Where There Is Dirt, Is there System?: Revisiting Biblical Purity Constructions

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In her seminal work *Purity and Danger*, Mary Douglas wrote, “Where there is dirt there is system.”¹ That is, where one finds constructions of purity and impurity, one finds a symbolic system that gives rise to such constructions. *Purity and Danger*, I think most would agree, is the single most important book ever written on the study of purity, and it has unsurprisingly had a great influence upon the work of biblical scholars. Though many have found fault with various details of Douglas’s schema, few have questioned the foundational idea behind her project: that of uncovering the rationale, the single unifying system behind Israel’s purity laws and those of other groups. At least a dozen of the books of the Hebrew Bible refer to customs or regulations surrounding purity, texts as disparate in style and provenance as Leviticus and Lamentations, Ezekiel and 1 Samuel, Genesis and Ezra-Nehemiah; yet, those who have written on Israelite purity ideas have in the great majority of cases tried to subsume all of them under one overarching rubric. In this paper, I seek to problematize this venture: first, by discussing a few of the most important attempts to schematize Israel’s purity constructions; second, by detailing various noteworthy examples of contradiction between the many biblical texts that speak of defilement; and, last, by proposing an alternative approach for examining these texts.

That *Purity and Danger* was an extremely influential work for biblical scholarship on Israelite purity is beyond question. So compelling was it in fact that the many works on Israelite purity ideas written after it have followed Douglas’s lead in attempting to find the one system that underlies these ideas, even as they have often critiqued the details of her work. (The major arguments of *Purity and Danger* are quite well known, and so I will not review them here.) Like Douglas, Jacob Milgrom has been a towering figure in the study of Israelite purity, and like Douglas, Milgrom has proposed a unified basis for the purity laws, one which sees these laws as being grounded not in a symbolic view of the body, as Douglas proposed, but rather in a priestly regard for life. Thus, things that were considered defiling were so deemed because they were associated not with life, but with death. In keeping with this position, Milgrom disputes many of Douglas’s proposals regarding the Israelite system of dietary laws. Let me examine first the disagreement between Milgrom and Douglas concerning the prohibition on eating pork. While Douglas sees the pig as being defiling because it is an anomalous creature,\(^2\) according to Milgrom, the pig is prohibited not

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\(^2\) Milgrom states in response to this that it is “equally logical, if not more so, to argue…the pig was declared anomalous because it was inherently repugnant” as to say the reverse, that it was repugnant because it was anomalous, as Douglas claims. (Milgrom, *Leviticus 1-16: A New Translation with Introduction and Commentary* [AB 3; New York: Doubleday, 1991], 649.) Bulmer and others had earlier criticized Douglas on the same grounds (see R. Bulmer, “Why is the Cassowary Not a Bird? A Problem of Zoological Taxonomy Among the Karam of the New Guinea Highlands,” *Man* n. s. [1967] 2: 5-23), and in his prodigious commentary on Leviticus 1-16, Milgrom even attributes to Douglas a change of position on this issue, citing her 1972 essay “Deciphering a Meal.” Things become even more complicated in 1996, however, when Douglas strongly begs Milgrom’s pardon, stating, “Milgrom has suggested…that I have recanted my argument…that the pig was abhorred because it was anomalous. This is not so and the lines he quotes do not support what he says” (Douglas, “Sacred Contagion,” *Reading Leviticus: A Conversation with Mary Douglas* [ed. John F.A. Sawyer], 105). What Douglas stated in 1972 was this: “On more mature reflection…I can now see that the pig to the Israelites could have had a special taxonomic status equivalent to that of the otter in Thailand. It carries the odium of multiple pollution. First, it pollutes because it defies the classification of ungulates. Second, it pollutes because it eats carrion. Third, it pollutes because it is reared as food…by non-Israelites. An Israelite who betrothed a foreigner might have been liable to be offered a feast of pork. By these stages it comes plausibly to represent the utterly disapproved form of sexual mating and to carry all the odium that this implies” (Douglas, “Deciphering a Meal,” 272). Milgrom comments approvingly on these statements, saying, “Douglas’s subsequent admission that the pig indeed was anomalous is…correct. But it has nothing to do with forbidden marriages” (Milgrom, *Leviticus 1-16*, 649).
because it is anomalous, and not because, as Simoons, Henninger, and Harris have argued, it was highly impractical even to raise pigs in the highlands of Israel, but instead because of its association with “chthonic deities.” This association of the pig with the underworld is an association with death, and it was this association and the revulsion it inspired towards this particular animal that was the primary impetus for the requirement that animals must chew their cud to be considered clean. Thus, Milgrom connects prohibited animals with death. He further links the dietary laws to his life/death opposition by arguing that these laws are meant to “teach the Israelite reverence for life by …reducing his choice of flesh to a few animals.”

But what of the other sources of defilement? Douglas sees the purity system as symbolizing the social body by assigning impurity to the physical one. Thus, concerns over bodily emissions and over eating particular kinds of food—that is, a preoccupation with the body’s entrances and exits—relate to concerns over social boundaries. Yet, Milgrom’s approach, as we saw, is very different. According to him and various others before and after him, the sources of impurity all relate to death. In the case of some impurities, this relationship is obvious. For example, one of the major sources of impurity is that brought on by contact with an actual corpse. Another major source is skin disease, which is explicitly associated with death in Numbers 12. There, Yahweh punishes Miriam for criticizing Moses by striking her with skin disease and Aaron pleads with Yahweh, saying, “Do not let her be like one stillborn, whose flesh is half consumed when it comes out of its mother’s womb.” Connecting the other sources of defilement with death requires a bit more creativity. According to Milgrom, abnormal genital discharges in men or women defile

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because, like skin disease or corpses, they “symbolize the forces of death.” Yet, Milgrom is not as explicit as one would like about how this is so, leaving one to surmise that it is because these discharges interfere with the body’s reproductive system, and thus with its ability to produce life. Milgrom connects menstruation with death in a similar fashion. Menstruation defiles because blood represents the “life force” and its loss “represents death.” One also surmises that menstruation defiles because a woman’s blood flow marks the time where she is unable to conceive, and is thus in opposition to her ability to produce life, though Milgrom does not state this explicitly either. Certainly, Milgrom is clear in rejecting Douglas’s rationale for such impurities, which is that a discharging body lacks wholeness, and that “the idea of holiness was given an external, physical expression in the wholeness of the body seen as a perfect container.” As Milgrom summarily states: “physical perfection is required only for sacrifices and priests,” not for lay Israelites.

But what of seminal emissions and childbirth, which also defile? Despite the fact that semen is a necessary part of conception, Milgrom connects it with death by stating that it, like blood, is a life force, and that its loss, too, symbolizes death. Childbirth, though it is obviously the beginning of life, defiles because of the loss of blood and lochial floods, which symbolize death. And what of human waste, which various biblical texts treat as defiling? Milgrom in fact downplays the defiling nature of human waste, presumably because the priestly texts of Leviticus and Numbers do not seem to consider it an impurity. He states: “Human feces were…not considered impure (despite Deut 23:10-12; and Ezek

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4 Ibid., 735.
5 Ibid. 768.
6 Ibid., 46.
8 Milgrom, *Leviticus 1-16*, 766.
4:12 [and, I would add, 2 Kings 10:27, all texts which will be discussed at a later point]).

Why, wonders Dillmann, does not the Bible label human feces impure, as do the Indians…, Persians…, and Essenes…? The answer is clear. The elimination of waste has nothing to do with death; on the contrary, it is essential to life.”

Of course, one might contest that so, too, are semen and childbirth.

Milgrom’s rationale for the sources of impurity, though it remains popular in some quarters, has been faulted for other reasons, as well. Howard Eilberg-Schwartz has pointed out that although various biblical texts do state that “blood carries the essence of life (Gen. 9:4; Lev 17:11-14; Deut 12:23),” “…only [the loss of] some kinds of blood are contaminating.”

Richard Whitekettle similarly states:

Note that the Levitical interest in blood was limited to vaginal discharges. Numerous situations in which there is potentially fatal bleeding, such as wounds or accidents in the workplace, are not the subject of legislative strictures. If there is no concern with an ‘aura of death’ in many situations in which it would seem appropriate (e.g., a woodchopper whose hand has been cut off), it could not have been a concern in more inappropriate situations (N.B., no woman has ever menstruated to death).

Eilberg-Schwartz points to still other “anomalies that stubbornly resist [Milgrom’s] symbolic interpretation,” among them the fact that semen is less polluting than menstrual blood and that the former “is contaminating even during intercourse, the very act of procreation.”

“Furthermore,” he writes, “the priests do not proscribe sexual relations during pregnancy even though there is no chance of conception. And if life and death

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9 Ibid., 767.
12 Eilberg-Schwartz, Savage in Judaism, 185.
13 Ibid., 186.
symbolism totally controls the distinctions among the body fluids, why is the blood of birth impure, when it could be a sign par excellence of reproductive success?\(^\text{14}\)

These are valid questions, indeed, but they do not in fact lead Eilberg-Schwartz to reject Milgrom’s schema out of hand. On the contrary, he feels that the “analysis which treats body emissions as symbolic of life and death has a great deal to recommend it.”\(^\text{15}\)

Eilberg-Schwartz therefore deals with the anomalies just listed by introducing another criterion which works in conjunction with the life/death dichotomy, that of uncontrollability. That is, the more controllable a fluid is, the less defiling it is. This, in his view, explains why semen is less defiling than menstrual blood, because one has greater control over the emission of the former. It also accounts for why urine, saliva, and mucus do not contaminate—because they are controllable—and why non-seminal discharges are so defiling—because they are not.\(^\text{16}\)

Though the proposal of Eilberg-Schwartz has won some acceptance among scholars, it, too, has been criticized. As Meir Malul points out: “Eilberg-Schwartz stresses the idea of being able to control one’s bodily discharges…This, however, does not seem to explain the whole picture.”\(^\text{17}\) He gives the examples of nocturnal emissions of semen, which despite being uncontrollable, are not more defiling than regular seminal emissions, and of emissions

\(^{14}\) Ibid., 186.

\(^{15}\) Ibid., 184. It is worth noting that, in another work, Eilberg-Schwartz critiques the tendency to systematize Judaism. He writes: “In relying on the idea of cultural contradictions, I depart from the general tendency to think of Judaism as “a system” or series of systems, a metaphor that implicitly and often explicitly guides research on Judaism. This metaphor induces interpreters to produce a coherence that does not always exist; the result is that one impulse of the culture is selected as exemplary at the expense of the others” (“The Problem of the Body for the People of the Book,” in Reading Bibles, Writing Bodies: Identity and the Book [ed. Timothy K. Beal and David M. Gunn; New York: Routledge, 1997], 34). Yet, as I see it, Eilberg-Schwartz treats the purity conceptions found in the priestly sections of Leviticus and Numbers as exemplary.

\(^{16}\) Eilberg-Schwartz, Savage in Judaism, 187.

of other bodily fluids such as sweat and vomit, which are almost always uncontrollable, but are not considered defiling.\textsuperscript{18} One could add to this list blood flowing from a serious wound, which is also both uncontrollable and non-defiling.

Despite the potency of criticisms such as these, the scholarship that has most threatened to derail the project of finding one underlying rationale for the Israelite purity system has done so almost by accident. I refer to recent scholarly discussions of the issue of so-called “moral impurity.” Beginning in the 1980’s—or, if one counts the work of Adolph Büchler, already in 1927—scholars began to notice that the way academic work on Israelite conceptions of impurity described these conceptions failed to account for the way some biblical texts talked about impurity. Leviticus 11-15 discusses various sources of defilement, most of which are temporary, and prescribes different ritual procedures for purifying oneself from each of these defilements. The priestly texts do not attribute to these impurities sinfulness or transgression. One should in fact be fruitful and multiply, but one must deal with the fluids associated with one’s fecundity in the manner outlined by these texts. Leviticus 15:16-18 reads: “If a man has an emission of semen, he will bathe his whole body in water, and be impure until the evening. Everything made of cloth or of skin on which the semen falls will be washed with water, and be impure until the evening. If a man has sex with a woman and has an emission of semen, both of them will bathe with water, and be impure until the evening.” This text is straightforward, technical, and not in any explicit fashion concerned with morality, and it is typical of the ritual laws in this section of Leviticus. Yet, one has only to look to the Leviticus 17-26, chapters generally referred to as the Holiness Code and thought by most scholars to be of different authorship

\textsuperscript{18} Ibid., 387.
from the rest of the book, to find different conceptions of impurity. Leviticus 18:19 and following read:

You shall not approach a woman to uncover her nakedness while she is in her menstrual impurity. You shall not have sexual relations with your kinsman’s wife, and defile yourself with her. You shall not give any of your offspring to pass them over as a molech-offering, and so profane the name of your God—I am Yahweh. With a man you will not have sex with as with a woman; it is an ‘abomination.’ You shall not have sexual relations with any animal and become defiled with it, nor will a woman stand in front of an animal to copulate with it; it is perversion. Do not defile yourselves in any of these ways, for by all of these practices the nations I am casting out before you have defiled themselves. Thus the land became defiled, and I punished it for its iniquity, and the land vomited out its inhabitants.

One need not be an expert in Israelite religion to see that Leviticus 18 exhibits a very different use of defilement language than does Leviticus 11-15. Previously, when scholars addressed the impurity language of the Holiness Code, they saw it as being a metaphorical, secondary usage of the normative priestly language of impurity that is exemplified by the earlier chapters of Leviticus. But in an article entitled, “Pollution, Purification, and Purgation in Biblical Israel,” Tikva Frymer-Kensky suggests that Biblical Israel had two separate sets of what anthropologists would consider ‘pollution beliefs’: a set discussed extensively as pollutions in the Priestly laws, since the priests were responsible for preventing the contamination of the pure and the Holy; and a set of beliefs that we might term ‘danger beliefs.’ The deeds that involve these danger beliefs differ fundamentally from the deeds that result in ritual impurity. There is a clear implication of wrong-doing, for the individual has placed himself in danger by doing something that he and the people have been expressly forbidden to do; the danger is seen as a divine sanction for the deeds.19

Frymer-Kensky also points out that while the ritual pollutions last a set period of time and can be cleansed by ritual means, what she calls “danger pollutions” last indefinitely, and can not be ritually ameliorated. Also, while many ritual pollutions are contagious—e.g.,
someone suffering from skin disease or venereal disease can make someone else defiled for a day through touching them—danger pollutions are not contagious in this way. As she puts it, “One does not share the danger of an adulterer or of someone who has eaten blood by touching him…There is, however, an ultimate danger to the people, for if too many individuals commit these deeds, then the whole society might be considered polluted and might thus be in danger of a collective catastrophe.” Leviticus 18 threatens just such a catastrophe against the Israelites if they engage in certain behaviors, and asserts that the “vomiting out” of the previous inhabitants of the land was due to such infractions.

Like Frymer-Kensky, David Wright also sees two major types of impurities in the biblical corpus, which he terms “tolerated impurities” and “prohibited impurities.” Temporary impurities like those deriving from sexual contact, disease, and corpses, as well as those deriving from certain types of sacrifices, all of which may be cleansed through ritual means are classified by Wright as tolerated impurities. This category generally corresponds with what Frymer-Kensky calls ritual pollutions. Wright’s category of prohibited impurities, however, does not overlap as neatly with Frymer-Kensky’s danger beliefs. For example, Wright subdivides prohibited impurities into two classes, those that are intentional, such as adultery, incest, sacrificing one’s child, and purposefully defiling sacred items, and those that are unintentional, for example, the case of someone who becomes defiled and only realizes it after the period of purification has passed, or a Nazirite.

20 Ibid., 404.
who is prohibited from becoming corpse-contaminated, coming upon a corpse accidentally.\textsuperscript{21}

While Wright attempts to achieve a greater degree of precision than Frymer-Kensky, both his terminology and that of Frymer-Kensky have been criticized recently by Jonathan Klawans in his book-length study \textit{Impurity and Sin in Ancient Judaism} for being cumbersome and imprecise. Klawans objects particularly to Wright’s use of the terms “tolerated” and “permitted” to refer to defilements resulting from “activities that are obligatory, including procreation and burial.”\textsuperscript{22} Klawans instead suggests that the terms “ritual impurity” and “moral impurity” be used. According to his definition, ritual impurity is contracted primarily through natural and unavoidable processes such as menstruation, ejaculation, and childbirth, and may be cleansed through rites of purification. It is a temporary state that is not connected with morality. Moral impurity, however, is brought about by “idolatry, murder, and sexual sins,” can not be ritually cleansed, and leads to the defilement of the land and the vomiting out of its inhabitants. Klawans contends, moreover, that Jacob Neusner and others are wrong in seeing this impurity as being metaphorical and secondary to ritual impurity.\textsuperscript{23} Moral impurity, he argues, is found in texts both early and late, and is brought about by three behaviors: idolatry, sexual sins, and bloodshed.\textsuperscript{24} He also argues that the division between moral impurity and ritual impurity is one that can encompass essentially all of the biblical texts that use any type of defilement language.

\textsuperscript{22} Klawans, \textit{Impurity and Sin in Ancient Judaism} (New York: Oxford, 2000), 17.
\textsuperscript{24} Klawans, \textit{Impurity and Sin}, 33-35.
I say “essentially all” because Klawans concedes that the dietary laws fit poorly into his schema. This is because eating impure foods is not just defiling, but prohibited, and unlike other prohibited behaviors, the defilement caused by eating a forbidden food or even touching the corpse of a forbidden animal is *ritually*, rather than morally, defiling. That is, unlike the defilement brought about by murder or adultery, other prohibited behaviors, the defilement caused by touching pork can be cleansed. Klawans thus decides that “the best option is for the dietary laws to [be] seen on their own terms: as a set of restrictions which overlap in some ways with each of the impurity systems laid out here.”

Yet, as Walter Houston writes: “…in discussing the Pentateuchal material, Klawans leaves the dietary laws out of the classification, as a thing *sui generis*…[when the] overlap [he describes], rather than calling for the bracketing out of the dietary laws, might have led Klawans to reflect on their potential to undermine the neat distinction which he is engaged in drawing.”

Interestingly, Klawans recognizes that in drawing a distinction between ritual and moral defilement, he is problematizing the venture of finding a single symbolic system that can explain all of the biblical purity laws. He cites in particular the ideas of Douglas and Wright, who claims that “all the defilement-creating conditions in the priestly legislation are of the same conceptual family and system.” While I certainly agree with Klawans that his proposals, and the very similar proposals of Frymer-Kensky and Wright, only highlight the inadequacy of attempting to fit all of the Hebrew Bible’s purity constructions into one system, he himself might be accused of making the same error by attempting to force the great variety of impurity constructions found in the biblical corpus into only two rigidly

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25 Ibid., 32
defined categories. This problem is inherent also in Christine Hayes’s recent proposal that one add to Klawans’s categories of impurity that of “genealogical impurity,” which she finds in Ezra-Nehemiah.28

In my opinion, the recent proposals of Klawans of Hayes only raise the question of how useful such attempts at schematization are in the first place if one must continuously add to them new categories and new criteria for understanding constructions of defilement in different texts. Rather than smoothing over the contradictions between texts or in treating the constructions of priestly texts as being paradigmatic and somehow more legitimate than the purity constructions of non-priestly texts, I suggest that we take these contradictions seriously. And so, it is appropriate to turn now to some of these points of contradiction. After these are outlined, I will make a few suggestions for what I feel would be more fruitful approaches to studying biblical ideas of defilement.

As we saw a moment ago, even Klawans admits that the dietary laws present a problem for his schema. He is not alone in having difficulty in incorporating these laws into a larger “system of biblical impurity.” In fact, many of the explanations proferred over the years for the dietary laws have treated these laws on their own because of the unique manner in which impurity language is used by the texts that delineate them. Yet, apart from the problems involved in including these laws within a proposed external framework of “biblical impurity” or “priestly impurity” or even “ritual impurity”, the laws are not contradictory in themselves. In fact, one finds basic agreement between Deuteronomy 14 and Leviticus 11 in terms of which animals are prohibited and what is considered defiling.

Additionally, one does find references to dietary prescriptions in non-pentateuchal biblical texts that seem to agree with those in Leviticus and Deuteronomy, though the paucity of references does imply that these prohibitions may have been of less importance to some biblical writers, and to some Israelites, than others. In particular, the lack of references to eating swine in the Hebrew Bible is quite striking and again implies that the prohibition on pork may have only become emblematic of the dietary laws in the Hellenistic period. On the whole, one may conclude that what has been a problem for Klawans and other biblical scholars was not a problem for the ancient Israelites.

Another text that has created problems for Klawans and others is Ezra-Nehemiah. I referred above to Hayes’s conclusion that Klawans’s category of moral impurity is inadequate for describing the impurity in Ezra-Nehemiah. Let us examine for a moment why. According to Klawans, moral impurity results from certain grave sins, such as idolatry or adultery, that is, from immoral behaviors. In Ezra-Nehemiah, intermarriage with Gentiles is strongly condemned. Klawans states that this is because “intermarriage will lead to sin.” While it is true that Nehemiah 13:26 asks, “Did not King Solomon of Israel sin on account of such women?”, referring to Solomon’s foreign wives, one finds a different rationale for prohibiting marriage with foreigners in Ezra 9. The text reads:

After these things had been done, the officials approached me and said, “The people of Israel, the priests, and the Levites have not separated themselves from the peoples of the lands with their abominations, from the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites. For they have taken some of their daughters as wives for themselves and for their sons. Thus the holy seed has mixed itself among them.

29 The word for pig (חֲזִיר) only appears five times outside of Lev 11 and Deut 14, and only once in each of those chapters. Only three of the five occurrences (Isa 65:4, 66:3, and 66:17) relate to matters dietary or cultic, and those are from texts widely agreed to be late.

30 Klawans, Impurity and Sin, 45.
with the peoples of the lands, and in this sacrilege (חֲלֵי) the officials and leaders have led the way.” (Ezra 9:1-2).

Though the word הָנֵעָם, or “abominations”—a term which Klawans argues is used of moral impurity—is found here, the reference to the “holy seed” of Israel and to intermarriage as a sacrilege makes clear that the writers of Ezra-Nehemiah were concerned not only with Israel’s behavior, but with the sanctity of its very bloodlines, a sanctity maintained only by remaining free of contamination by the seed of Gentiles. This becomes even clearer when one considers that the term “seed” is used for semen in various biblical texts. Thus, the way that Ezra-Nehemiah constructs sexual immorality is unlike that of any other biblical text—but not even Ezra-Nehemiah is internally consistent. Both Klawans and Christine Hayes strongly insist that ritual impurity is never attributed to Gentiles in the biblical corpus. Yet, Nehemiah 13 calls this assertion into question. The text informs us that Nehemiah grew extremely angry upon hearing that Tobiah the Ammonite had been given a chamber in the courts of the Temple and that after he had had Tobiah’s belongings thrown out of the room, the space was ritually cleansed. Now, you will remember that moral impurity, according to Klawans, can not be purged by ritual means, and so the only way to make sense of this text is if its writers did attribute to Gentiles ritual impurity. The importance of all of this for our purposes is that one finds in Ezra-Nehemiah a multi-faceted and perhaps even inconsistent usage of impurity language that, like the impurity language used in the dietary laws, is unique and only with great difficulty grouped together with the impurity constructions of other biblical texts.

31 Saul M. Olyan’s article, “Purity Ideology as a Tool to Reconstitute the Community” (Journal for the Study of Judaism 35 [2004]:1-16), where he differentiates between various sources in Ezra-Nehemiah and the impurity ideas found in each, is very much relevant here.
A third area that presented problems for some scholars is the issue of whether or not fecal matter was considered defiling in ancient Israel. We saw above that Milgrom denies that it that this was so, as do, too, Frymer-Kensky,\textsuperscript{32} Malul,\textsuperscript{33} Eilberg-Schwartz,\textsuperscript{34} and others. Yet, in Deut 23:12-14, the text states that Israelites must go outside the camp to relieve themselves, because the camp is “holy,” and in 2 Kings 10:27, Jehu and his followers destroy the temple of Baal and make it into a latrine. Even more strikingly, in Ezek 4:12-15, Yahweh commands Ezekiel to bake a barley-cake on human dung as a sign-act representing that the Israelites will eat their bread, impure, among the nations. Ezekiel, who was in fact an Israelite priest, then protests, stating, “Lord Yahweh! I have never defiled myself; from my youth up to now I have never eaten what died by itself or was torn apart by animals, nor has ‘carrion-flesh’ come into my mouth.” These verses make clear that Ezekiel, himself a priest, considered human waste defiling. Why Leviticus and Numbers do not seem to consider this waste defiling is difficult to say, but one can state with certainty that at least some people in priestly circles did and that their viewpoint was shared by those in deuteronomistic circles. Again, this fact may cause problems for the schemae of Milgrom, Eilberg-Schwartz, and others, but it is, one might say, a problem of their own making, and not one inherent in these texts.

A final problematic area that I will address lies in the particular ways different texts gender defilement. When one looks to Leviticus 15, the chapter of Leviticus where the impurity of genital emissions is discussed, one finds a chiastic structure. First, abnormal male genital emissions are treated, then normal male genital emissions, then normal female

\textsuperscript{32} “Pollution,” 401.
\textsuperscript{33} \textit{Knowledge, Control, and Sex}, 380.
emissions, and finally abnormal female emissions. Despite the fact that Eilberg-Schwartz and others have seen fit to problematize the longer period of defilement brought about by menstruation versus seminal emissions, when one considers the fact that ejaculation normally takes place in under thirty seconds and that menstruation lasts days, it is in my opinion difficult to see Leviticus 15 as somehow privileging males, especially in light of the structuring of the chapter and of the severity it assigns to male venereal impurity. However, the gender balance of Leviticus 15 is not shared by other texts that refer to menstrual defilement. Interestingly, both Ezekiel and Lamentations seem to regard menstruation as emblematic of severe impurity, even though Leviticus considers venereal and skin disease to be far worse.\(^3\) Ezekiel and the Holiness Code of Leviticus even list having sex with a menstruating woman among the most grave of transgressions, with the latter stating in Leviticus 20:18 that those who engaged in such an act would be cut off from the people of Israel—a punishment more serious than death. However, not even in the Holiness Code and Ezekiel does one find agreement in the way defilement is gendered. We see in Leviticus 15 and even in non-priestly texts such as Deuteronomy 23:10-11 and 1 Samuel 21:2-10 that sex defiles males, as well as the females they are having sex with through their coming into contact with the semen (according to Levitics 15), yet Ezekiel at various points describes illicit sex acts as defiling only the woman.\(^4\) While one might attempt to see Ezekiel’s construction of sexual defilement as being somehow peculiar to moral impurity rather than peculiar to Ezekiel, the Holiness Code, which is also extremely concerned with what

\(^3\) *Savage in Judaism*, 189, though he’s a bit more specific and says “Israelite priests do not list excrement as a source of contamination.”

\(^4\) E.g., Ezek 36:16, Lam 1:8.

Klawans calls moral impurity, clearly sees illicit sex acts as defiling both the woman and the man.  

All of the cases just described make it abundantly clear that there is not one, but rather several, purity systems in the Hebrew Bible. While there are of course areas of agreement between these systems, there are also many areas of disagreement and even areas of internal inconsistency. In my view, none of this should be surprising. It has been argued for some time now that the desire for consistency, rather than being a universal value, is instead a hallmark of modernism and of western intellectual thought more generally. Yet, many scholars still assume that consistency must be present in biblical texts, that the authors of these must have prized consistent reasoning as much as we do, though these authors never once state that they held this value. To wit, not even the priestly writers, who are the most technical and the most explicitly concerned with purity, claim to be putting forth a consistent purity system or tell us why they think certain things are defiling. Why does one find different ideas about purity in different biblical texts? Because rituals are by nature constantly shifting and, more often than not, localized. There is no reason to think that ideas about purity were any more static in ancient Israel than were ideas about intermarriage, kingship, or the proper way to worship Yahweh, all of which scholars widely agree changed over the course of Israel’s history, and in some cases varied from region to region.

While one can not know exactly how Israelites in any one place and time conceived of purity, one can make some conjectures utilizing those biblical texts that discuss impurity—and I mean all of the texts, not just Leviticus—and insights about purity and

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37 See Lev 18:20, 24-30; 20:21. The case of the twice-divorced woman in Deuteronomy 24 is somewhat fuzzier: the woman is spoken of as having been defiled by being twice-divorced, but whether remarrying her
ritual put forth by anthropologists and various theorists. A very strong hypothesis one can draw is that marking a distinction between purity and impurity was pervasive throughout ancient Israel. One finds references to such a distinction in a wide variety of biblical texts; these texts are of both early and late, priestly and non-priestly origins. Unlike what many scholars have thought in the past, it was not just the Israelite priests who cared about defilement. In fact, it is perhaps more accurate to say that priests cared about defilement because Israelites in general cared about defilement. In other words, priests, like other Israelites, were socialized in such a manner that they viewed certain bodily processes as being impure. It is unlikely that anyone in ancient Israel regarded themselves as impure because a rulebook told them to, but rather because they had been inculcated with a sense of defilement from an early age. I draw here upon the ideas of Pierre Bourdieu, who took his fellow anthropologists to task for thinking that, for instance, an Arab man would feel dishonored because certain rules of honorable behavior had been broken. On the contrary, this emotion is elicited automatically because of a person’s sense of honor, or sense of shame, not because of any formal social rules. While such rules may perhaps be observable to outside observers—or observers may in any case infer or abstract a set of rules based upon the behavior they see—concerns over honor and shame are not formalistic, as some have claimed. Catherine Bell has drawn upon these ideas to propose a related idea, that inherent within cultural participants is a sense of ritual, stating that, again, we do certain

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would constitute merely a transgression for the husband or a morally defiling transgression is unclear. Also unclear to me is whether or not the authors of Deuteronomy would have recognized the distinction.

things not because of social rules, but because of the way our bodies have been socialized and ritualized.\textsuperscript{39}

Too often, in my opinion, scholars have failed to think about what impurity constructions are at base and that is conceptions of when it is appropriate to physically approach the sacred and when it is not, and of who may approach the sacred and who may not. In other words, impurity conceptions are bases of inclusion and exclusion, and conceptions of propriety. To illustrate what I mean by this I invite you to think about some of our own conceptions of propriety and the sacred, and also of physical cleanliness, or hygiene. Most people in this country would not think it appropriate to do a two hour workout in the gym and then head off to church without changing one’s clothing or bathing. It would make us feel uncomfortable to worship in sweaty gym clothes, not because of any formal rule stating that sweaty gym clothes are defiling, but because we would feel “dirty.” Similarly, most people would think it inappropriate to go to church drunk, or far worse, to vomit from drinking and go to church still wearing the same dirty clothing, or to wear extremely revealing clothes to church, or to wear a t-shirt with vulgar phrases or pictures on it to church. We would consider all of these things to be “disgusting” or “disrespectful” or “inappropriate,” again, not because of formal rules, but because we have been socialized in a certain way. And, while the do’s and don’ts of church attendance have a certain case by case logic, it is impossible to find one overall system of ideas that governs all of these do’s and don’ts because no such system exists.

Related to this is the fact that there are certain times when people in our culture or in any culture feel the need to wash themselves. These times vary from culture to culture, but

there is not to my knowledge one group on earth that never bathes. In the U.S., we like to bathe every day as a matter of course. Yet, there are times when we especially wish to bathe, for example, after exercising, or after sex, or after getting really greasy while fixing one’s car. We do not shower at these times because there is a “when to shower” handbook that we all have tacked to our mantels and consult when matters are in doubt; on the contrary, we wash when we feel “dirty.” I emphasize all this because while certain biblical scholars have discussed the overriding concern with body fluids and the control of body fluids that one sees in the purity laws of Leviticus 12-15, and certainly concerns over fluids have been described and discussed by various anthropologists, from the early 20th century anthropologists have eschewed materialist or “hygienic” rationales in explaining purity ideas. And, biblical scholars have followed suit. This despite the fact that over and over again in studying the purity customs of groups from around the world one sees

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41 While Mary Douglas is sometimes thought to be the first anthropologist to expound a theory of pollution that was both non-materialist and disinclined to dismiss the purity ideas of non-western groups as mere “superstition” or “magic,” already in the early twentieth century A. R. Radcliffe-Brown had begun to develop a less Eurocentric and methodologically functionalist (or “structural-functionalist” to use his own terminology) way of understanding pollution. See Radcliffe-Brown, “Taboo,” in *Structure and Function in Primitive Society: Essays and Addresses* (foreword by E. E. Evans-Pritchard and Fred Eggan; Glencoe, IL: Free Press, 1952), 133-152 (this is a reprint of a lecture originally delivered in 1939); also see his earlier work, *The Andaman Islanders* (Cambridge: Cambridge, 1922). In “Taboo,” Radcliffe-Brown discusses the work of James Frazer, who famously saw purity ideas as “superstition” and, as Radcliffe-Brown puts it, “erroneous processes of reasoning” (“Taboo,” 134, 152). Nonetheless, even Frazer examines the relationship between purity and social structures and institutions in *Psyche’s Task: A Discourse Concerning the Influence of Superstition on the Growth of Institutions* (Rev. ed.; London: Macmillan, 1913). Overall, though, in that work and especially in *The Golden Bough*, Frazer’s emphasis is upon the “magical” or otherwise primitive thinking of “savages” in holding their ideas of purity. And the purity conceptions of the Israelites are not immune from this type of analysis in *Folk-Lore in the Old Testament*. (See especially the section entitled “Not to Seeth a Kid in its Mother’s Milk,” in volume three.)

42 A representative case of this may be found in Philip J. King and Lawrence E. Stager, *Life in Biblical Israel* (Library of Ancient Israel; Louisville, KY: Westminster John Knox, 2001). From the section entitled “Hygiene”: “Directives for maintaining personal hygiene in the medical sections of Leviticus are concerned with ritual purity rather than physical cleanliness” (69). (Worth noting, however, is that although the
body fluids constructed as defiling. As is well known, menstrual blood is seen as impure in a very large number of the places that purity ideas operate. Very often fecal matter is impure. Semen is often impure. Why is this? In the case of menstrual blood, certainly gender ideas and gender hierarchies are generally at play, but what of feces, what of lochial fluids or semen? Don’t most societies encourage reproduction? Why would they then deem the fluids necessary for reproduction, or those that result from the birthing process, to be defiling? Without being reductive, I submit that hygiene really is one of the underlying concerns of purity ideologies. Menstruation happens, and the physical realities of menstruation necessitate that one bathe after the fact. This is arguably more the case with menstrual fluids than almost any other body fluid because of the particular way in which these fluids are excreted, but it is of course the case too with other fluids. These fluids need to be wiped or, better, washed away, and bathing, you will remember, is a virtually ubiquitous part of ritual purification, not only among the Israelites but among other groups as well.43

Now let me anticipate if I may a rebuttal that I’m sure would be posed against my hypothesis and that is that if it’s all a matter of hygiene, why wasn’t, say, vomit defiling in ancient Israel? The answer that it is not all a matter of hygiene; I fully concede that other concerns come into play in the formation of purity constructions and that many other concerns can come into play. I want very much to emphasize that I am not proposing a new

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43 Herein lies one of the weaknesses I see in Jonathan David Lawrence’s *Washing in Water: Trajectories of Ritual Bathing in the Hebrew Bible and Second Temple Literature* (Academia Biblica 23; Atlanta: SBL, 2006). Lawrence’s thinking on purity, and the relationship between purity and bathing, is at times wooden and overly technical, a fact seen in his analysis of purity in Deuteronomy (34) and one which leads to his positing that ritual bathing is post-exilic. I find it unlikely that most ancient Israelites thought in such formalistic terms about either bathing or purity.
sort of structuralist dogmatism wherein materialist reasoning prevails above all else; I am merely suggesting here that we reevaluate the idea of a materialist basis for purity and particularly for what Klawans and others have called “ritual purity.” A. R. Radcliffe-Brown and Mary Douglas had their hearts in the right place when they in some sense defended the purity constructions of non-western groups against Eurocentric charges that these groups were merely “superstitious” or “irrational” in seeing bodily processes and excreta as causes of ritual concern. Perhaps, though, they went too far in the other direction by stripping away from the ritual systems of non-western groups any hygienic basis. If I may be allowed to universalize for a moment, I think we would all agree that while ideas and practices surrounding the body may vary widely, people all over the world as human beings have the same bodies to deal with in a material sense. Bodies require care and attention, and while this care and attention is ritualized and discursived in widely different ways, a certain minimum level of care is required. Returning to the purity constructions of the Israelites, I suggest that this group brought together ideas of propriety, hygiene, and—depending upon the biblical text—various other concerns in framing their ideas of defilement. Clearly, the Israelites attached a theological importance to the idea or the sense of being dirty, just as we sometimes do, but much more explicitly and in a much more pervasive, stringent, and ritualized fashion.

Because these conceptions were ritualized in ancient Israel, it is unsurprising that they would be tied together with other social practices and with social hierarchies. It is clear from biblical texts that gender differentiation was important in ancient Israel and that a greater value was placed on both the masculine and the male. Thus, in many biblical texts, ideas of impurity become yoked to conceptions of gender in such a manner that the higher
status of men is emphasized. In the same way, the purity conceptions of different texts, and especially those of priestly texts like Leviticus, emphasize the cultic hierarchy that existed in ancient Israel, wherein those of priestly lineage had greater access and greater authority. Jonathan Klawans has denied that the purity laws shaped power relations in such a manner as to give greater authority to priests on the grounds that the priests themselves were subject to these rules. Yet, such an argument makes little sense in light of the ideas of Foucault and others concerning the nature of discourses. Are not psychiatrists subject to and socialized by the same discourses of normality and abnormality as mental patients? Are not judges, legislators, and policemen subject to the same discourses of punishment and criminality as those in prison? That those who are most in the position to shape and benefit from a discourse are also subject to that discourse in no way diminishes the force of such a system, but instead enhances it by lending what Althusser would call “oversight” (bévues) or what Bourdieu would call “misrecognition” (méconnaissance) to the constructions: it in fact makes it harder to see who most benefits from power relations and who most shapes the discourse itself. In the words of Catherine Bell: “A practice does not see itself do what it actually does.” “It is the very nature of discourses to make” the privileges they confer “difficult to identify, but the fact that one might so easily misrecognize the patterns of authority within a discourse does not imply that such authority does not exist, only that it is

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44 As various others have noted.
46 For a Foucauldian treatment of the purity laws, see also Berquist, Controlling Corporeality.
48 Bell, Ritual Theory, 87.
part of a complex framework that seeks to make its influence so pervasive that its structures appear natural.\textsuperscript{49}

That priests had greater authority within their own constructions of impurity is quite plain in certain texts. For example, Leviticus 13-14 attributes to priests the authority to determine whether or not a person is suffering from a defiling skin disease, rather than from a non-defiling one and demonstrates that in some situations priests had the ultimate authority to shape someone’s life. This is because a person determined to have “leprosy” was a person cut off completely from their families and homes, in other words, a person socially dead. Yet, it is unclear that all the purity constructions found in the Hebrew Bible attribute such overwhelming authority to priests, and even in Leviticus, minor defilements such as that from seminal emissions or even menstruation did not involve priests at all. This is most likely due to the fact that priestly involvement in such cases would have been highly impractical, if not impossible, but also because, as I argued above, Israelite conceptions of impurity were related not only to the perpetuation of social hierarchies, but also to ideas of appropriateness and cleanliness.

I’m sure many of you are wondering, then, why priests would have bothered to write down prescriptions for how to deal with impurity if they themselves followed these customs out of an internalized sense of purity, and not because they were rules \textit{per se}. In answering this question, it is helpful to look back to the work of Douglas, who suggests that “when rituals express anxiety about the body’s orifices the sociological counterpart of this anxiety is a care to protect the political and cultural unity of a minority group.”\textsuperscript{50} Douglas has in fact been critiqued for this idea by biblical scholars who point out, correctly, that those kinds

of purity rituals existed in ancient Israel before the exilic period, when the Israelites, or at least some of them, came to be a minority group living outside the land of Israel. Yet, the great majority of scholars do argue that the priestly texts date to this very period or to the period just following it, the era of Persian rule, when the exiled Israelites were allowed to return to Judah. During the exilic and Persian periods, there were reorganizations of power relations among the Israelites and struggles for authority among both priestly and non-priestly groups. Theorists have suggested that customs become rules or laws when the former become unclear or are no longer directly enforceable, that is, when authority is depersonalized. This is precisely what seems to have occurred with the catastrophe of the Babylonian exile, and so in my view it makes a good deal of sense that purity customs became formalized in this period. That is, the Aaronid priesthood attempted to formalize these rules because they had to in light of the myriad disruptions that Israelite society underwent at this time, and because it served their purpose of attempting to wrest power away from “secular” authorities to themselves at precisely the time when many of the localized power structures of the Israelites were most in jeopardy.

If nothing else, it is clear that constructions of impurity in ancient Israel, and the processes and concerns that shaped them, were multifaceted and complex. There was no more one symbolic system underlying impurity ideas in ancient Israel than there is one symbolic system underlying ideas of propriety or sanctity or even cleanliness in our society.

50 Purity and Danger, 125.
52 Douglas also discusses, in Leviticus as Literature (Oxford: Oxford, 1999) and Jacob’s Tears: The Priestly Wrk of Reconciliation (Oxford: Oxford, 2004), priestly responses to the changes of the exile and Persian period, but her reading of the priestly texts, and moreover of priestly motivations, is very different in those works from mine.
There are on the contrary many competing systems in our own society, and it is highly likely that the same situation obtained in ancient Israel. I would in fact state that the biblical corpus contains incontrovertible evidence for not only competing symbols, but competing rituals, competing hierarchies, and competing discourses. While our society is no doubt more complex than was that of the Israelites, the negotiation of power relations in ancient Israel was nonetheless as tricky a business as one would expect it to be. Both Israelite priests and Israelite non-priests utilized the rituals surrounding impurity to organize power relations, give order to daily life, and shape worldviews. And both of these groups were in turn shaped and socialized by the very discourses they created in the ongoing process that we call identity formation, or cultural perpetuation. In looking for the meaning, the rationale underlying Israelite ritual structures, scholars have not only failed to recognize the complexity of these structures, but have in fact mischaracterized them as something static, unitary, and subsumed to theological concerns. To put the matter simply, the type of analysis that seeks ever to schematize almost always sees ritual as secondary to belief and the body as secondary to the mind. Yet, in assuming such simplistic dichotomies, scholars limit rather than expand our knowledge of Israelite ritual and Israelite culture more broadly.