

THE TORAH

A
*Modern
Commentary*

Edited

by

W. GUNTHER PLAUT

Union of American Hebrew Congregations

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The Dietary Laws

~~See~~ also the further discussion in commentary on Deut. 14:1-15:18.)

peoples have some food taboos.

Naturally ones does not eat products that promptly cause sickness or discomfort, or that are too tough to chew. But foods accepted in one culture as proper and wholesome may be viewed with loathing by another culture.

Sometimes a food is avoided because people have not discovered that it is edible or because they have not learned how to prepare it. Sometimes a food is mistakenly supposed to be harmful; for a long time the tomato was thought to be poisonous. In certain cases, the rejection of a certain food—whatever its psychological origin—is institutionalized. In the United States there is not only a prejudice against eating horse meat, there are also laws forbidding its sale for human consumption and requiring the proper labeling of dog food containing horse meat. Yet in some countries people eat horse without revulsion and without harmful effects.

In many cases, dietary restrictions have been based upon, or reinforced by, religious beliefs. The pins and Buddhists avoid the taking of life, and therefore they reject all animal food; similar attitudes were held by some individuals and groups in ancient Greece. The Hindus regard the cow as sacred,

and therefore they do not eat beef. But the elaborate system of dietary laws contained in the Torah and further extended by post-biblical teachers is probably unique; certainly nothing similar was to be found in the ancient Near East.

Moreover, the motivations mentioned above do not apply to the biblical laws, which do not regard any food as inherently sacred. An animal designated for sacrifice is thereby set apart and may be eaten only by specified persons under specified circumstances—as we have already seen. Otherwise, biblically prohibited foods fall into two classes: (1) those which are restricted temporarily, such as leavened bread on Passover and untithed produce and (2) foods designated as unclean and prohibited unconditionally except in the direst emergency, to save the life of a sick or starving person.

L A Few Definitions

Currently, food permissible according to Jewish law is called *kasher* (kosher). The word means "fit," "proper." It appears once in the Bible (Esther 8:5), where it has nothing to do with food. It is found frequently in the Talmud, often with reference to food; in later

Jewish literature, it is used chiefly in that connection.

The opposite of *kasher* in current usage is *terefah* (sometimes pronounced *treif*). The word means literally "something torn," and in the Bible it refers to an animal killed by another beast (Exod. 22:30).

The Talmud redefined the word *terefah*: it is an animal or fowl of a permitted species which is suffering from a disease, defect, or injury that would cause its death within a year [i]. An animal of a permitted species killed by another beast is called in talmudic-rabbinic literature not *terefah*, but *nevelah*, literally "carcass," "carrion." The same term is applied to an animal that has died of natural causes or has been improperly slaughtered [2].

But today a perfectly healthy animal, bird, or fish of a nonkosher species might be referred to as *terefah*, though the Bible and traditional literature designate such creatures as *tame*, "unclean."

This word *tame* does not mean dirty; and the opposite, *tahor*, "pure," means much more than physically clean. A creature is *tame* because the Torah forbids its consumption. Similarly, the word *shemet*, "abomination" (Lev. 11:10ff.), does not mean that the birds or fish in question are "naturally repulsive"; they are to be regarded as repulsive because a divine commandment forbids them.

2. The Scope of the Dietary Laws

The permanently forbidden foods are all of animal origin. Most of the prohibitions are listed in this chapter and are repeated in Deuteronomy^y (14: 3-20) with a few omissions and additions [3]. These two passages are almost identical, in language as well as substance. The Torah contains a number of repetitions, but none as extended as this one. ^{§i}nc^e the passage seems typical of P in

content and in style, it is probable that a priestly editor inserted the passage into Deuteronomy [4].

Elsewhere in the Torah there are a few other dietary rules; we have already noted the prohibition of blood and certain portions of fat. All the biblical legislation on the subject was greatly expanded by the talmudic authorities who fully developed the laws of ritual slaughtering and the rules against mixing milk and meat. A brief summary of the dietary laws as currently practiced by traditional Jews, is given in Appendix I, appearing after the final sidrah of Leviticus.

3. The Reason for the Dietary Laws

The Torah plainly states (Lev. 11 :44ff.) that the people of Israel is sanctified by avoiding the unclean foods. But it does not explain why those foods have a defiling effect.

The Talmud divides all the commandments into two classes: (i) "those which should have been given had they not been given," i.e., moral and social laws whose value is evident, and (2) "those about which Satan and the Gentiles can raise questions," because they have no rational explanation [5]. The prohibition of pork is included in the second category. Elsewhere we read, "One should not say, 'I can't stand pork!' but rather, 'I would like to eat it, but my Father in heaven has forbidden it, and I have no choice' " [6]. And again, "What difference does it make to God whether an animal is slaughtered by cutting its throat or striking it on the back of the neck? Clearly, the commandments were given to discipline us" [7]. To this day, Orthodox teachers adhere to this position: God has imposed this regimen on us for His own reasons, and we hallow our lives by obeying Him without question [8].

Nevertheless many efforts have been made to supply a reason for these enactments. The earliest attempt we possess at a moralizing

explanation is that of Philo of Alexandria. The dietary laws, he states, are intended to teach us to control our bodily appetites. Moses did not demand Spartan self-denial; but, to discourage excessive self-indulgence, he forbade pork, the most delicious of all meats. He further prohibited the eating of carnivorous beasts and birds, in order to teach us gentleness and kindness. Philo finds a symbolic meaning in the permission to eat of animals that chew the cud and have divided hoofs: man grows in wisdom only if he repeats and chews over what he has studied and if he learns to divide and distinguish various concepts [9].

More than a thousand years after Philo, Maimonides proposed a similar view. All the commandments aim at human perfection, he declared, and the dietary laws are intended to inculcate self-control [to]. But to this he added another consideration: the idea that these regulations are also health laws. Such a view had also been propounded a little earlier by the French Bible commentator, Rabbi Samuel ben Meir (Rashbam), citing the opinions of "famous physicians" [i i]. Maimonides developed the subject quite fully, with the assurance of an experienced and successful physician. All the forbidden foods, he asserts, are unwholesome [I2].

Maimonides did not know that tapeworm and trichina may be transmitted through pork, that rabbits carry tularemia, and that shellfish are prone to infection and spoiling. When these facts were established by modern scientists, many persons became all the more convinced that the Mosaic ordinances were hygienic in purpose. Some of the unwary, influenced by eighteenth-century notions about "priestcraft," assumed that Moses had given religious sanction to these sound health rules in order to ensure compliance with them—deceiving the people for their own good.

One can hardly doubt that some of the dietary laws had salutary *results* in terms of health. But we have no evidence that this was their *intent*. There is no hint of such a motive in the Bible or the Talmud. Not all the prohibited foods are injurious to health; and on the other hand there is no religious sanction against the consumption of any vegetable or mineral products, though many of them are noxious.

An analogous instance is provided by the law (Exod. 30:17ff.) requiring priests to wash their hands before approaching the altar. Some time before the Christian era, the Pharisees sought to give a priestly character to all of Jewish life; they regarded the family table as a kind of altar and required all persons to wash their hands before breaking bread. The intent of this ruling was purely religious, but it must also have had the unplanned—effect of reducing the spread of communicable disease.

The rabbinic laws of slaughtering, however, seem to have been designed to make the death of the animal swift and merciful. The animal is rendered unfit for food if there is a nick in the slaughtering knife or if there is delay or bungling in the slaughtering procedure [13].

Modern scholars have tried to elucidate the dietary laws of the Bible through studies in comparative religion and folklore, but these efforts have not yielded many positive results. Theories that these practices were rooted in totemism seem to be unfounded. Probably no one explanation applies to all the dietary restrictions. Some of them may have had an antipagan character.

4. *The Dietary Laws in Jewish History*

Though the food laws are expounded at length only in the priestly writings (including Deut. 14), they were known to other biblical writers. The old version of the Flood story

Gen. 7:1ff., from the "J" document) tells that Noah was commanded to bring into the ark seven pairs of each species of clean animal, but only one pair each of the unclean beasts (14). The same source reports that Israelites do not eat the thigh muscle (Gen. 32:33; *see* further Judg. 13:4; Ezek. 4:14). Saul displayed great concern when he was informed that the people were eating meat "with the blood." (I Sam. 14:32ff.: Isa. 65:3 and 4 and 66:17 are concerned not so much with violation of the food laws as with an obscene idolatrous cult.)

Thus some at least of the dietary rules go far back in the biblical period, perhaps even to prebiblical times. People probably observed them as a matter of course. It was only in the Hellenistic age that these laws seem to have become a burning issue. At that time, the followers of Greek culture—both Gentiles and Jews—began to sneer at all distinctive Jewish observances, especially those that required control of the appetites. The attack on Judaism by Antiochus Epiphanes was marked, among other things, by orders for the Jews to bring sacrifices of swine (I Macc. A famous story tells how the Syrians sought to force an aged man named Eleazar to set a public example of eating pork—or even pretending to do so—and how he refused and died as a martyr II Macc. 6). It is at this time that the pig appears to have become an object of special abhorrence to Jews. In the Bible it does not seem to be more objectionable than other forbidden animals (15).

Something of the spirit of the martyrs of the Maccabean age remained with the people in succeeding centuries, especially after the commandments of the Torah were subjected to Christian attack.

Jesus of Nazareth is reported to have said, "It is not what enters a man's mouth that defiles him; what defiles a man is what comes out of his mouth" (Matthew 15:11; Mark

7:15 But, in referring to "what enters a man's mouth," he was speaking, not of the dietary laws of the Bible, but of the Pharisaic requirement to wash the hands before eating (see above. "3. The Reason for the Dietary Laws"). There is no reason to doubt that Jesus observed the biblical food restrictions, and there is no reason to think that he called for their abrogation [16].

But the new church soon had more gentile than Jewish adherents, and it rapidly adjusted to this situation. The apostle Peter was said to have been shown in a vision that the unclean animals were no longer forbidden (Acts 10:9ff.). At a historic gathering, it was decided that gentile converts to Christianity need refrain only from the meat of idolatrous sacrifices, from blood, and from animals that had been strangled (Acts 15:26). In later centuries, Christian critics of Judaism vehemently attacked the dietary laws, with the result that Jewish resistance stiffened. Many Christians resented the unwillingness of Jews to eat in Christian homes. The desire to break down such barriers was one of the considerations that led the founders of the Reform movement to rethink the question of dietary observance.

5. Some Modern Problems

Those who today continue to observe the dietary laws as a matter of conscience face a number of problems, some of which concern the entire Jewish community in its internal and external relations.

The internal problem stems from the fact that, though it is a religious duty for the Orthodox Jew to avoid nonkosher food, the purveying of kosher food is not a religious function, but a commercial enterprise. To prevent conflict of interest, Jewish community ties in the past engaged one or more ritual slaughterers (*shochetim*) who were communal employees and who were responsible to the

rabbi. They were required to examine the lungs of each animal they slaughtered and, if the^y found any evidence that the animal *might* not be kosher, to refer the matter to the rabbi for decision. The *shochet* did not sell meat; the meat dealer was a private entrepreneur. Even so, abuses occurred from time to time. Such difficulties have multiplied in contemporary America, where there is no unified, disciplined Jewish community—often no united Orthodox community. In New York State, it has been found necessary to establish a branch of the Department of Agriculture and Markets to police the kosher meat stores and to prosecute dealers who fraudulently sell nonkosher meat as kosher—an unfortunate obtrusion of the state into what are properly religious matters. There have also been charges of corruption and racketeering in the industry. And, while the extra supervision required should make kosher meat a trifle more expensive than comparable cuts of nonkosher meat, the difference in cost has often been so large as to discourage many persons from maintaining *kashrut* in their homes.

The external problem results from the effort in many countries to outlaw kosher slaughtering as cruel. Such efforts have often been motivated, not by compassion for animals, but by malice toward Jews. Jewish law, as we have seen, requires slaughtering to be done quickly and with a minimum of pain; and a United States federal statute recognizes *shechitah* as a humane method of slaughter.

But there is an unresolved problem, and those concerned about it are not necessarily to be dismissed as anti-Semites. The assembly line methods used in American abattoirs often involve shackling animals and hoisting them off the ground before the *shochet* comes to kill them. This procedure is questionable even from the purely ritual standpoint; it is certainly indefensible because of its cruelty.

A more humane restraining device has been invented, and the American Society for the Prevention of Cruelty to Animals has expended considerable sums to make it available to meat packers. But, despite support of this effort by national representative Jewish bodies, the new device has not been widely adopted. In the name of human decency^y, and for the honor of the Jewish name, the American Jewish community should insist that the improved procedure be used everywhere [17].

6. Reform Judaism and the Dietary Laws

Today the observance of *kashrut* has been made easier in many ways. Vegetable shortenings, soap made with vegetable oil, frozen kosher poultry, and prepared dinners are generally available. Many kosher butchers regularly relieve the housewife of the task of washing, salting, and rinsing meat. Yet probably only a minority of today's Jews observe the dietary laws strictly at home; still fewer observe them away from home. Large groups no longer believe these laws were divinely ordained. In Communist countries official policy makes any kind of religious observance difficult if not impossible. But even in Israel, where most of the available meat is kosher slaughtered, indifference has led to widespread disregard of the dietary laws.

American Conservative Judaism upholds *kashrut*, if not as a divine ordinance, at least as a means of inculcating Jewish distinctiveness and strengthening Jewish unity and loyalty. Its national body, the United Synagogue of America, insists that member congregations observe the dietary laws in their synagogue buildings. But only a fraction of their families maintain strictly kosher homes; and, of these, many eat nonkosher food outside their homes.

The issue of dietary observance was raised in Reform Jewish circles in the 1840s, if not

earlier, and was under discussion for some decades. In 1885, a group of distinguished Reform rabbis adopted the famous "Pittsburgh Platform"; it contained the statement: "We hold that all such Mosaic and rabbinical laws as regulate diet, priestly purity, and dress originated in ages and under the influence of ideas entirely foreign to our present mental and spiritual state. They fail to impress the modern Jew with a spirit of priestly holiness; their observance in our days is apt rather to obstruct than to further modern spiritual elevation." However, Isaac M. Wise, the chief organizer of the movement in America, publicly advocated the retention of these laws for hygienic reasons and urged that they not be made the subject of controversy and bitterness [18]. To this day a small minority of Reform Jews maintain kosher homes out of sentiment, or out of respect for Orthodox parents, or to express their solidarity with all Israel. Others avoid eating pork and shellfish, though they do not observe all the rules of *kashr* ut.

The spokesmen of Reform Judaism rarely find it necessary either to attack or defend these observances. They do not regard such provisions as the literal word of God; they hold that they are no longer religiously meaningful and therefore need not be followed. But they have no quarrel with those who chose to observe the dietary laws.

Yet conscientious Reform Jews cannot disregard the subject altogether. They must help protect the right of all Jews to live by the dietary laws if they so choose—in the name both of Jewish loyalty and of religious freedom. (The national Reform Jewish bodies participate in such efforts.) They must insist

that Jewish communal institutions provide kosher food for those who desire it. And they ought to know something about these laws and their meaning.

In a larger sense, we must rethink the whole question of eating, in view of our frequent statements that Judaism deals with every aspect of human life. Is it true that "a man is what he eats"? In what sense and to what degree? Some Jews of widely varied religious backgrounds have become vegetarians on principle. Perhaps it is time to examine the question: Is it right to kill any living thing for food:

Moreover, the problem of food supply has become urgent and critical everywhere. Millions are always hungry, while others eat too much for their own good. Even in the affluent United States, large numbers are malnourished while others oscillate between gourmet cookery and reducing diets.

Judaism has encouraged the enjoyment of simple pleasures. It is a mitzvah to have a good Sabbath dinner, just as it is a mitzvah to fast on Yom Kippur. But, on the other hand, the experience of self-control is at least as educational as the experience of the latest "taste thrill." The traditional dietary laws—despite Maimonides—did not automatically generate self-control: one could gorge oneself on kosher food. Yet, in practice, adherence to kashrut meant for many people, not merely self-discipline, but real sacrifice. This is not to argue that we should revert to the laws of Leviticus, chapter 11; it means only that there are many religious aspects to the question of what we eat and how much, and of what there is for others to eat.

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1] And the LORD spoke to Moses and Aaron, saying to them: 2] Speak to the Israelite people thus:

These are the creatures that you may eat from among all the land animals: 3] any animal that has true hoofs, with clefts through the hoofs, and that chews the cud—such you may eat. 4] The following, however, of those that either chew the cud or have true hoofs, you shall not eat: the camel—although it chews the cud, it has no true hoofs: it is unclean for you; 5] the daman—although it chews the cud, it has no true hoofs: it is unclean for you; 6] the hare—although it chews the cud, it has no true hoofs: it is unclean for you; 7] and the swine—although it has true hoofs, with the hoofs cleft through, it does not chew the cud: it is unclean for you. 8] You shall not eat of their flesh or touch their carcasses; they are unclean for you.

9] These you may eat of all that live in water: anything in water, whether in the seas or in the streams, that has fins and scales—these you may eat. 10] But anything in the seas or in the

11:i] To *Moses and Aaron*. Aaron was included in this revelation, since the priests had the duty of teaching the people to distinguish clean from unclean (10:10).

2] Permissible quadrupeds: only such may be eaten as have divided hoofs and chew the cud. That both features must be present is emphasized by the enumeration of animals that have (or appear to have) one of these characteristics, but not the other.

3] ... *That has true hoofs*. So Ibn Ezra and others. Most interpreters take this phrase to mean "that has cloven hoofs," i.e., that two different expressions are used to emphasize the importance of the divided hoof.

Chews. Literally, "brings up" (T.N.).

4] ... *The camel*. A genuine ruminant that has divided hoofs, but they are joined at the bottom by a pad.

5] ... *The daman*. A small west Asian animal of

the hyrax family whose other members are found only in southern Africa. It looks something like a small-eared rabbit, though in fact it is distantly related to the horse and elephant. Earlier translations, "cony" and "rock badger," are misleading; "cony" is an archaic word for rabbit, and the European badger is nothing like the hyrax. This shy animal has small undivided hoofs; it does not chew the cud, but its constant munching movements give the impression that it does. The same is true of the hare (verse 6). The biblical writers were not scientific biologists.

8] ... Or *touch their carcasses*. The wording seems to prohibit such contact absolutely. But, in view of all the law on the subject (see at 11

tence probably means no more than "You cannot touch their carcasses without being ritually defiled" (so Rashbam and others).

9-12] Of water creatures: Only those with fins and scales are permitted. Presumably prohibited are

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streams that has no fins and scales, among all the swarming things of the water and among all the other living creatures that are in the water—they are an abomination for you **11**) and an abomination for you they shall remain: you shall not eat of their flesh and you shall abominate their carcasses. **12**) Everything in water that has no fins and scales shall be an abomination for you.

13) The following you shall abominate among the birds—they shall not be eaten, they are an abomination: the eagle, the vulture, and the black vulture; **14**) the kite, falcons of every variety; **15**) all varieties of raven; **16**) the ostrich, the nighthawk, the sea gull; hawks of every variety; **17**) the little owl, the cormorant, and the great owl; **18**) the white owl, the pelican, and the bustard; **19**) the stork; herons of every variety; the hoopoe, and the bat.

20) All winged swarming things, that walk on fours, shall be an abomination for you. **21**) But these you may eat among all the winged swarming things that walk on fours: all that

shellfish, amphibians, water mammals, and many fish that do not have clearly defined scales. including sharks, eels, and catfish.

13-19] The Torah does not state the characteristics of clean birds but simpl^y gives a list of those that are forbidden. The Rabbis concluded that all those on the list are predators, and they found several anatomical traits that they have in common. "A number of these cannot be identified with certainty" (T.N.). The bat (verse 19) is, of course, a mammal, even though it flies.

Presumably all birds not included in the list are permitted, but traditional practice is much more restrictive. See Appendix I.

20-23) ... *Winged swarming things*. The Hebrew *sheretz*. "creeping/swarming thing," is a term applied broadly to all kinds of vermin: rodents, reptiles, worms, insects, etc. (cf. verses 29 and 30). The present

verses speak of winged *sheretz*, *i.e.*, winged insects, of which four species are singled out as permitted for eating. Every other variety of *sheretz*, with or without wings, is forbidden. Locusts and grasshoppers, cooked in various ways, are still eaten by some peoples in the Near East. Medieval halachists, uncertain about the identity of the kosher species, forbade the eating of any insects. But Kalisch, writing in the 1870s, reported that the Yemenite Jews still ate locusts [19].

20] . . . That *walk on fours*. The clause is perplexing, for all winged insects have *six* legs. Hoffmann, following Jewish tradition, understands verse 21 to mean "all that have [two additional] legs to leap with, higher than their (other) legs." This fits the fact that grasshoppers and locusts have hind legs much longer than the other four, but it hardly fits the Hebrew words of the verse [20].

PART IV

Defilement and Purification

Defilement from Animal Carcasses

The first half of chapter 11 designates the birds, fish, and insects that may and may not be eaten. The second part of the chapter deals with the effects of touching or carrying the carcasses of the forbidden creatures. Thus we come to the subject of ritual defilement and its correction, a topic that will be continued through the next four chapters. We must now examine more fully the concepts of *tame* and *tabor*, "unclean" and "clean." We have already seen that they are not equivalent to "physically dirty" and "spic and span."

We are dealing with notions that are not peculiar to the Bible. They were common to all ancient peoples, who gave them expression in practices somewhat like those we are to examine now. Some of these ideas still survive in certain cultures, and vestiges of them remain even in our supposedly scientific civilization.

From time beyond memory, it was believed that certain places, substances, and persons carried a sort of "high charge," like an electric wire, and must be approached cautiously, if at all. The "charge" was something supernatural. Often a distinction was made between gods, who were sometimes beneficent, and demons, who were invariably

hostile and destructive. The distinction was not always sharp, but it led to a distinction of ritual practice. There was a difference between places and objects that had to be avoided, because they were sacred to a deity, and those that were to be shunned as demonic. The former area is designated in Hebrew by *keadosh*, "holy," the latter by *tame*, "unclean, impure."

In Leviticus the demonic background of the *tame* has been all but obliterated; there are only a few allusions to primitive concepts. Generally, the laws of purity and impurity are set forth simply as God's commandments, which must be obeyed because God has ordained them. Such obedience makes Israel a holy people.

These physical concepts of the holy, the impure, and the pure are not the only ones found in Scripture. This very book of Leviticus presents a sublime concept of spiritual holiness, expressed in the noblest standards of ethical living. This advanced understanding of holiness, found also in the Prophets, will be discussed in the introduction to chapter 19. Similarly, many biblical passages assert that defilement is caused by bloodshed, idolatry, sexual immorality, and other forms of unethical behavior (see, e.g., Lev. 18:24 f.;

ler. 2: f.; Ezek. 36:1-7 f.; Hos. 5:I-5). The contrasting word *tahor*. "pure," is also used in nonritual connections. Unalloyed gold is tailor (Exod. 25: 3-1); and the Psalmist prays for a clean heart (Ps. 51:12)—that is, a spirit uncontaminated by sin or guilt.

But the present chapters treat the ritual aspects of clean and unclean. And this complex of ideas includes the notion of contagion. We saw (at 6:11) that ritual "holiness" may be transmitted by contact. The same thing is true of defilement. Both the *tame* and the *kadosh* emit a sort of energy. But ritual purity is a neutral state and is not transmissible. A bandage is no longer sterile if it falls on the floor, yet it does not transmit its former sterility to the spot on which it falls. As with modern asepsis, so with ancient ritual, positive measures are needed to overcome defilement.

But the analogy between ancient and modern notions of contagion is far from exact. As we now understand it, infection is caused by a microorganism which, if transmitted to a new host, can grow with undiminished vigor. Ritual impurity, however, was felt to be a kind of energy which tended to grow weaker as it passed from the source to other persons or objects. In the rabbinic systematization of these laws, the source (Hebrew *av*, "father") of impurity defiles the first contact, which in turn can defile the second contact; the impurity is not transmitted farther [1].

There is indeed one form of ritual defilement of highest intensity: defilement by a human corpse. This uncleanness is transmitted for an additional stage; and the corpse is therefore called by the Rabbis "the father of fathers of impurity." This subject is mentioned only briefly in Leviticus, chapter 21, and receives full treatment in Numbers, chapter 19. The sources of impurity we shall have to deal with are: the carcasses of some of the forbidden animals (chapter 11); a

woman after childbirth (chapter 12); certain disfiguring skin diseases, as well as strange discolorations on fabrics and on the walls of houses (chapters 13 and 14); a menstruating woman, and all discharges from the human genitals, normal and abnormal (chapter 15).

Such types of defilement are clearly quite different from that discussed in the first part of chapter 11. Partaking of forbidden food is a serious violation of the law—in rabbinic terminology, "a defilement of the sacred." (So is intercourse with a menstruating woman. See 15:24, 18:19, 20:18.) But the cases enumerated in the preceding paragraph are for the most part not avoidable. Ritual impurity comes about through accident, through normal physical processes, through illness, and through actions that are in themselves proper and even commendable. One cannot remove a dead mouse from his dwelling, or tend people suffering from certain illnesses, or bury the dead, without defiling himself. The Rabbis classify such types of impurity as "defilement of the body." In general, it is not sinful to become tame through them, or even to remain unpurified. (Indeed, the performance of certain ritual commands entailed defilement: Lev. 16:26 and 28; Num. 19: 7, 8, and 10.) Sin occurred only when the *tame* was brought into contact with the sacred, the *kadosh*. To enter the sacred area of the Tabernacle/Temple, or to partake of consecrated food, while in a state of impurity—that was sacrilege [2]. The priests were expected to take more stringent measures to prevent their defilement, but even for them there were certain dispensations (Lev. 21).

The laws in these chapters are detailed and technical. They were elaborated and systematized by postbiblical teachers. Not only priests, but also the lay scholars known as the Pharisees occupied themselves with these statutes. Some of the Pharisees undertook to emulate the priesthood in observing the rules

of purity. They formed *chavurot*, "societies," whose members were pledged to eat their nonsacred food in the same state of ritual purity required of the priests when they ate sacrificial meat or *terumah* ("heave offering," Num. 18:8ff.).

With the fall of the Temple, most of these laws ceased to be operative; but, in view of the lively expectation that the Temple would

be rebuilt, scholars continued to study the laws, and the *chavurot* survived for many decades. The sixth section of the Mishnah, *Seder Tohorot*, containing the laws of defilement and purification, is very bulky. But after the second century C.E. it does not seem to have been studied systematically. Only the treatise *Niddah*, dealing with menstrual defilement, was provided with a *Gemara*.

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24] And the following shall make you unclean—whoever touches their carcasses shall be unclean until evening, **25]** and whoever carries the carcasses of any of them shall wash his clothes and be unclean until evening— **26]** every animal that has true hoofs but without clefts through the hoofs, or that does not chew the cud. They are unclean for you; whoever touches them shall be unclean. 27] Also all animals that walk on paws, among those that walk on fours, are unclean for you; whoever touches their carcasses shall be unclean until evening. **28]** And anyone who carries their carcasses shall wash his clothes and remain unclean until evening. They are unclean for you.

29] The following shall be unclean for you from among the things that swarm on the earth: the mole, the mouse, and great lizards of every variety; **30]** the gecko, the land crocodile, the lizard, the sand lizard, and the chameleon. 31] Those are for you the unclean among all the swarming things; whoever touches them when they are dead shall be unclean until evening. **32]** And anything on which one of them falls when dead shall be unclean: be it any article of wood, or a cloth, or a skin, or a sack—any such article that can be put to use shall be dipped in

11:24] *Shall make you unclean.* By contact.

Shall be unclean until evening. As the text stands, the defiled person need not purify himself actively; he must simply avoid contact with the holy until sunset, by which time the impurity will be dissipated. That is how some modern scholars understand the passage. But *Sifra* may well be correct in understanding (on the analogy of 11:32, 17: 5, and 22:6f.) that the person requires a ritual bath but is not completely purified till sunset.

25] *Whoever carries the carcasses of any of them shall wash his clothes.* Touching might mean grazing the carcass with a finger; but carrying would bring the defiling object into contact with his body and clothing, thus spreading the contagion. Here too the halachah may be correct in understanding: in addition to bathing, he must also wash his clothes; then at sundown he becomes tahor.

27] *That walk on paws [and have no hoofs at all].* The verse is added for the sake of completeness. Legally, the horse and bear are equally forbidden and their carcasses are equally defiling.

29-38] Defilement by the bodies of certain creeping things." For the meaning of *sheretz*, see commentary on 11:20-23.

29] *The following.* A number of these cannot be identified with certainty (I.N.).

31] *Shall be unclean.* See commentary on 11:24.

32-38] The uncleanness of the carcass can be transmitted to various objects which can, in turn, defile still other substances, such as food.

32] *A sack.* A piece of sackcloth, a rough material, worn as a sign of mourning.

Shall be dipped in water. The chief means of ceremonial purification (see Lev. 11 :25, 36, 14:5f.; Num. 19:8, 14f., and elsewhere).

water, and it shall remain unclean until evening; then it shall be clean. 33] And if any of those falls into an earthen vessel, everything inside it shall be unclean and [the vessel] itself you shall break. 34] As to any food that might be eaten, it shall become unclean if it came in contact with water; as to any liquid that might be drunk, it shall become unclean if it was inside any vessel. 35] Everything on which the carcass of any of them falls shall be unclean: an oven or stove shall be smashed. They are unclean and unclean they shall remain for you. 36] However, a spring or cistern in which water is collected shall be clean, but whoever touches such a carcass in it shall be unclean. 37] If such a carcass falls upon seed grain that is to be sown, it is clean; 38] but if water is put on the seed and any part of a carcass falls upon it, it shall be unclean for you.

39] If an animal that you may eat has died, anyone who touches its carcass shall be unclean until evening; 40] anyone who eats of its carcass shall wash his clothes and remain unclean

33] An earthen vessel . . . you shall break. Cf. 6:21, where the pottery must be broken because it has been made *kadosh*.

34] In contact with water. I.e., if the food then came in contact with the carcass of any animal named in verses 29-30 (T.N.). Dry food and seeds (verse 37) are resistant to contagion; but, if they are moistened, they at once become susceptible to it.

Any liquid that might be drunk. Whereas water in springs, wells, rivers, lakes, and seas is not susceptible to ritual defilement, and indeed neutralizes ritual defilement, "drawn water" in a vessel may be defiled by the vessel itself or by some other source of impurity.

Inside any vessel. I.e., a vessel that had become contaminated by such contact (T.N.).

Verses 34 through 38 form the basis of an entire Mishnah treatise called *Machshirin*, "Things that predispose [to impurity]."

35] Everything. This refers back to verse 32.

An oven. See commentary on 2:4.

Stove. Hebrew *kirayim* which occurs nowhere else in the Bible. Rabbinic sources [3] describe the *kirah* as an earthenware container inside which fire was made; it had two openings on top on which pots could be placed. Being made of pottery, like the oven, it could not be purified (verse 33). Ehrlich explains the verse to mean: Though a household, which might have many pots, would ordinarily have only one oven or stove, the latter must nevertheless be smashed if it is defiled.

36-38] See commentary on 11:34.

36] But whoever touches such a carcass in it. Do not argue: since the spring or cistern purifies one who is already unclean, it will protect him from defilement by the carcass in the water (Sifra).

39-40] Not only do the carcasses of forbidden animals defile; if a permitted animal dies, or is improperly slaughtered, its carcass is a source of impurity also.

39] Shall be unclean until evening. . . . See commentary on 11:24 and 25.

until evening; and anyone who carries its carcass shall wash his clothes and remain unclean until evening.

41] All the things that swarm upon the earth are an abomination; they shall not be eaten. **42]** You shall not eat, among all things that swarm upon the earth, anything that crawls on its belly, or anything that walks on fours, or anything that has many legs; for they are an abomination. **43]** You shall not draw abomination upon yourselves through anything that swarms; you shall not make yourselves unclean therewith and thus become unclean. **44]** For I the LORD am your God: you shall sanctify yourselves and be holy, for I **am** holy. You shall not make yourselves unclean through any swarming thing that moves upon the earth. **45]** For I the LORD am He who brought you up from the land of Egypt to be your God: you shall be holy, for I am holy.

46] These are the instructions concerning animals, birds, all living creatures that move in water, and all creatures that swarm on earth, **47]** for distinguishing between the unclean and the clean, between the living things that may be eaten and the living things that may not be eaten.

41-47] Though the eating of "creeping things" was forbidden by implication in the first half of the chapter, this prohibition is now spelled out.

42] *Belly*. Hebrew *gachon*. In Torah manuscripts, the letter vav in this word is written extra large, because—it is said—it is the middle letter of the entire Torah. This detail indicates the meticulous care that the scribes gave to the text.

43] *Draw* abomination upon *yourselves*. Make yourselves disgusting by such defilement.

And thus *become* unclean. The repetition is for emphasis. But the spelling of the Hebrew word is unusual; Ibn Ezra and some moderns (citing a similar

form in Job 18: 3) render it "be made stupid" (see Gleanings).

4.4] Sanctify *yourselves and be holy*. The chapter concludes by appealing to the people to raise themselves to a higher level by observing the laws just expounded. In similar terms, the Torah (Lev. 19:2) calls on them to sanctify themselves by ethical conduct.

45] Here, as often, the authority of the laws is reinforced by reference to the great historic memory of redemption from bondage.

46-47] These verses form a concluding summary, typical of priestly writing. Cf. 7:37f.

GLEANINGS

Halachah

II:31] *Those Are for You the Unclean*

From the word "those," Sifra infers that all other species of *sheretz*, though forbidden as food (verse 41), are not a source of defilement when dead.

34] *If It Came in Contact with Water*

The following liquids make food and seeds susceptible to uncleanness: dew, water, wine, oil, blood, milk, and honey [4].

Haggadah

11:43] *And Thus Become Unclean*

See commentary. The eating of these abominable foods causes a deterioration of the soul so that it descends from a human to a beastly level.

LUZZATTO

44] *Sanctify Yourselves and Be Holy*

With reference to both ritual and ethics, the Talmud declares: If a man defiles himself a little here below, he will be defiled still more on high, i.e., providence will give him more occasions for wrongdoing. And also: If he sanctifies himself a little here below, he will be sanctified still more on high [5].

In different terms: If one wants to be unclean, he is given the opportunity; if he wants to be clean, he receives divine support [6].

Sanctify yourself through the practice of the commandments and thus you will become holy. Such observance will help you to gain self-control so that your intelligence can govern your appetites. For our intelligence is doubly handicapped in this struggle: We have the appetites from birth, while intelligence develops slowly; and, our environment encourages us to yield to our urges, whereas intelligence is a lonely stranger in the world.

BACHYA

Defilement by Discharge from the Sex Organs

For ancient man, as we have seen, birth was not only awesome but frightening; it was regarded as a source of ritual impurity (chapter 12). And death was the source of the most intense defilement (Num. 19). The sexual experience, too, was viewed as uncanny and, hence, as a source of ceremonial uncleanness.

The belief that the sex act is defiling was widespread. The Roman maidens who tended the sacred fire of Vesta had to remain permanently in a virgin state. Though celibacy is alien to the Jewish outlook, we read that, immediately before the revelation at Sinai, the Israelites were directed to stay pure by washing their clothes and remaining apart from their wives (Exod. 19:4f.). And the Rabbis assert that, whereas this separation of the sexes lasted only a few days for the people, Moses—who was to be constantly the recipient of revelation—practiced continence for the rest of his life [1].

Among many peoples, warriors refrained from sexual intercourse during a campaign, not merely to conserve their physical strength, but to avoid ritual contamination. This notion is found in various biblical passages. David's soldiers are permitted to eat "holy bread" because they have been apart

from women for three days (I Sam. 21:5ff.). Uriah, called home from the front, will not enter his house and sleep with his wife while his comrades are encamped in the open (II Sam. 11:II). According to the law of Deuteronomy, a soldier who has a nocturnal emission must leave the camp for a day and take a bath; at sundown he may rejoin his fellows (Dent. 23:ii) [2].

Our chapter (verses 16-18) treats human semen as a source of defilement. One who has an emission, or a couple who has intercourse, or a person or object coming into contact with semen, all acquire a mild degree of uncleanness. Similar rules, often more stringent, are found among various other peoples.

Far more severe are the regulations concerning women during their monthly periods. Ancient man reacted to the phenomenon of menstruation with a horror that seems to us grotesque and hysterical, and the same is true of primitive man still today. "According to Pliny, the touch of a menstruous woman turned wine to vinegar, blighted crops, killed seedlings, blasted gardens, brought down the fruit from trees, dimmed mirrors, blunted razors, rusted iron, and brass (especially at the waning of the

moon), killed bees or at least drove them from their hives, caused mares to miscarry, and so forth" [3]. Many peoples went to extreme and even cruel lengths to protect themselves against any contact with menstrual blood. The onset of puberty in females was regarded as especially dangerous, and among many tribes adolescent girls were isolated for long periods [4].

Similar superstitions were current among Jews. A talmudic statement warns against a woman passing between two men or a man passing between two women; and a further comment explains that, if the woman is at the beginning of her period, she might bring about the death of one of the men and, if at the end, she might cause them to quarrel [5]. Nachmanides asserts that animals die if they consume menstrual blood. He further reports as a matter of experience that, if a menstruating woman stares at a mirror of polished iron, drops of blood will appear on it [6].

Our chapter does not explain why blood defiles; it simply states the rules involved. This is not, however, a simple "defilement of the body"; intercourse with a woman during her menses is a "defilement of the sacred" (see introduction to Lev. 11:24-47) and is unconditionally forbidden; a violation entails the severest punishment (see 18:19 and 20:18).

In comparison with the taboos found in some societies, biblical law on this subject (verses 19-24) appears mild and rational. The woman must remain apart from her husband for seven days from the onset of her period. During this time, her person, her bedding, and anything she sits on convey ritual uncleanness. After the seven days, tradition requires her to take a ritual bath before she and her husband can share the same bed. The biblical text does not mention this immersion, but it is probably taken for granted since the bath is required for the lesser defilement of normal intercourse

(verse 18). We have called these provisions rational. This does not seem an overstatement in view of the physical difficulties many women suffer during menstruation, ranging from sleepiness to intense pain—to say nothing of the emotional tensions that often appear just before the start of the period. The law protects women from the importunities of their husbands at a time when they are not physically and emotionally ready for coitus.

The Talmud ascribed a psychological benefit to this enforced abstinence. It prevents the marital act from becoming routine; reunited after the period of "uncleanness," the couple recaptures something of the honeymoon mood [7].

The ritual bath at the end of the period may be taken either in a "source"—spring, stream, sea—or in an artificial pool known as a *mikveh* (which is also spelled *mikvah*). The laws of the *mikveh* were greatly elaborated by the rabbinic teachers (see Gleanings). They apply to all cases of defilement treated in these chapters, including the "dipping" of polluted objects. The downfall of the Temple made most laws of purity irrelevant; since then the *mikveh* has been used chiefly by married women after menstruation and by brides just before their marriage. It has, however, been regarded as an expression of piety for men to take a ritual bath, especially on the day before Yom Kippur, as a symbol of cleansing from sin.

The term *niddah*, "something to be shunned," "impurity," is applied in the Bible especially to the condition of a menstruating woman, in postbiblical literature to the woman herself. It is also the name of a tractate, in the Mishnah and Talmuds, that expounds the laws in great detail. The established halachah is in fact much more stringent than the rules as set forth in this chapter (see Gleanings).

Throughout the centuries, these laws were

conscientiously observed. A skeptic once said to Rav Kahana, "You permit a man to be alone with his wife during her period: Do you mean to say that fire can approach flax without kindling it?" The rabbi answered (by citing the words from Song of Songs 7:3, "hedged about with lilies"): The words of Torah, which are as tender as lilies, suffice to restrain them [8].

Today, however, it *is* certain that a large percentage of Jews do not follow the halachah strictly. This is evidenced by the fact that in many American communities there is no *mikveh* and in others the institution is maintained with great difficulty. It is probable that most Jewish couples refrain from intercourse while the wife is menstruating. The same applies, no doubt, to many non-Jewish Americans. The exaggerated fears of ancient men are not shared by all moderns, and it would be a mistake to assume a "natural revulsion." Men are not invariably finicky; and some women not only tolerate intercourse during menstruation but actively desire it [9].

This chapter also deals with defilement resulting when there is an abnormal discharge from the genitals. A man suffering

from such a discharge is called *zav*, "one who flows," and the female equivalent is *zavah*. But the similarity is only in nomenclature. The *zavah* is one who continues to bleed beyond the normal period of her menses or who has bleeding at a different time of the month. (Such bleeding can be a symptom of serious ailments.) There *is* disagreement as to the discharge affecting the $\nu\nu$. Some students identify it as gonorrhea; others think it is only an exceptional discharge of mucus—a minor ailment called blennorrhea. The second view is supported by descriptions of the condition in rabbinic sources.

For both sexes, the "flow" entails major defilement. The patients, and anything they sleep, sit, or ride on, are a source of uncleanness until seven consecutive days pass without any discharge. Then, after a ritual bath, sacrifices of purgation must be offered.

The biblical material is not presented in the order followed in this introduction. The rather haphazard arrangement of the chapter is: verses 1–15, the *zav*; verses 16–18, defilement by semen; verses 19–24, the *niddah*; verses 25–30, the *zavah*; verses 31–33, conclusion.

1] The LORD spoke to Moses and Aaron, saying: 2] Speak to the Israelite people and say to them:

When any man has a discharge issuing from his member, he is unclean. 3] The uncleanness from his discharge shall mean the following—whether his member runs with the discharge or is stopped up so that there is no discharge, his uncleanness means this: 4] Any bedding on which the one with the discharge lies shall be unclean, and every object on which he sits shall be unclean. 5] Anyone who touches his bedding shall wash his clothes, bathe in water, and remain unclean until evening. 6] Whoever sits on an object on which the one with the discharge has sat shall wash his clothes, bathe in water, and remain unclean until evening. 7] Whoever touches the body of the one with the discharge shall wash his clothes, bathe in water, and remain unclean until evening. 8] If one with a discharge spits on one who is clean, the latter shall wash his clothes, bathe in water, and remain unclean until evening. 9] Any means for riding which one with a discharge has mounted shall be unclean; **10]** whoever touches anything that was under him shall be unclean until evening; and whoever carries such things shall wash his clothes, bathe in water, and remain unclean until evening. **11]** If one with a discharge, without having rinsed his hands in water, touches another person, that person shall wash his clothes, bathe in water, and remain unclean until evening. 12] An earthen

15:1-15] For the probable nature of the discharge, see introduction to this chapter.

2] *Member*. Literally, "flesh" (T.N.).

4-52] The virulent impurity of the zav is communicated to anything he touches, especially bedding, seats, and the like, which are likely to have been in direct contact with the affected parts and with the discharge.

8] *Spits on one who is clean*. The halachah, logically enough, states that the urine and feces of the zav also defile (*Sifra*).

9] *Any means for riding*. A saddle, girth, or blanket—even the wooden pommel of a saddle (*Sifra*).

11] *Without having rinsed his hands in water*. The sentence is puzzling. It implies that, if the zav has just washed his hands, he may touch another person without defiling that person—in contradiction to the severe rules that precede and follow. Nor is there any indication as to how long this rinsing would neutralize the impurity of the zav. The Rabbis were compelled to depart from the plain sense of the words (see Gleanings).

12] See commentary on 6:21 , 11:33ff.

vessel which one with a discharge touches shall be broken; and any wooden implement shall be rinsed with water.

13] When one with a discharge becomes clean of his discharge, he shall count off seven days for his cleansing, wash his clothes, and bathe his body in fresh water; then he shall be clean. 14] On the eighth day he shall take two turtledoves or two pigeons and come before the LORD at the entrance of the Tent of Meeting and give them to the priest. 15] The priest shall offer them, the one as a sin offering and the other as a burnt offering. Thus the priest shall make expiation on his behalf, for his discharge, before the LORD.

16] When a man has an emission of semen, he shall bathe his whole body in water and remain unclean until evening. 17] All cloth or leather on which semen falls shall be washed in water and remain unclean until evening. 18] And if a man has carnal relations with a woman, they shall bathe in water and remain unclean until evening.

19] When a woman has a discharge, her discharge being blood from her body, she shall remain in her impurity seven days; whoever touches her shall be unclean until evening. 20] Anything that she lies on during her impurity shall be unclean; and anything that she sits on shall be unclean. 21] Anyone who touches her bedding shall wash his clothes, bathe in water, and remain unclean until evening; 22] and anyone who touches any object on which she has sat shall wash his clothes, bathe in water, and remain unclean until evening. 23] Be it the bedding or be it the object on which she has sat, on touching it he shall be unclean until evening. 24] And if a man lies with her, her impurity is communicated to him; he shall be

13] *Fresh* water. Literally, "living [i.e., running] water." The zav (alone among the unclean persons treated here) cannot purify himself in a *mikveh*, but he must go to a spring, stream, lake, or sea.

16] Cf. Deut. 23:11f.

18] Carnal *relations with a woman*. The English phraseology is an attempt to make passable prose out of a somewhat unusual Hebrew sentence. There is no implication that the woman is not the man's wife or that the marital act is in any way degrading or sinful.

19-24] The impurity of the menstruating woman (*niddah*). Virtually the same rules about the transmission of defilement apply to the *niddah* and the *zav*. No mention is made of a ritual bath after menstruation, but the Rabbis reasonably inferred the requirement from verse 18.

24] This verse deals only with the ritual defilement that results from intercourse with a menstruating woman. The seriousness of the offense and its punishment are stated in 18:19, 20:18.

unclean seven days, and any bedding on which he lies shall become unclean.

25] When a woman has had a discharge of blood for many days, not at the time of her impurity, or when she has a discharge beyond her period of impurity, she shall be unclean, as though at the time of her impurity, as long as her discharge lasts: she shall be unclean.

26] Any bedding on which she lies while her discharge lasts shall be for her like bedding during her impurity; and any object on which she sits shall become unclean, as it does during her impurity: 27] whoever touches them shall be unclean; he shall wash his clothes, bathe in water, and remain unclean until evening.

28] When she becomes clean of her discharge, she shall count off seven days, and after that she shall be clean. 29] On the eighth day she shall take two turtledoves or two pigeons, and bring them to the priest at the entrance of the Tent of Meeting. 30] The priest shall offer the one as a sin offering and the other as a burnt offering; and the priest shall make expiation on her behalf, for her unclean discharge, before the LORD.

31] You shall put the Israelites on guard against their uncleanness, lest they die through their uncleanness by defiling My Tabernacle which is among them.

32] Such is the ritual concerning him who has a discharge: concerning him who has an emission of semen and becomes unclean thereby, 33] and concerning her who is in menstrual infirmity, and concerning anyone, male or female, who has a discharge, and concerning a man who lies with an unclean woman.

Seven da's. From the time of the contact, not for a sacred function. Literally, "You shall set them apart carefully from their uncleanness.-
from the beginning of her period (*Sifra*).

31] *Put the Israelites on guard.* Hebrew *vehizartem*,
from the same root as *nazir*, nazirite, one set apart 31-33] These verses conclude the section.

GLEANINGS

Halachah

15:4] *Any Bedding*

Even if the bed of the zav was covered by several layers of blankets, one who sat upon them would be defiled.

SIFRA

5] *Bathe in Water*

The mikveh—which could be used for all immersions and dippings except that of the zav (verse

ii in a treatise of the Mishnah called *Mikvaot*. It must contain a minimum of forty *se'ah* of water, about twenty-four cubic feet [10]. A *mikveh* is not ritually suitable if water is constantly flowing through it [i]—another indication that these laws are not hygienic in intent. The requirements for the *mikveh* are such that an ordinary bathtub or swimming pool cannot be used for ritual purification. That these rules were already known prior to the fall of the Second Temple is indicated by the fact that the *mikveh* discovered in the ruins of Masada conforms to them [12].

i] *Without Having Rinsed His Hands in Water*

See commentary. The Rabbis understand these

words to mean, "One who has not yet recovered from the impurity and taken a ritual bath." Why, then, are the hands mentioned? To indicate that, for a valid immersion, the water must cover all external parts of the body, such as the hands, but need not touch inner surfaces.

SIFRA

19] *She Shall Remain in Her Impurity Seven Days*

Because the rules of *niddah* are complicated and difficult, and the punishment for intercourse with a menstruant is so severe, the scholars and the pious Jewish women agreed, during the talmudic period, to apply the simpler but more stringent rules of the zavah to the *niddah* as well. The biblical law (verses 19ff.) requires abstention for seven days from the *onset* of the menstrual flow. The later regulation required the woman to count seven days from the time of the *cessation* of the flow, without further reappearance of blood, before she could take her bath and rejoin her husband [13]. A final formulation of the halachah added further stringencies, reducing still more the number of days each month when intercourse was permissible [14].

Haggadah

15:31] *Lest They Die through Their Uncleanness by Defiling My Tabernacle Which Is among Them*

Even though they are unclean, the Divine Presence still abides among them.

SIFRA