

THE HOLY SCRIPTURES DEFIE THE HANDS—
THE TRANSFORMATION OF A BIBLICAL CONCEPT IN
RABBINIC THEOLOGY

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measure of the non-inspired work, or the non-halakhically executed scroll.¹

The unconvincing nature of the talmudic explanations for this impurity led scholars to conclude that its roots are ancient and pre-rabbinic, no longer comprehended by the rabbis themselves; they are, according to M. Haran, 'a vestige of folk-ritual from the pre-Talmudic period'.² Accordingly, records of debates between Pharisees and Sadducees on this very issue seem to indicate that the ancients themselves had no authentic explanation available for these *halakhot*, and that those explanations appearing in this debate-context were polemical and *ad hominem*.³ How much more so are the later talmudic explanations (so that scrolls would not be stored with *terumah*, which could lead to their deterioration)⁴ to be considered rationalizations.⁵

was composed under divine inspiration. Ecclesiastes does not defile the hands because it is only the wisdom of Solomon' (*l. Yad. 2.14*) *למנוח בן בעזאי אמר לר' יודן קולך כולה שריא קולך שריא חריה דרדיה עברי* *אדוריא סבבא ליה עליה*

1. 'The Gospels and heretical books do not defile the hands' (*l. Yad. 2.13*) *ובגמ' ר' יודן ור' יוחנן ור' הוריה סבבי*

2. *Tarbiz* 25 (1956), English summary, p. 11; Hebrew, p. 260 = S.Z. Leiman (ed.), *The Canon and Masorah of the Hebrew Bible* (New York, 1974), pp. 225, 242.

3. 'Rabban Johanan ben Zakkai replied: The preciousness of Holy Scripture accounts for their uncleanness, so that they may not be made into spreads for beasts' (*l. Yad. 2.19*; see *m. Yad. 4.6*); *אמר ר' יוחנן בן זכאי כבוד קודש ורבות סבבין* *אמר לר' יודן ר' יוחנן בן זכאי ר' יוחנן בן זכאי ר' יוחנן בן זכאי*

This evaluation (that the debate was *ad hominem*) was offered by Maimonides in his Commentary to the Mishnah (*ibid.*). 'Rabbi Johanan's answer was said in ridicule and derision' *אמר ר' יוחנן בן זכאי ר' יוחנן בן זכאי ר' יוחנן בן זכאי*

Concerning formal introductory language of polemical flavor in sectarian disputes recorded in rabbinic literature, see Y. Susman, 'The History of Halakhah and the Dead Sea Scrolls—Preliminary Observations on *Miqsat Ma'ase Ha-Torah*', *Tarbiz* 59 (1990), p. 29 n. 75, and literature cited there. The problem of assigning the various senses of the *mishnah* in *Yadayim* to the correct speakers has been addressed by D. Daube, 'Three Notes Having to Do with Johanan ben Zacc'ai', *JTS* 11 (1960), pp. 53-56; J.M. Baumgarten, 'The Pharisaic Sadducean Controversies about Purity and the Qumran Texts', *JJS* 31 (1980), pp. 162-63.

4. *Shabbar 14a*. See Rashi *ad loc.*, and Maimonides to Zavim, end: *Avot Ha-Tum'ot* 9.5.

5. Z. Falk has dealt with these explanations recently, taking them as reflections of actual concerns, the 'deterioration' explanation being more realistic and the 'spreads'

In the Bible, impurity and holiness are two parallel realms, both operating on a principle of contagion by physical contact, with the holy being the realm of true power, and impurity taking on a shadowy existence, in contrast to the pagan 'separate but equal' impurity.¹ Several biblical prohibitions mandate against physical contact with the holy by those not qualified. Such contact is improper and even dangerous, due to the contagious effect and its consequences: '[holiness] is conceived as being virtually tangible, a physical entity'; 'material in quality'.²

Scholarship has already considered a type of contagious Levitical holiness as being the reason for the *halakhot* requiring washing the hands after contact with the holy scriptures.³ However, this approach

explanation phrased with premediated exaggeration, for pedagogic purposes ('The Holy Scriptures Defile the Hands', *Sinai* 106 [5750], pp. 94-95). He further rationalized the 'deterioration' theory as reflecting a practice by priests of using worn parchment sheets from scrolls as tablecloths for eating *terumah*, and the 'spreads' explanation pedagogically exaggerating this concern. I would surmise the actual literary relationship of these talmudic explanations to be in the opposite direction. The harsh language of 'spreads for beasts' was converted to a more refined explanation, thus becoming even further removed historically from the first. Elsewhere, I have discussed 'refinement of jarring language' among characteristic features of editorially reworked texts. For an early rationalization on the 'protection' theme, see L. Blau, *Studien zum althebräischen Buchwesen* (Strasbourg, 1902), p. 112.

1. See Y. Kaufmann, *The Religion of Israel* (trans. and ed. M. Greenberg; Chicago, 1960), pp. 103-105, 74, 55-56; J. Milgrom, 'Israel's Sanctuary: The Priestly "Picture of Dorian Gray"', *RB* 83 (1976), pp. 392, 397; *idem*, 'The Graduated Ha'at'ot of Leviticus 5.1-13', *JAOS* 10 (1983), p. 252.

2. M. Haran, 'The Priestly Image of the Tabernacle—IV. The Graduated Taboo', *HUCA* 36 (1965), pp. 216-26; *idem*, *Temples and Temple-Service in Ancient Israel* (Winona Lake, IN, 1985 [1978]), pp. 175-81; J. Milgrom, 'Sancta Contagion and Altar/City Asylum', *Congress Volume, Vienna* (VTSup, 32; 1980), pp. 278-320; see also *idem*, 'Graduated', *idem*, 'The Priestly Laws of Sancta Contamination', in *Sharrei Talmon* (ed. M. Fishbane and E. Tov; Winona Lake, 1992), p. 139. For earlier literature, see especially W. Robertson Smith, *The Religion of the Semites* (1884; New York 1957), pp. 146, 161, 451; A. Geiger, *Urschriften* (Frankfurt a. M., 2nd edn, 1928), pp. 171-75 (= Heb. trans., pp. 110-12); cf. C. Tchernowitz, *Taladoth Ha-Halakah* (New York, 1936), I, b, pp. 284-86.

3. In its original form, a neutral taboo was usually considered, an area where holiness and impurity meet, thus differing from the concept I will present below. For some of the early literature, or references to it, see Smith, *Semites*, p. 452; F. Buhl, *Canon and Text of the Old Testament* (trans. J. Macperson; Edinburgh, 1892), p. 7;

has been criticized regarding the lack of rabbinic documentation for this type of washing of the hands.¹ It was rejected by Segal, and similarly by Haran, in that the talmudic sources specifically indicate 'defile', and not 'sanctify'.²

Is it reasonable to expect that talmudic sources would use appropriate terminology regarding the washing required for hands after touching the holy scriptures if the historical function of the act was the washing away of contagious holiness? I think not. They do not use such terminology in treating clear biblical examples of contagious holiness. In fact, the rabbinic sources exhibit studied denial and rejection of the very concept, in a development parallel to the one Kaufmann described regarding the biblical concept of impurity, but more extreme.

The interchangeability of the realms (in the opposite direction), appears in the rabbinic interpretation of Deut. 22.9. The verse reads:

לֹא תוֹרֵת בְּרִכְתּוֹ הַחֹרֵף מִן הַחֶמְדָּה הַחַטָּאת וְרָצַח

The *peshta* of שָׁחַף הַיָּדַיִם, 'lest it be made holy',³ is circumvented in talmudic interpretation through a *notaricon*. שָׁחַף הַיָּדַיִם וְרָצַח הַחֹרֵף מִן הַחֶמְדָּה וְרָצַח הַחֹרֵף מִן הַחֶמְדָּה, 'lest it be sanctified, lest fire break out'.⁴ The obverse of the usual meaning of שָׁחַף הַיָּדַיִם was also obtained through

- K. Budde, *Der Kanon des Alten Testaments* (Giessen, 1900), pp. 4-5; D.B. Stade, *Biblische Theologie des Alten Testaments* (Tübingen, 1905), p. 136; E. Schlüter, *Geschichte des Jüdischen Volkes* (Leipzig, 1907), II, p. 371 n. 18 (= *The History of the Jewish People in the Age of Jesus Christ* [rev. and ed. G. Vermes, F. Millar and M. Black; Edinburgh, 1979], II, pp. 320-21 n. 8; Tehermowitz *Toledoth Ha-Halakah*, p. 286; see below, p. 132 n. 1; G. Lisowsky, *Die Mischna...* *Jadajim*, (Berlin, 1956), p. 50. Cf. Segal, *Introduction to the Bible* (Jerusalem, 1967), p. 821 (Hebrew), n. 26; Haran, 'Canonization', p. 259 (= 241), and n. 37. Louis Finkelstein wrote, 'Just as the Pharisees required the priest to wash away the holiness of the sacrificial meat and the heave-offering before using his hands for mundane affairs, so they washed their own hands after touching a sacred book, to prevent the contamination of the holy with the profane' (*The Pharisees* [Philadelphia, 3rd edn, 1962], I, pp. 278-79).
- 1. For priests after the Temple service, see Leiman, *Canonization*, p. 193 n. 549.
- 2. 'Canonization'. Cf. Leiman, *Canonization*, p. 118.
- 3. See Haran, *HUCA* 36, p. 202 and n. 25. Cf. Geiger, *Urschrift*, pp. 171-72 (trans., p. 110).
- 4. *J. Pes.* 2.1. 28c-j; *Kil.* 8.15, 31b; *Qid.* 56b (Hizqiah), *b. Hul.* 115a.

comparison with *qadeš* 'cult prostitute' (Deut. 23.18), functionally yielding a neutral 'prohibited for any use':

ואמר רבתי מיכאל אמר כי מן הקדש, המאכל לולא לראי ייחד קדש בניו ימי',
מה קדש על לולא אמר ברתיי, אמר כן אמר ברתיי

Onkelos and Rashi carry this line of interpretation even further, and achieve the polar opposite. Onkelos: ותלכא חטאת: 'lest it become defiled'; Rashi:

מן הקדש: כרעוס חטאת: כל דבר הרעוב על האדם בין לשמה בין להקדש בין
לנאי, בין אמרי: נפל מ' קדש כב' אל רעה ב' כי קולאורי

Lest it be made holy. Like its Targum 'lest it become defiled'. Any object under taboo (lit. 'abomination') whether in the positive sense, like *heqdeš* (consecrated temple property), or in the negative sense, such as through a prohibition, can be designated by *qdeš* as 'Don't come closer, for I would render you *qdeš*' (Isa. 65.5).²

The new JPS translation of Deut. 22.9 chose more neutral ground in defusing this crux: 'may not be used'. This can hardly be considered a literal translation of שָׁחַף הַיָּדַיִם. The root *qdeš* is still used in Tannaitic literature in this context (e.g. *m. Kil.* 4.5).

Regarding the sin offering, the Torah warns, 'Anything that touches its flesh shall become holy',³ namely, will receive holiness through

- 1. *J. Kil. (ibid.)* Rashbam comments: 'lest it become prohibited like holy sacrifices'. A third interpretation in the Palestinian Talmud may come closer to the heart of the matter, were we to accept Penet Moshe's redirection (even by paraphrase and not emendation) to Exod. 29.37: 'לֹא תֹאמַר לְיָדְיָם וְלִישָׁמוֹתָם כִּי קְדוֹשׁ יְהִי' (Gen. 31.35, 'lest their hands and their names become holy').
- 2. Compare Rashi, *b. Shev.* 18b, s.v. *gerrar* דרור דרור דרור גרר גרר, 'Compare Rashi, *b. Shev.* 18b, s.v. *gerrar* דרור דרור דרור גרר גרר, 'lest their hands and their names become holy'. Rashi, in contrast to Rashi, Isaiah, *ad. loc.* An intense reaction to the rabbinic interpretation is found in *Mahberet Menahem*, along with an intricate original interpretation by the author, based on the concept of intermingling of irretrievable Levitical titles (ed. H. Filipowsky, London and Edinburgh, 1854), pp. 105-106). Ibn Ezra presents a brief synthesis of *Menahem*, which, in his commentary to Hag. 2.12 approaches communicable holiness (see below, p. 126 n. 5).
- 3. *Lev.* 6.20 שָׁחַף ר' קדש ב'בבבב' ית בבבב' ית קדש' (Lev. 6.20 שָׁחַף ר' קדש ב'בבבב' ית בבבב' ית קדש').

the position of Haggai, the final stage of the biblical evolution, to that of the Tannaim, 'is minuscule',¹ according to Milgrom. In my mind, in fact, it was too great an evolution to be viewed in quantitative terms alone,² and the rabbinic concept must be considered qualitatively different.

Indeed, it would appear from the rabbinic sources that holiness was no longer considered a substance-like quality which acts automatically, the very two characteristics which justify the use of the term 'contagion' regarding holiness in the Bible. In passages where this concept does figure, it is instead a halakhic category, determined by God's decree,³ no more and no less. In other contexts it is completely removed by rabbinic interpretation.

I have tried to demonstrate this with respect to three categories of rabbinic style. In the first, terminology somewhat similar to that of the Bible is used, and therefore, it is more difficult to demonstrate my contention. לָאֵלֶּיךָ יְיָ אֱלֹהֵינוּ וְלֹא לְאֵלֹהֵי אֲחֵרִים—'The Altar makes holy whatsoever is prescribed as its due' (*m. Zev. 9.1*)—does overlap לָאֵלֶּיךָ וְלֹא לְאֵלֹהֵי אֲחֵרִים—'Whatever touches the altar shall become holy'

1. 'Sanctia Contagion', p. 298.
2. 'Reduce the compass' (Milgrom, 'Sanctia Contagion', p. 282); 'the rabbinic reduction of the sancta's powers of contagion' (p. 282 n. 15); 'the rabbis restrict its meaning further' (p. 282 n. 16); 'the rabbis impose further restrictions' (p. 283 n. 17); 'the rabbis restrict the power of the altar even further'; 'the rabbis reduce the power of all the sancta' (p. 290 n. 39).
3. Milgrom writes, 'The fact is that impurity retains its lethal potency all during the biblical period and into rabbinic times. . . . Why then does the power of impurity remain undiminished whereas the power of holiness is successively reduced?' ('Sanctia Contagion', pp. 298-99). I would prefer to alter both of these evaluations, as far as rabbinic theology is concerned. The power of impurity is *much* diminished. Milgrom himself has referred to the rabbinic 'reduction in the power of impurity' ('Graduated', p. 253). According to the above-cited statement of Rabban Yoichanan ben Zakkai, it has in fact entirely disappeared, and impurity has been redefined as a halakhic status: 'The corpse *does not defile*'. I have presented this in literal translation, and departed from the Braude-Kapstein translation, 'The corpse does not have the power by itself to defile' (Philadelphia 1975, p. 83, used for the rest of the text above), although it can convey the same idea. The kernel style is reminiscent of *m. Roš. Haš. 3.8*. See also J. Neusner, *The Idea of Purity in Ancient Judaism* (Leiden, 1973), p. 105. The 'power of holiness' is not simply reduced, but similarly transformed. It is no longer automatic, and therefore does not operate on its own. God and his decrees are the only independent realm.

(Exod. 29.37). But the automatic quality implied in the biblical language is set aside by לָאֵלֶּיךָ יְיָ אֱלֹהֵינוּ of the Mishnah, which carries a flavor of *propriety*. If objects qualified to be sacrificed on the altar are placed on the altar, it is not *proper* to remove them לָאֵלֶּיךָ יְיָ אֱלֹהֵינוּ. However, did the mistaken placing of an object upon the altar automatically impose upon it an irrevocable holiness, such as in the Bible? I think not. Consequently, לָאֵלֶּיךָ יְיָ אֱלֹהֵינוּ, כִּי אֵלֶּיךָ יְיָ אֱלֹהֵינוּ, לָאֵלֶּיךָ יְיָ אֱלֹהֵינוּ—Just as what goes up may not come down again, *so what comes down may not go up again.* (*m. Zev. 9.4*)³

The basic thrust of these laws is the fact that contact does *not* impart automatic holiness. וְלֹא יִשְׁמַח בְּכֹהֵן וְלֹא יִשְׁמַח בְּכֹהֵן וְלֹא יִשְׁמַח בְּכֹהֵן וְלֹא יִשְׁמַח בְּכֹהֵן—'It and its young' (*Lev. 22.28*) which went up the altar *must come down*, for the altar sanctifies only what is fit for it' (*Tos. Zev. 9.4*). The power of halakha has vanquished the power of the holiness of the altar!

Furthermore, we have seen that contact with the sin offering is not described in the rabbinic sources as absorption of the holiness, but absorption of its actual liquid. Thus, the sanctity does *not* transfer from one substance to another.

The absence of any explicit description or allusion to physical sancta contagion, and the substitution of other categories—halakhically expressed propriety, and limitation to actual substance of liquid transfer—argue that the former concept was no longer operative in rabbinic thought.

Category two: וְלֹא יִשְׁמַח בְּכֹהֵן of Deut. 22.9 was midrashically reinterpreted in such a way that it was removed from the simple meaning of the root *qdx* and from the very concept of 'holiness'. One may argue that this is an anomaly, in that the rabbis did not preserve

1. Hence, instead of 'makes holy' in Danby's translation cited above, I would prefer 'consecrated', just as I prefer 'become holy' for the verse in Exodus to *JPS* 'become consecrated'.
2. Num. 17.3.

3. Cf. *m. Zev. 9.8*. In the parallel Tosefta: לָאֵלֶּיךָ יְיָ אֱלֹהֵינוּ, כִּי אֵלֶּיךָ יְיָ אֱלֹהֵינוּ, לָאֵלֶּיךָ יְיָ אֱלֹהֵינוּ. Milgrom ('Sanctia Contagion', p. 283 n. 18 and see p. 279 n. 3) explains this source also in terms of sancta contagion, with reference to S. Lieberman, *Tosefet Rishonim* (Jerusalem, 1938), II, pp. 210-11. Indeed, Lieberman does base his explanation upon a concept of holiness by contact. However, his explanation of why the *second* contact is ineffective is completely halakhic.

them was ultimately couched in terms of *impurity*, in that this was the only realm in rabbinic theology where such a transfer by contact survived.¹

1. In contrast to the early approach, which envisioned an actual overlapping of the concepts of holiness and impurity here. Cf. Geiger: 'die Berührung heiliger Gegenstände mache unrein' (*Urschrift*, p. 174, and p. 146; trans., p. 112 and p. 95).