

***Uncleanness: A Moral or an
Ontological Category in the Early
Centuries A.D.?***

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I. SYSTEMIC ANALYSIS AND CATEGORY-FORMATION

Diverse Judaic systems, or Judaisms, interpret each in its own way the received categories of ancient Israelite religion as portrayed in the Old Testament.¹ Consequently, interpreting a given system's documentary representation of a category established in the Israelite writings of the sixth and fifth centuries B.C. requires considerable reflection. Opening the Old Testament and out of its resources declaring the meaning of an Old Testament category for a Judaism represented in much later writings is not merely anachronistic. It also distorts the later writers' systemic reading and adaptation of the received category. For what a systemic construction makes of that category—not only the selection and definition, but the very classification and the importance accorded to one Old Testament category and not to another—finds realization in the systemic construction of all other categories, that is, in the composition, shape, and structure of the system itself. These simple and easily demonstrable principles of analysis that have emerged in the history of ideas, including theological ideas, over the past century or so do not always exercise the influence that they should. Consequently, even today we find harmonization where

1. The first five parts of this article were written by Jacob Neusner and revised by Bruce D. Chilton. The sixth part was written by Bruce D. Chilton and revised by Jacob Neusner.

there should be differentiation, mere paraphrase where analysis ought to take place. Opening the Hebrew Scriptures as an encyclopaedia for first-century Judaism, people misinterpret the complexity of the Judaisms of that time by portraying as a single, unitary, harmonious, and linear development the chaos of Judaic systemic formation, reconstitution, and even dissolution.

These general remarks on the importance of differentiation and analysis, the centrality of context and nuance, will not elicit surprise and ought to be received as truisms. For who, in this day and age, imagines a single, unitary "Judaism" emerging in a linear unfolding straight out of the Old Testament, any more than that a single, unitary "Christianity" is portrayed, as of its point of origin, by the New Testament? These conceptions, legitimate theological necessities, everyone understands, impede the description, analysis, and interpretation of the diverse Judaic and Christian systems that, leaving their detritus of holy books, holy doctrines, and holy rites, define the tasks of theology. A half-century or more of learning separates us from the age in which anyone fabricated a single, "orthodox" Judaism, and we have gone beyond the then fruitful debates of Walter Bauer and H. E. W. Turner on the pattern of Christian truth. Yet we still have accounts of the single, unitary and internally harmonious "Judaism" described out of all sources deemed "normative," without regard to time and place of composition or auspices and circumstances of promulgation, that formed the background and setting for "Christianity." So the pretense of one Judaism and one Christianity is maintained, as though that single, unitary, harmonious Judaism, spun in a linear path out of the Old Testament, were any longer accessible of description. And, more to the point, people still open the Old Testament as the handbook for that "Judaism" that "Christianity," even in the person of Jesus himself, addressed.

A single author, and a single point in question, will show the intellectual tasks that have yet to be accomplished, specifically, those of learning how to reframe our questions in light of our own knowledge of diversity and complexity. If we concede that there was a diversity of Judaic, and also Christian, systems, and that that diversity characterized not only (for Christianity) the second and third centuries but (even) the first, and even *ab origine*,² then we can no longer address matters under the title "Jesus and Judaism." The Gospels research of our day surely encourages us to speak, rather, of "Jesuses," as much as, virtually all scholarship knows, we describe "Judaisms." Then, of course, which Jesus and which Judaism become

2. Indeed, the theory of a single, unitary beginning itself constitutes a powerful polemic and apologetic, as Burton Mack demonstrates.

the centerpiece of inquiry, and category-formation begins at what, at present, we perceive to be the very commencement of thought.

By way of illustrating the outcome of recognizing the diversity of Judaisms, inclusive of the Judaisms presented to us by the Old Testament, we turn to a simple problem of category-formation. It concerns the classification or categorization of uncleanness, an important consideration in the Gospels' accounts of Jesus' relationship with persons and institutions in his time, and also a central category in Judaisms from the formation of the Old Testament Pentateuch in ca. 450 B.C. through the framing of the Mishnah in ca. A.D. 200. Specifically, uncleanness, here important, there not interesting at all, serves diverse systems in diverse ways, and any conception that there was a single reading of the matter is untenable. Not only so, but in one Judaism, the Essene Judaism of Qumran, uncleanness served as a metaphor for sin, while in another Judaism, the Judaic system first set forth in the Mishnah (ca. A.D. 200, on the foundations of materials originating over the prior two hundred years, some of them from Pharisees),³ the conception of uncleanness functioned in an entirely different framework, so that associating uncleanness with sin bore no meaning and made no sense at all. Uncleanness addressed an issue quite distinct from a moral one, which can be proven very simply. To identify the category of a conception, address to an authorship the challenge: state the opposite. The antonym tells us the category that guides thought. In the Essene Judaism of Qumran, uncleanness served as a metaphor of evil, and the opposite of unclean was virtuous, e.g., one who disobeyed the rule was punished by being declared unclean for a given spell. In the Judaic system of the Mishnah, by contrast, the antonym of uncleanness is holiness (just as is the case, in general, in the book of Leviticus, as we shall see presently). And virtue and holiness constitute distinct classifications, the one having to do with morality, the other with ontology. Indeed, as we shall now try to show, phenomenologically and also historically, in one important Judaism, with roots in the first century, uncleanness formed an ontological category, not a moral one at all. To explain how uncleanness is an ontological, not a moral, category, is very simple and may be presented with heavy emphasis:

To be able to become unclean formed a measure of the capacity to become holy, so that, the more susceptible to uncleanness, and the more differentiated the uncleanness to which susceptibility pertained, the more capable of becoming holy, and the more differentiated the layers and levels of holiness that entered consideration.

3. See Jacob Neusner, *Judaism: The Evidence of the Mishnah* (2d printing, augmented; Atlanta: Scholars Press for Brown Judaic Studies, 1988).

That statement clearly bears no implications whatever for whether or not an unclean person was a sinner, or a clean person not a sinner. For in the classification of uncleanness at hand, the opposite of unclean is holy, precisely as, throughout the priestly code (e.g., the book of Leviticus) the antonym of unclean is holy, far more than it is merely clean (*tamé/ qaddosh*, appears far more regularly than *tamé/tahor*). As we shall presently see, in the Mishnah, the more susceptible to uncleanness a person or an object (e.g., food) is, the more layers or levels of sanctification that person or edible may attain. We think that to be "holier than thou" means to be more virtuous than the other. But in the context of the Mishnah's laws, we shall demonstrate at some length, to be "holier than thou," one has also to be more capable of becoming more unclean than thou, e.g., to be more susceptible to uncleanness in more ways or at greater degrees of sensitivity to uncleanness, than whatever "thou" is at hand.

Throughout the Mishnah and much of its successor literature, "Israel," that is, the social entity of a Judaic system, is consistently represented as more susceptible to varieties and differentiated types of uncleanness than gentiles, and that forms, in a systemic context, an ontological judgment as to the ultimate being of that "Israel," and not a moral judgment as to the conduct and ethical character of Israelites or of "Israel" in general. That is why, as we shall see, representing uncleanness as sin and a sign of wickedness represents a systemic reading of uncleanness, not a broadly held conception generated by "the Old Testament," and, if must follow, representing uncleanness as part of a hierarchical classification of social entities likewise constitutes a systemic reading of the matter. In both cases we deal with how systems form their categories, and the way they do so is by making a systemic statement upon, and through discourse concerning, each of the systemic categories. What a system says anywhere, it says everywhere.

In the case at hand, whether or not uncleanness formed a moral or an ontological category or classification, it must follow, the representation of uncleanness as a mark of sin or wickedness which requires eschatological purification through baptism constitutes a Christianity's reading of uncleanness, not a generally accepted datum upon which Jesus in particular laid down a judgment or to which he responded. The Christianity that deemed eschatological immersion for sin to relate to the category of uncleanness made its statement of an eschatological system through that detail, as through other details, and the representation of uncleanness as a matter of sin formed a systemic statement of that Christianity, not a response to or a use of a fact of "Judaism." There were no facts, there was no Judaism, so far as our sources tell us, for their accounts portray their respective systems.

Any other reading of matters, in particular the one that sees a unitary Judaism emerging in a linear and single development from the Old Testament, itself being an essentially cogent and harmonious statement, yields only confusion. Evidence of that fact derives from the rather odd and contradictory representation of uncleanness in a recent work, as not a matter of morality on one page, then as a matter of sin and hence wickedness on the next page. Analysis will show what happens when a single Judaism, against which a single Christianity, in the person of its founder, Jesus, is to be represented, forms the generative analogy and the formative metaphor in the mind of scholarship. The case at hand derives from the properly well-regarded writing of E. P. Sanders, *Jesus and Judaism*. His confusion of categories yields a manifest contradiction in his account of uncleanness as at once merely functional to entry into the Temple (a trivialization that vastly understates matters) but also a symbolism of evil (a correct reading in one context but not in another context). So Sanders provides our occasion for the demonstration of the conceptual urgency, for purposes of clear thought, of the simple propositions with which we commenced.

II. UNCLEANNES AS A MORAL CATEGORY IN CURRENT NEW TESTAMENT THEOLOGY

In portraying the laws of uncleanness, E. P. Sanders stresses that uncleanness in some instances, in an of itself, is a sin. Accordingly, he reads uncleanness as a moral category. Quite correctly, in describing the Old Testament account of uncleanness Sanders carefully stresses that "most impurities do not result from the transgression of a prohibition, although a few do."⁴ He accurately emphasizes that an impure person is not a sinner; contact between an impure and a pure person is not ordinarily considered a sin. Once he has so represented biblical law, however, Sanders proceeds to allege the following:

One should ask what was the situation of a person who disregarded the purity laws and did not use the immersion pool, but remained perpetually impure. Here it would be reasonable to equate being impure with being a "sinner" in the sense of "wicked," for such a person would have taken the position that the biblical laws need not be observed.⁵

That statement contradicts the judgments Sanders makes in his précis of the biblical representation of uncleanness, except for a single matter, which is sexual relations between husband and wife when the wife is menstruating. That is penalized by extirpation (Lev 20:18), as Sanders says, and represents an exception, again explicitly specified by Sanders:

4. E. P. Sanders, *Jesus and Judaism* (Philadelphia: Fortress, 1985) 183.

5. Sanders 184.

But as a general rule, those who became impure ... did not, as long as they lived their ordinary lives, sin. Normal human relations were not substantially affected.⁶

Now in order to harmonize the judgment made here with the position taken immediately following, Sanders gives an example, but, as we shall see, the example exemplifies only its own case:

All the laws of purity and impurity are to be voluntarily observed. If, for example, a husband and wife agreed not to observe the prohibition of intercourse during menstruation, no one would ever know unless they announced the fact. If the woman never used the immersion pool, however, her neighbors would note that she was not observant.... Not intending to be observant is precisely what makes one "wicked"; but the wickedness comes not from impurity as such, but from the attitude that the commandments of the Bible need not be heeded.

Thus these biblical purity laws, which most people seem to have observed, did not lead to a fixed view that the common people were sinners.⁷

In fact, the case exhausts the category; the only Old Testament purity-law that affects conduct outside of the cult is the one that serves Sanders's claim that being impure may be equated with being a sinner in the sense of wicked.

Sanders's categorization of impurity as (sometimes) an issue of morality leaves open the question of how (at other times) we should classify the matter. The answer to that question will prove diverse, as we move from one Judaism to another. No one need doubt, for example, that Sanders's reading of uncleanness as sin will have found, in the Essene Judaism of Qumran, a broader scope than merely menstrual uncleanness, and eschatological immersion in view of sin, so prominent a motif in the description of John the Baptist, assuredly conforms to Sanders's view. But were we to interrogate the Judaism represented, as to its initial statement, by the Mishnah, we should come up with a quite different view of matters.

III. UNCLEANNESS AND THE ONTOLOGY OF THE "ISRAEL" OF THE JUDAISM OF THE DUAL TORAH

Let us start from the negative, which may be stated simply and categorically. *Not a single line in the entire Mishnah treats cultic uncleanness as in and of itself a representation of sin.* An unclean person is not a sin-

6. Sanders 183.

7. Sanders 184-85. Fathers According to Rabbi Nathan Chapter Two contains an explicit statement in accord with Sanders's example here, drawn from the privacy of marital relations.

ner, therefore not, in Sanders's language, wicked. An unclean person cannot do things that a clean person can do. We find at Mishnah tractate Sotah 9:15 the following:

Heedfulness leads to physical cleanliness, cleanliness to levitical purity, purity to separateness, separateness to holiness, holiness to humility, humility to the shunning of sin, shunning of sin to saintliness, saintliness to the Holy Spirit, the Holy Spirit to the resurrection of the dead.

Clearly, the unclean person is not on that account wicked, and a poly-theoretical taxonomic scheme does not permit the contrast only of uncleanness with morality.

How, then, does the Mishnah's treatment of uncleanness identify the correct classification or categorization of the matter? The answer is that, for the authorship of the Mishnah, uncleanness and cleanness form ontological rather than moral categories. The capacity to become clean, a stage on the route to holiness as we saw, finds a counterpart in the capacity to become unclean; the more "holy" something may become, the more susceptible it is to uncleanness. Then to be susceptible to varieties and differentiated forms of uncleanness is a mark of, not sinfulness but, holiness. That conception finds no place in Sanders's representation of matters. And yet, as we shall now show in a very specific case, it is fundamental to the concrete legislation of the Mishnah's authorship, a position so profound in its implications as to mark as simply beside the point the allegation that an unclean person was, or could be construed as, a sinner or wicked.

Let us consider two concrete cases that demonstrate the deep layers of thought on the hierarchization of uncleanness and holiness in the Mishnah's system. Both of these statements will show us two facts. First, that the opposite, for the authorship of the Mishnah, of unclean was not clean but holy. Second, that the synonym for unclean was not sinful or wicked but something of an ontological, that is, in context, hierarchical, ordering of matters. That forms the key to the identification as ontological of the matter at hand, the conception that through capacity to become unclean, on the down side, and holy, on the up side, we hierarchize the entities before us, e.g., gentiles and "Israel," or common food and food that has been designated as tithe, priestly rations ("heave offering") and even Most Holy Things of the Temple altar itself. The first case derives from the very matter in which we shall presently, in later writings of the same system, find a moral dimension, namely, "leprosy." What we find here is a simple statement that the more susceptible a person to uncleanness, the more capable that person is of warding off the effects of uncleanness. The second case, offered in the next section, then will give us a richer perception of what is at stake in the simple assertion of correspondences

with which we now deal. The reader will want to see the entire matter as it is set forth in the Mishnah and successor writings, even though the operative language is presented only in italics at the end. The version of the matter at Mishnah tractate Negaim 13:10 is as follows:

- 13:10 F. If he was standing inside [an unclean house] and put his hand outside with his rings on his fingers, if he remained there a sufficient interval to eat a piece of bread, they are unclean.
 G. [If] he was standing outside and put his hand inside with his rings on his fingers
 H. R. Judah declares [the rings] unclean forthwith.
 I. And sages say, "Until he will remain long enough to eat a piece of bread."
 J. They said to R. Judah, "Now if when his entire body is unclean, he has not made what is on him unclean until he remains a sufficient time to eat a piece of bread, when his entire body is not unclean, should he not render unclean that which is on him only after he remains a sufficient time to eat a piece of bread"?

To this point we have no account of Judah's thinking and therefore no reason to see the pertinence of the case to the principle we claim to locate here. To see what is at stake, we turn forthwith to the Tosefta's amplification of the matter. We present the operative language in italics:

- K. *Said to them R. Judah, "We find that the power of him who is unclean is stronger in affording protection than the power of him who is insusceptible to uncleanness.*
 L. *"Israelites receive uncleanness and afford protection for clothing in the diseased house. The gentile and the beast, who do not receive uncleanness, also do not afford protection in the diseased house" [T. Negaim 7:9].*

The Tosefta's authorship's amplification on Judah's reasoning provides the statement of correspondence and contrast, that is, of what is at stake, that we require. The reader will rightly ask why we maintain that the Tosefta's reading of the Mishnah's representation of Judah's view may be imputed to the Mishnah's authorship's conception, and the answer is, we can show that elsewhere the Mishnah's authorship on its own presents precisely that view, only in a much more subtle and complex statement. So we beg the reader's indulgence.

To this point, we have offered only a statement of the single proposition that the opposite of unclean is holy, and the synonym of unclean is not sinful but outsider or gentile. The entire composition as it is represented by the authorship of Sifra, which cites the Mishnah and the Tosefta verbatim and then joins the whole to an exegetical

framework, makes that point explicit, since it introduces the beast and the gentile as operative categories, and neither the beast nor (by systemic analogy) the gentile forms a moral category, but only an ontological one. We give the Mishnah in bold-face type and the Tosefta in italicized bold-face type, to make clear the sequence of unfolding and underline still later work of the authorship of Sifra:⁸

7. A. Might one think that the beast and the gentile afford protection to garments in the diseased house?
- B. Scripture says, "He will launder the garments" (Lev 14:47)—as an inclusionary clause.
- C. He whose clothing can be rendered unclean affords protection to clothing in the diseased house.
- D. The beast and the gentile are excluded from the rule, for their clothing is not made unclean, and they do not afford protection for clothing in the diseased house.
- E. In this connection sages have said:
- F. If he was standing inside and put his hand outside with his rings on his fingers, if he remained there a sufficient interval to eat a piece of bread, he is unclean.**
- G. [If] he was standing outside and put his hand inside with his rings on his fingers**
- H. R. Judah declares [the ring] unclean forthwith.**
- I. And sages say, "Until he will remain long enough to eat a piece of bread."**
- J. They said to R. Judah, "Now if when his entire body is unclean, he has not made what is on him unclean until he remains a sufficient time to eat a piece of bread, when his entire body is not unclean, should he not render unclean that which is on him only after he remains a sufficient time to eat a piece of bread" [M. Neg. 13:10]?**
- K. Said to them R. Judah, "We find that the power of him who is unclean is stronger in affording protection than the power of him who is insusceptible to uncleanness.*
- L. "Israelites receive uncleanness and afford protection for clothing in the diseased house. The gentile and the beast, who do not receive uncleanness, also do not afford protection in the diseased house [T. 7:9].*

Now to review the main point: the most important language is Judah's assertion that a person who is more susceptible to uncleanness also affords greater protection from uncleanness than a person who is not. If Israelites are susceptible to uncleanness, they also can afford protection for clothing. Gentiles or beasts, insusceptible to the uncleanness of "leprosy," entering the afflicted house will forthwith

8. This sequence, Mishnah, which begat the Tosefta, which begat the Sifra and Sifrés, of course does not work everywhere in the later writings. But it does work here.

produce contamination for garments or sandals which they may be wearing, even though they themselves are not susceptible to this form of uncleanness at all. What has all this to do with morality? Nothing whatsoever. The focus, the issue, these concern one's state or condition in an utterly abstract world of relationships that are intangible and unseen, yet, withal, critical. When Sanders correctly says that uncleanness has nothing to do with morality, he may point to a passage such as this one. Let us turn to what is at stake in what is clearly a set of ontological distinctions and points of differentiation.

IV. UNCLEANNESS AND HOLINESS IN THE MISHNAIC STRATUM OF THE JUDAISM OF THE DUAL TORAH

Judah's position is personal, hence not normative. But the principle that he expressed in finding a hierarchical relationship between the capacity to receive uncleanness and the capacity to afford protection presents a very important and explicit statement of the matter at hand. In what follows we shall find a clear hierarchization of sanctification in terms of capacity to receive uncleanness, and the hierarchization is the premise of discourse, not the private opinion of one party, hence built into the normative structure of the legal-theological system of the Mishnah. What we shall now see in a still less accessible case is that the greater one's susceptibility to uncleanness, the more exalted one's capacity for sanctification. To state the proposition in more abstract language, such as ontology demands: the greater the capacity for differentiation, the higher the potential of consecration. This fundamentally ontological principle of hierarchization is expressed in the detail of a legal case, and we shall have to work our way through the details of the case to see how profoundly imbedded in the law is the conception of a hierarchical, or rather, hierarchizing, ontology that is fundamental to the system at hand. This case then will leave no doubt whatsoever that uncleanness for the system at hand, that is, the systemic statement of the Mishnah in particular, forms in no way a moral, but only an ontological category. The system as a whole, which proposes a hierarchizing ontology expressed through sanctification, then makes its statement here, as it will, uniformly, at all other relevant points. And to that system, the conception of uncleanness as a metaphor for evil is simply beside the point, monumentally irrelevant.

We see this in a discussion of the several removes from a source of uncleanness and how they affect food in several degrees of consecration or sanctification. Once more we turn first to the text, then to the exposition, of Mishnah-tractate *Tohorot* 2:2-7.

Mishnah-Tractate Tohorot 2:2:

- A. R. Eliezer says, "(1) He who eats food unclean in the first remove is unclean in the first remove;
 "(2) [he who eats] food unclean in the second remove is unclean in the second remove;
 "(3) [he who eats] food unclean in the third remove is unclean in the third remove."
- B. R. Joshua says, "(1) He who eats food unclean in the first remove and food unclean in the second remove is unclean in the second remove.
 "(2) [He who eats food] unclean in the third remove is unclean in the second remove so far as Holy Things are concerned,
 "(3) and is not unclean in the second remove so far as heave-offering is concerned.
- C. "[We speak of] the case of unconsecrated food
 D. "which is prepared in conditions appropriate to heave offering."

Mishnah-Tractate Tohorot 2:3:

- A. *Unconsecrated food*:
 in the first remove is unclean and renders unclean;
 B. in the second remove is unfit, but does not convey uncleanness;
 C. and in the third remove is eaten in the pottage of heave-offering.

Mishnah-Tractate Tohorot 2:4:

- A. *Heave-offering*:
 in the first and in the second remove is unclean and renders unclean;
 B. in the third remove is unfit and does not convey uncleanness;
 C. and in the fourth remove is eaten in a pottage of Holy Things.

Mishnah-Tractate Tohorot 2:5:

- A. *Holy Things*:
 in the first and the second and the third removes are susceptible to uncleanness and render unclean;
 B. and in the fourth remove are unfit and do not convey uncleanness;
 C. and in the fifth remove are eaten in a pottage of Holy Things.

Mishnah-Tractate Tohorot 2:6:

- A. *Unconsecrated food*:
 in the second remove renders unconsecrated liquid unclean and renders food of heave-offering unfit.
- B. *Heave-offering*:
 in the third remove renders unclean [the] liquid of Holy Things, and renders foods of Holy Things unfit,
- C. if it [the heave-offering] was prepared in the condition of cleanness pertaining to Holy Things.

- D. But if it was prepared in conditions pertaining to heave-offering, it renders unclean at two removes and renders unfit at one remove in reference to Holy Things.

Mishnah-Tractate Tohorot 2:7:

- A. R. Eleazar says, "The three of them are equal:
 B. "*Holy Things and heave-offering, and unconsecrated food:*
 "which are at the first remove of uncleanness render unclean at two removes and unfit at one [further] remove in respect to Holy Things;
 "render unclean at one remove and spoil at one [further] remove in respect to heave-offering;
 "and spoil unconsecrated food.
 C. "That which is unclean in the second remove in all of them renders unclean at one remove and unfit at one [further] remove in respect to Holy Things;
 "and renders liquid of unconsecrated food unclean;
 "and spoils foods of heave-offering.
 D. "The third remove of uncleanness in all of them renders liquids of Holy Things unclean,
 "and spoils food of Holy Things."

Mishnah-Tractate Tohorot 2:2-7 presupposes knowledge of the Mishnaic system of ritual purity. A review of some of its essential elements is necessary for an understanding of the arguments and analyses that follow. In the system, ritual impurity is acquired by contact with either a primary or a secondary source of uncleanness, called a "Father" or a "Child" (or "Offspring") of uncleanness, respectively. In the first category are contact with a corpse, a person suffering a flux, a leper, and the like. Objects made of metal, wood, leather, bone, cloth, or sacking become Fathers of uncleanness if they touch a corpse. Foodstuffs and liquids are susceptible to uncleanness, but will not render other foodstuffs unclean in the same degree or remove of uncleanness that they themselves suffer. Foodstuffs furthermore will not make vessels or utensils unclean. But liquids made unclean by a Father of uncleanness will do so if they touch the inner side of the vessel. That is, if they fall into the contained space of an earthenware vessel, they make the whole vessel unclean.

Food or liquid that touches a Father of uncleanness becomes unclean in the *first* remove. If food touches a person or vessel made unclean by a primary cause of uncleanness, it is unclean in the *second* remove. Food that touches *second-remove* uncleanness incurs *third-remove* uncleanness, and food that touches *third-remove* uncleanness incurs *fourth-remove* uncleanness, and so on. But liquids touching either a primary source of uncleanness (Father) or something unclean in the first or second remove (Offspring) are regarded as unclean in the first remove. They are able to make something else unclean. If, for

example, the other side of a vessel is made unclean by a liquid—thus unclean in the second remove—and another liquid touches the outer side, the other liquid incurs not second, but first degree uncleanness.

Heave-offering (food raised up for priestly use only) unclean in the third remove of uncleanness, and Holy Things (that is, things belonging to the cult) unclean in the fourth remove, do not make other things, whether liquids or foods, unclean. The difference among removes of uncleanness is important. First degree uncleanness in common food will convey uncleanness. But, although food unclean in the second remove will be unacceptable, it will not convey uncleanness, that is, third degree uncleanness. But it will render heave-offering *unfit*. Further considerations apply to heave-offering and Holy Things. Heave-offering can be made unfit and unclean by a first, and unfit by a second, degree of uncleanness. If it touches something unclean in the third remove, it is made unfit, but itself will not impart fourth degree uncleanness. A Holy Thing that suffers uncleanness in the first, second, or third remove is unclean and conveys uncleanness. If it is unclean in the fourth remove, it is invalid for the cult but does not convey uncleanness. It is much more susceptible than are noncultic things. Thus, common food that suffers second degree uncleanness will render heave-offering invalid. We already know that it makes liquid unclean in the first remove. Likewise, heave-offering unclean in the third remove will make Holy Things invalid and put them into a fourth remove of uncleanness. With these data firmly in hand, let us turn to a general discussion of M. Mishnah-Tractate Tohorot 2:2-7.

Mishnah-Tractate Tohorot 2:2 introduces the removes of uncleanness. Our interest is in the contaminating effect upon a person of eating unclean food. Does the food make the person unclean in the same remove of uncleanness as is borne by the food itself? Thus if one eats food unclean in the first remove, is he unclean in that same remove? This is the view of Eliezer. Joshua says he is unclean in the second remove. The dispute, Mishnah-Tractate Tohorot 2:2A–B, at Mishnah-Tractate Tohorot 2:2C–D is significantly glossed. The further consideration is introduced as to the sort of food under discussion. Joshua is made to say that there is a difference between the contaminating effects upon the one who eats heave-offering, on the one side, and unconsecrated food prepared in conditions of heave-offering, on the other. This matter, the status of unconsecrated food prepared as if it were heave-offering, or as if it were Holy Things, and heave-offering prepared as if it were Holy Things, forms a substratum of our chapter, added to several primary items and complicating the exegesis. Tosefta-Tractate Tohorot 2:1 confirms, however, that primary to the dispute between Eliezer and Joshua is simply the matter of the effects of food) unclean in the first remove upon the person who eats such

food. The gloss, Mishnah-Tractate Tohorot 2:2C–D, forms a redactional-thematic link between Joshua's opinion and the large construction of Mishnah-Tractate Tohorot 2:3–7. Mishnah-Tractate Tohorot 2:3–5, expanded and glossed by Mishnah-Tractate Tohorot 2:6, follow a single and rather tight form. The sequence differentiates unconsecrated food, heave-offering, and Holy Things each at the several removes from the original source of uncleanness.

Eleazar, Mishnah-Tractate Tohorot 2:7, insists that, at a given remove, all three are subject to the same rule. The contrary view, Mishnah-Tractate Tohorot 2:3–6, is that unconsecrated food in the first remove makes heave-offering unclean and at the second remove spoils heave-offering; it does not enter a third remove and therefore has no effect upon Holy Things. Heave-offering at the first two removes may produce contaminating effects, and at the third remove spoils Holy Things, but is of no effect at the fourth. Holy Things in the first three removes produce uncleanness, and at the fourth impart unfitness to other Holy Things. Mishnah-Tractate Tohorot 2:6 then goes over the ground of unconsecrated food at the second remove, and heave-offering at the third. The explanation of Mishnah-Tractate Tohorot 2:6C is various; the simplest view is that the clause glosses Mishnah-Tractate Tohorot 2:6B by insisting that the heave-offering to which we refer is prepared as if it were Holy Things, on which account, at the third remove, it can spoil Holy Things. At Mishnah-Tractate Tohorot 2:7 Eleazar restates matters, treating all three—Holy Things, heave-offering, and unconsecrated food—as equivalent to one another at the first, second, and third removes, with the necessary qualification for unconsecrated food that it is like the other, consecrated foods in producing effects at the second and even the third removes. Commentators read Eliezer. They set the pericope up against Joshua's view at Mishnah-Tractate Tohorot 2:2, assigning to Joshua Mishnah-Tractate Tohorot 2:3ff. as well. To state the upshot simply:

So far as Eleazar is concerned, what is important is not the source of contamination—the unclean foods—but that which is contaminated, the unconsecrated food, heave-offering, and Holy Things.

He could not state matters more clearly than he does when he says that the three of them are exactly equivalent. And they are, because the differentiations will emerge in the food affected, or contaminated, by the three. So at the root of the dispute is whether we gauge the contamination in accord with the source—unconsecrated food, or unconsecrated food prepared as if it were heave-offering, and so on—or whether the criterion is the food which is contaminated. Mishnah-Tractate Tohorot 2:3–5 are all wrong, Eleazar states explicitly at Mishnah-Tractate Tohorot 2:7A, because they differentiate among uncleanness imparted by unclean unconsecrated food, unclean

heave-offering, and unclean Holy Things, and do not differentiate among the three sorts of food *to which* contamination is imparted. It is surely a logical position, for the three sorts of food do exhibit differentiated capacities to receive uncleanness; one sort is more contaminable than another.

And so too is the contrary view logical: *what is more sensitive to uncleanness also will have a greater capacity to impart uncleanness*. The subtle debate before us clearly is unknown to Eliezer and Joshua at Mishnah-Tractate Tohorot 2:2. To them the operative categories are something unclean in first, second, or third *removes*, without distinction as to the relative sensitivities of the several types of food which may be unclean. The unfolding of the issue may be set forth very briefly by way of conclusion: the sequence thus begins with Eliezer and Joshua, who ask about the contaminating power of that which is unclean in the first and second removes, without regard to whether it is unconsecrated food, heave-offering, or Holy Things. To them, the distinction between the capacity to impart contamination, or to receive contamination, of the several sorts of food is unknown. Once, however, their question is raised—in such general terms—it will become natural to ask the next logical question, one which makes distinctions not only among the several removes of uncleanness, but also among the several sorts of food involved in the processes of contamination.

This protracted and somewhat arcane discussion, akin to a kind of physics in its abstraction, shows us with great power how uncleanness looks when it forms an ontological category within a hierarchizing system. Readers should not, however, imagine that the view of uncleanness as an ontological category exhausts matters within the unfolding of the Judaism of the dual Torah. The Mishnah formed only the initial statement. Other successor documents made their own statements, sometimes in addressing Scripture, the written Torah, sometimes in dealing with the Mishnah, the oral Torah. A full picture of matters therefore requires us to show how uncleanness looks when, in the system of Judaism at hand, it serves as a moral, not an ontological, classification.

V. UNCLEANNESS AS A MORAL CATEGORY IN LATER CANONICAL WRITINGS OF THE JUDAISM OF THE DUAL TORAH

Now that we have a clear picture of how uncleanness serves within the system of the Mishnah, namely, as an ontological category, as indicator of holiness, we turn to the disposition of that same category in later stages of the same Judaic system. For, as time rendered still more remote the reality of the cult and as the focus of thought within the unfolding system shifted to the governance, by sages, of that holy

community that persisted beyond the end of the holy Temple, the ongoing system, as represented in successive writings, exhibited categorical reconstructions in diverse ways. And one of these ways, we think symptomatic of systemic changes in other categories also, represented uncleanness as not an ontological but a moral category.

The representation of levitical or cultic uncleanness as a matter of sin emerges, in the unfolding of the writings of the Judaism originally set forth in the Mishnah (a Judaism we call "the Judaism of the dual Torah"), only in much later stages, in documents brought to closure long after the destruction of the Temple. Then uncleanness does serve as a metaphor for evil. A very rapid survey of the representations of uncleanness in successive documents beyond the Mishnah shows us that a contrast between uncleanness and morality was drawn by the authorship of the Tosefta, which condemned the view that "the uncleanness of the knife is more disturbing to Israel than the shedding of blood."⁹

Explicit statements that uncleanness forms an indicator of wickedness emerge in documents that first reached closure not before A.D. 300, and possibly considerably after that time. Here is an explicit statement:

R. Yosé the Galilean¹⁰ says, "Come and see how strong is the power of sin, for before they put forth their hands in transgression, they were not found among [the Israelites] people unclean through having a dis-

9. Tosefta Kippurim 1:12.

10. It should be clear that the temporal assignment of sayings rests solely on the time of closure of the documents that contain those sayings, not on the attributions, which cannot be shown to go back to the time and person to whom the sayings are assigned. Since the same saying can be given by diverse authorships and their documents to various authorities, and since no attribution can be shown to derive from firsthand evidence, e.g., a book written by a named authority and preserved by his disciples in a chain of transmission we can trace as we can, for example, books by Philo, Josephus, Paul, Irenaeus, Justin, and other first and second (and later) century figures, there is no alternative for critical scholarship. We therefore trace the canonical history of ideas, that is, the point, in the unfolding of the writings, at which a saying first occurs or an idea first makes its presence known. The sequence of writings, first this, then that, is beyond serious doubt, since writings posterior to the Mishnah, such as the Tosefta, Sifra, and the two Sifrés, cite the Mishnah verbatim entirely outside the structure of their own discourse and comment on Mishnah-passages. The received conception of these writings as deriving from the first and second centuries, that is, the same time as the period of the formation of the Mishnah, and not from the third or fourth or still later times, rests upon the occurrence of the same names in both the Mishnah and the Tosefta or Sifra or the two Sifrés. That same theory assigns to the first or second centuries all sayings in the two Talmuds that appear bearing attributions of authorities who lived in those early times. But absent the demonstration that that was so, we can no more assume that if the Tosefta or the Talmud of the Land of Israel or the Talmud of Babylonia assigns a saying to Yosé the Galilean, he really made that saying, than we can take for granted that Moses really said everything that the Pentateuchal authorships say he said.

charge and lepers, but after they put forth their hands in transgression, there were among them people unclean through having a discharge and lepers. . . ."¹¹

True, no rabbi ever declared a sinner to be cultically unclean on that account, while in the Essene Judaism of Qumran, being impure is a sin, just as committing certain sins automatically imposed a period of uncleanness.¹² Still, we cannot doubt that, for the authorship that has included the saying attributed to Yosé, uncleanness marked a moral category.

A still more explicit statement of the same viewpoint, quite specific to a single, identified sin, maintains that the skin ailment described in Leviticus 13 (wrongly translated "leprosy") is caused by a specific sin, namely, gossip. This view appears in Tosefta Negaim 6:7, Sifre to Deuteronomy 175, and Sifra Mesora Parashah 5:9, and is as follows:

8. A. "Saying" (Lev 14:35)--
- B. The priest will say to him words of reproach: "My son, plagues come only because of gossip [T. 6:7], as it is said, 'Take heed of the plague of leprosy to keep very much and to do, remember what the Lord God did to Miriam' (Deut 24:8).
- C. "And what has one thing to do with the other?"
- D. "But this teaches that she was punished only because of gossip.
- E. "And is it not an argument *a fortiori*?"
- F. "If Miriam, who did not speak before Moses' presence, suffered so, one who speaks ill of his fellow in his very presence, how much the more so?"
- G. R. Simeon b. Eleazar says, "Also because of arrogance do plagues come, for so do we find concerning Uzziah,
- H. "as it is said, 'And he rebelled against the Lord his God and he came to the Temple of the Lord to offer on the altar incense and Azzariah the Priest came after him and with him priests of the Lord, eighty strong men, and they stood against Uzziah and said to him, It is not for you to do, Uzziah, to offer to the Lord, for only the priests the sons of Aaron who are sanctified do so. So forth from the sanctuary. And Uzziah was angry,' etc. (2 Chr 26:16 f.)" [T. Neg. 6:7H].

The same inquiry into the moral foundations of cultic uncleanness leads the authorship of Babylonian Talmud Niddah at 31b to attribute to Simeon b. Yohai the following explanation for the requirement that a woman after childbirth bring a sacrifice:

11. Sifre to Numbers Naso 2.

12. See Neusner, *Idea of Purity in Ancient Judaism* (Leiden: E. J. Brill, 1973) 81.

"When she kneels in bearing, she swears impetuously that she will have no intercourse with her husband. The Torah . . . ordained that she should bring a sacrifice."

But this does not encompass Levitical uncleanness in particular. To summarize: the view that impurity is a sign of sin does not occur in the Mishnah. It does occur in the Tosefta in the specific allegation that leprosy is a sign that a person is guilty of having gossiped or is a sign of arrogance. Even in these passages, however, no concrete sanction or penalty of a moral order is invoked, as an explicit violation of the law would precipitate a concrete sanction. Sages do not leave a record of having imposed a penalty of uncleanness upon a gossip.

VI. CONFUSION IN CATEGORY-FORMATION: UNCLEANNES AND SANDERS'S JESUS AND JUDAISM

As the discussion above demonstrates, the distinction between of cleanness and holiness is centrally important to that system of Judaism which animates the Mishnah. Indeed, that distinction is irreducible or systemic: there is no future in attempting to decipher the two conditions, of being clean and being holy, as metaphors of moral station or of accessibility to redemption. The issue naturally emerges, however, whether that Judaism evinced by Mishnah is the milieu in which the movement that resulted in the New Testament unfolded. Methodological skepticism is warranted, but an undifferentiated exclusion of the evidence of Mishnah would be most unwise. Early, pre-Mishnaic Judaism is not substantially recoverable from sectarian, Hellenistic, and apocalyptic writings alone. They are no more "normative" than Rabbinica was once taken to be. The rabbis and their predecessors contributed to the mix of early Judaism, although their dominance brought about a distinctive phase, a Judaism in which purity was a matter of fidelity to *halakhah*, as defined by the dual Torah, and no longer a matter of what actually could occur in association with worship in the Temple. But the issue of purity is inherent within the Gospels, that is to say, within that development of Judaism—shaped by Jesus and his followers—which produced the Gospels.

If we may limit our attention, for the moment, to one thematic example from the Synoptic Gospels, the matter of purifying leprosy proves to be of systemic importance. Jesus cleanses a leper, and orders him to see a priest and bring an offering (Matt 8:1-4/Mark 1:40-44/Luke 5:12-14). Sometimes by the presentation of comparable material (cf. Matt 11:5/Luke 7:22), sometimes by employing differing rhetorical tactics and materials altogether (cf. Matt 10:8; Luke 17:11-19), Matthew and Luke contrive to present cleansing from leprosy as a characteristic and paradigmatic feature of Jesus' ministry.

When Sanders deals with the question of sayings of Jesus in which practices of purity are commended or condemned, he makes short shrift of them, as being unauthentic in their present form.¹³ He is not loath, in principle, to dismiss entire pericopae, such as the story concerning what happened where Jesus' disciples plucked grain on the Sabbath, as "creation(s) of the church."¹⁴ It is possible that the pericope of the cleansing of the leper might be dealt with in that way (although that has not been the trend in recent scholarship), but Sanders's index gives no trace of such a treatment. It is interesting, in this context, that the eight "almost indisputable facts" about Jesus, upon which Sanders sets out to base his work, contain no reference at all to any of Jesus' disputes concerning purity and holiness.¹⁵

His closest approach to that nexus of issues is in his discussion of Jesus' occupation of the Temple. In that discussion, however, Sanders consciously dispenses with an approach based upon a sensitivity to purity,¹⁶ and instead argues that "Jesus' action is to be regarded as a symbolic demonstration,"¹⁷ in respect to the destruction of the Temple. The idea is that Jesus predicted the end of the extant Temple, and the establishment of a new one, as a prophet of restoration, after the pattern of Essene and apocalyptic literature.¹⁸ Instead of serving as a focus of sanctity, in Sanders's judgment the Temple is purely where Jesus chooses to engage in a symbolic act. The category of cleanness is simply left to one side.

There appear to be two reasons for which Sanders proceeds in the manner he does. First, he genuinely believes that matters of purity, in the Judaism of the first century, were expendable. He conceives of the Pharisees, for example, as a party devoted to the oral law and its explication, rather than as a movement concerned systemically with issues of purity.¹⁹ "Ritual" and "trivia" are to Sanders's mind a natural

13. *Jesus and Judaism* (Philadelphia: Fortress, 1985) 260, 261, 276, 277 (on Matt 23:25, 26) and 266 (on Mark 7:19). Luke 11:39 is not cited in the index.

14. *Jesus and Judaism* 266, on the same page on which Mark 7:19 is discussed.

15. *Jesus and Judaism* 11.

16. *Jesus and Judaism* 67, 68.

17. *Jesus and Judaism* 69-71.

18. *Jesus and Judaism* 77-90.

19. *Jesus and Judaism* 188, 388, 389. Sanders leaves out of consideration Neusner's *Judaism: The Evidence of Mishnah* (Chicago: University of Chicago Press, 1981), in which a systemic concern for sanctification is established. Two recent works, by scholars of the New Testament, accept the Pharisaic focus upon purity; cf. M. J. Borg, *Conflict, Holiness and Politics in the Teaching of Jesus: Studies in the Bible and Early Christianity* 5 (New York: Mellen, 1984) and R. P. Booth, *Jesus and the Laws of Purity, Tradition and Legal History in Mark 7: Journal for the Study of the New Testament, Supplement Series* 13 (Sheffield: JSOT, 1986). Sanders appears not to have observed that the Pharisaic and rabbinic movements did not regard their traditions as ends in themselves, but as instrumental.

association,²⁰ so that a concern with such matters would not, on his assessment, characterize a group as important as the Pharisees undoubtedly were. Second, Sanders has a consistent interest in portraying Jesus as a teacher who accepted, not merely the impure, but the wicked into his fellowship. Indeed, the latter concern amounts to a driving force within Jesus and Judaism, and requires detailed explanation in respect to the present question.

In his longest consideration of the place of purity in Judaism,²¹ Sanders accepts without demur that cleanness was fundamentally related to the suitability of persons or objects to approach the Temple. Once the issue is placed in that context, of course, the pericopae in which Jesus is said to engage in disputes concerning purity are naturally associated with those in which Jesus pronounces on cultic matters. His cultic teaching in Matthew includes reference to the taking of oaths (23:16-22), instructions for the offering of sacrifice (5:23, 24), and an elaborate story which relates to the payment of the half shekel (17:24-27, 22 cf. 23:23; Luke 11:42). All of those passages are uniquely Matthean, and yet are widely accepted as relating to the substance of Jesus' attitude towards the Temple. Multiply attested traditions—Jesus' teaching in respect to a widow's offering (Mark 12:41-44; Luke 21:1-4), his occupation of the holy precincts (Matt 21:12, 13; Mark 11:15-17; Luke 19:45, 46), his discourse concerning the destruction of the Temple (Matt 26:61; Mark 14:58)—consistently reinforce the impression that the Temple was no mere symbol, but a focus of active, practical concern within Jesus' movement.²³ But Sanders ignores the natural association of purity with the Temple, and deconstructs purity, in terms of moral wickedness.

The collapse of purity, from a cultic category of integral meaning, into a subset of moral stature, is accomplished by means of dubious exegesis. Proceeding from a reading of Lev 7:22-27 (the prohibition against eating fats and blood), Sanders comes to the conclusion that

What distinguished them from the covenanters of Qumran, Philo, and the teachers of Wisdom in the Diaspora was not a concern for traditions of the elders, but what they did with such traditions.

20. The linking of the two words in several forms appears in *Jesus and Judaism* 180, 187, 210. Sanders first refers to "ritual and trivia" when he characterizes the tendency of scholarship to equate ritual and trivia as Pharisaic preoccupations. In his defense of the Pharisees, he seems thoughtlessly to consign the issue of purity to puritanical "minutiae" (187).

21. *Jesus and Judaism* 182-85.

22. Cf. Chilton, "A Coin of Three Realms (Matthew 17:24-27)," *The Bible in Three Dimensions* (eds D. J. A. Clines, S. E. Fowl, S. E. Porter: Sheffield Academic Press, 1990) 269-82.

23. Cf. Chilton, "[ὥς] φραγγέλλιου ἐκ σχοιύϊων (John 2.15)," *Templum Amicitiae* (ed. W. Horbury; Sheffield: Sheffield Academic Press, 1991) 330-44.

"A few purity transgressions, such as eating blood, are in and of themselves sins; that is, they require atonement."²⁴ The sole justification for the finding is a) that the penalty for the act in Leviticus is that the transgressor "shall be cut off from his people," and b) that "In the later Rabbinic interpretation, 'cutting off' puts the transgression strictly between human (*sic!*) and God, and is atoned for by repentance."²⁵ The simple fact of the matter is, that the phrase only appears in Leviticus within the nexus of purity and sacrifice (7:20, 21, 25, 27; 17:4, 9, 14; 18:29; 19:8; 20:17, 18; 22:3; 23:29).²⁶ That Sanders should cite a few verses in isolation, blandly ignore their literary setting, impute a foreign meaning to them, and then transfer that meaning to the whole of "the later Rabbinic interpretation," is nothing short of astonishing. And if we wish to discover what that "later Rabbinic interpretation" is, we are directed to that well-known source of ancient exegesis, *Paul and Palestinian Judaism*.²⁷ The relevant pages of Sanders's earlier work, however, in no way address the issue at hand. The point Sanders established in his book on Paul is that repentance effected atonement (as was only natural in the period after the destruction of the Temple),²⁸ not that anything which required atonement was to be seen as wicked. (As a matter of fact, Sanders particularly stresses, in the pertinent section, that "sins against God were more easily forgiven than sins against one's fellow-man." In other words, the tendency of the argument is diametrically opposed to what is being said in *Jesus and Judaism*.) The assertion in respect to "later Rabbinic interpretation" in *Jesus and Judaism*, then, is made without support.

The basis of Sanders's perspective is less any text or group of texts, than a global view of Judaism: "wickedness comes not from impurity as such, but from the attitude that the commandments of the Bible need not be heeded."²⁹ Sanders's intentionalist construal of Judaism is also apparent in his earlier work;³⁰ the grounds of his confident generalization are less so. It is nonetheless used as a hermeneutical category which links early Judaism and rabbinic Judaism:

24. *Jesus and Judaism* 183.

25. *Ibid.*

26. 20:17 may appear to be an exception, in that the issue is sexual, but the context of the chapter, and particularly the material which follows, establishes the normative perspective of Leviticus.

27. Cf. *Jesus and Judaism* 387 n. 41.

28. E. P. Sanders, *Paul and Palestinian Judaism. A Comparison of Patterns of Religion* (Philadelphia: Fortress, 1977) 179, 180.

29. *Jesus and Judaism* 185.

30. *Paul and Palestinian Judaism* 147. Sanders here calls the intentionalism on which he bases his scheme "all-pervasive." Unfortunately, the "intention" to which he appeals as a rabbinic category is not defined or defended.

After the destruction of the Temple, repentance was substituted for all the sacrifices prescribed in the law, although the Day of Atonement maintained a special place in Jewish life. Ultimately, what is required is that one intends to remain in the covenant, intends to be obedient.³¹

Sanders's conclusion therefore requires a faulty exegesis of Leviticus, an excessively unitary view of Judaism, and a hypothetically invoked myth of intentionalism. Only so can impurity be equated with wickedness.

The thematic importance of that equation pervades *Jesus and Judaism*. Sanders treats "the sinners" as a primary category through which Jesus' ministry is to be approached.³² Within that treatment, the category of impurity dissolves into that of sin, and sin, in turn, becomes wickedness. Sanders relates the term "sinners," in the accusation that Jesus' fellowship included the unacceptable, to the word "wicked" in Hebrew (*reša'im*), which Sanders construes to be a technical term for those outside the pale of Judaism. No argumentation whatever is offered for the equation with *hamartōloi* ("sinners") in the Gospels, apart from a reference (once again) to *Paul and Palestinian Judaism*.³³ The discussion in that work also does not substantiate a reading of *hamartōloi* in terms of *reša'im*, although it does establish that "the wicked" are, on the whole, scheduled more for punishment than for repentance. The central, linguistic equation of Sanders's case, however, remains unexamined. From the point of view of ordinary, exegetical practice, that is the Achilles' heel of the thesis under consideration.

Within the Septuagint, *hamartōlos* corresponds to five roots in the Masoretic Text (*ht'*, *hnp*, *hrš*, *r'*, *rš'*), only one of which would support the equation proposed by Sanders.³⁴ When the probabilities of translation into Aramaic are also taken into account, that equation appears difficult to sustain. The root *rš'* does appear, for example, in the Isaiah Targum, both adjectivally and as an abstract noun. The Hebrew roots *rš'* and *hnp* are represented by the Aramaic usage, but the other three equivalents of *hamartōlos* are not.³⁵ Clearly, the linguistic range of *rš'* in Aramaic is not as wide as that of *hamartōlos* in Greek. By contrast, the roots *rš'*, *hnp*, *ht'*, and several others are presented by appropriate forms

31. *Paul and Palestinian Judaism* 177.

32. *Jesus and Judaism* 174-211.

33. *Jesus and Judaism* 386 n. 16, citing *Paul and Palestinian Judaism* 142f., 203, 342-45, 351-55, 357f., 361, 399-404, 414.

34. E. Hatch and H. A. Redpath, *A Concordance to the Septuagint* (Athens: Beneficial, 1977) 64, 65. Sanders's review of the evidence of the Septuagint is so incomplete as to be misleading, cf. p. 342 in *Paul and Palestinian Judaism*. The simple fact is that *hamartōlos* is used too flexibly to be equated with a "technical term" of restricted meaning, as Sanders claims in *Jesus and Judaism* 177.

35. J. B. van Zijl, *A Concordance to the Targum of Isaiah* (Missoula: Scholars, 1979) 182, 183.

of the Aramaic term, *ḥwb* ' (or its verbal counterpart, *ḥwb*): "debtor," or "sinner," is the functional equivalent of words covering a variety of defects in the Masoretic Text. When the semantic range of Targumic *ḥwb* ' is considered, two features of the usage are immediately striking from the present point of view. First, because *rš* ' can be included within a wider list of roots for representation by a form of *ḥwb* ', the argument that "the wicked" is a technical term appears strained. (There is, of course, no question but that "the wicked" is a harsh designation; only its technical meaning, as putting someone beyond the pale of the covenant, is at issue here.) Second, the Aramaic usage *ḥwb* ', which may or may not represent (or correspond to) *rš* ' in Hebrew, is the natural counterpart of *hamartōlos* in the Septuagint. As a simple matter of fact, "debtors" can be seen in the Targum of Isaiah as punished by the Messiah (11:4), broken by the LORD (14:4, 5), but also as capable of repentance (28:24, 25),³⁶ or a species of wicked Gentile (34:2), or another enemy of Jerusalem (54:17).³⁷ Such various usages make any appeal to a univocal or exclusive meaning of the Aramaic term seem incredible. Quite evidently, a contextual construal of living in-stances of the word will alone produce an accurate appraisal of its meaning.

Within the Gospels, a coherent language of "debt" is attributed to Jesus. When, in the Matthean version of the Lord's Prayer, Jesus instructs his followers to ask God, "forgive us our debts, as we also forgive our debtors," there is no doubt but that the New Testament is preserving an Aramaic idiom (6:12). Luke only partially preserves the usage: "Forgive us our sins, as we also forgive everyone who is indebted to us" (11:4). Jesus' recourse to the Aramaic idiom is not a mere matter of convention: several of his parables turn on the metaphorical and literal senses of "debt," much as in the Targum of Isaiah 50:1, where the term refers in one breath to money owed, and in another breath to sins before God.³⁸

Several instances of parabolic presentation of "debt" in this sense are especially striking. In Matt 18:23-35, a debtor is said to owe the astronomical sum of ten thousand talents (18:24). When it is borne in

36. Cf. Chilton, "Jesus and the Repentance of E. P. Sanders," *Tyndale Bulletin* 39 (1988) 1-18.

37. Cf. van Zijl (1979) 57, 58; A. Sperber, *The Bible in Aramaic III The Latter Prophets* (Leiden: Brill, 1962), and B. D. Chilton, *The Isaiah Targum: Introduction, Translation, and Notes: The Aramaic Targum* (Wilmington: Glazier, 1987).

38. The passage reads as follows:

Thus says the LORD, "Where is *the bill of divorce* which I *gave* your *congregation*, *that it is rejected*? Or who *had a debt against me*, to whom I have sold you? Behold, for your *sins* you were sold, and for your *apostasies* your *congregation* was *rejected*." As in Chilton (1987), italicized words represent innovative departures of the Aramaic rendering from the Hebrew text which underlies it. The first usage of "debt" corresponds

mind that the annual imposition of tax upon the whole of Galilee and Peraea amounted to merely two hundred talents (cf. *Antiquities* 17.9.4), the hyperbole involved in the parable becomes readily apparent. The debtor is in no position to repay such a debt, nor is there any credible way in which he could have incurred it. He behaves astoundingly, after his debt is forgiven (v 27), in a manner all but calculated to trivialize such forgiveness: he refuses to deal mercifully with a colleague who owed him one hundred denarii (vv 28-30). The latter amount is by no means insignificant: a single denarius has been estimated as the going rate for a full day of labor.³⁹ But the contrast with the king's incalculable generosity cannot be overlooked, and the close of the parable makes it unmistakably plain that God's forgiveness demands ours (vv 31-35). To fail to forgive one's fellow, even when what needs to be forgiven is considerable, is to betray the very logic of forgiveness which alone gives us standing before God.

Two other parables portray, in an apparently paradoxical fashion, the inextricable link between divine forgiveness and our behavior. Within the story of Jesus at the house of a Pharisee named Simon (Luke 7:36-50), a parable explains why Jesus chose to forgive a sinful woman (vv 40-43). Of two debtors, the one who has been released from the greater debt will obviously love his creditor more. The sinful woman's great love, therefore, in an outlandish display of affection and honor (vv 37-38, 44-46), is proof that God had forgiven her (v 47). Her love is proof of her capacity to be forgiven.⁴⁰ She had succeeded precisely where the unforgiving servant of Matthew 18 had failed: her actions displayed the value of forgiveness to her. The same logic, developed more strictly in respect of debt, is evident in the otherwise inexplicable parable of the crafty steward (Luke 16:1-9). The lord praised the steward for his cleverness (v 8) in reducing the debts of those who owed commodities to the lord (vv 5-7). The scheme was devised so that the lucky debtors would receive the steward (v 4) after his lord had followed through on the threat of dismissing the steward for dishonesty (vv 1, 2). On any ordinarily moral accounting, the steward had gone from bad to worse, and yet his lord

well to the underlying idea in the Masoretic Text, which refers to creditors. The second usage (here rendered "sins") represents "iniquities" in the Hebrew text, and is also a straightforward, formally correspondent rendering. The point is, however, that both usages together produce a uniquely Targumic juxtaposition of "debt" in its literal and metaphorical senses.

39. J. Jeremias (tr. S. H. Hooke), *The Parables of Jesus* (London: SCM, 1976) 136-39.

40. Cf. C. F. D. Moule, ... As we forgive ... ': A Note on the Distinction between Deserts and Capacity in the Understanding of Forgiveness," *Essays in New Testament Interpretation* (Cambridge: Cambridge University Press, 1982) 278-86, 282-84.

praises him (v 8). Because God is the lord, what would be bribery in the case of any ordinary master's property turns out to be purposeful generosity. The effect of the steward's panic is to fulfill the lord's desire,⁴¹ because he is the same as the unforgiving servant's king, the God who forgave the sinful woman.

The usage of "debt" attributed to Jesus in the Gospels, therefore, is initially to be understood as an Aramaism. But he appears, on the evidence *prima facie*, to have exploited the metaphorical possibilities of the term in a way which is preceded in the Targum of Isaiah, but in a characteristically parabolic fashion. The general activity of telling parables, of course, is well attested among early rabbis;⁴² at issue here is not absolute uniqueness, but the relative distinctiveness which distinguishes any significantly historical figure from his contemporaries. A well-established theologoumenon of early Judaism spoke not only of debts, but of credit in respect to God.⁴³ Jesus appears to have exploited the latter metaphor, as well as the former (cf. Matt 6:19-21; 19:21; Mark 10:21; Luke 12:33, 34; 18:22). But it was in his adaptation of an idiom and theology of "debt" that Jesus developed a systemic aspect of his message as a whole.

Jesus' usage of the language of debt has provided an opportunity to test the adequacy of Sanders's thesis. It has elsewhere been doubted whether the aspect of repentance can be eliminated from the message of Jesus as easily as Sanders would have it,⁴⁴ but the focus here is upon his attempt to use "wickedness" as an over-arching concept, inclusive of impurity and sin, and more powerful than either. Jesus, as portrayed by Sanders, "could truly be criticized for including the wicked in his 'kingdom.'"⁴⁵ That portrayal is only possible, as we have seen, by tendentiously reducing impurity and sin to an artificial definition of "wickedness," as an intention to put oneself outside the covenant. Sanders has provided us with a definition of Judaism as "covenantal nomism," in which the law is an instrument of remaining within a graciously bestowed covenant. But having offered that useful insight, Sanders persists in understanding Jesus and Paul as in polar opposition to a central tenet of Judaism: Jesus includes the wicked, and Paul includes anyone who accepts participation in Christ.⁴⁶

41. Cf. B. D. Chilton, *A Galilean Rabbi and His Bible. Jesus' Understanding of the Interpreted Scripture of His Time*: Good News Studies 6 (Wilmington: Glazier, 1984) 117-23.

42. Cf. B. D. Chilton and J. I. H. McDonald, *Jesus and the Ethics of the Kingdom: Biblical Foundations in Theology* (London: SPCK, 1987) 31-43.

43. Cf. F. Hauck, "opheilō," *Theological Dictionary of the New Testament* 5 (ed. G. Kittel, tr. G. W. Bromiley; Grand Rapids: Eerdmans, 1978) 559-66.

44. Cf. Chilton and McDonald (1987) 40, 41; Chilton "ὡς φραγάλλιον"

45. *Jesus and Judaism* 323.

46. The plainest exposition of Sanders's overall picture is available in "Jesus, Paul, and Judaism," *Aufstieg und Niedergang der römischen Welt* 25.1 (ed. W. Haase; Berlin:

Where earlier scholarship portrayed the polarity as between works and grace (utilizing the language of Paul), Sanders transposes it between the concepts of covenant and universal inclusiveness. Moreover, Sanders pairs Jesus and Paul in contrast to early Christianity generally, and so provides—in effect—a new account of the essence of Christianity in the manner of Adolf von Harnack: the radical, practically antinomian teaching of the founders is rejected by Judaism and subverted by Christianity. But such an ultimately simplistic account is only conceivable when Jesus is set in opposition to a "Palestinian" Judaism denatured of a concern for purity, and when Paul is placed in the context of the same Judaism, although his natural habitat was Hellenistic. If Judaism in the first century were a unitary, ideological movement, and were Jesus and Paul characterized by philosophical reflection, there would be some plausibility in Sanders's reconstruction. As matters stand, however, his Jesus and his Paul appear as refugees from another century, and from a historiography which was discarded long ago.

de Gruyter, 1982) 390-450. The similarity with the romanticism of Adolf von Harnack is striking (cf. W. G. Kummel [tr. S. McL. Gilmour and H. C. Kee], *The New Testament. The History of the Investigation of Its Problems* [London: SCM, 1973] 178-84).