bone, or a grave: they shall be unclean for seven days.

הִגַּעַ בְּמֵת לְכָל נֶפֶשׁ אָדָם וְטֵמֵא שִׁבְעַת יָמִים: ... זֹאת הַתּוֹרָה אָדָם כִּי יָמוּת בְּאֹהֶל כָּל הַבָּא אֶל הָאֹהֶל וְכָל אֲשֶׁר בְּאֹהֶל יִטְמָא שִׁבְעַת יָמִים: וְכָל כְּלִי פְתוּחַ אֲשֶׁר אֵין צָמִיד פְּתִיל עָלָיו טֵמֵא הוּא: וְכָל אֲשֶׁר יִגַּע עַל פְּנֵי הַשָּׂדֶה בְּחַלָּל חֶרֶב אוֹ בְּמֵת אוֹ בְּעֶצֶם אָדָם אוֹ בְּקִבּוֹר יִטְמָא שִׁבְעַת יָמִים:



Hyam Maccoby^a

The fact that the ceiling protects objects above it proves that without the ceiling, the contamination would proceed in an upward direction. The extraordinary nature of the biblical text invites theorising about what happens when this force of corpse-tumah is not restrained by a tent. The solution arrived at – that distance-acting tumah operates in a vertical up-and-down direction, but is stopped by the ceiling of a tent and then distributed throughout the tent – is imaginative, but is still strictly limited to the biblical data.

THE PHYSICS OF CORPSE-TUMAH

m.Ohalot 8:1

There are materials that spread corpse-tumah and also block it;^b that spread it but do not block it;^c that block it but do not spread it;^d and that neither spread it nor block it.^e

יש מביאין את הטומאה וחוצצין
מביאין את הטומאה ולא חוצצין
חוצצים ולא מביאים לא מביאין ולא
חוצצין:

^a Hyam Maccoby. *Ritual Impurity: the ritual purity system and its place in Judaism* (New York: Cambridge University Press, 1999): 19-20.

^b Eg building structures: m.Ohalot 8:2

^c Eg small boxes and cupboards: m.Ohalot 8:3

^d Eg netting: m.Ohalot 8:4

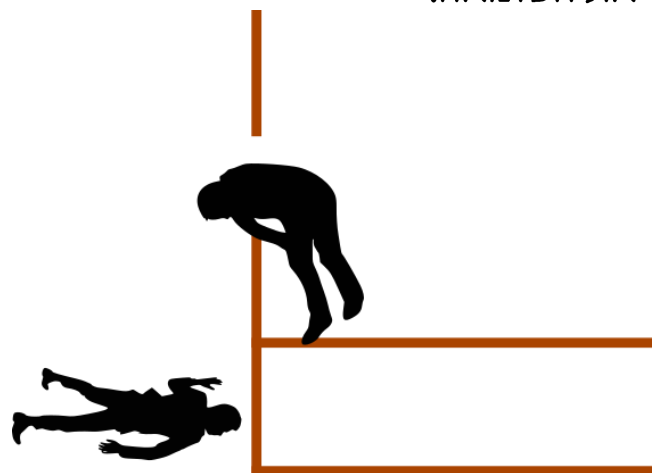
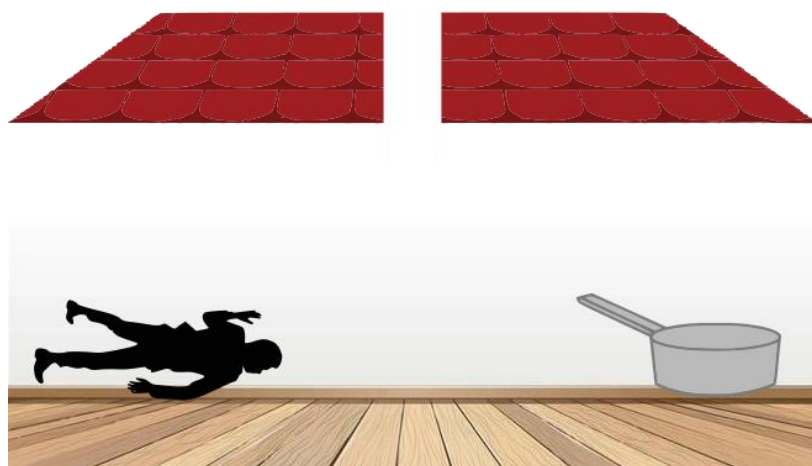
^e Eg ice: m.Ohalot 8:5

m.Ohalot 11:3-4

There is a gap in a roof.^f A thick woollen garment or a thick wooden block does not spread tumah from one side to the other unless it is at least a handbreadth above the ground. A pile of folded garments does not spread tumah unless the uppermost one is at least a handbreadth above the ground. A person does not spread tumah according to Beit Shammai – but according to Beit Hillel, they do, because the human body is hollow, so its upper side spreads tumah.

Similarly, a person leaning out of an upstairs window watching a funeral procession below such that the corpse passes directly underneath their upper body:^g Beit Shammai say they do not spread tumah into their house, whereas Beit Hillel say that they do spread tumah into their house. If they are clothed, though, or if there were another naked person perched atop of them, everyone agrees that tumah would spread into the house.

סגוס עבה וכופת עבה אינן מביאין
את הטומאה עד שיהיו גבוהים מן
הארץ פותח טפח קפולים זו על גבי
זו אינן מביאות את הטומאה עד
שתהא העליונה גבוה מן הארץ
פותח טפח היה אדם נתון שם בית
שמאי אומרים אינו מביא את
הטומאה ובית הלל אומרים אדם
חלול הוא והצד העליון מביא את
הטומאה: היה משקיף בעד החלון
והאהיל על קוברי המת בית שמאי
אומרים אינו מביא את הטומאה
ובית הלל אומרים מביא את
הטומאה ומודים שאם היה לבוש
בכליו או שהיו שנים זה על גבי זה
שהם מביאין את הטומאה:



^f See m.Ohalot 11:2

^g Tiferet Yisra'el ad loc

INTENTIONALITY

m.Ohalot 13:1

If one makes a new light-hole, its size must be at least the size of a large drill-hole in order for tumah to pass through. If it was eroded by water or bored by rodents, or eaten away by salt, its size must be at least that of a large person's head – though if he intends to use it, its size need only be that of a square handbreadth. These holes allow impurity to enter and to leave.

העושה מאור בתחלה שעורו מלא
מקדח גדול של לשכה ... חררוהו מים
או שרצים או שאכלתו מלחת שעורו
מלא אגרוף ... חשב עליו לתשמיש
שעורו בפותח טפח ... להביא הטומאה
ולהוציא הטומאה:

t.Ohalot 8:6

A corpse is in a house with many doors. If all of them are locked, all of the doorways are impure. If one of them is open, it purifies all the others. If one intends to remove the corpse through one of the doors, behold, this purifies the others. If a man intended to remove the corpse through the northern door, but then his brothers or relatives came and insisted that he use the southern door, the southern door purifies the northern door – on condition that they are not gaming the system. But if they are gaming the system, behold, both doors are impure.

המת בבית ולו פתחים הרבה כולן
נעולין כולן טמאין נפתח אחד
מהן ... טיהר את כולן ... חישב
להוציאו באחד מהן הרי חבירו
טהור ... חישב להוציאו בצפוני
ואחר כך באו אחיו או קרוביו
ואמרו אין מוציאין אותו אלא
בדרומו טיהר דרומו את הצפוני
ובלבד שלא יערים ואם הערים
הרי אלו טמאין:

This assertion – that the movement of tumah in the present is determined by the potential movement of the corpse in the future – is quite astounding. How does a future action, or the potential for such an action, affect the course of tumah in the present? Indeed, Rashi concludes: “There is no reason for this ruling; rather, the laws of tumah were thus transmitted!”ⁱ Not only does a potential future action affect the movement of tumah, but one’s subjective intention does so as well, even before any change has taken place in reality. Thoughts have the power to channel tumah!

THE PARADOX OF RESURRECTION

Sifre Zuta 19:11: Horowitz ed, p 305

One who touches a corpse is tamei – but the corpse itself is not tamei. One who touches a corpse is tamei, but the son of the Shunammite woman, who was resurrected after death, was not tamei. The rabbis said: “Everything that was in the house with the son of the Shunammite woman while he was dead is tamei with corpse tumah. But when he came back to life, he was completely tahor. But if an object from the house touched him again after he was resurrected, it renders him tamei. Thus he could say, ‘What rendered you tamei could not render me tamei, but you rendered me tamei!’”

נוגע במת טמא אין מת
עצמו טמא נוגע במת טמא
אין בנה של שונמית טמא
אמרו בנה של שונמית
כשמת כל שהיה עמו בבית
טמא היה טומאת שבעה
וכשחיה היה טהור לקודש
חזרו ונגעו בו טמאווה הם
הרי זה אומר מטמאין לא
טמאונן ואתה טימאתני:

^h Vered Noam. “Ritual impurity in Tannaitic literature: two opposing perspectives”, *Journal of Ancient Judaism* 1 (2010), 65–103: 87.

ⁱ Rashi to b.Eruvin 68a, sv ‘Kulan t’mei’in’

OTHER SPECIES

Sifra, Sh'mini parashah 3:7

'An animal of the sea': this includes a 'sironit'. Rabbi Chaninah says that their corpses are able to transmit impurity in a tent just like human corpses.

חיה זו חית הים, הנפש להביא
את הסירונית יכול תהא מטמא
באהל כדברי ר' חנינא.

Ra'avad ad loc

'An animal of the sea', for example the sea-goat and the sea-deer. For everything that you find on land, you find also in the sea. A 'sironit' is also known as a 'sirena'. Her upper half resembles a woman, and she plays music like a human.

חית הים כגון עיזא דימא ואורזילא דימא שהוא
עופר הצבי. שכל מה שיש ביבשה יש בים חוץ
מן החולדה ... נפש להביא את הסירונית פירוש
בלע"ז קורין אותה שירינא והיא מחציה ולמעלה
כצורת אשה ומנגנת כאדם.

Malbim, Sh'mini 80

The 'sironit': this means a species of sea creature, called a siren in Greek, which they say has an upper half resembling a human and a lower half resembling a fish. And in the opinion of Rabbi Yosi son of Rabbi Chaninah, it transmits impurity in a tent. This only goes to prove that he is a fool: he also said^j that an orangutan^k transmits impurity in a tent, because it is a 'mountain man', but the tent law in the Torah clearly refers to a human, not to something that resembles a human.

הסרנית: ר"ל מין חיית הים הנקרא
בלשון יוני בשם סעריען אשר אמרו
עליו שחצי גופה העליון כצורת אדם
והתחתון כצורת דג ... ודעת ר"י בר'
חנינא שמטמא באהל. והולך לשטתו
שכן דעתו גם לענין אדני השדה שהוא
בר נש דטור שמטמא באהל ... ר"ל זאת
התורה אדם כי ימות באהל רק אדם לא
חיה בצורת אדם.

^j m.Kilayim 8:5

^k Tiferet Yisra'el ad loc



TUMAH AND TOHORAH

Part 4: hands, face, space

PEOPLE

m.Negaim 3:1

One does not have to be a priest to inspect a sore, but the power to declare a person pure or impure is in the hands of the priesthood. So we say to the priest, “Say ‘Tamei!’” and he will say: “Tamei!” – or, “Say ‘Tahor!’” and he will say: “Tahor!”

הכל כשרים לראות את הנגעים אלא
שהטומאה והטהרה בידי כהן אומרים
לו אמור טמא והוא אומר טמא אמור
טהור והוא אומר טהור.

m.Negaim 7:4

One who tears out of their skin a sign of tumah has violated a biblical prohibition.

התולש סימני טומאה ... עובר בלא
תעשה.

m.Negaim 2:1

A bright sore that indicates tumah will look dull on a German, and a dull sore that is not tamei looks bright on an Ethiopian. Rabbi Yehudah says: “In assessing sores we are lenient and not stringent: we should assess a German’s sore against their own skin to be lenient, because it is more likely to look dull and thus produce a favourable outcome, and we should assess an Ethiopian’s sore against a neutral colour to be lenient, because it is more likely to look dull and thus produce a favourable outcome.”

בהרת עזה נראית
בגרמני כהה והכהה
בכושי עזה ... רבי יהודה
אומר מראות נגעים
להקל אבל לא להחמיר
יראה הגרמני בבשרו
להקל והכושי בבינוני
להקל.

m.Negaim 3:2

A bridegroom on whom a sore appears: they are given the seven days of their wedding feast free from inspection.^a Them, and their household, and their clothing.

חתן שנראה בו נגע נותנין לו
שבעת ימי המשתה לו ולביתו
ולכסותו.

Oznayim la-Torah to Leviticus 14:2

It is the way of the world that a less important person goes to visit a more important person. So if the priest were actually to make a house-call to an infected person, he will swell with pride, and say: "How important I am to the rest of the world! The priest comes to me to attend to my needs!" Such a thought could actually worsen the effect of the tzara'at. This is why scripture commands that a place outside the camp be designated for infected people.

בנוהג שבעולם ... הקטן הולך אל
הגדול, ואם יבוא הכהן אל אהלו של
המצרע ממש תגוס דעתו עליו לאמר,
כמה חשוב אני בעיני הבריות, שהביאו
אלי לצרכי את הכהן ומחשבה כזאת
עלולה לשנות ירעה את מצב הנגע, לכן
צוה הכתוב ליחד מקום אחר מחוץ
למחנה ולהביא לשם את המצרע.

m.Negaim 13:12

If an infected person enters a synagogue, they make for them a partition ten handbreadths high and four cubits wide – and they enter first and leave last.

נכנס לבית הכנסת עושים לו מחיצה
גבוהה עשרה טפחים על רוחב ד'
אמות נכנס ראשון ויצא אחרון.

^a Rambam ad loc

MODERN UNDERSTANDINGS

Rabbi Rachel Adler^b

In order to belong, we learn what or who is dirty, disgusting or dangerous. Socialisation means learning not to ingest poison or trash and not to play in the dirt. It is no coincidence that one of the first words a child learns is her society's version of 'yuck'. We want to know with certainty what the boundaries are that will keep us safe. Societies dread invasion, attack, disintegration and inundation. Hence the extremities and borders of our nations and our bodies are loci of concern, places where integrity may be breached and order overthrown. So the concrete or barbed wire fences separating the United States from Mexico or Israel from Palestine, the entrances and exits of airports, office buildings, mouths, vaginas and anuses are carefully monitored and passage through them is governed by rule and norm. Human skin is a long continuous boundary that demarcates the most basic of borders, the border between the human body and the world outside it. Breaches in the skin are attacks on the body's wholeness. They leave the raw flesh vulnerable to the external world or display flesh taken over by externalities: tumours, excrescences. That is what is frightening about tzara'at.

^b Rachel Adler. "Those who turn away their faces: tzara'at and stigma", in William Cutter (ed), *Healing and the Jewish Imagination: Spiritual and Practical Perspectives on Judaism and Health* (Woodstock, Vermont: Jewish Lights Publishing, 2007), 142-159: 145.

Rabbi Sylvia Rothschild^c

The impurity brought about by tzara'at had serious consequences. The sufferer was required to remove themselves from the sanctuary, stay on the periphery of the community and announce to all that they were in a state of ritual impurity. They were to tear their clothes, and to keep their distance from anyone else in the community. They were an outcast. While we are given a great deal of quasi medical information about tzara'at – all the signs and symptoms are elucidated in the text with a rather grisly fascination – the Torah is not in fact interested in its medical significance, but instead cares about the ritual significance of the condition. The people who are to monitor and assess the cases are not the healers but the priests, who are instructed about recognising the disorder, about declaring the individual ritually impure, and they are also trained in how to restore the individual to ritual purity after the disorder has run its course. This is a matter not of medicine, but of ritual. The priests don't in any way treat the condition. Their job is to patrol the borders of ritual purity and impurity, and, most importantly, to create the way back into the community for the one who had been afflicted and marginalised. The priest conducted an elaborate ritual in order to bring back the sufferer into the community once the skin disease had run its course. This ritual was, as is all good ritual, transformational. The rejected person was brought back into the people, their status cleaned up and made as if new. It was as if the priest, by power of the ritual, could conquer the fear of tzara'at embodied by the sufferer, and bring forth a new reality.

CLOTHES

m.Negaim 11:5

A sore which is torn out must be burnt. And anything that is torn out will need a patch – but Rabbi Nechemyah says: “It will not need a patch.”

קורעו ושורף מה שקרע וצריך מטלית
רבי נחמיה אומר אינו צריך מטלית.

^c Sylvia Rothschild. “Tazria M'tzora – bringing back the outcast” (9 April 2013): <<https://rabbisylviarothschild.com/2013/04/09/tazria-metzorah-bringing-back-the-outcast/>>

HOUSES

Chizkuni to Leviticus 14:34

The Israelites had been instructed to destroy all the places where the Canaanites had worshipped, but they did not know where these were. Therefore a sore would erupt in such houses, to inform the Israelites that the Canaanites had worshipped there, and that they needed to be destroyed.

הזהיר להלן אבד תאבדון את כל המקומות אשר עבדו שם הגוים ואין אנו יודעים באיזה מקום עבדו לפי בא הנגע בבתיים להודיע המקום שעבדו שם הכנענים כדי לאבדו.

Leviticus Rabbah 17:6

Rabbi Shimon bar-Yochai taught: "When the Canaanites heard that the Israelites were approaching to conquer them, they got up and hit all their treasure in their houses. What did God do? God sent a sore on the houses, so that they would tear them down, and thus find the hidden treasure."

תני רבי שמעון בן יוחאי כיון ששמעו כנענים שישראל באים עליהם עמדו והטמינו ממונם בבתיים ... מה הקב"ה עושה מגרה נגעים בביתו והוא סותרו ומצא בו סימא.

Ralbag to Leviticus 14:34

The Israelites were living in houses that they had not built, and in many cases they were rickety and liable to collapse. So this was God's way of indicating which ones were dangerous.

הם ישבו בבתיים אשר לא בנאום, ולזה היה אפשר שיהיו רעועים ונכונים אל הנפילה לרוב זמן זה הבנין, והם לא ידעו זה; ולזה היה מראה השם.

Hirsch to Leviticus 14:52-53

This law clearly indicates that the plague is not directed at the building itself, but rather, effectively, at the personality of its owner. It is not the house which is infected, but rather the home. Thus a sore does not affect anything except the walls of the house: the parts which cut the house off from the outside world.

הלכה זו מורה בבירור, שהנגע איננו מכוון לבניין כשלעצמו, אלא הוא פונה, כביכול, לאישיות בעליו. לא הבית נפגע בנגע, אלא „הביתיות" ... משום כך אין נגע אלא בקירות הבית, ה„סוגרים" על הבית כלפי חוץ.

m.Negaim 2:3

In a dark house, we do not make windows in order to inspect a sore.

בית האפל אין פותחין בו חלונות לראות את נגעו.

m.Negaim 12:5

Even bundles of wood, even bundles of reeds – none of which are susceptible to impurity – must be removed from the house: this is the statement of Rabbi Yehudah. But Rabbi Shimon says: “Do you want to occupy the owner with pointless busywork?”

אפילו חבילי עצים
ואפילו חבילי קנים
דברי רבי יהודה ר"ש
אומר עסק הוא לפניו.

m.Negaim 12:6

If a sore appears on a party wall, both householders have to dismantle the stonework, both have to scrape away the plaster, both have to bring replacement stones – but the owner of the infected house must bring the replacement plaster on their own.

שניהן חולצין שניהן
קוצעין שניהן מביאין את
האבנים אבל הוא לבדו
מביא את העפר.



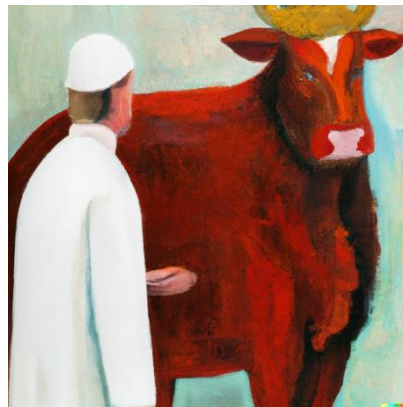
TUMAH AND TOHORAH

Part 5: holy cow!

BIBLICAL ORIGINS

Numbers 19:2-7, 17-19

This is the ritual law that the Eternal has commanded: Instruct the Israelite people to bring you a red cow without blemish, in which there is no defect and on which no yoke has been laid. You shall give it to Eleazar the priest. It shall be taken outside the camp and slaughtered in his presence. Eleazar the priest shall take some of its blood with his finger and sprinkle it seven times toward the front of the Tent of Meeting. The cow shall be burned in his sight – its hide, flesh and blood shall be burned, its dung included – and the priest shall take cedar wood, hyssop, and crimson stuff, and throw them into the fire consuming the cow. The priest shall wash his garments and bathe his body in water; after that the priest may re-enter the camp, but he shall be tamei until evening. Some of the ashes from the fire of cleansing shall be taken and fresh water shall be added to them in a vessel. A tahor person shall take hyssop, dip it in the water, and sprinkle on one who touched a corpse. The tahor person shall sprinkle it upon the tamei person on the third day and on the seventh day, thus rendering them tahor by the seventh day.



זאת חקת התורה אשר צוה יְהוָה לאמר
דבר אל בני ישראל ויקחו אליך פרה
אדמה תמימה אשר אין בה מום אשר
לא עלה עליה על: ונתתם אתה אל
אלעזר הכהן והוציא אתה אל מחוץ
למחנה ושחט אתה לפניו: ולקח אלעזר
הכהן מדמה באצבעו והזה אל נכח פני
אהל מועד מדמה שבע פעמים: ושרף
את הפרה לעיניו את ערה ואת בשרה
ואת דמה על פרשה ישרף: ולקח הכהן
עץ ארז ואזוב ושני תולעת והשליך אל
תוך שרפת הפרה: וכבס בגדיו הכהן
ורחץ בשרו במים ואחר יבא אל המחנה
וטמא הכהן עד הערב: ... ולקחו ... מעפר
שרפת החטאת ונתן עליו מים חיים אל
כלי: ולקח אזוב וטבל במים איש טהור
והזה על ... הנגע ... במת: ... והזה הטהור
על הטמא ביום השלישי וביום השביעי
וחטאו ביום השביעי:

SO WHAT'S GOING ON HERE?

Pesikta d'Rav Kahana 4:3, 7

Solomon used to say: “I understand the entire Torah, yet when it comes to the matter of the heifer, I read the words again and again and again, but am ultimately forced to say, *If only I could achieve wisdom, but it is far from me* (*Ecclesiastes 7:23*).” Once, a non-Jew asked Rabban Yochanan ben Zakkai: “Lots of these things that you Jews do look like sorcery. A heifer is brought; one of you becomes tamei with corpse-tumah; you sprinkle them; and then you declare them tahor!” Rabbi Yochanan ben-Zakkai replied: “An evil spirit enters one who is tamei.”^a After the non-Jew left, the rabbi’s students asked him: “Now you’ve got rid of him, give us the true answer!” He said to them: “By your lives, a corpse is not really tamei, and the sprinkling-water is not really tahor, rather this is all simply part of a Divine decree.”

א' שלמה על כל אלה עמדתי ופרשה
הזאת של פרה כיון שהייתי נוגע בה
הייתי דורש בה וחוקר בה אמרתי
אחכמה והיא רחוקה ממני (קהלת ז':
כג) ... גוי אחד שאל את רבן יוחנן בן
זכאי א' ליה, אילין מיליא דאתון עבדין
נראין כמן כשפים, מביאין פרה ...
ואחד מכם מטמא למת ומזין עליו ...
ואומרין לו טהרתה. א' לו ... רוח
טומאה היא ... וכיון שיצא אמרו לו
תלמידיו ר' לזה דחיתה בקנה לנו מה
אתה משיב, א' להם חייכם לא המת
מטמא ולא המים מטהרים אלא
גזירתו של הקב"ה הוא.

^a This is a reference to a 'heathen' ritual whereby somebody thought to be possessed by an evil spirit would be cleansed by a ritual involving the smoke of burning roots and the sprinkling of water.

Nicole J Ruane^b

The most curious aspect of the rite of the red heifer, and the element most discussed by commentators, is its paradox: although the cow and its ashes effect tohorah, they also cause tumah. The ashes 'purify the defiled and defile the pure' by cleansing people contaminated by death but making tamei the tahor people who are involved in preparing and applying the ashes. This paradox has intrigued students of the Bible for millennia. For the rabbis, the cow was a perennial puzzle because they were fascinated by the logical problem of how that which was in itself tamei could render tahor. Because the ritual of the cow is unique, many scholars have identified it as an anomalous vestige of pre-Israelite superstition that was only later brought into line with priestly thought and structure.

FINDING A RED HEIFER

m.Parah 2:3

Any sort of blemish will disqualify a heifer. Riding on her, leaning on her or putting one's cloak on her: all disqualify her. But if one only tied her up, or gave her shoes to prevent her from slipping, or spread one's cloak on her to keep the flies away, she is still valid. This is the general rule: anything done for her benefit does not disqualify her; anything done for the benefit of someone else does disqualify her.

כל המומים ... פוסלים בפרה רכב
עליה נשען עליה ... נתן טליתו עליה
פסולה אבל קשרה במוסרה עשה לה
סנדל בשביל שלא תחליק פרס טליתו
עליה מפני הזבובים כשרה זה הכלל
כל שהוא לצורכה כשרה לצורך אחר
פסולה.

^b Nicole J Ruane, *Sacrifice and Gender in Biblical Law* (New York: Cambridge University Press, 2013): 110.

THE PROCESS

m.Parah 3:2

They built courtyards in Jerusalem directly over the bedrock, and beneath them there was a hollow (to protect against depth-graves). And they used to take pregnant women there, who would give birth there, and raise their sons there until the age of 8 or so.^c Then they would bring oxen with doors on their backs, and the boys would sit on them holding stone cups in their hands. And when they reached the spring of Shilo'ach, they would get down and fill their cups, then get back onto the oxen. (Rabbi Yosi says: "Each would lower his cup and fill it without leaving the ox.")

חצרות היו בירושלים בנויות ע"ג
סלע ותחתיהם חלול מפני קבר
התהום ומביאים נשים עוברות
ויולדות שם ומגדלות שם את
בניהן ומביאים שוורים ועל גביהן
דלתות ותנוקות יושבין על גביהן
וכוסות של אבן בידם הגיעו
לשלוח ירדו ומלאום ועלו וישבו
על גביהן ר' יוסי אומר ממקומו
היה משלשל וממלא.



^c Bartenura ad loc. The cut-off of 8 years old was designed to protect against the tumah that inevitably comes with puberty.

m.Parah 3:11

The ashes were split into three parts. One part was kept in storage,^d one placed on the Mount of Olives so that priests could make themselves tahor before entering the Temple,^e and one was divided among the priests throughout the land of Israel to ensure that everyone could access it.^f

חולקים אותו לשלש
חלקים א' ניתן בחיל וא'
ניתן בהר המשחה וא'
היה מתחלק לכל
המשמרות:

PUBLIC SPRINKLINGS

m.Parah 12:4

One who was sprinkled from a public sprinkling-window, and enters the Temple, and then finds that the sprinkling-water had been invalid: they are exempt. One who was sprinkled from a private sprinkling-window, and enters the Temple, and then finds that the sprinkling-water was invalid: they are liable. (But the High Priest is always exempt, whether it was a public or a private window, for the High Priest is never liable for entering the Temple.) People would slip in front of a public sprinkling-window: they would tread in the puddle, and did not refrain from entering the Temple because they said: sprinkling-water that has fulfilled its mitzvah can no longer render tamei.

המזה מחלון של רבים ונכנס
למקדש ונמצאו המים פסולים
פטור מחלון של יחיד ונכנס
למקדש ונמצאו המים פסולים
חייב אבל כהן גדול בין מחלון
של יחיד בין מחלון של רבים
פטור שאין כ"ג חייב על ביאת
המקדש מחליקין היו לפני חלון
של רבים ודורסין ולא נמנעין
מפני שאמרו מי חטאת שעשו
מצותן אין מטמאין.

^d Bartenura ad loc. According to m.Parah 3:1 and 3:5, the ashes of all the red heifers ever burnt – either 7 or 9 – were mixed together and used for each subsequent red heifer ritual.

^e Bartenura ad loc.

^f Bartenura ad loc.

TODAY

Radbaz to Hilchot Bikkurim 5:9

It is clear that it is impossible to become tahor from corpse-tumah without the sprinkling of the ashes of a red heifer – and there is no sprinkling in our time. Therefore we are all tamei with corpse-tumah. Even priests who take care to avoid touching or sharing space with corpses, they cannot guard against touching other people who are tamei with corpse-tumah. There is no way to prevent that.

הדבר ברור שאין טהרה מטומאת
מת אלא ע"י הזאה ואין לנו בזמן
הזה הזאה הילכך כולנו טמאי מתים
ואפילו הכהנים שהם נזהרים ממגע
המת ומאהל המת אינם נזהרים
ממגעות טומאת המת הילכך אין
לחלה תקנה.

*The New Yorker*⁹

A qualified red heifer has not been found in Israel in almost two thousand years. But then a Pentecostal preacher and cattle farmer in rural Mississippi wrote a letter to the US State Department: "Red Angus cattle suitable for Old Testament Biblical sacrifices, will have no blemish or off-colour hair, genetically red. These cattle will adapt quickly to Middle Eastern climate, also excellent beef quality." The was bounced to the American Embassy in Tel Aviv, where it was forwarded to the Israeli Ministry of Religious Affairs. Someone there eventually thought to send it to the Temple Institute, a private organisation of religious Jews in Jerusalem who suspect that the End Time may be near and are dedicated to rebuilding the Temple. The goal of the institute is not only to restore the Temple itself but to reinstate the priestly castes, clerical rule and animal sacrifice. The construction of a third Temple is essential to the view that many Orthodox Jews have of salvation and the coming of the Messiah. In 1994, Rabbi Richman from the Temple Institute went to Mississippi to examine four freshly washed and groomed heifers that the farmer had produced for his inspection. One of the cows immediately caught Richman's eye. He walked right up to that heifer, and he looked down at her. Finally, Richman placed his hand on the animal, named Dixie. "This is the heifer

⁹ Lawrence Wright. "Forcing the end", *The New Yorker* (20 July 1988): <<https://www.newyorker.com/magazine/1998/07/20/forcing-the-end>>

that will change the world,” Richman said. Meanwhile, a related organisation is working on the other half of the problem – and claims to have already received offers from four families to donate their future children as priests. A Jewish settlement near Jerusalem is willing to build a special enclosure for the priestly boys so that they will never have to set foot on the ground. The boys will not be permitted to leave the compound until their bar mitzvah, at the age of thirteen, at which time, according to tradition, they will become adults and are old enough to slaughter and prepare the ashes of a red heifer. In response to the suggestions that have appeared in the press that such treatment constitutes child abuse, a spokesman points out that the boys will not be unattended – they will be able to receive family and visitors, who have undergone purification in a ritual bath, and put on special clothing, and they will be educated and allowed to play with computers.

Ha'aretz^h

Fanatical religious groups are planning an act of madness that will threaten the peace of the region and, God forbid, jeopardise the very future of the country. The press tend to treat the whole affair as an amusing curiosity. But there is no comedy here at all, instead, the beginning of a possible tragedy, on a truly apocalyptic scale. There is a four-legged bomb! The Jews who long, with all their hearts, that a Third Temple will be built on Temple Mount, can literally never set foot there because of their tumah. It is the absence of a red heifer – an extremely rare creature – that prevents them from becoming tahor and ascending the mountain... until now. Until the appearance of a red heifer. The existence of this heifer, in the current religious and nationalist atmosphere saturated with false messianism and all kinds of inflammatory mysticism, may

קבוצות דתיות פנטיות ... [מתכננים] פעולת
טירוף שתאיים על שלום האזור ותעמיד חלילה
את המדינה לפני סיכון קיומי ... העיתונות נטתה
להתייחס אל הפרשה כאל קוריוז משעשע ...
אולם ... אין כאן קומדיה כלל, אלא ראשיתה של
טרגדיה אפשרית, בקנה מידה אפוקליפטי ממש
... יש כאן פצצה מהלכת על ארבע ... היהודים
המצפים ומייחלים בכל לבם שבית המקדש
השלישי ייבנה על הר הבית, פשוטו כמשמעו,
נמנעים מלדרוך אפילו על פאתי ההר מפאת
טומאתם. העדרה של פרה אדומה - יצור נדיר
ביותר בטבע - הוא שמנע מהם מלהיטהר
ומלעלות בהר ... עד עכשיו - היינו, עד הופעתה
של הפרה האדומה ... הימצאותה של הפרה,
באווירה הדתית והלאומנית הקיימת והרוויה
במשיחיות שקר ובכל מיני מיסטיקה משלהבת

^h David Landau. “The red heifer – no laughing matter” [Hebrew], *Ha'aretz* (26 March 1997): 15.

easily convince some of these dreamers that their time has come. The potential damage that this six-month-old cow can do, is immeasurably greater than the killing power of any ordinary terrorist bomb. In its ability to set the entire region on fire, it is comparable to a nuclear weapon in the hands of Iran's ayatollahs. The Prime Minister and the security services must stop this threat at all costs. A bullet to the head is the spies' usual solution in such cases, but according to the halachah, such a drastic step may not be necessary: simply riding the cow, or loading her back, or inflicting a small deformity on her – any of these would serve to render her unfit. But this may not be enough to avert the danger. In this current age, with Dolly the cloned sheep, not even the execution of this heifer would guarantee that her disciples would not keep a handful of her genes in a test tube in order to create whole herds of red heifers from them – and then burn them and make the Israelite people tahor with the ashes. It is vital for Prime Minister Netanyahu to ensure that this cow disappears completely, down to the very last molecule. How? The very best minds need to consider the problem. This may sound funny or ludicrous, or like science fiction. But ask 800 million Muslims if they think so.

יצרים, עלולה לשכנע בנקל חלק מהחולמים כי הגיעה העת להגשים ... נזקה הפוטנציאלי של אותה פרה בת ששת החודשים ... גדול לאין שיעור מכוח הקטל של מטען טרוריסטי מצוי. הוא משתווה, ביכולתו להבעיר את האזור כולו, לכוחו של נשק לא קונוונציונלי בידי האיאתוללות האיראניים. על ראש הממשלה והשב"כ לסכל נזק זה בכל מחיר ... כדור בראש הוא, לפי מיטב המסורת, הפתרון המועדף על שירותי ביטחון במקרים כאלה. לפי ההלכה, אין צורך במעשה קיצוני כל כך: גם רכיבה על הפרה, העמסת משא על גבה, או הטלת מום קטן בה - כל אחד מאלה יפסלוה. אולם בכך לא תחלוף הסכנה. בעידן הנוכחי, העידן של "דולי" הכבשה המשוכפלת ... אין גם בהוצאתה להורג של הפרה האדומה [הזן] כדי להבטיח שחסידיה לא ישמרו במבחנה קומץ מן הגנים שלה כדי לייצר מהם עדרים שלמים של פרות אדומות, לשורפן עד אפר, ולטהר בהן את כל עם ישראל ... על ראש הממשלה נתניהו לדאוג שפרה זו תיעלם כליל, עד המולקולה האחרונה שלה. כיצד? מיטב הכוחות והמוחות צריכים לעסוק בכך. משעשע? מגוחך? מדע בדיוני? תשאלו 800 מיליון מוסלמים אם הם חושבים כך.



TUMAH AND TOHORAH

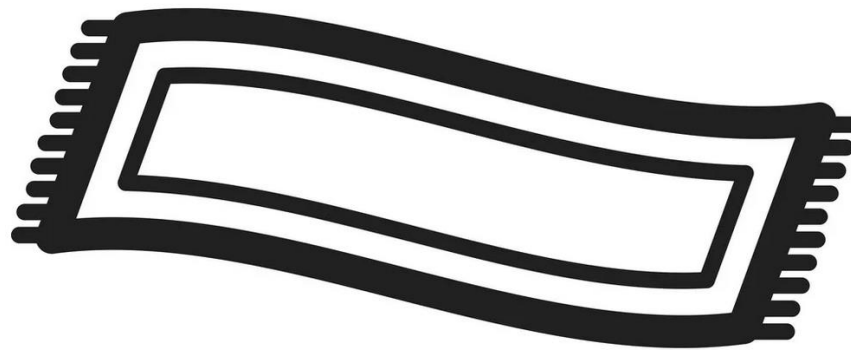
Part 6: the road less travelled by

LIVING WITH DOUBT

Mira Balberg^a

The extreme transferability of tumah inscribes the entire lived world with the potential presence of tumah. In the rabbis' view, every random object that was found on a street corner could have been touched by a tamei person, thus becoming tamei and thus acquiring the ability to further transmit tumah to anyone and anything that touches it. Every person one comes across – unless specifically known to be scrupulous in the observance of tohorah – could be a source of tumah that would make whatever she touches impure. For the rabbis, then, to interact with the human and material world was to risk the chance of contracting tumah.

As a rule, the determination of ritual status – that is, the discernment of something or someone as tamei or tahor – is performed through a tracing of the history of the object or person in question. Let us suppose that Jill was walking in the street and happened to stumble over a rug that someone had left there. If the rug was tamei (for instance, if it was made tamei by a corpse or was trodden on by a menstruating woman) and Jill had direct physical contact with it, Jill also becomes tamei. But how can it be known if the rug was tamei? To answer this question one would have to trace every single person who happened to touch the rug since it was made, which is of course impossible.



^a Mira Balberg. *Purity, Body and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014): 36-37.

m.Tohorot 5:3

There are two paths: one is tamei and one is tahor. Someone walks down one of them (but cannot recall which),^b then prepares sacral foods, which are eaten because they are presumed tahor.^c Then this person makes themselves tahor. Then they walk down the second of the two paths and prepares more sacral foods; these are presumed tahor as well. But if the first set of sacral foods still existed, both sets should be treated as doubtful. If the person did not become tahor between their two walks, the first set should be treated as doubtful and the second set should be burned.

שני שבילים אחד טמא ואחד
טהור הלך באחד מהם ועשה
טהרות ונאכלו הזה ושנה וטבל
וטהר והלך בשני ועשה טהרות
הרי אלו טהורות אם קיימות
הראשונות אלו ואלו תלויות אם
לא טהר בינתיים הראשונות
תלויות והשניות ישרפו:

m.Tohorot 3:7

A child who is found standing next to a cemetery, holding a bunch of lilies – which are only found growing in the cemetery – is tahor, because one could surmise that somebody else gave them the flowers.

תינוק שנמצא בצד בית הקברות
והשושנים בידו ואין השושנים אלא
במקום הטומאה טהור שאני אומר אחר
לקטן ונתן לו:

Tosafot Anshei Shem ad loc

Of course, even if somebody else gave the child the flowers, that other person would have become tamei by picking flowers in the cemetery, and made the child tamei in turn. But it seems to me that it is not the way of an adult to pick lilies in a cemetery and give them to a child. Far more likely is that a fellow child did it – and they do not have the capacity to answer questions about tumah.

אע"ג דאפילו אם אחר נתן לו נטמא
האחר ע"י הקבר ונעשה אב הטומאה
ומטמא להתינוק ... ול"נ דאין דרך אדם
גדול ללקוט שושנים בבה"ק ולתת
לקטן אלא דרך תינוקות כן ... ותינוק
הרי הוא אין בו דעת לשאול:

^b Implicit in the context

^c m.Tohorot 5:1

m.Niddah 9:5

Three women are sleeping in the same bed, and a bloodstain is found. If one of the women inspects herself, and finds herself to be tahor, she is tahor and the other two are tamei. If two of the women inspect themselves and find themselves to be tahor, they are tahor, and the third one is tamei. If all three inspect themselves and find themselves to be tahor, all three are tamei.

שלוש נשים שהיו ישנות במטה אחת
ונמצא דם ... בדקה אחת מהן
ונמצאת טהורה היא טהורה ושתיים
טמאות בדקו שתיים ומצאו טהורות
הן טהורות ושלישית טמאה שלשתן
ומצאו טהורות כולן טמאות:

SPECIAL CASES

t.Machshirin 3:4

Yehoshua ben-Perachiah says: "Wheat-grains that come from Alexandria are tamei because of their water-wheel." The rabbis say: "If so, let them be tamei for Yehoshua ben-Perachiah and tahor for everybody else!"

יהושע בן פרחיה אומר חטים הבאות
מאלכסנדריא טמאו מפני אנטליא שלהן אמרו
חכמים אם כן יהיו טמאות ליהושע בן פרחיה
וטהורות לכל ישראל:

t.Keilim Baba Batra 1:2

It happened that a certain tahor woman was weaving garments. She went before Rabbi Yishma'el for inspection, and said to him: "Rabbi, I know that this garment has not become tamei, although my heart was not set on guarding it the whole time." Rabbi Yishma'el questioned her further, and it emerged that a menstruating woman had helped in the manufacturing process. Rabbi Yishma'el said: "How wise were the sages when they said, If one does not intend to guard it, it is tamei!"

מעשה באשה אחת שהיתה אורגת בגד
בטהרה ובאת לפני ר' ישמעאל לבדקה
אמרה לו רבי יודעת אני שלא נטמא הבגד
אלא שלא היה בלבי לשומרו מתוך בדיקות
שהיה בודקה ר' ישמעאל אמרה לו רבי
יודעת אני שנכנסה נדה ומשכה עמי בחבל
אמר ר' ישמעאל כמה גדולים דברי חכמים
שהיו אומרים לא נתכוון לשומרו טמא:

CHARACTERISTIC BEHAVIOUR

m.Tohorot 7:3-4

Someone left workmen in their house. According to Rabbi Meir, the house is tamei. But the rabbis say that only the area that each workman could reach with an outstretched hand is tamei.^d

The wife of a man who is scrupulous about tohorah left the wife of an am-ha'aretz^e grinding grain in her house. If the mill stopped turning, the whole house is tamei, but if it did not stop turning, only the area that the mill-lady could reach with an outstretched hand is tamei. If there were two mill-ladies, the whole house is tamei because one could carry on working while the other went around touching things. All this is the conclusion of Rabbi Meir;^f but the rabbis say that in all cases it is only the area that the mill-women could reach that is tamei.^g

המניח אומנים בתוך ביתו הבית טמא
דברי ר"מ וחכ"א אין טמא אלא עד
מקום שהן יכולין לפשוט את ידם
וליגע: אשת חבר שהניחה לאשת עם
הארץ טוחנת בתוך ביתה פסקה
הרחים הבית טמא לא פסקה הרחים
אין טמא אלא עד מקום שהיא יכולה
לפשוט את ידה וליגע היו שתיים בין
כך ובין כך הבית טמא שאחת טוחנת
ואחת משמשת דברי ר"מ וחכ"א אין
טמא אלא עד מקום שהן יכולין
לפשוט את ידן וליגע:

^d Because if the householder were to arrive home unexpectedly, and found them poking around, they would find themselves in hot water: Tiferet Yisra'el to m.Tohorot 7:3.

^e Someone who is not scrupulous about tohorah. The phrase literally means 'a person of the land', but it is often translated 'ignoramus'.

^f Tosafot Yom Tov to m.Tohorot 7:4

^g According to Rambam to m.Tohorot 7:4, the Mishnah needed to specify this case because otherwise we might think that the rabbis accepted Rabbi Meir's position (which could be consistent with their previous ruling, regarding the unattended workman, if the rabbis believed that women were more prone than men to go around meddling with things that are none of their business).

Mira Balberg^h

The Tosefta presents women rather than men as failing to be fully attentive, and thus as losing control over themselves and their surroundings in such a way that the task of weaving in purity was not accomplished. These stories can be taken as affirming the view that was prevalent in the Greek and Roman world, according to which women are less capable of self-control than men.

m.Tohorot 3:8

A tamei childⁱ is found next to a large piece of dough, with some more dough in their hand. Rabbi Meir says the main piece of dough is tahor. But the rabbis say it is tamei, because it is the way of children to poke things when they see them.^j

תינוק שנמצא בצד העיסה
והבצק בידו רבי מאיר מטהר
וחכמים מטמאים שדרך
התינוק לטפח:



^h Balberg, *ibid*: 172-173.

ⁱ t.Tohorot 3:8 explains that children are considered to be routinely tamei because menstruating women will hug and kiss them.

^j This reflects Bartenura's reading of our mishnah. Rashi (to b.Chullin 86a) understands it completely differently: he accepts as a certainty that the child touched the main piece of dough, and thinks that the question is whether or not the child was tamei already and thereby rendered the dough tamei. He understands the rabbis to conclude that the child is tamei because it is the way of children to poke around in piles of rubbish, where they are liable to touch tamei items.



TUMAH AND TOHORAH

Part 9: wash before use

READY FOR TUMAH

Hannah Harrington^a

‘Machshirin’ literally means ‘those items which make fit, suitable, proper, or capable’. In the context of tumah, a machshir is a liquid which enables food to receive tumah. Tractate Machshirin explores the factor of human intention in determining an item’s tumah. If an individual did not intend for produce to become wet, then it does not become susceptible to tumah. This notion is grounded in Leviticus 11:38: *If water is put on the seed and any part of a carcass falls upon it, it shall be tamei for you.* The rabbis infer from the phrase ‘if water is put’ that a human being must intentionally moisten the produce or its seed in order for it to become susceptible to tumah.^b Conversely, unintentional wetting of produce, eg by rain, need not affect its tohorah.

EXAMPLES

m.Machshirin 3:6

A person puts olives on the roof, and rain fell on them. If the person was glad, the water comes under the law of ‘if water is put’. Rabbi Yehudah says: “It is impossible not to be glad about this. In fact, water on the olives only comes under the law of ‘if water is put’ if someone plugged up a gutter, to make sure that rainwater pooled on the roof,^c or shook them up with water.”

היו זיתיו נתונים בגג וירדו
עליהן גשמים אם שמח בכי
יותן ר"י אומר א"א שלא
לשמוח אלא אם פקק את
הצנור או אם חלחל לתוכן:

^a Shaye J D Cohen, Robert Goldenberg and Hayim Lapin (eds). *The Oxford Annotated Mishnah: a new translation of the Mishnah with introductions and notes* (Oxford: Oxford University Press, 2022): 869.

^b The Hebrew passive form ‘is put’, יָתַן, is written without a ו, such that it could equally be read as the active יָתַן, ‘he put’, hence the rabbis’ conclusion that some combination of wetting and intention is necessary: see b.Kiddushin 59b.

^c Tiferet Yisra’el ad loc

m.Machshirin 4:1

Someone bends down to drink. Water clinging to their mouth or their moustache comes under the law of 'if water be put'.^d Water on their nose, head or beard does not.^e

השוחה לשתות המים העולים
בפיו ובשפמו בכי יותן בחוטמו
ובראשו ובזקנו אינן בכי יותן:

m.Machshirin 4:3

Someone places a dish upside-down on a wall. If they do this in order to rinse it out, the water on it comes under the law of 'if water be put'. But if they placed it there in order to prevent damage to the wall, its water does not come under the law of 'if water be put'.

הכופה קערה על הכותל בשביל
שתודח הרי זה בכי יותן אם
בשביל שלא ילקה הכותל אינן
בכי יותן:

m.Machshirin 5:2

Someone goes swimming for pleasure.^f Any splashes they make do not come under the law of 'if water be put' (unless they intend to splash their friend). One who makes a bird in the water, their splashes do not come under the law of 'if water be put'.

השט על פני המים הניתזין אינן
בכי יותן ואם נתכוין להתזיז על
חבירו ה"ז בכי יותן העושה צפור
במים הניתזין ... אינן בכי יותן:

Rosh ad loc

One who makes a bird: this means one who lowers their mouth to the water, exhales, and blows bubbles on the surface of the water.

העושה צפור – מכניס פיו למים
ונופח ועושה אבעבועות ע"פ המים:

^d It is impossible to drink water without getting a wet mouth or moustache: Mishnah Acharonah ad loc.

^e Because when one drinks from a cup, they do not normally get their nose, head or beard wet, therefore such wetting is not an integral part of the drinking process: Mishnah Acharonah ad loc.

^f Mishnah Acharonah ad loc

GETTING THE PULSE RACING

m.Machshirin 1:6

Someone blows on lentils to test whether they are good. This comes under the law of 'if water be put'. Someone submerges fruit in a body of water to hide it from thieves. This does not come under the law of 'if water be put'. Someone puts fruit in a river so that the current will transport it in a convenient direction. This does not come under the law of 'if water be put'.

הנופח בעדשים לבדקן אם יפות
הן ... בכי יותן ... הטומן פירותיו
במים מפני הגנבים אינן בכי יותן
... הנותן פירותיו בשבולת הנהר
להביאן עמו אינן בכי יותן:

Rashash and Bartenura ad loc

One exhales on them gently to blow away any waste-matter that is in the pile, and see how much remains. Saliva comes out from one's mouth when doing this. This comes under the law of 'if water be put' because one intended to exhale, and it is inevitable that when one exhales, saliva is produced.

נופח להשיב ברוח פיו הפסולת שבהן
ורואה אח"כ כמה נפחתו מכמותן
בהסתלק הפסולת מהן ... ויצא עליהן רוק
מפיו בנפיחתו ... בכי יותן כיון דנתכוין
לנפח, ודרך הרוק לצאת על ידי נפיחה:

Rambam ad loc

Many people test beans and grains in this way: if they become moist easily when blown upon, this indicates that it will cook quickly because its pores are open.

הרבה עושין כן אצלינו כשבודקין את הפולין הטחונין שאם
נתלחלח ונרטב כאשר נופחין בו יודע שהוא מתבשל מהר,
שעל ידי זה שהוא מתלחלח מהר מוכיח שנקבוביותו
פתוחות:

RIVERS AND GOD

m.Machshirin 5:1

A person bathes in a river.^g Once they get out, they wade through another river to continue their journey; in this case, the second water cancels out the first.^h If a friend drunkenly pushed them into another river by mistake,ⁱ the second water cancels out the first. But if the friend pushed them in out of playfulness, the second water comes under the law of 'if water is put'.^j

מי שטבל בנהר והיה לפניו נהר
אחר ועבר בו טהרו שניים את
הראשונים דחהו חברו לשכרו
... טהרו שניי' את הראשונים
ואם כמשחק עמו ה"ז בבי יותן:



^g Tiferet Yisra'el ad loc; m.Machshirin 4:2

^h That is, if this person dripped on some vegetables straight after bathing, those vegetables would become susceptible to tumah; but if they dripped on some vegetables after wading across the (second) river, the vegetables would remain insusceptible to tumah because the person was not especially happy to have become wet the second time.

ⁱ Eliyahu Rabbah ad loc.

^j Even though the victim may not be especially happy to have become wet the second time, someone – the prankster – is happy that they became wet: Eliyahu Rabbah ad loc. Alternatively, Rosh ad loc suggests that the victim assented to becoming wet by voluntarily engaging in horseplay, where the game was for one person to throw the other into the river.

Rabbi Martin S Cohen^k

If the man who shoved his friend into the second river was drunk, the water of the second river neutralises the water of the first river. But if he was just horsing around, the water of the second river falls squarely under the general principle of ‘if water is put’. Because no one’s will is involved, this drunken dunking does not cancel out the ability of the water from the first stream, should it somehow find its way onto otherwise dry produce, to induce a state of susceptibility to tumah.

But how could it possibly matter if the man was drunk or not? How could the beets know? And even if we descend to the level of cartoonish whimsy on which beets somehow do know things like that, why would we ever imagine that they would care? And even if they did somehow care – and these would have to be some quite beets we’re discussing – how could the tumah itself know whether or not to infest them? Surely tumah cannot waft toward a bunch of beets and behave differently than it otherwise might have based on the blood-alcohol level of the unidentified, unnamed, long-since vanished man who pushed into a river the one off of whose hirsute chest the water that wet down the beets eventually dripped?

The more seriously the discussion is pursued, the more ridiculous it sounds – but the search for God in the world is not ridiculous, and for exactly the same reason: because, in the end, the will of any human being is the engine that draws that individual forward towards redemption and towards God. That things actually exist in the world as projections of the human will onto the world of things is proof positive that communion with God need not only to be yearned for, but can actually be attained. And that it can be attained not solely by prophets and sages, but by normal people prepared to focus their wills towards God, the redemptive Will of the universe and its moral Intellect.

^k Martin S Cohen. *The Boy on the Door on the Ox: an unusual spiritual journey through the strangest Jewish texts* (New York: Aviv Press, 2008), ebook edition: ch 3.



TUMAH AND TOHORAH

Part 10: I'll have the doughballs

ASK FOR YOUR CONNECTION

m.Tevul Yom 1:1

A priest is collecting challah offerings (small pieces of dough contributed by each house in his neighbourhood).^a He intends to separate them later, but in the meantime they stick lightly together.^b Beit Shammai say: they are connected. Beit Hillel says: they are not connected.

המכנס חלות על מנת
להפריש ונשכו בית שמאי
אומרים חבור ... ובית הלל
אומרים אינו חבור:



Rabbi Martin S Cohen^c

The old man with the globe of dough has done everything right, safeguarding his own state of tohorah as he makes his rounds in the back alleys of the city, accepting gifts of challah dough. He behaves well, performs what is essentially a public service (since the dough has to be given to some kohen before the bread made from the rest of the dough may be eaten), and assists his clients, if that's what you'd call

^a Tiferet Yisra'el ad loc

^b Ibid

^c Martin S Cohen. *The Boy on the Door on the Ox: an unusual spiritual journey through the strangest Jewish texts* (New York: Aviv Press, 2008), ebook edition: ch 10.

them, in their willing performance of one of the great commandments of the Torah. Finally, after a tiring morning, the man needs to rest. He sits down. He's done nothing wrong and, if anything, has totally earned his rest. And then a man comes towards him. The man, an unknown, seems harmless. He's dressed nicely, appears to have just come from the bath, is walking at a dignified gait. Unbeknownst to our elderly kohen, however, the man coming toward him is tamei. Perhaps he had shaken hands with a man who had slept with a woman who had not sought proper purification after her last menstrual period. Perhaps he had touched a dead chameleon. Perhaps he had had an unexpected encounter with his own semen or, more interesting to consider, with someone else's. Who knows? But he had somehow come into contact with a primary source of tumah.

Both men in our tableau are upstanding citizens. And yet it was possible for the students of Shammai and the students of Hillel to discuss – and intensely seriously, at that – whether the poor priest's entire day's collection was rendered tamei, merely because a random man touched one doughy protrusion with the tip of one of his fingers. In the end, the whole thing turns not on the inherent decency or goodness of the parties involved, but on the intention the priest might have had or might not have had to separate the dough ball back into its constituent pieces later on, a decision the kohen would most likely have come to without seizing its potential importance in the slightest.

That's how it works in the world as well. We live good lives, or we try to. But every one of life's regions has its shadowland, its edge, its dark side. Existence in the world inevitably entails shadow – for what exists in physical space that does not cast a shadow?

It would be possible, even reasonable, to find all this depressing. But the ancient priest with the huge globe of dough in his lap steps in to remind us that the law follows Beit Hillel, not Beit Shammai, and that the ultimate arbiter of how things turn out is oneself, how one personally sees things, what one intends to do with one's ball of dough. The dough, of course, is inanimate. It exists, but it has no will, no desire, no proclivity for tumah or desire to remain tahor. It is, in every sense of the word, a lump. Its status, therefore, is determined, not by its nature, but by human will. And, indeed, the law turns solely on what was in the old man's heart.

SHARING IS CARING

m.Zavim 3:1

A man suffering from discharge and a tahor person are sitting together on a boat, or on a raft, or they are riding together on a beast. Even though their garments do not touch, they are both tamei. If they are sitting together on a wobbly plank, bench, bed-frame or beam: they are both tamei.

הזב והטהור שישבו בספינה או באסדא או שרכבו על גבי בהמה אע"פ שאין בגדיהם נוגעים הרי אלו טמאים ... ישבו על הנסר על הספסל על הגשיש של מטה ועל האכלונס בזמן שהן מחגירין ... טמאים:

Mira Balberg^d

The very concept of tumah brings to the fore phenomena such as decomposition and contagion, which compel us to think of the body as an entity whose boundaries and constituent elements are not stable, but are rather constantly mutating. The rabbis do not regard the body as a single self-explanatory unit, but rather as a complex web of organs, limbs, and visceral components, a web in which different bodies are connected and then separated, and in which bodies are continually being remoulded and redefined. They engage time and again with the question of what the body is: where does it begin and end, what does it consist of, and what makes a body into a person.

The rabbis indicate that, in the realm of tumah, physical contact should be understood as connectivity. The moment of contact is a moment in which the items in question are one in terms of their ritual status, as though the source of tumah annexes the thing that has contact with it and makes this thing a part of itself. In other words, for the rabbis, tumah is not transmitted as much as it is shared. Physical contact turns different objects into one in terms of tumah so that they all share the same status.

^d Mira Balberg. *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014): 9, 54-55.

m.Zavim 2:2

Before a man is declared to be suffering from discharge, he is examined as to seven other possible causes of his symptoms. Rabbi Akiva ruled: “If he has eaten any kind of food, good or bad, or drunk any kind of liquid: that could explain his symptoms,^e so he is presumed tahor.” The other rabbis said to him: “If so, nobody will ever be declared to be suffering from discharge!” But he replied: “So what?”^f

בשבעה דרכים בודקין את הזב עד
שלא נזקק לזיבה ... ר"ע אומר אפי'
אכל כל מאכל בין רע בין יפה ושתה
כל משקה אמרו לו אין כאן זבין
מעתה אמר להם אין אחריות זבים
עליכם:

Vered Noam^g

The rabbis understood tumah as a real entity existing in nature. It was perceived as a quasi-physical entity with its own laws of flow and spread. It seems to follow that tumah should attach itself to a gentile just as it does to a Jew. Why, then, does a gentile not become tamei? It must be that a gentile is perceived as fundamentally different from a Jew. This sort of distinction does exist in tumah laws relating to the inanimate world. There, the objects susceptible to tumah are the products of culture – vessels whose manufacture is complete – whereas objects of nature, such as earth, stones and living animals – are impervious to tumah. The more refined and perfected an object is – that is, the more it belongs to the world of culture and less to the world of nature – the more susceptible it is to tumah. Gentiles are not susceptible to tumah, in the same way that animals and stone are not susceptible to them. It may be that parts of the rabbinic world perceived them as an inferior, barely human being, a part of nature – an uncivilised savage of sorts.

^e Bartenura ad loc

^f Or more literally: “It is not your responsibility to ensure that there are people being declared as discharge-sufferers!”

^g Noam Vered. “Another look at the rabbinic conception of gentiles from the perspective of impurity laws” in Benjamin Isaac and Yuval Shahar (eds), *Judaea-Palaestina, Babylon and Rome: Jews in antiquity* (Tübingen: Mohrs Siebeck, 2012), 89-110: 99-103. Internal citations omitted.

Another explanation has to do with the fascinating role of tumah within the religious world-view of the rabbis. Anthropologists have long observed that rules on impurity produce social stratification. Lower social groups, or 'others', are perceived as impure, and the elite upper classes avoid contact with them. It is impossible to integrate Jewish tumah into this universal picture. There is a sophisticated metamorphosis. In the Jewish system, tumah does produce a hierarchy, but a reverse one. It is the members of the chosen, elite community that are all liable to tumah, and it is the gentiles that are immune to it.

Elsewhere, a different distinction is drawn. In principle, if gentiles were defined as passive objects, they would be susceptible to tumah, as with any other advanced physical object. However, such definition cannot take place! The rules for human susceptibility to tumah are different from the rules concerning inanimate objects. When it comes to human beings, the possibility of tumah is dependent on the possibility of becoming tahor. This possibility, in turn, is predicated on being an Israelite. A human cannot be an object of tohorah unless they are a member of the community subject to the commandments; hence, neither can they become impure. The gentile does not contract tumah precisely because they are a human being.



TUMAH AND TOHORAH

Part 11: you need hands to hold someone you care for

THE DIRTY HANDS DOCTRINE

m. Tohorot 7:8

Someone's hands were tahor, but then they turned their heart away from eating. Even if they say, "I know that my hands haven't become tamei," their hands are tamei, because hands are always busy.

היו ידיו טהורות והסיע את לבו מלאכול
אע"פ שאמר יודע אני שלא נטמאו ידי
ידיו טמאות שהידים עסקניות:

Mira Balbergⁱ

One of the most perplexing rabbinic innovations in the field of tumah is the ruling that one's hands are constantly tamei regardless of the tumah status of the person as a whole. One's entire body can be certifiably tahor, but unless one has just washed one's hands this very instant, the hands are considered to be tamei. The reason for this is that one's hands are likely to do things and touch things of which their 'owner' is not aware.

MONKEY BUSINESS

m. Yadayim 1:5

Everybody is competent to make someone's hands tahor by pouring water over them, even a deaf-mute, somebody with limited mental capacity and a child. One who puts a jug between their knees and pours; one who knocks a jug over and pours; and a monkey: all may pour over someone's hands. But Rabbi Yosi declares the last two cases invalid.

הכל כשרים ליתן לידים אפילו
חש"ו מניח חבית בין ברכיו
ונוטל מטה חבית על צדה ונוטל
והקוף נוטל לידים ר' יוסי פוסל
בשני אלו:

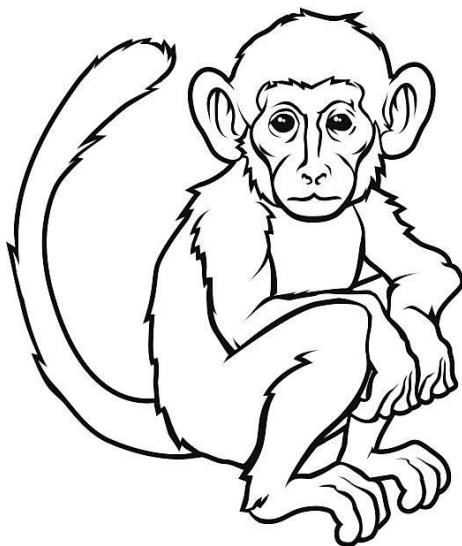
ⁱ Mira Balberg. *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014): 59.

Bartenura ad loc

A monkey – this is the creature known as ‘ape’ in the secular tongue.ⁱⁱ And it has human-like hands.ⁱⁱⁱ

May pour over someone’s hands – this is because there is the intention of a pourer. The intention of a human is not necessary here.^{iv}

Rabbi Yosi declares the last two cases invalid – that is, the monkey and the jug which is knocked onto its side. In the case of the monkey, Rabbi Yosi requires human intention, which is absent. In the case of the jug, there is considered to be no human intention.



והקוף – חיה ששמה אפפע
בלע"ז. ויש לה ידיים כידי אדם:
נוטל לידיים – דכח נותן בעינן,
כח אדם לא בעינן: ר' יוסי פוסל
בשני אלו – בקוף, ובמטה חבית
על צדה. בקוף, משום דבעינן
כח אדם וליכא. ומטה חבית על
צדה, לאו כח גברא חשיב ליה.
ואין הלכה כר' יוסי:

ⁱⁱ Tiferet Yisra'el ad loc suggests that this reasoning applies to any animal. But contrast his commentary to m.Kilayim 8:5, outlining specific similarities between an orangutan and a human.

ⁱⁱⁱ Sefer ha-Ikkarim 3:1 regards the monkey as a middle-ground between animal and human, in the same way that coral is a middle-ground between the inanimate and plant, and sea-sponge is a middle-ground between plant and animal.

^{iv} Rabbi Akiva Eiger to Shulchan Aruch Yoreh Deah 2:11 argues that the reason a monkey cannot validly slaughter kosher meat (which also requires some level of intention) isn't because the monkey is non-human, but because the monkey is non-Jewish!

THE TAMEI TORAH

b.Shabbat 14a

Rav Mesharshiyah said: “People used to store the Temple’s grain alongside Torah scrolls, reasoning that they were both sacred. But the sages saw that the Torah scrolls were coming to ruin, because when mice came to eat the grain, they would also gnaw at the Torah scrolls.^v So the rabbis decreed that were a source of tumah.”^{vi}

אמר רב משרשיא: שבתחלה היו
מצניעין את אוכלין דתרומה אצל
ספר תורה, ואמרו: האי קדש והאי
קדש. כיון דקחזו דקאתו לידי
פסידא, גזרו ביה רבנן טומאה:

Adam Zachary Newton^{vii}

A corpse, a dead creature and human semen typify three sources of tumah. But strangely enough, books and scrolls of Holy Writing were also decreed to possess the capacity, as the rabbis expressed it, to make the hands tamei. Counterintuitively, holy books possessed the power to taint persons, not the other way around. Scholars have understandably been piqued by the transformation of defilement into a sign of sanctity.

^v Rashi ad loc

^{vi} Which would therefore render unusable any Temple grain with which it came into contact. Thus they were henceforth stored separately: Martin Goodman, “Sacred scripture and “defiling the hands”, *Journal of Theological Studies* 41 (1990), 99-107: 100. Goodman adds: “It seems a complicated way to achieve a simple end.”

^{vii} Adam Zachary Newton. *To Make the Hands Impure: art, ethical adventure, the difficult and the holy* (New York: Fordham University Press, 2015), ebook edition: introduction.

Rabbi Joseph Soloveitchik^{viii}

No holiness takes effect on any physical object if a person does no act to sanctify the object. Judaism has always hated fetishism, animism, and all magical approaches to the physical world. As a result, Judaism did not attribute any intrinsic holiness to any physical object. A Torah scroll does not absorb any holiness from the text alone, despite the fact that the words comprise the Word of God. For only the human act sanctifies, creates holiness. It is the scribe's handwriting, which reflects the characteristic features and qualities of that person – their emotional spurts, visions and dreams, pride and falls, happiness and grief, courage and despair, fear and excitement. It is precisely this individualised, personal handwriting that sanctifies. When a person pours into their handwriting all of what their soul contains, they fill the cold, black letters, written on dead parchment, with holiness. At that point, the ink is transformed into black fire and the parchment into white fire. The parchment and the letters are uplifted with human passion, warmed with the human soul, and become holy.



^{viii} Joseph B Soloveitchik. “A Jew is compared to a Torah scroll”, translated from the original Yiddish by Sha’ul Seidler-Feller in *Kol ha-Mevasar* 3(1) (2009), 24-26: <https://web.archive.org/web/20110713163855if_/http://www.kolhamevaser.com/wp-content/uploads/2009/09/kh-musar-and-jewish-ethics-iii-1-update.pdf>

Martin Goodman^{ix}

The belief of Jews that the physical scrolls which contained their sacred texts were themselves sacred objects was unique. No parallel notion can be found in Greek or Roman paganism. It might seem to outsiders that in practice, the difference between Jews' reverence for the Torah scroll and that of pagans for their idols was negligible. The process of scrolls becoming regarded as holy had evidently occurred naturally without, so far as is known, the intention of any authority. As pagans might carry their idols with them for comfort, so might Jews keep copies of scripture for consultation in times of stress. If Jews became aware of such parallels, one imagines that they would be at the least rather embarrassed and more probably horrified. After all, the bible itself is clear enough in its prohibition on the worship of objects made by men. I suggest, very tentatively, that the origins of the notion that sacred books render the hands tamei may lie in this embarrassment.

m.Yadayim 4:6

Holy Writings render the hands tamei, yet the works of Homer do not. The bones of a donkey are tahor, yet the bones of Yochanan the High Priest are tamei. Tumah is decreed from a place of affection, so that nobody should make spoons out of the bones of their parents. The same principle applies to the Holy Writings: from a place of affection, we hold that they render the hands tamei, whereas the works of Homer – which are not precious to us – do not render the hands tamei.

כתבי הקודש מטמאין את הידים וספרי
הומריס אינו מטמא את הידים ... עצמות
חמור טהורים ועצמות יוחנן כהן גדול
טמאים ... לפי חבתן היא טומאתן שלא
יעשה אדם עצמות אביו ואמו תרוודות ... אף
כתבי הקדש לפי חבתן היא טומאתן וספרי
הומריס שאינן חביבין אינן מטמאין את
הידים:

^{ix} Goodman, *ibid*: 103-104.



TUMAH AND TOHORAH

Part 12: conclusion



GOOD, BAD OR INDIFFERENT?

Mira Balbergⁱ

I find it self-evident that the contraction of tumah was seen by the rabbis as disadvantageous and undesirable, and that the effect of tumah was seen as a detrimental one, although by no means as acutely dangerous. It is difficult to know what, if any, the practical repercussions of a status of tumah were; but whether or not a ritual status of tumah actually meant exclusion from certain activities or places, it is clear that the concept of tumah served for the rabbis as a marker of harmful and unwanted effect.

Rabbi Martin S Cohenⁱⁱ



Seder Tohorot is best taken merely as a version of Boyle's Laws – statements unrelated to spiritual matters that simply predict how tumah will behave in the physical world. The thing labelled throughout Scripture and rabbinic literature as tumah is so fully divorced from moral considerations that contamination is not considered to be at all sinful. Indeed, it is considered meritorious, even virtuous, under many different circumstances to self-contaminate with tumah (as, for example, by assisting in burying the dead or by giving birth to a child). Moral impurity is a philosophical, value-based construct, whereas tumah-contamination is physically real and, although regrettable in the sense that it requires looking after, is specifically not suggestive of sinfulness at all; it is merely the metaphysical version of coming home dirty after a long day of hard work: something to deal with, but not particularly to regret.

ⁱ Mira Balberg, *Purity, Body and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014): 36.

ⁱⁱ Martin S Cohen, "Rabbinic self-confidence: bending the world to the Word", *Zeremim* 2 (2018), 39-54: 44, 49 n 19.

*Vered Noam*ⁱⁱⁱ

The rabbis' concept of tumah lacks any connection with a demonic universe. The sources paint a picture of an inorganic, disinterested tumah that functions by virtue of mechanical-physical 'laws of nature'. This tumah is free of any trace of threat or malice, just as these are absent from the laws of gravity, for example. Its presence, though neutral in and of itself, is liable to cause damage in specific contexts, just as the laws of gravity might do under certain circumstances.

Nina Rubin and Rabbi Hillel Katzir^{iv}

'Tahor' is traditionally understood as 'ritually pure', and 'tamei' is traditionally understood as 'ritually impure'. The translations linger in modern Judaism primarily in reference to a woman's monthly cycle. Unfortunately, these terms have long been interpreted as 'clean' and 'unclean' in a moral sense, leading to a lot of misunderstanding and resentment. If we understand 'tahor' and 'tamei', instead, as 'spiritually whole' and 'spiritually vulnerable,' the resentment goes away. We begin to see that they speak to times in our lives when we may need spiritual protection, or time to recover from our spiritual vulnerability.

Rabbi Gershon Winkler^v

What if 'tamei' does not mean 'impure', 'unclean'? What if, rather than speaking of purity and impurity, the words 'tohorah' and 'tumah' are both speaking of sacredness? What if tumah and tohorah really are two kinds of purity?

ⁱⁱⁱ Vered Noam, "Ritual impurity in Tannaitic literature: two opposing perspectives", *Journal of Ancient Judaism* 1 (2010), 65-103: 102-103.

^{iv} Nina Rubin and Rabbi Hillel Katzir, "Tahor and tamei: a new understanding of ritual purity and impurity" (April 2020): <<https://www.jewish-funerals.org/wp-content/uploads/2020/05/Rubin-Tahor-Tamei.April-2020.pdf>>

^v Gershon Winkler, *The Way of the Boundary Crosser: an introduction to Jewish flexidoxo* (Oxford: Rowman and Littlefield, 1998; repr 2005): 197.

Rabbi Alana Suskin^{vi}

The concepts ‘tahor’ and ‘tamei’ (or the abstract nouns ‘tohorah’ and ‘tumah’) are often translated as ‘clean’ and ‘unclean’ or ‘pure’ and ‘impure’. But examining the other places in which these concepts appear, it becomes clear that tumah and tohorah are best understood as contrasting states in which one is a vessel either for the sacred (tohorah) or for the secular or everyday (tumah).

Kotzker Rebbe^{vii}

At the moment that a woman gives birth, holiness rests above her. Later, once the child has been born, the holiness – the Divine Presence – leaves. And that is when tumah is born. For wherever holiness has been, there, in its place, tumah is born. The same applies to corpse-tumah.

ביולדת בעת שכורעת לילד שורה שם
קדושה עליונה ואח"כ בצאת הולד לאויר
העולם ממילא מסתלקת השכיבה
והקדושה ואזי נולד במקום הזה הטומאה
כי בכ"מ שיש הסתלקות קדושה נולד
במקומה טומאה כמו טומאת מת שהוא
ג"כ מהאי טעמא:

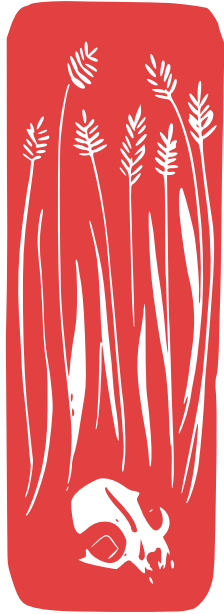


^{vi} Alana Suskin, “Menstruation and ‘family purity’”, *My Jewish Learning* (undated): <https://web.archive.org/web/20031212124213/http://www.myjewishlearning.com/daily_life/relationships/Spouses_and_Partners/Niddah.htm>

^{vii} Ohel ha-Torah, Tazria

BACK TO THE GARDEN

Rabbi Shlomo Spiro^{viii}



‘Perfection’ in the bible consists of the original plan of creation, the conditions that prevailed in the Garden of Eden. Tumah represents deviations from and corruptions of that plan. When God created Adam and Eve and placed them in the Garden of Eden, everything there was complete and perfect. Man and woman were destined to live forever; they were without sin or fear, without pain or disease; the trees of the Garden provided food; there was no need for shelter or even clothing and therefore little need to labour. And the animals, too, were perfect, tahor.

All of that changed after Adam and Eve sinned. Death, disease and pain entered the world; Adam and Eve were exiled from the Garden; man would have to exert himself in the preparation of his food and clothing; childbirth would now be accompanied with pain. Tumah, then, is the absence or the corruption of the perfection that prevailed in the Garden of Eden. The changes that occurred in nature as a consequence of Adam’s sin are divergences from the original plan and are designated by the Torah as tumah.

^{viii} Shlomo Spiro, “On rationalising biblical tum’a”, *Tradition* 43 (2010), 23-37: 27. Gendered human-language maintained.

Shadal to Genesis 3:24^{ix}

Man's burdens are only upon him because he is a rational being, not an animal. God pretended that the fruit of the Tree of Knowledge was forbidden, knowing that the consequence would be many pains and burdens. But Man was seduced by the Instigator who said that only wonderful things would happen if he ate the fruit. When Man ate, his eyes were opened, and he was subjected to burden and anger and endless pain. Even though God presented this as a curse, the moral of the story is that Man has no reason to complain about his burdens, because he is only subject to them on account of his superiority: he knows right from wrong, he has free will rather than mere animal instinct. Man luxuriates in this superiority; humanity would not even consider swapping its greatness for a life of grass-eating. Man must realise that all of his evils arise from the great good that his Creator has done him. He has been endowed with knowledge and intelligence, and he should rejoice in his lot and thank God for the good as well as for the bad. If our ancestor had not eaten from the tree, we and our children and our children's children would be like beasts or babies. Was eating from the tree not a good thing? If so, we should not complain!

מכאוביו [של אדם] אינם לו אלא מפני שהוא אדם בעל תבונה ואיננו כבהמה ... רצה הקב"ה להראות לאדם כאילו הוא ... לא היה רוצה שיאכל מעץ הדעת, כי ידע שיימשכו לו מזה מכאובים רבים ... והוא ... נפתה אחרי המסית שאמר לו שלא יימשכו לו מזה אלא טובות גדולות, ואכל מפרי העץ ... נפקחו עיניו, וזה גרם לו עמל וכעס ומכאובים אין קץ ... אבל ה' הודיעם לו דרך קללה ... והנה היוצא מן הסיפור הזה הוא כי אין לאדם להתלונן על עמלו, כי לא נמשך אלא מצד יתרונו ומעלתו, שהוא יודע טוב ורע ופועל ברצון ולא בטבע, והיתרון הזה האדם חפץ בו, ולא יחפוץ להמיר את כבודו באוכל עשב ... יהיה האדם מכיר שכל רעותיו נמשכות מן הטובה הגדולה שהטיב עמו הבורא, שחננו דעה והשכל, ויהיה שמח בחלקו ונותן תודה לה' על הטובה ועל הרעה ... אם לא היה אבינו אוכל מן העץ ההוא, הרי אנו ובנינו ובני בנינו היינו כבהמה, או כתינוקות ... הלא טוב לנו שאכל מעץ הדעת, א"כ אין לנו להתלונן:

^{ix} Gendered human-language maintained.

Genesis Rabbah 9:7

But for the evil inclination, nobody would ever build a house, or marry, or procreate, or give, or take.

אלולי יצר הרע לא בנה אדם בית ולא נשא אשה,
ולא הוליד ולא נשא ונתן:

Rabbi Zvi Grumet^x

The problem is that the Garden of Eden may be too perfect. The world in which we live is not perfect: it is messy. A mechanical world which leaves no room for human error is not suitable for human habitation. We make mistakes, sometimes not by accident. The natural world is also filled with glitches: inexplicable storms, tsunamis, earthquakes, volcanos, genetic mutations, disease and more. There are two possible options for human existence: a meaningless immortality or a meaningful mortality. Only God can exist in a meaningful immortality.

Is it possible that God wanted Man to lead a meaningful existence, albeit tinged with mortality? To put this into the language of the story itself, is it possible that God wanted Man to eat from the Tree of Knowledge of Good and Evil? Were Man to remain an eternal, robotic creature following God's instructions to care for the Garden, he would essentially be redundant. For there to truly be two viable paths, one as an alternative to the other, Man would have to eat from the forbidden tree and become a different kind of being. The challenge faced by God is that despite the temptation, an eternal, meaningless Man will not eat from the tree. As humans, we are all subject to temptation, experimentation and exploration – even, or especially, when forbidden. But eternal, meaningless Man will never make the leap from curiosity to disobeying a direct command; once commanded he will obey and will not fall to

^x Zvi Grumet, *Genesis: from creation to covenant* (Jerusalem: Maggid, 2017), ebook edition: part 1. Gendered human-language maintained.

temptation. In this, immortal Man is not fully human. The Man who will not eat from the forbidden tree, who will not succumb to temptation, presents God with a problem.

God's solution to the puzzle is to introduce a helping character for the Man: "It is not good for Man to be alone. I will make for him a helpmate," says God.^{xi} The job of that helpmate is to bring Man to become the kind of person who is subject to temptation, and thereby transformed into someone for whom choices are meaningful. The problem, of course, is that the nature of Woman is identical to that of Man. If Woman's nature is the same as Man's and she too is commanded to keep away from the tree, she, like he, will avoid eating the forbidden fruit. She, like he, will live an eternal, meaningless existence. Man will not eat from the tree on his own, even with the help of Woman. It is then that God introduces a third character, the serpent.



The forbidden fruit is all about self-discovery. The very fact that Woman and Man are centrally involved in the decision to eat the fruit has a profound impact on their own sense of selfhood. Woman and Man become truly human (as we know it) through their own doing; they created themselves in God's image. This explains why God uses the plural in describing the plan to create Man: "Let us make Man."^{xii} Humans became God's partners in creating themselves.

^{xi} Genesis 2:18

^{xii} Genesis 1:26

Rabbi Harold Kushner^{xiii}

We don't have to feel condemned by the story. We can read it as an inspiring, even liberating story, a story of what a wonderful, complicated, painful and rewarding thing it is to be a human being. It is a tale not of Paradise Lost but of Paradise Outgrown, not of Original Sin but of the Birth of Conscience.

God's decree that Adam's descendants would earn their bread by the sweat of their brow seems to refer not only to physical labour but to the anxiety that seems to be an inevitable part of a person's earning a living. Could it be that, when God told Adam not to eat the fruit, God gave not a prohibition but a warning, like telling a friend: "You know, if you get that job, you'll have more responsibility, less time with your family." Might it even be that God wanted Adam and Eve to eat the fruit, because God didn't want to be the only One in the world who knew the difference between good and evil?

Animals can feel pain, but human beings, because we have eaten of the Tree of Knowledge, can feel a dimension of pain that animals cannot. We can feel loss, dread, frustration, jealousy, betrayal, at levels animals will never know. It is part of the price we pay for our humanity, for our being able to feel love, joy, hope, achievement, faithfulness and creativity. They may sometimes be painful, but it is the sort of pain that leads to growth. While animals can only be useful and obedient, human beings can be good.

And religion is not the carping voice of condemnation, telling us that the normal is sinful and the well-intentioned mistake is an unforgivable transgression that will damn us forever. Religion is the voice that says: I will guide you through this minefield of difficult moral choices, sharing with you the insights and experiences of the greatest souls of the past, and I will offer you comfort and forgiveness when you are troubled by the painful choices you made.

^{xiii} Harold S Kushner, *How Good Do We Have to Be? A new understanding of guilt and forgiveness* (Boston: Little, Brown and Company, 1996): 21-33.

HOW THE STORY MIGHT HAVE ENDED

So the woman saw that the tree was good to eat and a delight to the eye, and the serpent said to her: “Eat of it, for when you eat of it, you will be as wise as God.” But the woman said: “No, God has commanded us not to eat of it, and I will not disobey God.”

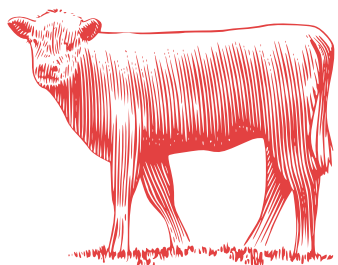
And God called to the man and the woman and said to them, “Because you have hearkened to My word and not disobeyed My command, I shall reward you greatly.” To the man, God said: “You will never have to work again. Spend all your days in idle contentment, with food growing all around you.” To the woman, God said: “You will bear children without pain and you will raise them without pain. They will need nothing from you. Children will not cry when their parents die, and parents will not cry when their children die.” To both of them, God said: “For the rest of your lives, you will have full bellies and contented smiles. You will never cry and you will never laugh. You will never long for something you don’t have, and you will never receive something you always wanted.”

And the man and the woman grew old together in the garden, eating daily from the Tree of Life and having many children. And the grass grew high around the Tree of the Knowledge of Good and Evil until it disappeared from view, for there was no one to tend it.



TUMAH AND THE TREE

Shemen ha-Tov to Numbers 19:2^{xiv}



Death only came into the world as a consequence of the episode of the Tree of Knowledge, viz: *And they became like gods, knowing good from evil* (Genesis 3:5). At the root of this episode was the quest for knowledge of reason, good and evil.

Thus, the process of eradicating corpse-tumah naturally entails the nullification of the human intellect; instead, a yoke is accepted. Moreover, becoming tahor intrinsically involves somebody else becoming tamei.^{xv} This person becomes tamei in order to render somebody else tahor. What an act of selflessness!

מיתה באה לעולם ע"י חט עץ הדעת
דהוא הסתה של „והייתם באלהים
יודעי טוב ורע“... שרש החט הוא תאוה
לידיעת טעם טוב ורע ... א"כ טהרת
טומאת מת צריך להיות דוקא באופן
של ביטול השכל ושעבור של קבלת עול
... טהרת הטמא תבוא דוקא ע"י מה
שאחיו נעשה טמא ... מתטמאים
לטהרתו של זה דזה הוא צדקה הכי
גדולה:

CONCLUSION

Sir Philip Pullman^{xvi}

The vast flood of Dust away across sky was new, and it was catastrophic. And if it wasn't stopped, all conscious life would come to an end. Dust came into being when living things became conscious of themselves; without it, all that would vanish. Thought, imagination, feeling, would all wither and blow away, leaving nothing but a brutish automatism; and that brief period when life was conscious of itself would flicker out like a candle.

^{xiv} Rabbi Dov Weinberger: vol 1, pp 235-236. See also vol 4, p 287.

^{xv} Those administering the process of the red heifer are rendered tamei by their very involvement.

^{xvi} Philip Pullman, *The Amber Spyglass* (New York: Random House, 2000): 451.