

# The Meaning of Torah Shebeal Peh

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The central features distinguishing Rabbinic Judaism from all other conceptions of Judaism, past and present, are the belief in the myth of Moses as "our rabbi," and the view that when God—also conceived on the model of the rabbi—revealed the Torah to Moses, he gave Torah in two parts, one in writing, the other as tradition handed on orally. The tradition handed on orally is now contained in the Mishnah and its cognate literature—Tosefta, the Babylonian and Palestinian Talmuds, the various Midrashim, and the like. Accordingly, at the center of Rabbinic Judaism are the concept of the dual Torah and the fundamental conviction that the written Torah is not the whole record of revelation. Indeed, one may say that just as Christianity regards the New Testament as the completion and fulfillment of the Old Testament, so Rabbinic Judaism regards the Mishnah as the final half of Tanakh.

Accordingly, from the beginning of modern Jewish scholarship, one crucial problem in the study of the history of Judaism has been the nature and meaning of Mishnah, defined in particular in terms of its origins and development.

In traditional circles, this problem was, of course, readily solved. The contents of Mishnah constitute Torah shebeal peh, and their history is coextensive with that of Torah shebikhav. The conception is phrased in historical language, in terms of origin and development, but when stated in this way, it is hardly compelling. However, as I shall try to show, this conception of modern Orthodoxy, when viewed from another angle, is essentially correct and represents a wholly accurate interpretation of the nature and meaning of oral Torah.

The reason that modern Orthodoxy phrased its conception of Torah shebeal peh in historical rather than theological terms is that Orthodoxy had to respond to the claim, phrased in historical language, of Jewish scholarship, beginning in the nineteenth century, that the concept of Torah shebeal peh is to be defined in terms of its roots and growth, understood in the light of its origins and changes.

Since the Reformers approached the reform of the tradition through historical means, the traditionalists reaffirmed the convictions of tradition in historical language. It was unavoidable. What is it that the Reformers alleged concerning the origins and meaning of Torah shebeal peh?

The Reformers, beginning with Zechariah Frankel, saw the oral Torah as historical and contingent, not supernatural and autonomous. Oral Torah was represented as the product of the exegesis of the written Torah. It had no independent existence, no autonomy as a separate corpus of revelation correlative to Torah shebikhayav. The Mishnah is the end product of about six centuries of the exegesis of Scripture. Frankel held that the scribes explained the commandments, then joined their explanation to the written Scriptures, and this, he said, was the crux of the Oral Law. Only later on were materials organized thematically rather than exegetically, that is, by the formulation of abstract law, "law which was meant to explain an issue of the Torah without being attached to the text of the Torah." So the beginnings of oral Torah did not lie in remote antiquity—the time of Moses—but in the time of Ezra and the scribes. The Mishnah was in no way to be regarded as an autonomous and separate Torah, but merely as the end of a long period of study and exegesis of the one written Torah of Sinai. The Mishnah served merely to organize vast quantities of exegetically based laws.

It would carry us far afield to investigate the historical circumstances, intellectual influences, and philosophic necessities which led Frankel, Brill, and their successors to the present day to stress the historical origins of Torah shebeal peh in the period from Ezra to the editing of the Mishnah and through the process of exegesis. Rather, let us test against the evidence of the Mishnah itself their most fundamental assertion, that oral Torah is essentially nothing more than the exegesis of written Torah. It seems to me that it is only by an inductive inquiry into the actual interrelationships between Mishnah and scriptural law that we shall come to a sound picture of what classical, Rabbinic Judaism really understood by Mishnah, that is, by oral Torah.

## II

We shall focus upon two tractates in Seder Tohorot—Keilin and Ohalot. Our reason for doing this is that the laws of purity in Scripture are substantial and important. Further, we know that the Pharisees believed those laws to be operative in ordinary life, not only in the Temple. Therefore, if any corpus of Mishnaic law is apt to rest upon a considerable heritage of exegesis of the Scriptures, it would be a corpus of law for which the Scriptures to begin with provide abundant laws. At the same time, if any corpus of Mishnaic law is apt to derive directly and immediately from the Pharisaic authorities of the period before 70 C.E. and to represent what is surely the creation of Pharisaism, it would be the laws of purity, concerning which the Pharisees

held distinctive beliefs. My argument is that by examining laws which we can agree at the outset, relate to major corpora of scriptural legislation, we can make a fair test of the twin concepts, that Mishnaic law is generated by the conceptions of Scripture through exegesis and that Mishnaic law is the product of the period from Ezra to the second century. The laws of purity are quintessentially Pharisaic, that is, reflective of the distinctive convictions of the authorities in the period of which Frankel and Brill speak.

Ours is a problem in the history and the morphology of ideas. On the one hand, we have to ask, What laws or principles lie at the very foundations of the two tractates under examination? And on the other, What concepts and fundamental ideas are contained within those laws, and how do those concepts and ideas relate to the written Scriptures? We shall answer these questions by asking, What is the verifiable datum, the absolute and minimum given, underlying the earliest assigned or attributed sayings in a given tractate of Mishnah? If we can trace the ideas and conceptions of Mishnah from the time of Rabbī backward to Usha, and from the time of the Ushan authorities, for instance, Meir, Judah, Simeon, and Yose, backward to the Yavneh rabbis, for instance, Akiba, Gamaliel, Eliezer, and Joshua, and if we can further discern that rulings assigned to those earliest named masters rely upon conceptions never under dispute and always taken for granted in all rulings, then I believe that we have gone as far back as we are able in the analysis of the history of Mishnaic laws after 70. But since it is generally assumed that the Houses of Shammai and Hillel come before the destruction of the Second Temple, we may further ask, What are the givens of legal problems and disputes even in the period of the Houses?

In stating matters thus, I report the result of my inquiry into the history of the Mishnaic laws of purity, which has shown that there is a fairly orderly sequence or progression of legal and conceptual principles, one built upon the last, from the time of the Houses and the earlier authorities of Yavneh up to the time of the Mishnah. Each generation does depend upon and make use of the legal conceptions of the previous generation. Accordingly, we can trace the history of the Mishnaic laws backward to the earliest named authorities and then, with remarkably little speculation, state with some precision the fundamental principles upon which the entire structure of Mishnaic law is built. True, we shall not then know where or how those fundamental principles originated. But we shall be able, at the very least, to test the assertion that Mishnah—Torah shebeal peh—begins in the exegesis of Torah shebikhayav. At the end I shall further suggest reasons for supposing that that conception is not only wrong historically, but also wrong hermeneutically. That is, it misunderstands the nature of Torah shebeal peh. And I shall further propose that the basic conceptions of Torah shebeal peh are, if anything, prior to those of Torah shebikhayav for the tractates before us.

If this can be accomplished, then we shall have to reject the entire picture of the history of *Torah shebeal peh* established at present in secular Jewish scholarship, and it will necessarily follow that we shall have to redefine our conception of what the rabbis of the first and second centuries, who gave us the Mishnah, understood as *Torah shebeal peh*. Moreover, we shall have to reopen the question of the autonomy of oral Torah and to reconsider—and reaffirm—the claim of Rabbinic Judaism that it stands upon two autonomous, correlative *Torahs*. To be sure, the further reformulation of that claim in historical rather than theological language is going to be the task of the historians of the Judaism of late antiquity. But the rabbinic conception of *Torah shebeal peh* as coextensive in history, and correlative in conception, to *Torah shebikhayav* will, I believe, have been placed upon firm foundations.

### III

Let us begin with *Kelim* and ask, What is the absolute and minimum given of the entire tractate? The prehistory of the Mishnaic law of *Kelim* begins with the assumption that the status as to uncleanness of utensils outside the cult does matter, is consequential. That is, extracultic utensils have to be kept clean for any purpose whatever. If we have no reason to consider the status of such utensils as to cleanliness, we also have no cause to investigate whether they are susceptible to uncleanness. Since only the Pharisees, among those known to us, thought that someone who was not a priest had to keep pure outside the cult (the Essene community at Qumran is a special case), we need not doubt that the fundamental conception of *Kelim* is part of the primary structure of Pharisaism. The laws of *Kelim* do not begin before Pharisaism in the formulation given it by lay people pretending to be priests.

The one specific concept characteristic of the Mishnaic law of *Kelim*, from beginning to end, is that a utensil susceptible to uncleanness is one which is whole, complete, useful—normal. That notion is to be discovered in Scripture. Leviticus 11:33 tells us that to clean an unclean utensil, one has to break it, make it useless. Thus a utensil which can become unclean is one which is not broken, which is useful. The same exegete can have understood a utensil—a *KLY*—to be defined in the same place: "Every *KLY* made of any material" refers to anything at all; "any *KLY* used for any purpose" limits the foregoing to useful objects only. Autonomy and distinctiveness follow in the wake of purpose.

A second important early concept is that utensils are regarded as divided into their inside or inner part and their outside or outer part. The first implication of that division is that something which has a "midst" or an inner part or a receptacle is susceptible to uncleanness, whereas something which does not—which is flat—is insusceptible. Leviticus 11:33 readily generated that concept. To be sure, that passage need not have brought the idea to mind. The importance of a

receptacle in containing uncleanness may have derived from the larger notion of uncleanness. If one conceived of uncleanness as a kind of viscous gas which would flow every which way unless it were contained within some receptacle—a utensil or a tent—but which would then be kept in that one place, then the importance of the receptacle would depend not upon Leviticus 11:33 but upon a quite separate conception of the material qualities of uncleanness. Accordingly, the first major development in the formation of the law of the susceptibility of domestic utensils stressed two points, usefulness as the definitive criterion of a utensil which could be made unclean, and the presence of a receptacle as the definitive requisite for the containment of uncleanness. Other early rules or conceptions cannot be so readily formulated.

If we stand back from this first stage and ask what the written *Torah* contributed to the oral *Torah*, the question may be answered simply. The written *Torah* said that those things which break the natural rhythm of life are unclean. The oral *Torah* said that those things which, among all objects, serve, or are part of, the normal course of life are susceptible to becoming unclean. The abnormal affects the normal.

Our firm result is that the laws of *Kelim* could have begun their development at any point, from the redaction of Leviticus onward, at which someone decided to apply the pertinent Scriptures to utensils not involved in the cult, as part of a larger intention of extending the laws of purity beyond the Temple. No considerable exegesis was then needed to demonstrate that the *Torah* required pretty much what the authorities before 70 C.E. and immediately afterward took at face value. While, as I have said, the laws of *Kelim* could have begun their development at any time from the completion of Leviticus to the first century, the greatest probability is that they began their development shortly before the time of the Houses. It is only then that we can find the traces of a secondary exegetical tradition, resting on something more complex than the simple and plain meaning of the Scriptures themselves.

Thus the fundamental theory of *Kelim* is that what is normal and useful is susceptible to uncleanness and that what is abnormal or useless is insusceptible. This susceptibility is to the unusual and the abnormal, which are represented by the sources of uncleanness—things which are out of the ordinary and are regarded (for whatever reasons) as distasteful. Such abnormal things affect their very opposites, things which are commonplace. To put it differently, the negative—the out-of-the-way and the disharmonious—affects the positive, the whole and complete, but not the negative. Accordingly, for *Kelim* we may describe the relationship of *Torah shebeal peh* to *Torah shebikhayav* as follows: *Kelim* in Scripture tells us about the negative; *Kelim* in Mishnah describes the positive. Without Mishnah, the Priestly Code describes only part of reality. Mishnah therefore

completes the partial conceptions of Leviticus. And—a second major innovation in Keilm—while Scripture speaks of the cult, Mishnah speaks of the world outside the Temple. Scripture addresses itself to the realm of the sacred, Mishnah to the world and the secular reality outside the cult. Just as Scripture tells us what must not affect the cult, so Mishnah tells us what does affect ordinary things.

#### IV

The relationship between the Mishnah treatise Ohalot and Numbers 19:11-21 is completely different from that between the Mishnah treatise Keilm and Leviticus 11:33ff. Before briefly outlining the history of the laws of Ohalot, let me focus upon the crucial issue. What is the conception of a tent characteristic of Mishnaic law? If we list the most profound presuppositions of Ohalot, held by the earliest named authorities, we find the following. (1) A tent requires egress. This, logically and concomitantly, links to (2) the sealed tomb. But that presupposition should not obscure the conception upon which these statements, in their turn, depend. *Corpse-uncleanness passes through a squared handbreadth of open space. Its passage may be prevented, therefore, by a handbreadth of closed space.* The entire tractate of Ohalot is founded upon a single conception, to which we may refer, for the sake of convenience, as the standard measure. And what imposes that "measure" is the trait of corpse-uncleanness. In one way or another everything else is logically spun out of the single, fundamental trait of that which exudes from a corpse.

In no way is this concept related to Scripture. No exegete even tried to find scriptural foundations for it. And, as we recognize, what is at issue is not merely the measurement of a handbreadth, but all that is expressed by that simple measurement.

For what the "handbreadth in breadth, depth, and height" means is that the scriptural tent, a place in which people actually live, has been left far behind us. The tent as conceived by the oral Torah, culminating in Mishnah, is anything but a place in which people dwell. So, while Sifre Numbers seem to preserve important exegeses which originate before the earliest laws of Mishnah—Tosefta Ohalot, it contains no hint that the Mishnaic tradition begins with the exegesis of Scripture, the discovery in the written Torah of the foundations of our tractate. We have the Talmud's own statement to the same effect: little Scripture, many laws. What, then, is the conception of the tent laid out in the oral Torah?

The written Torah speaks of a tent or a house in which people, whole and healthy in body and soul, live. The oral Torah speaks of a tent capable of containing that which exudes from the body at the moment of death, a tent which takes the place of the body. It goes without saying that the laws of Numbers 19:11ff were not understood in this way by others who made reference to them.

What, therefore, has the oral Torah contributed? On the surface,

as I just said, we have nothing more than a useful definition, a filling out of the scriptural law with some necessary additional information. What is the tent referred to in Numbers 19:11? It is simply an enclosed space of a certain dimension. And what is that dimension? A handbreadth. If this were the primary conceptual contribution of Mishnah, then our notion of the oral Torah would be stated as follows: The role of oral Torah—of Mishnah—is to fill in some unimportant gaps in scriptural law, to supply some needed definitions.

But a closer look at the basis of Mishnah's contribution requires a revision of our conception of the oral Torah. For that squared handbreadth which is at the foundation of everything else is nothing other than an elliptic way of referring to the space through which the contaminating effects of the corpse will make their way. We observe time and again that "a corpse is assumed to pass through four handbreadths, its contaminating effects through one." When, therefore, we define a tent as a handbreadth in height, breadth, and depth, what have we said? We have defined a tent as not a house or a building in which people can live or even in which a corpse will fit. We have defined a tent as the space occupied by the gaseous effusion of the corpse. This self-evidently has nothing to do with the house or building which people see and use. It has much, I think, to do with the house or building in which the person has existed—the body.

Now to spell this out: When we say that a tent must measure a handbreadth, either to prevent uncleanness from entering its enclosed space, or to keep uncleanness within its enclosed space (without regard to the nature of the enclosure—walls or no walls), what is the meaning of such an assertion? What is this tent to which reference is made in Ohalot? (Even if we substitute house for tent, when house is used in Ohalot, the referent at some points seems to be burial niche, *koh*, as much as a real house.) And what is it that can be contained in the tent of which Ohalot speaks? The answer is not the body, for a whole body by definition is four times as large as a handbreadth, and therefore a body cannot be contained in a tent. The terms of the answer, moreover, have to include that invisible viscous gas which is uncleanness, because it is everywhere taken for granted that uncleanness cannot penetrate an enclosed area of a handbreadth or less, on the one hand, or will be prevented from exuding by that same enclosed area if it is enclosed by it.

*Corpse-uncleanness is something which can be contained by a tent. A tent is something which can contain or interpose against corpse-uncleanness.*

The one has—in the nature of things—to be defined in terms of the other. Our definition of a tent is curiously out of phase with the simple meaning of Scripture. The issue of Scripture is drastically revised, indeed, when tent becomes "that which can contain what exudes from a corpse." When, therefore, we define tent as we do here, and as is

taken for granted throughout the Mishnaic laws which depend upon the simple definition before us, we mean something entirely different from what Scripture means.

If the conception of death is that when a person dies, something leaves, exudes from, the body, then the tent serves as the functional equivalent of the body, for it is able to receive and contain that which exudes from the body. The tent, therefore, takes the place of the body, makes a place for that which leaves the body at the point or moment of death. The tent is to be understood as a surrogate for the body, restoring the order which has been broken with the exit from the body of that which exudes from it. Death has released this effusion, and the tent then contains it. We have avoided naming this thing which "exudes from the corpse at such a viscosity as to pass through an open space of a handbreadth or more, but no less." I see no point in calling it the soul and in alleging that the "uncleanness" of the corpse is the "soul," the "spirit" which survives after death and requires a new locale. (Simeon ben Gamaliel does refer to corpse-uncleanness as *tumot hanefash*, T. to M. 11:1.) Philo seems to have had just such a notion.

Further, too, those who enter a house in which anyone has died are ordered not to touch anything until they have bathed themselves and also washed the clothes which they were wearing. And all the vessels and articles of furniture, and anything else that happens to be inside, practically everything is held by him to be unclean. For a man's soul is a precious thing, and when it departs to seek another home, all that will be left behind is defiled, deprived as it is of the divine image. For it is the mind of man which has the form of God, being shaped in conformity with the ideal archetype, the Word that is above all. (*Special Laws* 3:206-7, trans. F. H. Colson, p. 605)

Neither Kelim nor Ohalot begins in the Priestly Code. Neither tractate develops the lines laid out therein. Indeed, the most fundamental convictions of both tractates lie wholly outside Scripture. For Kelim the issue is the susceptibility and insusceptibility to impurity of various noncultic utensils. For Ohalot the issue is the nature and functioning of tents (and utensils). Scriptural law knows little of either issue. The Mishnaic conception that we must ask about the susceptibility to impurity of one object as against that of another object is utterly alien to those few references in Scripture which are even relevant to the laws of Kelim. The question What is a tent? would be ludicrous to the authority behind Numbers 19:11-22, for he takes for granted that a tent is a tent.

Proof of the irrelevance of Scripture to the two Mishnaic tractates is contained in the exegetical compilations which purport to link the oral Torah to the wholly written one. Sifra has virtually nothing which, in conception, let alone in articulation, does not depend upon Mishnah-Tosefta as completed compilations. Sifre on Numbers does have exegeses which in conception seem clearly prior to, and in formulation clearly autonomous from, anything in Mishnah. But these

accomplish virtually nothing in linking Scripture to the underlying conceptions of the tent (which are far, far earlier than our tractate's inquiry). And even if we had considerably richer collections of exegeses for both tractates, we could hardly claim that many specific laws were worked out in response to the exegesis (let alone the eisegesis) of the Scriptures. The contrary is the case. Perhaps the exegetes took for granted that the bedrock convictions of the laws were also assumed by the Scriptures. But they still have not shown us where, in Scripture, they locate those laws or principles, and I think the probable explanation is that they could not (and did not care to). That is why they remind us that Ohalot has much law but little Scripture.

When, therefore, we refer to Scripture in seeking the beginnings, the pre-Mishnaic history, of Mishnaic law, we commit an error of gross anachronism. To put it very simply: Kelim begins somewhere, but not in Leviticus. At some state in its early history, however, the sages who formed the law responded to such verses in Leviticus as seemed relevant to it, though the law's datum, its basic assumption, comes before the inquiry into Scripture. The problem of Ohalot, of course, is somewhat different, for the appended tractates fore and aft (Mishnah Ohalot 1:1-3:5 and Mishnah Ohalot 16:3-16:10) do little more than add some clarifications and explanations to what Scripture tells us about corpse-contamination and about the modes by which corpse-contamination is conveyed. Yet the tents—the processes of overshadowing—of which Ohalot speaks, bear no relationship whatever to the tent, the real tent, in which a person died, mentioned by Numbers 19:11, 14-16, and so on. We have, consequently, to address ourselves, first, to what is everywhere taken for granted, and only second, to what is found pertinent in the Priestly Code to that datum of the law, its primary conception.

## V

Implicit in the contents and concept of oral Torah, therefore, is the notion of the independence and autonomy of that oral Torah. If, as I have suggested, the Mishnaic law is separate and autonomous from Scripture, though in its unfolding it is made to interrelate, where it can, with Scripture, then we must wonder whether we have not simply stated in historical language what the ancient rabbis meant in speaking, to begin with, of two Torahs, one in writing, the other transmitted orally. It certainly is a drastic misstatement of the facts to see these two Torahs as interrelated in their beginnings, so far as the pertinent and reciprocally relevant segments of Leviticus and Numbers, Kelim and Ohalot, are concerned. It is an accurate statement of the facts to regard Leviticus and Numbers as one Torah, Kelim and Ohalot as another, separate but correlative, Torah. The authorities of Mishnah-Tosefta do not derive their laws from Scriptures. On occasion they do twist Scriptures to make them fit preconceived conclusions. The implicit question of the exegetical compila-

tions on the law is, How do we know x from the Torah? with x the given law or belief, and the problem being to justify x from Scripture, not to find out what Scripture teaches about that law or belief. If we started with Scripture and asked what it taught, we should never, never discover even the simplest datum of rabbinic law. When we start with the answers—the rabbinic law—and ask how Scripture can be made to justify that law, the answers are anything but perspicuous. That the authorities of Mishnah-Tosefta understood these facts full well seems strongly implied by their conception of two Torahs, one written, the other oral.

Having carefully distinguished Mishnaic from pentateuchal conceptions in respect to utensils and tents, Kelim and Ohalot, we now see that there is virtually no fundamental and reciprocal relationship whatever. True, as I said, a few verses in Leviticus prove not only relevant to Kelim but also formative of elements in the basic stratum of laws, and the same seems so for Numbers and Ohalot. But the generative concept, the mythopoetic event or force, from which the Mishnaic tractates emerge is not Scripture, precisely as the rabbis of the second and later centuries claimed, but an entirely separate "Torah"—"revelation" in theological language.

We have, therefore, to ask about the relationships between the two "Torahs," Scripture and Mishnah, just as did the third century exegetes who stand behind much of Sifra and Sifre. We eliminate one theoretical relationship at the outset: the historical and exegetical relationship. Because of their utter disparity, I do not see how the two Torahs can relate in some causal and sequential way, the "prior" written one originating or generating the "subsequent" oral one. And, it follows, exegesis of the written Torah, the Pentateuch, did not create, and does not stand behind, the fundamental conceptions of the oral one, the Mishnah, although once those primal conceptions were in being, the Pentateuch obviously would shape their articulation.

The sole reciprocal relationship we can describe, therefore, is conceptual, or, in a loose sense of the word, metaphysical. And here the relationship is amazingly close. The two Torahs complement each other, are necessary to each other, balance and complete each other's conceptions. The world view of the one invites and instigates the reflections which lay the foundations of the other.

Specifically, in the case of Kelim, we noticed that the sources of uncleanness specified in Scripture are things which break the natural and normal course of life—the unusual or the abnormal (or that which was perceived in remote antiquity to be unusual or abnormal). Objects which are abnormal or useless are not affected by these processes. Susceptible to the unusual and the abnormal are things which are commonplace, normal, everyday, and useful. The negative, the out-of-the-way and disharmonious, affects the positive, that which is whole and complete. There is a striking correspondence between the priestly conception, in Leviticus, of the sources of

uncleanliness and the Mishnaic conception, in Kelim, of objects susceptible to the uncleanness imparted by those sources.

For Ohalot, we may discern parallel correspondences. When someone dies, a change affects the economy of nature. The body which has housed the person lies lifeless. Scripture is clear that that body produces "uncleanliness," specifying the various ways in which the uncleanness is transferred and the things that are affected by it. (This imbalance specified by Scripture uses the term *uncleanliness* to refer to that which has taken place, and we do not have to diverge from that term.) What then happens to the uncleanness released from the body? Where does it go? What is it?

The oral Torah's answer, suggested above, is that the uncleanness will now find a new container, something which will keep and contain it as the body has done. What will do so? Something a handbreadth in height, breadth, and depth, with adequate entry (thus egress) for the effusion of the corpse to find a way in. This new "house," the tent, takes the place of the old, the body, thus restoring the natural economy and order. It may be envisioned as a house/tent, or it may be seen as something far more abstract, as that which will prevent the passage of uncleanness, keeping it in ("bringing the uncleanness") or preventing its entry ("interposing against the uncleanness"). The two processes, interposition or containment, are one and the same thing. The point of interest for the oral Torah, therefore, is in righting the imbalance specified by the written one, in explaining how the whole, complete order or economy of reality is to be conceived. The written Torah tells about the unbalancing, the oral Torah records the restoration of the wholeness and completeness, the order and perfect form, of reality. This is so for both Kelim and Ohalot.

I therefore affirm the view of Mary Douglas (stated in my *Idea of Purity in Ancient Judaism*, pp. 136ff.), who sees the total structure of purity laws as a "symbolic system." She says,

A symbolic system consists of rules of behavior, actions and expectations which constitute society itself. The rules which generate and sustain society allow meanings to be realized which otherwise would be undefined and ungraspable. . . . In the case of the Bible, purity and impurity are the dominant contrastive categories leading to holiness. As in any social system, these rules are specifications which draw analogies between states. The cumulative power of the analogies enables one situation to be matched to another, related by equivalence, negation, hierarchy and inclusion. . . . The purity rules of the Bible . . . set up the great inclusive categories in which the whole universe is hierarchized and structured. Access to their meaning comes by mapping the same basic set of rules from one context to another.

Douglas argues that each set of purity rules matches the next:

In this exercise the classification of animals into clean and unclean, the classification of peoples as pure and common, the contrast of blemished to unblemished in the attributes of sacrificial victim,

priest and woman, create in the Bible an entirely consistent set of criteria and values. The table, the marriage bed, and the altar match each other's rules, as do the farmer, the husband and the priest-matich each other's roles in the total pattern."

Unintentionally and in a very circuitous way, I have found the relationship between the conceptions of purity—the respective articulations of the rules of purity—of the written and oral Torahs to supply an apt illustration of Douglas's proposition. She has argued that the purity laws are a set of expressions, in discrete materials, of a single set of cogent and coherent categories, each parallel to the next, all necessary for a complete, whole conception of reality. In much the same way, the two Torahs, written and oral, create an entirely cogent and consistent set of conceptions. If we had one without the other, our structure (our "metaphysics") would be partial and incomplete. We can say what constitutes the incompleteness of the one Torah without the other, just as Douglas can say what constitutes the uncleanness of the unclean animals and the cleanness of the clean. Just as she has told us about a whole symbolic system, so we have been able to discern elements in a vast expansion and completion of that same whole symbolic system, though only through discerning what must be a very tiny part of the metaphysic.

Yet that is not the whole story. Clearly, the people who stand behind those segments of the metaphysic which we discover in Kelim and Ohalot (and expect to see elsewhere) have done a great deal of selection. Why, after all, should a handful of verses in Leviticus have produced so vast a tractate as Kelim? The uncomplicated picture of Numbers 19:11ff. has been made to yield the extraordinarily complex laws of Ohalot. So what has been selected is not merely the scriptural themes. Someone at some point has seen as terribly important what Scripture at best alludes to, and then in a conceptual framework that does not remotely resemble what is before us in the oral Torah. A world view is contained within the laws of the Oral Torah. As I have said, that world view not only corresponds to, but also complements and completes, the conceptions, such as they are, of the written Torah. Yet the proportions, the disequilibriums, are such as to prevent our claiming anything like balance and correspondence.

Two massive and all-encompassing conceptions of reality—the one now in the Priestly Code, the other far in the background of Mishnaic law—existed, each with its distinctive areas of emphasis, its special obsessions, its deep concerns. These are seen by us to be complementary, but this is only after the fact. To begin with, they were not. Why not? Because to the priestly legislator, what is in the center of things is the cult. Utensils made unclean are not used in the cult. That is nearly the whole story, and a very minor story at that. In like manner, the person made unclean by a corpse cannot enter the cult. In both cases, the predicate expressing the ultimate value is cultic. For the oral Torah, by contrast, the obsession is not with the

cult, which is rarely referred to explicitly, but with the fact of cleanness or uncleanness itself. Uncleanness affects pots or houses, is contained or released, creeps through windows and doors or is kept out. The laws before us see cleanness and uncleanness, not as contingent, dependent upon the cult for their importance, but as important in themselves. This does not mean that for the priestly legislator uncleanness was relative and not absolute, immaterial and not material. It was very real to him. But its importance—not its reality—depended upon the cult. For the Mishnah, by contrast, uncleanness may at times seem relative and immaterial, for example, dependent upon a person's intention or his conception of usefulness or upon time and circumstance. But uncleanness is always a given, a datum, assumed to affect all of one's affairs, not solely the cult or equivalent cultic activities. The priestly legislator homogenizes all sorts of sources of "uncleanness" within the single term *tum'ah*. The Mishnaic legislators differentiate articulated and definitive words.

Working with the same themes, and, I think, working partly with the inherited materials of Scripture, the mind behind Mishnaic law has given us something quite different from those scriptural materials. What is it?

It is the picture of the relevance and importance of uncleanness as it must have existed before the priestly lawyers took all modes and forms of uncleanness and turned them into a single cultic concern. In Mishnah, as in the time before the Priestly Code, uncleanness is consequential everywhere, not merely in the cult. It is highly differentiated both as to causes and as to effects. Mishnaic law seems, therefore, to carry us back to the situation prevailing before the priestly reformulation of purity. It does not merely complement Scripture; it reverses and revises Scripture's basic assumptions.

So far as the second and third century rabbis were concerned, both the written and oral Torahs came down from Sinai as one whole Torah. In a strange way we must now agree that the oral Torah, contained in Mishnah-Tosefta, not only corresponds to but completes the written Torah. The oral Torah returns us to the conceptual world prevailing long before the time of the written Torah, restoring what was reformed by Leviticus. Perhaps a certain logic inherent in the subject matter dictated that there should have to be two Torahs, the written one for the cult, the oral one for the world outside the cult, one Torah for the place of the holy, the other Torah for the realm of the ordinary and profane. If, indeed, there is such an inherent logic, then it is that which we may conclude—to speak in the language of rabbinic belief—was truly revealed to Moses at Sinai, one whole Torah indeed, completing the sacred with the profane.

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