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Persian Period Purity Practices

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Introduction

Most scholars endorse a comparative approach to rituals and cultic practices described and discussed in the Hebrew Bible, not least to those found within the priestly texts that became foundational for Israelite self-understanding during the Second Temple period. Although sometimes apologetic in their defense of the uniqueness of Israelite religion, scholars of what is sometimes called the “Kaufmann school” acknowledge the common ANE cultural and religious roots of a number of ritual practices and conceptions, including demonic beliefs behind ideas of impurity, and apotropaic purposes behind purificatory and sacrificial rites.

Jacob Milgrom exemplifies this by endorsing a comparative approach to Israelite religion, pointing to numerous ANE parallels as useful in analyzing and interpreting Israelite cult and purity rules. Milgrom goes further than Kaufmann in providing the reader with concrete comparative materials,¹ and although the interpretation of singular details could be discussed, there can be no serious doubt about the general tendency. Israel’s conceptions of impurity and practices of purification bear many resemblances to, and have a similar conceptual background as, those of its neighbors. Priestly theology however differs, says Milgrom, by negating the premises of “pagan religion,” according to which deities are not supreme, but “dependent on and influenced by a metadivine realm,” involving numerous entities subject to magical manipulation.² Israelite religion and Israelite cult are viewed as thoroughly purged from the demonic; “the world of demons is abolished.”³ P is supposed to have removed all such traits, based on a thoroughly monotheistic outlook.

Regardless of how we view the development of Israelite monotheism, we are faced with the question which neighbors to “blame” most for the priestly purity “system.” Comparative material of a general character can be appealed to from Sumer to Rome, but the priestly conception and ritual maintenance of purity is a very specific one. To what extent does this “purity system” go back in time to Israel’s early roots, and common ancient practices and perceptions, and to what extent can we trace more specific influences at a particular point in time?

Recent research suggests that contacts and interaction in the ancient world caused transformations in the dynamics of purity conceptions from the Achaemenid period and onwards.⁴ Today it has become increasingly common to date the basic P narrative no earlier

¹ Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary* (AB 3; New York: Doubleday, 1991), 763–68, 834–35, 948–53, 957–63, 976–79, 1067–84; Cf. Yehezkel Kaufmann, *The Religion of Israel: From its Beginnings to the Babylonian Exile* (transl. and abr. by Moshe Greenberg; London: George Allen & Unwin Ltd., 1960 [1937–56]), 101–21, 291–316.

² Milgrom, *Leviticus 1–16*, 42–43.

³ Milgrom, *Leviticus 1–16*, 43. Compare Milgrom on priestly theology (*Leviticus 1–16*, 42–51) with Kaufmann, *Religion*, 21–59, 60–121.

⁴ Christian Frevel and Christophe Nihan, “Introduction,” in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism* (ed. C. Frevel and C. Nihan; Dynamics in the History of Religion 3; Leiden: Brill, 2013), 1–46 (40–43).

than the exile,⁵ and much of P law as well as H to the Persian period.⁶ While arguments for an earlier dating of parts of P can certainly be made,⁷ a Persian period dating for the final redaction of the Pentateuch, including much of the priestly legislation, has become a majority opinion in European research.⁸

Considering a Persian period dating for the priestly material on cult and purity, we would expect a comparison of detailed points to provide suggestive evidence. In the present paper I will employ a comparative approach, exploring the consequences of a fairly late dating of the relevant priestly material for interpreting ideas of impurity and their development. I will suggest that conceptions of purity and impurity in Leviticus and Numbers may owe more to Persian influence and a Persian period setting than some have previously believed. First, I will discuss the lack of firm pre-exilic evidence for many purity conceptions in Leviticus and Numbers, making some general suggestions as to how impurity could have been understood and handled during the royal period. Secondly, I will argue that certain particularities in priestly purity law could be plausibly explained as resulting from Persian influence, and that some discrepancies and developments within and between priestly texts could be explained by

⁵ See for example Albert de Pury, "P as the Absolute Beginning," in *Les dernières rédactions du Pentateuque, de l'Hexateuque et de l'Ennéateuque* (ed. T. Römer and K. Schmid; BETL 203; Leuven: University Press, 2007), 99–128; cf. Baruch Levine, "Leviticus: Its Literary History and Location in Biblical Literature," in *The Book of Leviticus: Composition and Reception* (ed. R. Rendtorff and R. A. Kugler; VTSup 93; Leiden: Brill, 2003), 11–23 (15).

⁶ This development usually assumes H's dependence on D. For arguments see already Alfred Cholewiński, *Heiligkeitsgesetz und Deuteronomium: Eine vergleichende Studie* (AnBib 66; Rome: Biblical Institute Press, 1976), 334–44. Cf. Christophe Nihan, "The Holiness Code between D and P: Some Comments on the Function and Significance of Leviticus 17–26 in the Composition of the Torah," in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischen Geschichtswerk* (ed. E. Otto and R. Achenbach; FRLANT 206; Göttingen: Vandenhoeck & Ruprecht, 2004). It is also based on an understanding of H as later than P. Milgrom accepted and developed Israel Knohl's observations concerning the relationship between H and P. Cf. Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995); Milgrom, *Leviticus 1–16*, 3–42; *Leviticus 17–22: A New Translation with Introduction and Commentary* (AB 3; New York: Doubleday, 2000), 1319–64. Since then it has become quite common to follow Milgrom in understanding a Holiness Source (H) to have added the Holiness Code (Lev 17–26) to the first half of Leviticus and to complement priestly material (P), as well as other parts of the Pentateuch. Cf. Nihan, "Holiness Code," 98–122; Christophe Nihan and Thomas C. Römer, "Le débat actuel sur la formation du Pentateuque," in *Introduction à l'Ancien Testament* (ed. T. Römer, J.-D. Macchi and C. Nihan; MdB 49; Genève: Labor et Fides, 2004), 85–113 (101–104); Christophe Nihan, *From Priestly Torah to Pentateuch: A Study of the Composition of the Book of Leviticus* (FAT 2:25; Tübingen: Mohr Siebeck, 2007), 395–575. Milgrom (*Leviticus 1–16*, 61–63; *Leviticus 17–22*, 1322–44; *Leviticus 23–27: A New Translation with Introduction and Commentary* [AB 3; New York: Doubleday, 2000], 2054–56) assigns the following parts of Leviticus to H: 3:16b–17; 6:12–18a; 7:22–29a, 38b(?); 9:17b; 11:43–45; 12:8; 14:34–53(?), 54–57(?); 15:31; 16:2bβ, 29–34a; chaps. 17–27. Knohl has minor variations. Knohl, however, dates H to the reign of Ahaz, with P earlier than this (*Sanctuary*, 204–24), although he does see H as a continuous movement, redacting the Pentateuch into the Persian era (226). Milgrom sees almost all of H as pre-exilic, dating P to the time of the Shiloh sanctuary (*Leviticus 1–16*, 34), which is far too early for most scholars today, even for those who still regard the Holiness Code as the earliest part and origin of Leviticus (e.g. Levine, "Leviticus;," Reinhard G. Kratz, *The Composition of the Narrative Books of the Old Testament* [London and New York: T. & T. Clark, 2005], 110–11). For an overview of research history, see Nihan, *Torah*, 4–11. Cf. Thomas Kazen, *Emotions in Biblical Law: A Cognitive Science Approach* (HBM 36; Sheffield: Sheffield Phoenix, 2011), 64–70.

⁷ For a somewhat "intermediate" position, see David P. Wright, "Ritual Theory, Ritual Texts, and the Priestly-Holiness Writings of the Pentateuch," in *Social Theory and the Study of Israelite Religion: Essays in Retrospect and Prospect* (ed. S. M. Olyan; SBLRBS 71; Atlanta: Society of Biblical Literature, 2012), 195–216. Wright sees P and H as basically arising in the sixth century.

⁸ Cf. Kratz, *Composition*; Nihan, *Torah*; Konrad Schmid, *The Old Testament: A Literary History* (Minneapolis: Fortress, 2012 [2008]), esp. 25–30, 141–52, 176–81. An accessible and up-to-date overview can be found in Diana V. Edelman, Philip R. Davies, Christophe Nihan, and Thomas Römer, *Opening the Books of Moses* (Sheffield: Equinox, 2012), 11–50. This is an introductory volume to a forthcoming series of studies on the Pentateuch "through a Persian lens" (the quotation is from the preface).

influence from, or adaptations to, Persian practices. Finally, I will briefly suggest how these developments could fit within the context of a Persian period Jewish state, centered around Jerusalem.

Pre-exilic purity

The lack of detailed evidence for purity practices in pre-exilic Israel creates a methodological problem. Conceptions of purity and impurity were part of the ancient world to such an extent that their presence in pre-exilic Israelite society must be assumed. The problem is exactly what to assume and on what grounds, when the relevant texts surrender so little information.

There are a few mentions of impure conditions in the Deuteronomistic History. In 1 Sam 20:26, Saul assumes that something with regard to purity has happened to David (מקרה הוא), since he does not turn up for the new moon feast. This could refer to semen-emission, which according to Lev 15:16 lasts until evening, but the impurity is not spelled out—in fact no particular term for “unclean” is used. The text assumes a condition in which it would be unsuitable or prohibited to attend a festival meal, and that condition is called “not clean” (לא טהור). The idea of eating ordinary food in purity is found nowhere in the Deuteronomistic History. According to Numbers (10:10; 28:11–15), sacrifices were offered at the New Moon festival, and although a sacrificial meal, including some purity requirements, could have been ancient practice,⁹ the sacrificial protocol in Numbers is more likely to represent later developments.¹⁰

In 2 Sam 3:29 David curses Joab for the murder of Abner: “may the house of Joab never be without one who has a discharge (זב), or who is leprous (מצרע), or who holds a spindle, or who falls by the sword, or who lacks food.” The זב and the מצרע are well-known in the Second Temple period, and represent the main categories of impurity in Lev 12–15.¹¹ Here, however, they are not specified as impure, but part of a derogatory list of possible punishments. Victims of war and famine are not mentioned because of impurity, and the much-contested reference to holding a spindle might possibly refer to weakness, or to effeminate behavior.

In 2 Sam 11:4, after having been raped by David, Bathsheba is said to have sanctified herself from her impurity (טמאה). It is not entirely clear whether this refers to Bathsheba being in her menstrual period when David sent for her, whether she is envisaged as purifying before the intercourse, or whether this refers to her purifying after the intercourse but before returning home. The participial clause is suspected of being a gloss¹² with the intent of either

⁹ Cf. David Toshio Tsumura, *The First Book of Samuel*; NICOT; Grand Rapids, MI: Eerdmans, 2007), 515–16.

¹⁰ Reinhard Achenbach, *Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch* (Wiesbaden: Harrassowitz, 2003), 602–611. Cf. already George Buchanan Gray, who suggests that “though the sacred character of the days of new moon is ancient, the specific regulations of this law need not be,” and reminds of the fact that this protocol is only alluded to in post-exilic literature, and that the חטאת offering is neither in Ezekiel’s description, nor part of the series of sacrifices prescribed for other festivals in Leviticus 23:37 (*A Critical and Exegetical Commentary on Numbers*; Edinburgh: T&T Clark, 1903, 410).

¹¹ The זב becomes paradigmatic for all dischargers. Cf. Thomas Kazen, *Issues of Impurity in Early Judaism* (ConBNT 45; Winona Lake, IN: Eisenbrauns, 2010), 41–61; Idem, *Scripture, Interpretation, or Authority: Motives and Arguments in Jesus’ Halakic Conflicts* (WUNT 1:320; Tübingen: Mohr Siebeck, 2013), 156. Except for the formal heading תורת המצרע in Lev 14:2, Lev 13–14 does not employ מצרע to designate a person with skin disease, but prefers to speak of the disease using the term צרעת.

¹² היא מתקדשת מטמאתה could be a gloss. J. D’ror Chankin-Gould et al., “The Sanctified ‘Adulteress’ and her Circumstantial Clause: Bathsheba’s Bath and Self-Consecration in 2 Samuel 11,” *JSOT* 32 (2008): 339–52, argue against the participles referring to menstrual purification.

worsening David's sin or, possibly, portraying him and Bathsheba as at least respecting purity concerns. This text does attest to an understanding of menstrual bleeding as impure, and to some purification practice. If that purification is identical with the initial bathing scene on the roof, it would suggest purification in water, which is not explicitly demanded of the woman by Lev 15:19–24,¹³ and in a manner not corresponding to later practice as we know it from the Second Temple period (in running water or a *miqweh*).

Further on, Naaman, the Syrian “leprosy” commander, is healed by immersing seven times in the Jordan. Although Naaman is repeatedly said to become clean (טהר) by washing (2 Kings 5:10, 12, 14), the emphasis is on healing as restoration, and neither he, nor Gehazi, who receives Naaman's “leprosy” (צרעת) in return for his greed, is explicitly called impure. As in David's curse, skin disease is mainly understood as a punishment, or else as an unfortunate fate. Similarly, the four men with skin disease who discover the sudden flight of the Aramean army (2 Kings 7: 3–20), although designated מצרעים, are never explicitly called unclean. They are however portrayed as excluded from the city, spending the night outside the gate, even under a siege. They contemplate to enter the city, but decide rather to surrender to the Arameans. In the narrative, their disease explains their being outside the gates, which makes their discovery possible. We should therefore assume that the addressees would find it natural or necessary for מצרעים to stay out of the city, probably because of purity concerns, although this is not spelled out. Separation or isolation is also presupposed in the narrative of king Azariah, who was struck “leprosy” and had to live separately (2 Kings 15:1–7). The Chronicler explains this by the fact that the king was excluded from the temple (2 Chron 26:16–21), but with the Chronicler we are well into the Second Temple period, and a context in which protecting the cult against impurity is crucial.

In the Deuteronomistic history, both “leprosy” and genital discharges are seen as divine punishments for misdeeds, mainly in their capacity as diseases. Separating people with discharges and keeping people with skin disease out of settlements, is well known from the ancient world and at an early date, so the existence of such practices in pre-exilic Israel is not unlikely.¹⁴

Lev 13–14 contain no *explicit* prohibitions against touch and no purification rituals after contact with a skin-diseased person, as in the case of discharge impurity. Such rules are, however, not needed since isolation and avoidance are taken for granted (13:45–46). Purification rules rather apply to the reintegration of people with skin disease and are merged with sacrificial instructions. The fact that the focus lies on diagnosis and that avoidance of contact seems to be assumed, although not elaborated on, suggests that an earlier practice in which a number of things are taken for granted has been integrated into the cultic system of P. If this reflects the situation during the early Persian period, we should expect isolation and avoidance to have been pre-exilic practices, too. Only as צרעת rules are extended to houses and textiles (14:33–53) are such concerns spelled out (14:46–47), indicating that these ideas might be later, or at least that their categorization as an extension of skin disease rules is secondary.¹⁵

In contrast, discharge rules (Lev 15) contain detailed instructions about contamination and washing, suggesting that all of these would not have been taken for granted at an earlier stage, but could represent later developments. A general concept of menstrual blood as impure is

¹³ Although assumed in a systemic reading, see Kazen, *Issues*, 41–61 (= Thomas Kazen, “Explaining Discrepancies in the Purity Laws on Discharges,” *RB* 114 (2007): 348–71.

¹⁴ Milgrom refers to a Babylonian *kudurru* inscription (*Leviticus 1–16*, 805), a Mari letter (818, 911), and a Šurpu incantation (911); cf. *Herodotus* 1:138 (Persian isolation of “lepers”).

¹⁵ Cf. Nihan, *Torah*, 270–77 for an overview of relevant source- and redaction-critical discussions.

well attested through ancient history,¹⁶ and assumed not only in the story of Bath-Sheba, but also for the tongue-in-cheek polemic against idols, by the author of the Jacob cycle, portraying Rachel as sitting on the household deities while menstruating (Gen 31:34–35). The metaphorical use of נדה impurity to transfer the recipients' disgust against genital blood to moral and cultic misbehavior is found among the prophets.¹⁷ We can safely claim נדה impurity as a pre-exilic concept. Pathological (continuous) bleeding would be subject to similar considerations, as Lev 15 suggests. Strangely enough, this text mentions washing in water neither for the menstruant, nor for the זבה, but only for those who touch their beds or clothes.¹⁸ It is unlikely that ancient people would have envisaged purification from genital blood without washing it off, as the Bath-Sheba narrative suggests. In Samaritan tradition, the initial blood is considered to be the primary source of impurity.¹⁹ Also, ancient texts mention the stench associated with genital blood, which is quite likely in a pre-modern society lacking our hygienic facilities. In Jewish tradition it was always assumed that the menstruant and the זבה had to wash as part of their purification. This was probably taken for granted as part of general pre-exilic practice, and in no need of mention.

Corpse impurity is not part of the purity laws of Lev 11–15, but enters in the Holiness Code as a rule for priests (Lev 21:1–4; cf. 22:4).²⁰ Corpse-contaminated laity first appear in Num 5:2–4. They are supposed to be expelled from the “camp,” together with people with skin disease and the זבים. Explanations of the nature and contamination of corpse impurity are only found as part of the instructions for the red heifer rite, specifying circumstances for the use of purification water (Num 19:11–20).²¹

If a Persian period dating of the Holiness Code is considered, and if the texts referred to from Numbers belong to the latest stages of Pentateuchal formation as many now suggest,²² pre-exilic conceptions of corpse impurity cannot be based on these texts. Evidence from the Deuteronomistic history is ambiguous. In 2 Kings 13:20–21, Elisha's bones cause miraculous resuscitation, with no indication of impurity, but in the narrative of Josiah's reform, human bones are used for defiling (טמא) the במות (2 Kings 23:13–14) and the altar at Bethel (23:15–16). This suggests cultic defilement by human bones as part of Deuteronomistic theology.

Archaeological evidence is ambiguous, too. Tombs may have been emptied when the city expanded from the time of Hezekiah and it seems likely that people in general were buried outside the city wall.²³ That does not, however, prove any particular concept of corpse impurity. Ezekiel complains about the corpses of the kings of Judah being buried close to the temple (Ezek 43:7–9), a practice repeatedly attested by Kings as well as by Chronicles. Corpses and bones were thus understood to defile the cult when Ezekiel was written and the Deuteronomistic history was redacted, which takes us to exilic or post-exilic times. As for the

¹⁶ Milgrom, *Leviticus 1–16*, 763–768; cf. Pliny *Nat.* 7:63–66.

¹⁷ Ezek 36:17; Zech 13:1.

¹⁸ See further Kazen, *Issues*, 41–61.

¹⁹ See I. Ruairidh M. Bóid, *Principles of Samaritan Halachah* (SJLA 38; Leiden: Brill, 1989), 141, 150–151, 154, for references.

²⁰ Cf. Lev 10:1–7, where carrying the dead priests by their tunics might perhaps indicate corpse-impurity concerns. This passage is, however, probably a late post-H insertion, anticipating the narrative in Num 16; see Nihan, *Torah*, 579–90.

²¹ Cf. also Num 31:19–24.

²² Achenbach, *Vollendung*; Christian Frevel, “Purity Conceptions in the Book of Numbers in Context,” in Frevel and Nihan, *Purity*, 369–411.

²³ Magen Broshi, “The Expansion of Jerusalem in the Reigns of Hezekiah and Manasseh,” *IEJ* 24 (1974): 21–26; David P. Wright, *The Disposal of Impurity: Elimination Rites in the Bible and in Hittite and Mesopotamian Literature* (SBLDS 101; Atlanta, GA: Scholars Press, 1987), 115–28.

situation before that time we have little evidence. Corpses were probably buried outside of settlements, with rulers or important people as possible exceptions, but perhaps mainly for practical reasons. A basic pre-exilic notion of corpse impurity is not unlikely, but what it entailed and which purification rites it required, we do not know.

According to Hosea 9:3–4, Israel “shall eat unclean food” (טמא יאכלו) in Assyria, and their sacrifices will not please God but be “like mourners’ bread (לחם אונים); all who eat of it shall be defiled (יטמאו).” This passage is (for other reasons) suspected of resulting from a late redaction,²⁴ but if the reference to mourners’ bread is in fact pre-exilic, it could suggest ideas of contagion from the corpse to mourners, and from them to a foodstuff, and again to others eating that foodstuff. The preceding reference to eating unclean food in Assyria would, however, rather suggest Israelite food taboos. These are not of the same kind; not even in Lev 11 is defilement through contact with a source of impurity and the eating of forbidden meat merged, and the dating of the development of a concept of secondary contamination of food, based on Lev 11:32–38, is a bone of contention among scholars.²⁵ The passage could also imply a connection between impurity and foreign territory, more explicit in Amos 7:17, which speaks of the place of exile as unclean land (אדמה טמאה), but again and on different grounds regarded as part of a redaction that is at least exilic.²⁶ The question, then, is how much weight these passages can bear and what they are evidence for when both the Deuteronomistic History and the pre-exilic prophets are understood as shaped and redacted during and after the exile?²⁷

Food taboos are found across cultures. Samson’s mother is told (Judg 13:4) not to eat anything unclean (אל־תכלי כל־טמא). Exactly what this entails is unclear. Lists of unclean (טמא) animals are found in Deuteronomy (14:3–21) and in Leviticus (11). If the final form of the purity laws (Lev 11–15) is later than Deuteronomy,²⁸ Deut 14 cannot be an abbreviation of Lev 11. This is in any case unlikely: how should one explain Deuteronomy’s complete prohibition against eating a carcass and the near lack of rules for contact-contagion, or Leviticus’ elaboration of Deuteronomy’s winged insects (שרץ העוף) into a whole category of “swarmers” (שרץ)? The reverse is not without problems—the priestly authors would then have used a simple and coherent list to form an unclear and less coherent instruction—but possible. Several scholars prefer to assume a common tradition behind both texts.²⁹ On the basis of available texts, we can claim that a number of quadrupeds, water animals and birds were considered unclean by the Deuteronomistic authors, and probably reflect exilic and to some extent perhaps even earlier food taboos. Archaeological evidence (presence or absence

²⁴ Gale A. Yee, *Composition and Tradition in the Book of Hosea: A Redaction Critical Investigation* (SBLDS 102; Atlanta, GA: Scholars Press, 1987), 189, 198–207.

²⁵ See Kazen, *Scripture*, 162–76.

²⁶ James Nogalski, *Literary Precursors to the Book of the Twelve* (BZAW 217; Berlin and New York: Walter de Gruyter, 1993), 87–88 and n. 43.

²⁷ For the redaction of the Book of the Twelve, see Aaron Scharf, “Reconstructing the Redaction History of the Twelve Prophets: Problems and Models,” in *Reading and Hearing the Book of the Twelve* (ed. J. D. Nogalski and M. A. Sweeney; SBLSymS 15; Atlanta, GA: Society of Biblical Literature, 2000), 34–48; Jakob Wöhrle, *Die frühen Sammlungen des Zwölfprophetenbuchs: Entstehung und Komposition* (BZAW 360; Berlin and New York: Walter de Gruyter, 2006). For the Deuteronomistic history, see Thomas C. Römer, *The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction* (London: T&T Clark, 2005).

²⁸ Pace Milgrom; since H redacts P (cf. Milgrom), and rewrites D (Cholewiński, *Heiligkeitsgesetz*; Nihan, “Holiness Code”).

²⁹ Cf. Nihan, *Torah*, 283–90, pace Milgrom; Naphtali Meshel, “Pure, Impure, Permitted, Prohibited: A Study of Classification Systems in P,” in *Perspectives on Purity and Purification in the Bible* (ed. B. Schwartz et al.; LHB/OTS 474; New York: T&T Clark, 2008), 32–42 (33).

of pig bones) suggests that pigs were not consumed in the hundreds of new villages that appeared in the hill country at the beginning of Iron Age I, although certainly eaten in the coastal plain, the lowland, and Transjordan.³⁰ Avoidance of pork can have a number of reasons, ranging from ecological to cultic, and if absence of pig bones were “diagnostic for the presence of ethnic Israelites, there were a lot more Israelites in the ancient world than we ever suspected.”³¹ Only in the Hellenistic period is there evidence for “extensive consumption of pig in urban settings” in Palestine,³² and at this time avoidance of pork gains the status of a primary marker of Israelite identity. For our purpose, however, it is enough to conclude that wide-spread avoidance was a pre-exilic practice, even if not exclusively Israelite.

Two references in Isaiah, denouncing the eating of pigs’ flesh (Isa 65:4; 66:17), can be understood as referring to particular cultic practices, rather than to general eating habits. Both do, however, associate the pig with other impurities: “foul things” (פגלים) in 65:4, spelled out as detestables (שקץ), and mice or rodents (עכבר) in 66:17. This reminds of Lev 11 more than of Deut 14, which would fit a Persian period dating of both Trito-Isaiah and Leviticus, but these passages say little about food taboos in the pre-exilic period.

If the list of unclean foods in Deut 14 to some extent builds on pre-exilic practices, it is likely that water animals not considered as fish were not eaten—or at least not supposed to be eaten according to Deuteronomist ideology. The categorization in Deut 14:9–10 (fins and scales) is straightforward and no species are specified. It is also likely that certain birds were deemed unacceptable for food (no categorization) as well as flying insects. To what extent some of these possibly pre-exilic food taboos were associated with impurity is, however, a different question. Abstention from eating insects, slimy water animals, and carcasses can be explained on other grounds; on the other hand it lies close at hand to use impurity language for that which seems repulsive to eat.³³ A process is quite possible to envisage, in which the Deuteronomist expanded a basic list of what to eat and not, thus creating an incipient system of animals pure or impure for food.

For the pre-exilic period, then, we are left mainly with evidence for the pig as unclean food, possibly together with the camel and perhaps some rodents, since we would expect a reason for the Deuteronomic or pre-Deuteronomic categorization, which is most likely an after-construction based on a combination of ideology and actual practice. Such after-construction may have resulted in more species becoming included among the unclean, but we should assume something more than the pig to begin with. Similarly, we would expect certain birds to have been avoided, but whether they, or slimy water animals, or insects, or carcasses, would have been designated as impure in pre-exilic times, we cannot tell for sure.

Signs of Persian influence

Can some of the developments for which there is little evidence in the pre-exilic period be better accounted for by exilic or post-exilic factors, or more specifically, by Persian

³⁰ Iain Provan, V. Philips Long, and Tremper Longman III, *A Biblical History of Israel* (Louisville, KY: Westminster John Knox, 2003), 187–89; Israel Finkelstein, “Pots and People Revisited: Ethnic Boundaries in the Iron Age I,” in *The Archaeology of Israel: Constructing the Past, Interpreting the Present* (ed. N. A. Silberman and D. Small; JSOTSup 237; Sheffield: Sheffield Academic Press, 1997), 216–37 (227–30); Israel Finkelstein, “The Rise of Early Israel: Archaeology and Long-Term History,” in *The Origin of Early Israel – Current Debate: Biblical, Historical and Archaeological Perspectives: Irene Levi-Sala Seminar, 1997* (ed. S. Ahituv and E. D. Oren; Beer-Sheva: Ben-Gurion University of the Negev Press, 1998), 7–39 (18–20).

³¹ Brian Hesse and Paula Wapnish, “Can Pig Remains Be Used for Ethnic Diagnosis in the Ancient Near East?” in Silberman and Small, *Archaeology*, 238–70 (238).

³² Hesse and Wapnish, “Pig Remains,” 263.

³³ Thomas Kazen, “Dirt and Disgust: Body and Morality in Biblical Purity Laws,” in Schwartz *et al.*, *Perspectives*, 43–64; Kazen, *Emotions*, 33–37, 71–94.

influence? I will suggest such influence in most areas: skin disease, discharge impurity, and not least corpse impurity and the development of a category of “swarmers” (שרץ).

Persian influence on Israelite religion has long been discussed, often with a focus on the roots of Judeo-Christian theological ideas, such as angelology, eschatology, messianism, and afterlife.³⁴ Comparative use of Zoroastrian texts is hazardous, because of difficulties to date the textual traditions. Generally, many parts of the younger Avesta, in particular the *Yashts*, are understood to go back to the Achaemenid era, thus reflecting Persian religious ideas during the fourth and fifth centuries BCE. For purity laws the so-called *Vidēvdāt* or *Vendidād* is the most important text.³⁵ Although its history is contested, and its language betrays a post-Achaemenid date, it is not uncommon to regard its contents as more ancient, perhaps even older, than the *Yashts*.³⁶ Moreover, purity practices belong to those areas confirmed by classical Greco-Roman texts on Persian customs.³⁷

Drawing on *Vendidād* and complemented with other texts, both Mary Boyce and Jamsheed Choksy have outlined Zoroastrian purity laws.³⁸ The dualistic context places purity with goodness and impurity with evil, within a demonic framework.³⁹ Impurity thus becomes the result of demonic influence and purification rites take on a clearly apotropaic or exorcist character.⁴⁰ The strongest impurities come from the human corpse and from all issues from the living body, whether in sickness or in health. The more holy a person has been, the more impure the corpse becomes; most impure are corpses of priests. Corpse-bearers are very impure and have to keep separate and eat from separate vessels. A special ritual diminishes the contagion of a corpse. Even indirect contact with an impurity can defile. Purification rituals (*barashnum*) for the strongest impurities take nine days and assume degrees of impurity as well as graded purifications. Impure emissions include blood and semen, especially menstrual blood; menstruants withdraw and sleep alone. After childbirth the mother is isolated for 40 days. Other conspicuous details include the use of metal and stone for preventing the spread of impurity, the use of drawn water for purification, and the category of *khrafstra*—evil animals, such as insects, reptiles and beasts of prey, the killing of which is meritorious.

³⁴ Mary Boyce, *A History of Zoroastrianism*, vol. 2 (HO 1.8.1.2.2A; Leiden: Brill, 1982), 188–95; Saul Shaked, “Iranian Influence on Judaism: First Century B.C.E. to Second Century C.E.,” in vol. 1 of *The Cambridge History of Judaism*; ed. W. D. Davies and L. Finkelstein; Cambridge: University Press, 1984), 308–25; Lester L. Grabbe, *A History of the Jews and Judaism in the Second Temple Period*, vol. 1: *Yehud: A History of the Persian Province of Judah* (LSTS 47; London and New York: T&T Clark, 2004), 361–64; cf. R. C. Zaehner, *The Dawn and Twilight of Zoroastrianism*; London: Wedenfeld and Nicolson, 1961), 33–61. James Barr, “The Question of Religious Influence: The Case of Zoroastrianism, Judaism, and Christianity,” *JAAR* 53 (1985): 201–35, and Edwin M. Yamauchi, *Persia and the Bible* (Grand Rapids, MI: Baker, 1990), 458–66, are skeptical.

³⁵ All references to *Vendidād* from James Darmesteter, *The Zend-Avesta*, part I: *The Vendīdād* (2nd ed.; The Sacred Books of the East 4; Oxford: The Clarendon Press, 1895 [1880]). Darmesteter can be freely downloaded at <http://archive.org/details/zendavestavolum00unkngoog>. This and many other Zoroastrian texts in English translation are easily accessible at <http://www.sacred-texts.com/zor/index.htm> and at <http://www.avesta.org/avesta.html>.

³⁶ William W. Malandra, “Vendīdād,” 2006, in *Encyclopaedia Iranica* (online edition, 2013, available at <http://www.iranicaonline.org/articles/vendidad>, accessed on 2 March 2013); Ilya Gershevitch, “Old Iranian Literature,” in *Iranistik: Literatur* (ed. B. Spuler; HO 1.4.2.1; Leiden: Brill, 1968), 1–30 (10–28); Mary Boyce, *A History of Zoroastrianism*, vol. 1 (HO 1.8.1.2.2A; Leiden: Brill, 1975), 17–21, 265–266.

³⁷ Albert de Jong, “Purity and Pollution in Ancient Zoroastrianism,” in Frevel and Nihan, *Purity*, 183–94. These texts also confirm Zoroastrianism as the religion of the Persians.

³⁸ Boyce, *History*, vol. 1, 294–324; Jamsheed Choksy, *Purity and Pollution in Zoroastrianism: Triumph over Evil* (Austin, TX: University of Texas Press, 1989); cf. de Jong, “Purity.”

³⁹ Cf. Carsten Colpe, *Iranier – Aramäer – Hebräer – Hellenen* (WUNT 154; Tübingen: Mohr Siebeck, 2003), 316–26.

⁴⁰ Cf. *Vendidād* 10.

One cannot avoid noting analogies with the development of Jewish purity law, beginning with the texts that were shaped and redacted during the Persian period. Colpe has argued for an analogous structure of *Vendidād* and Leviticus,⁴¹ which is an exaggeration. By no means would I suggest that priestly purity laws develop from later Persian texts; for this there is no evidence. However, influence on Israelite religion and culture during the Achaemenid period from Persian ideas and practices similar to those reflected in *Vendidād* are reasonable.⁴² *Vendidād* covers both discharges and corpse contamination; instructions concern the separation or isolation of both categories, including details about contact contagion, distances, vessels for serving food or for purificatory sprinkling, and a list of body parts to be treated that by far exceeds the purification rite of the skin-diseased person in Leviticus.⁴³

Although *Vendidād* never mentions skin disease, Herodotus claims that the Persians neither allow “leprous” people to enter a town, nor to associate with others (1:138). This is often appealed to as an example of skin diseased people being regarded as impure also among non-Israelites, and as an example of a Persian parallel to Israelite practices of isolation and expulsion.⁴⁴ However, evidence for a pre-exilic concept of צרעת impurity, including exclusion from settlements, and the relative absence of a discussion of contamination in Lev 13–14, suggest practices that were generally assumed and well established. For this we do not need specifically Persian influence, since similar ideas about skin disease were common in the ancient world. Milgrom refers to a Mari letter, a Šurpu incantation, and a Babylonian *kudurru* inscription;⁴⁵ Nougayrol in fact provides a number of such inscriptions referring to the *išrubu* covering his body, being driven out of the city, and staying outside the walls, so that others should not approach him.⁴⁶ For explaining a basic concept of צרעת impurity in Israelite culture, we need no hypothesis of direct influence, whether from Babylonia or Persia.

It seems to be precisely in some of the details that go beyond a general conception that we detect possible Persian influence on the צרעת rules in Leviticus. I am not thinking of the very explicit instructions for diagnosis, which take up the main part of Lev 13. Their structure and detail do suggest a context in which priestly control over the process of designating skin-diseased people clean or unclean is being prescribed, presumably against an earlier and less centralized practice, based on more ambiguous criteria. We cannot tell, however, to what extent such development was triggered by Persian practice. Nor do I think of the first part of the purification rite in Lev 14, involving two birds, which displays obvious apotropaic traits. Although Persian influence would be possible in theory, there is sufficient comparative ANE evidence from various contexts and involving birds to suggest a more general background to the bird rite.⁴⁷ As for rules regarding houses and textiles, they are likely to have been shaped in analogy with skin disease rules, but issues of contamination have been made explicit since they would not necessarily have been assumed for houses (Lev 14:46–47). The details in the צרעת rules that in fact may betray Persian influence are those that regulate the purification of the person healed from skin disease after the bird rite: the person is now supposed to wash one’s clothes, shave off all the hair, bathe, and sacrifice on the next day. The priest is then

⁴¹ Carsten Colpe, “Priesterschrift und Videvdad: Ritualistische Gesetzgebung für Israeliten und Iranier,” in *Meilenstein: Festgabe für Herbert Donner* (ed. M. Weippert and S. Timm; Ägypten und altes Testament 30; Wiesbaden: Harrassowitz, 1995), 9–18 (= Colpe, *Iranier*, 649–60).

⁴² Cf. Achenbach, *Vollendung*, 500–504.

⁴³ Cf. especially *Vendidād* 3:15–21; 5:27–62; 8:23–25, 40–71; 16:1–18. Chapters 5–8 mostly deal with corpse impurity.

⁴⁴ E.g., Erhard S. Gerstenberger, *Leviticus: A Commentary* (OTL; Louisville, KY: WJK, 1996 [German original 1993]), 166–69.

⁴⁵ Milgrom, *Leviticus 1–16*, 805, 818, 911.

⁴⁶ Jean Nougayrol, “*Sirrimu* (non **purîmu*) ‘âne sauvage’,” *Journal of Cuneiform Studies* 2 (1948): 203–208.

⁴⁷ For further discussion with references, see Kazen, *Emotions*, 130–34; cf. 156–57.

instructed to smear some of the sacrificial blood and some of the oil belonging to the sacrifice onto the right extremities of the “ex-leper”: the ear, the thumb, and the right big toe (Lev 14:8–17). What we find is a series of elaborate rituals, indicating a gradual process of purification.

There are two reasons for suggesting Persian influence here. The first is general: Zoroastrian purity practices as known partly from *Vendidād* and partly from other sources are very elaborate. Purification rituals (*barashnum*) for the strongest impurities can take up to nine days and assume degrees of impurity as well as graded purifications. An extended period of something like graded purification is exactly what the purification rites of Lev 14 suggest. The second reason is more specific: the application of blood and oil onto outer extremities has a clear parallel in Zoroastrian purification rites, including the 9-day *barashnum* rite, only that the latter are so much more elaborate and involve sprinkling (with *gomez*, i.e., cow’s urine) of so many more body parts.⁴⁸ In *Vendidād* this procedure is of course not associated with skin disease, as the text does not deal with that issue, but with purification by driving away the *drug nasu*, the corpse-demoness. It is, however, quite reasonable to assume that such or similar elaborate rites may have inspired the priestly elaboration of Israelite purification rites for צרעת, also considering that skin disease is frequently associated with death.⁴⁹

In the case of discharge impurity, Persian influence could be suspected of triggering an expanded understanding of contamination. Lev 15 spells out a number of details concerning the way in which impurity from a זג, a זנה, or a נדה is transmitted. This is basically by direct touch or via bed, seat, saddle, or anything underneath. Vessels are contaminated by contact, too. Descriptions of contact contamination are elaborate.⁵⁰ These details may have been needed because they were not obvious, or commonly agreed upon, but of fairly recent date, probably as part of priestly elaboration and systematization. We have no pre-exilic evidence for such details.

Comparisons with discharge impurity rules found in *Vendidād* are interesting, and here we must note also what is presupposed by the text although not always explicit. First, male and female discharge (5:59) as well as menstruation and irregular genital bleeding (16:1) are discussed together, as is the case in Lev 15. Secondly, both menstruants and women with irregular bleedings must purify after the cessation of symptoms by washing twice with *gomez* and once with water (16:1, 12). Although washing with water is not explicitly required of women according to the text of Lev 15, but only of male dischargers (Lev 15:13), it is probably assumed: it is implied in the Deuteronomistic history; it is explicitly mentioned in later texts, not as an innovation but in passing as taken for granted; and it is most probably understood from the juxtaposition of the rules in Lev 15, too, as argued elsewhere.⁵¹ Thirdly, according to *Vendidād*, beddings and clothes become contaminated and are then subsequently purified by being washed in *gomez* and water. Although this is explicitly said in cases of corpse contamination, the textiles are then assigned to dischargers during their waiting period (7:10–19), as they cannot be used by ordinary people. This should be compared to the repeated mention in Lev 15 of beddings and clothes transmitting impurity. Fourthly, we learn in this particular context (5:59; 7:19) that contamination by the touch of female as well as male dischargers is assumed. In Lev 15:11 the man with a discharge is said to transmit impurity unless he has washed his hands. Fifthly, we find instructions regarding the

⁴⁸ Hands, between brows, back of skull, jaws, right ear, left ear, right shoulder, left shoulder, right arm-pit, left arm-pit, chest, back, right nipple, left nipple, right rib, left rib, right hip, left hip, sexual parts, right thigh, left thigh, right knee, left knee, right leg, left leg, right ankle, left ankle, right instep, left instep, right sole, left sole, right toe, left toe. *Vendidād* 8:35–72; 9:15–26.

⁴⁹ Cf. Num 12:12; Job 18:13; *Ant.* 3:264; *m. Kel.* 1:4; *m. Neg.* 13:7, 11; *b. Ned.* 64b.

⁵⁰ For details and discrepancies, see Kazen, *Issues*, 41–61.

⁵¹ Kazen, *Issues*, 41–61.

contamination and purification of vessels, although again, the issue is corpse impurity, which is the over-arching concern in *Vendidād*. Vessels for eating, made of metal and stone, can be cleansed, while vessels of earth, wood or clay can not (7:73–75).⁵² This must, however, be considered together with a passage about vessels used for bringing food to women with blood discharges; these must be made “of brass, or of lead, or of any common metal” (16:6). According to Lev 15:12, wooden vessels can be purified by water, while earthen vessels must be broken. Sixthly, even involuntary semen emission is punished (8:26) and death penalty applies to anyone who has sex with a bleeding woman (16:17–18). This is stricter than the corresponding rules in Lev 15:16–17, 24, but more in line with the Holiness Code (Lev 18:19; 20:18), which prescribes the כרת penalty for intercourse during menstruation.

Closely related to the discharge laws of Lev 15 are the rules concerning the new mother in Lev 12. This chapter is probably somewhat later than the rules of Lev 15, or at least depending on and assuming the formulation of the general discharge laws.⁵³ In their present form, these fairly short rules serve the purpose of integrating purification rituals of new mothers with the cult, suggesting a need for a mitigating sacrifice in such cases.⁵⁴ In *Vendidād*, the impurity of new mothers is not addressed as a general issue, nor as a result of their discharge of blood, but only in cases of a still-born child, which causes corpse impurity (5:45–56; 7:60–69). In Zoroastrian practice, however, child-birth in general is associated with impurity and purification. The question, then, is whether this is assumed in *Vendidād* or represents a later development. In the *Šad dar e-našr*,⁵⁵ understood to represent old traditions, a new mother is regarded as impure for forty days, and the first twenty-one are specially set out. After the first period she is allowed to wash her head, and again when the forty days have passed, after which she can again touch wooden and earthen utensils, resume cooking and similar activities. For another forty days her husband is not allowed to have sex with her.⁵⁶ A similar period is mentioned by the *Persian Rivayats*, collected between the fifteenth and eighteenth century, but preserving and representing much older materials. A parturient should “sit apart” for forty-one nights.⁵⁷ In the *Rivayats*, the content of *Šad dar* 76:1, 5 is rendered almost verbatim.⁵⁸ The uncertainties concerning the history and development of late Zoroastrian texts make it precarious to draw safe conclusions, but in many instances the *Rivayats* merely interpret issues found in *Vendidād* without adding much more than what is implicit in the earlier text. Menstruants, for example, are suggested to take their meals with two gloves and a metal spoon from a metal dish, without touching their clothes, and warnings for contamination via clothes, gloves, or dish are issued. This certainly contains further developments, but *Vendidād* assumes severe hand impurity for dischargers and implies that hands are covered (5:59; 7:19).

Some details in *Vendidād* correspond to developments of Israelite practices further into the Persian and Hellenistic periods. While the detailed contamination rules of Lev 15 presuppose that dischargers live at home, the stricter tradition in Num 5:2–4 order that they be excluded from the “camp,” and certain texts from Qumran suggest special places and

⁵² Stone only in *Vendidād Sādah* (Darmesteter, *Vendidād*, 92–93).

⁵³ Cf. Karl Elliger, *Leviticus* (HAT 1:4; Tübingen: J. C. B. Mohr (Siebeck, 1966), 157–58; Nihan, *Torah*, 281–82).

⁵⁴ For the mitigating function of the כרת, see Kazen, *Emotions*, 152–62.

⁵⁵ Later than the Pahlavi works but earlier than the *Persian Rivayats*; de Jong, “Purity,” 320–21.

⁵⁶ *Šad dar* 76, in E. W. West, *Pahlavi Texts*, part 3: *Dīnā-ī Maīnōg-ī Khirad, Sikand-Gūmānik Vigār, Šad Dar* (The Sacred Books of the East 24; Oxford: The Clarendon Press, 1885) 339–40; also in the *Qissa-i Sanjan*.

⁵⁷ *Persian Rivayats*, in Ervad B. N. Dhabhar, *The Persian Rivayats of Hormazyar Framarz and Others: Their Version with Introduction and Notes* (Bombay: K. R. Cama Oriental Institute, 1932), 224 (MU. I, p. 223 ll. 2–5 = H.F. f. 382).

⁵⁸ *Persian Rivayats*; in Dhabhar, *Persian Rivayats*, 224–225 (MU. I, p. 223 ll. 7–12 = H:F: f. 129).

minimum distances for such people.⁵⁹ Following those who consider this and certain other sections in Numbers as part of a later redactional phase, we are able to suggest a development of Israelite practices under continuous influence from Persian practices. According to *Vendidād*, menstruants and women with irregular bleedings, should be isolated in a special building⁶⁰ and kept away from that which is holy, as well as from pure people, at a certain distance (16:1–6). We also hear about such practices among later Israelite groups (Samaritans, Karaites, Falashas).⁶¹

The stricter practice of quarantine or isolation, attested in Num 5, also applies to people with skin disease and the corpse impure. As already mentioned, general rules for corpse impurity are only found in Numbers, in late compositional layers. It is perhaps in the area of corpse impurity that the strongest case can be made for Persian influence on Israelite purity rules.⁶² This does not mean that such conceptions were absent previously; we have also noted the presence in Lev 21:1–4 of prohibitions against corpse contamination for priests. Considering the Holiness Code as somewhat later than the first half of Leviticus, but earlier than the latest sections of Numbers, we can detect an evolving process, by which popular ideas of corpse impurity, including an apotropaic rite of burning a red cow and employing its ashes for purification by sprinkling, were domesticated by the priestly authors and barely squeezed into their cultic system (Num 19).⁶³

A comparison with Persian ideas and practices supports such a hypothesis of Persian influence. First we should emphasize the dynamic character of corpse impurity in Zoroastrianism. Corpses are entered by the *drug nasu*, the corpse demoness, immediately after death,⁶⁴ and are regarded as the most contagious of all impurities, which necessitates numerous precautions and apotropaic purification rites, including the peculiarities of Zoroastrian burials (*Vendidād* 6:44–51; 7:1–3; 12). In Second Temple Judaism, the corpse becomes the most contagious of all impurities, at least in theory, and to the rabbis it is the “father of fathers of impurity,” in spite of playing a minor role in Leviticus and not being expressly singled out as the principal or most severe impurity in Numbers. The red cow rite with its similarities to the bird rite in Lev 14:1–7 clearly has an apotropaic background and character.⁶⁵ Secondly, according to the *Vendidād*, the purification of a corpse-impure person seems to require other people but no priest;⁶⁶ it can be carried out by anyone (8:35–71, 97–103).⁶⁷ This is the case with the Israelite rite, too: although the priest is assigned the role of throwing ingredients into the fire, the text of Numbers assumes that ordinary people burn the cow, gather the ashes, mix them with water, and sprinkle on the unclean (Num 19:2–10, 17–

⁵⁹ 11QT 45:15–18; 46:16–18; 48:14–17; 4QMMT B64–72; 4Q274 1 i.

⁶⁰ Later called *Dashānistān*. The *rivayats* add that menstruants may not contact each other; cf. 4Q274 1 i, prohibiting different categories of (purifying?) individuals to touch each other.

⁶¹ Milgrom, *Leviticus 1–16*, 765; Thomas Kazen, *Jesus and Purity Halakhah: Was Jesus Indifferent to Impurity?* (ConBNT 38; Corrected repr. ed.; Winona Lake, IN: Eisenbrauns, 2010 [original ed. 2002]), 72.

⁶² Cf. Reinhard Achenbach, “Verunreinigung durch die Berührung Toter: Zum Ursprung einer altisraelitischen Vorstellung,” in *Tod und Jenseits im alten Israel und in seiner Umwelt: Theologische, religionsgeschichtliche, archäologische und ikonographische Aspekte* (ed. A. Berlejung and B. Janowski; FAT 64; Tübingen: Mohr Siebeck, 2009), 347–69.

⁶³ For further discussion with references, see Kazen *Emotions*, 133–34, 137.

⁶⁴ Except in cases of murder or sudden death, when the corpse demoness is unprepared (*Vendidād* 7:4–5).

⁶⁵ In both cases hyssop, cedar wood and crimson material are employed and a mix of the blood or the ashes of an animal and water is sprinkled onto the person to be purified. An understanding of impurity as the result of demonic activity, in need of exorcist rituals, was common in the Ancient Near East, as was the use of red wool and sprinkling for warding off demonic threat. The rabbis were aware of the red cow rite’s exorcist character (*Pesiq. Rab Kah.* 4:7). For further discussions, see Kazen, *Emotions*, 130–34. The special emphasis on the demonic danger of the corpse is conspicuous in Zoroastrianism.

⁶⁶ At least not according to the text.

⁶⁷ The purifying person washes in *gomez* and in water, but others are needed for bringing the dog, digging the holes of the *barashnum* rite, and sprinkling the purifier.

19). Thirdly, a higher degree of holiness makes a person more vulnerable to impurity. In *Vendidād* the defiling radius of a deceased priest is wider than that of a warrior, which in turn is wider than that of a commoner (*Vendidād* 5:27–28; 7:6–7).⁶⁸ It is conspicuous that as Israelite purity laws evolved, corpse impurity was at first only perceived as a problem for priests (Lev 21:1–4). The long-standing and fruitless scholarly debate whether impurity was avoided for its own sake or mainly because of its threat against sancta and the cult would benefit from considering Zoroastrian purity practices. The fact that impurity threatens that which is holy even more does not make it unproblematic for ordinary people. Fourthly, corpse impurity in Zoroastrianism, at least of the more serious kind,⁶⁹ requires the longer and more elaborate *barashnum* rite, including the digging of nine holes in the ground, the purifier washing in *gomez* (in six holes) and water (in three holes), after which there is an elaborate sprinkling of body parts (*Vendidād* 8:37–71).⁷⁰ Except for the sprinkling or smearing of some of the right extremities of the person healed from skin disease with blood and oil (Lev 14:14–17), purification in Lev 12–15 is mainly effected by bathing oneself in water. The corpse impurity rules, however, involve both washing (oneself) and being sprinkled (by others), in combination (Num 19:17–19), while secondary contact only renders a one-day impurity, requiring bathing.⁷¹ The introduction of special sprinkling in addition to traditional bathing in Israelite purification practices is conspicuous. Fifthly, examples of the effect of (corpse) impurity on vessels and their cleansing (cf. *Vendidād* 7:73–75) are first found in Leviticus in the context of swarming creatures (Lev 11:32–35) and discharge impurity (15:12), and then as part of corpse impurity rules (Num 19:15). Sixthly, according to *Vendidād* (8:11–13), corpse-bearers immediately perform a preliminary purification rite after having left the corpse at the *dakhma*,⁷² not as a substitute to the subsequent *barashnum* rite, but presumably to lessen their contamination meanwhile. Ideas of graded impurity and gradual purification enter Israelite purification rules, first through the purification rituals of the person who had previously suffered from skin disease (Lev 14:8–9), then through the combination of sprinkling and bathing for corpse impurity (Num 19:17–19), and subsequently (after the final redaction of the Pentateuchal text) come to full expression in the later Second Temple practice of a first day ablution.⁷³ Other issues that become more prominent during the latter part of the Second Temple period are the preoccupation with impurity from graves and the reburial of bones, both of which could perhaps be compared to Zoroastrian concern for the ground, not burying corpses in it, searching it for corpse material, and depositing corpses on *dakhmas* (*Vendidād* 6:1–9, 44–51).

All of these points are not equally strong arguments for Persian influence on the development of Israelite conceptions of corpse impurity, but several are conspicuous enough to suggest some influence, particularly when we consider that they evolved, or at least were shaped and included in the literary corpus being formed, precisely at a time when such influence would most likely have taken place.

Besides discharge laws and an evolving concept of corpse impurity, the food and contagion laws of Lev 11 focus on animals similar to the Zoroastrian *khrafstra*. Leviticus' category of "swarmers" (שָׂרִיץ), which together with birds of prey and certain quadruped

⁶⁸ Followed by different types of dogs.

⁶⁹ If the *sag-did* ceremony (the gaze of a particular dog on the corpse) had been performed and the *drug nasu* driven away, contact with a corpse rendered a lighter type of impurity for which a simple *ghosel* purification ritual was sufficient (*Vendidād* 8:36), involving washing with *gomez* and water. If the ceremony had not been performed, contact rendered an impurity requiring the much more elaborate *barashnum* rite.

⁷⁰ Cf. the even more elaborate nine nights' *barashnum* (*Vendidād* 9).

⁷¹ Not explicitly said but implied in Num 19:22, and assumed throughout the Second Temple period.

⁷² Tall building onto which corpses are exposed to the sun and consumed by dogs and birds.

⁷³ Definitely for corpse impurity, and possibly in certain cases of genital discharges (cf. Kazen, *Issues*).

carnivores are not allowed for food, covers approximately the same ground as the Ahrimanian or “demonic” animals in Zoroastrianism, the killing of which is considered meritorious.⁷⁴ The category of *khrafstra* is already assumed in *Vendidād*,⁷⁵ although there are no complete lists of animals involved. Snakes, cats (?), tortoises, frogs, ants, earth worms and certain flies are explicitly mentioned, and wolves belong to those animals that should be killed, too (*Vendidād* 14:5; 18:65). Elsewhere, in later texts, we learn that this category includes a number of crawling creatures, reptiles, and vermin, such as mice and rats and similar rodents, as well as a number of carnivores. These are good to kill, cannot be eaten, and defile food.⁷⁶ Considering the possibility of Lev 11 building and elaborating on a tradition close to Deut 14,⁷⁷ we could suggest that the priestly authors expanded on a list of animals not allowed for food, including a prohibition to touch their carcasses. In doing this, they would have created a bridge between food rules and subsequent instructions concerning contact contagion in Lev 12–15, by transferring the focus from eating to touching. In expanding on earlier tradition they would also have created a separate and superordinate category of “swarmers” (שרץ), branded as detestable (שקץ). In Deuteronomy, שרץ is only used for winged insects or “bird swarmers,” but in Lev 11 prohibited water animals are named שרץ המים (11:10), and the list of eight “ground swarmers” (11:29–30) completes the picture, so that we are presented with three types of swarmers. The introduction to the instructions concerning their contamination (11:31) states that “these are unclean to you among all swarmers,” and should thus be read as referring to the contaminating power of the carcasses of all three types of שרץ.

The similarities between the category thus created by the priestly authors and the *khrafstra* are conspicuous, both with regard to the type of animals and the emphasis on their contamination. In no way is this to suggest that Israelite food taboos in general would have originated from contact with the Persians. However, the particular way in which food rules were shaped and categorized by the priestly authors makes it likely that extended contact with Persian concepts and practices would have been of some import.

In some of the cases discussed in this section, one could perhaps argue the reverse direction of influence, from Israelite purity conceptions to Persian (Zoroastrian) practices, at least as a theoretical possibility. However, I find such an idea highly unlikely. One important reason is the nature of the influence I have been suggesting, which is less a matter of taking over singular rules than about a global influence on one “purity system” from another more impressive and elaborate one – and in this particular case from a dominant majority culture onto a vulnerable immigrant minority, or a subservient vassal community. The social, political, and economic situation of Achaemenid *Yehud* thus supports our interpretation.

The role of purity in Persian *Yehud*

Without denying that some of the basics of Israelite purity conceptions have other ancient parallels and a pre-exilic history, we have suggested that many of the explicit details in the purity rules of Leviticus and Numbers represent relatively recent developments during the Persian period. So far our results fit with what we can find (or not find) in our sources about purity before the exile, and also with the type of topics and special interests that could reasonably have been evoked or triggered by contact with Persian practices. Our final question is whether these issues make sense as recent developments within the context of

⁷⁴ Choksy, *Purity*, 14–15.

⁷⁵ E.g. *Vendidād* 7:2–5; 8:16–18, 71; 9:26; 16:12; 17:3; 18:2. The term appears already in the *Yashna*, but not necessarily as a category of animals.

⁷⁶ Cf. *Persian Rivayats*; Dhabhar, *Persian Rivayats*, 268–70.

⁷⁷ See above, and my discussion of the structure of Leviticus 11 in Kazen, *Emotions*, 72–80.

Persian *Yehud*, with Jerusalem and its newly rebuilt temple at its center, during the fifth and early fourth century BCE.

With little room for discussing the political and economic development of Judea during the Achaemenid period, this final section must stay brief. Although a debated issue, it has become clear that Jerusalem was much smaller and inhabitants of Persian *Yehud* (even into the Hellenistic period) were much fewer, than the population of the region of Samaria.⁷⁸ Returning migrants had varying motives, but included elite groups, such as people of priestly descent, who struggled to establish themselves while the divide between returnees and Judahites became apparent.⁷⁹ The once popular idea of the formation and canonization of Jewish law through Persian imperial promotion and authorization is seriously questioned today.⁸⁰ The colonized nature of *Yehud* must be fully acknowledged,⁸¹ and priests would, as part of a larger group of returnees, have been given certain privileges, such as land rights, but this does not necessarily make their interests identical with those of imperial administration and control, even if partially coinciding.⁸² Post-colonial concepts such as mimicry and hybridity suggest a more nuanced and productive understanding of priestly activity in Achaemenid *Yehud*, including the formation of purity laws.

We would thus assume a small vassal temple state, with returnee elites struggling with the relative insignificance of their context and anxious about their identity.⁸³ Among them would be ritual specialists intent on consolidating the cult and exerting control over it, seeking general acceptance while asserting their status and power, in a process that also involved the incorporation of diverse popular practices.

A match between our results and such a context will be indicated in four concluding points. All of these need further corroboration, for which there is no room; here they are only offered as suggestions that deserve to be pursued in the future.

First, a number of recent developments lend themselves to promoting priestly status and enhancing priestly control, particularly important for an elite group, competing for influence and leadership.⁸⁴ The bird rite as well as the red cow rite may both have earlier and popular origins, but are brought under priestly authority. The red cow rite is even loosely attached to

⁷⁸ Oded Lipschits, "Achaemenid Imperial Policy, Settlement Processes in Palestine, and the Status of Jerusalem in the Middle of the Fifth Century B.C.E.," in *Judah and the Judeans in the Persian Period* (ed. O. Lipschits and M. Oeming; Winona Lake, IN: Eisenbrauns, 2006), 19–52; Gary N. Knoppers, "Revisiting the Samaritan Question in the Persian Period," in Lipschits and Oeming, *Judah*, 265–89; Oded Lipschits and Oren Tal, "The Settlement Archaeology of the Province of Judah: A Case Study," in *Judah and the Judeans in the Fourth Century B.C.E.* (ed. O. Lipschits, G. N. Knoppers, and R. Albertz; Winona Lake, IN: Eisenbrauns, 2007), 33–52.

⁷⁹ Jon L. Berquist, *Judaism in Persia's Shadow: A Social and Historical Approach* (Minneapolis, MN: Fortress, 1995); John Kessler, "Persia's Loyal Yahwists: Power Identity and Ethnicity in Achaemenid Yehud," in Lipschits and Oeming, *Judah*, 91–121.

⁸⁰ Peter Frei and Klaus Koch, *Reichsidee und Reichsorganisation im Perserreich* (OBO 55; Freiburg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1984); Erhard Blum, *Studien zur Komposition des Pentateuch* (BZAW 189; Berlin: de Gruyter, 1990), 333–60; James W. Watts (ed.), *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch* (SBLSymS 17; Atlanta: Society of Biblical Literature, 2001); Michael LeFebvre, *Collections, Codes, and Torah: The Re-characterization of Israel's Written Law* (LHB/OTS 451; New York and London: T&T Clark, 2006); Jean-Louis Ska, *Introduction to Reading the Pentateuch* (Winona Lake, IN: Eisenbrauns, 2006), 218–26.

⁸¹ Berquist, *Judaism*; Jon L. Berquist, *Approaching Yehud: New Approaches to the Study of the Persian Period* (SBLSS 50; Atlanta, GA: Society of Biblical Literature, 2007).

⁸² Kenneth G. Hoglund, *Achaemenid Imperial Administration in Syria-Palestine and the Missions of Ezra and Nehemiah* (SBLDS 125; Atlanta, GA: Scholars Press, 1992), 207–47; Tamara Cohn Eskenazi, "The Missions of Ezra and Nehemiah," in Lipschits and Oeming, *Judah*, 509–29.

⁸³ Jon L. Berquist, "Constructions of Identity in Postcolonial Yehud," in Lipschits and Oeming, *Judah*, 53–66.

⁸⁴ Cf. Christophe Nihan, "Forms and Functions of Purity in Leviticus," in Frevel and Nihan, *Purity*, 311–67 (351–63); I basically agree, except on "the partial transfer of priestly competencies to non-priests" (357); I rather see signs of the opposite process.

the sacrificial cult, by being designated a חטאת, in spite of so many activities being performed by laymen. The diagnosis of צרעת is completely assigned to the priest, conferring status and control. The purification of new mothers is entirely placed under priestly authority and brokerage, as the priests “effect removal” through sacrifice.

The last instance also exemplifies the second main point, that many of the developments function to protect the cult, preventing impurity from defiling the newly (re-)built temple, hence emphasizing its status and the significance of Jerusalem.⁸⁵ During the prolonged period of impurity, the parturient “must not touch anything holy, or enter the sanctuary” (Lev 12:4), and the motive not to defile the sanctuary concludes the elaborate details regarding defilement by contact with menstruants and זבים (Lev 15:31). Preventive measures, such as the extension of practices of exclusion or isolation of people with skin disease to other categories of impure people (Num 5:2–4) can plausibly be seen along the same lines, and although the explicit motive in Num 5:3 is only to prevent defilement of the “camp,” Num 19:13, 20 explicitly state defilement of the tabernacle or sanctuary as the rationale for general purification from corpse impurity.⁸⁶

Thirdly, some developments reflect a concern for holiness and a need for identity that fits the context of a struggling community seeking to overcome disparity and create a common narrative and ethos. Although general purification from corpse impurity is motivated by concern for the temple, the Holiness Code’s explicit rationale for prohibiting priests to avoid corpse impurity altogether is holiness; priests must be holy, like God (Lev 21:6). An ideal of holiness, not only for priests, but for Israelites in general, is often acknowledged as characteristic of the period we are discussing. Such aspirations should not be confused with laity wishing to imitate priests, but express a reasonable concern to live according to high divine standards, compatible with an ideal group identity, in order to consolidate the success and future of a “restoration community.” This is a plausible context for the extension of concerns for corpse impurity from priests to the general population, which we find in Num 19. Also, the further developments of food prohibitions, including the creation of a special category of “swarmers,” are explicitly motivated by holiness concerns (Lev 11:44–45), and while this particular motivation is likely to result from an H redaction, this very fact underscores the role that these developments came to play for holiness and identity concerns.

Our final point is that all or most of the developments and innovations which may result from Persian influence on Israelite purity conceptions can be understood from a postcolonial perspective as examples of hybridity and/or mimicry, as appropriation of, or assimilation to, cultural practices of the colonial masters. Such processes can be quite unconscious and need not be sensed to compromise integrity or identity, but can rather effect the opposite, especially when imperial influence is refracted through indigenous conceptions. Note that in the process of Zoroastrian influence on the formation of Israelite purity rules, the most conspicuous characteristic of Persian practices is curtailed: the demonic. Whether or not the priestly authors achieved a “thoroughgoing evisceration of the demonic” as Milgrom claimed could perhaps be debated, as numerous traces remain. Nevertheless, when we compare with ideas of impurity among Israel’s neighbors and colonial masters we must agree that those responsible for the ultimate shaping of the priestly texts “also transformed the concept of impurity.”⁸⁷

⁸⁵ Cf. Frevel, “Purity Conceptions,” 405–408.

⁸⁶ An understanding of impurity and purification as graded, exemplified by the hand-washing of the זר (Lev 15:11) and the first-day abluion of the person purifying from skin disease (Lev 14:8), was later applied to other cases of impurity as well, mitigating stricter practices of exclusion. See further Kazen, *Issues*, 63–111; idem, *Scripture*, 150–74.

⁸⁷ Milgrom, *Leviticus 1–16*, 43.