Outsider Impurity: Trajectories of Second Temple Separation Traditions in Tannaitic Literature

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1 Introduction

Rabbinic and Qumranic literature share the notion that Jews who did not adhere to their respective observances were impure. Both corpora include strict measures of separation in order to avoid contracting this impurity. The ʿammei ha-ʾareṣ—literally, “people of the land,” as such persons are called in rabbinic literature—and the regulation of contact with them, feature prominently in rabbinic halakhah, from the earliest glimpses we have of its inception in the Second Temple period. At the same time, tannaitic sources do not supply much of a conceptual framework concerning the nature and intent of the separation from the ʿam ha-ʾareṣ. What was the ideological import of this separation, and why was the ʿam ha-ʾareṣ considered impure?

The Qumran sect, in contrast, cast separation from nonmembers in clear ethical and spiritual terms. The Rule of the Community attributes the impurity of the nonmember to the ruling cosmic forces. This impurity was identi-

1 See, for example, m. ʿEd. 1:14; m. Ṭehar. 8:3.
2 The ʿam ha-ʾareṣ poses a substantial challenge to any attempt to extract social history from rabbinic literature. Earlier works assumed this was a recognized social group, but they offered very different accounts of its provenance. See A. Büchler, Der galiläische Am-haʾares des zweiten Jahrhunderts: Beiträge zur innern Geschichte des palästinischen Judentums in den ersten zwei Jahrhunderten (Vienna: Hölder, 1906; repr: Hildesheim: G. Olms, 1968); A. Oppenheimer, The Am Ha-Aretz: A Study in the Social History of the Jewish People in the Hellenistic–Roman Period (Leiden: Brill, 1977). Büchler restricts the references to ʿam ha-ʾareṣ as a defined social group to second-century Galilee, whereas Oppenheimer views ʿammei ha-ʾareṣ as a long-standing social phenomenon. In a paper dedicated to the history of this term, I have suggested that it be understood as a constructed rabbinic label rather than a recognized title of a defined social group. As such its exact meaning and scope underwent substantial transformations with the adaptation of rabbinic policy to changing social contexts. See Y. Furstenberg, “Am Ha-aretz in Tannaitic Literature and its Social Contexts,” Zion 78 (2013): 287–319 (in Hebrew).
3 An extremely harsh attitude towards the ʿam ha-ʾareṣ is expressed in b. Pesaḥ. 49a–b. This unit however is a product of Babylonian rabbinic culture and cannot help us identify the underlying policy towards the ʿam ha-ʾareṣ in Palestine. See J. L. Rubenstein, The Culture of the Babylonian Talmud (Baltimore: Johns Hopkins University Press, 2003), 123–42.
fied with the person’s sinful ways under the dominion of the spirits of Belial. Impurity is an inherent quality of sinners who refuse to enter the covenant of God. Viators of sectarian precepts become impure and are excluded from the purity of the “many” (תָּהְרַת הָרְבֵּים). Achieving purity is possible only by joining the sect, as it is a privilege denied to those who reject the sect’s teachings: “For in the filth of wickedness is his plowing and there is contamination in his repentance. . . . He cannot be purified by atonement, nor be cleansed by waters of purification, nor sanctify himself in streams and rivers” (1QS 3:2–5).

Ritual purification is useless for removing the intrinsic impurity of the outsider who does not yield to the laws of the Yahad: “For there is impurity among all those who transgress his [God’s] words” (1QS 5:13–14).

Rabbinic literature records no such statements. It seems as though the rabbis and their Second Temple predecessors were concerned with distancing themselves solely from what we might call “levitical impurities”—e.g., corpses, creeping things, menstruants, and others who had genital discharges. Outsiders were avoided by the more scrupulous “Pharisee” and “associate”


5 1QS 6:24–7:25.


7 The supposed conflation of sin and ritual impurity in Qumran writings is contested by M. Himmelfarb, “Impurity and Sin in 4QD, 1QS and 4Q512,” DSD 8 (2001): 9–37. Himmelfarb contends that the Rule of the Community employs the terminology of impurity and purity only metaphorically and does not consider sins to be ritually defiling. A more nuanced formulation has been suggested by H. Birenboim, “For He is Impure among All Those Who Transgress His Words: Sin and Ritual Defilement in the Qumran Scrolls,” Zion 68 (2003): 359–66 (in Hebrew). In his opinion, sin does not necessarily generate ritual impurity; however, purification from the wretched human state is granted only to the righteous. This view was further elaborated by M. Kister, “On Good and Evil: The Theological Foundations of the Qumran Community,” in The Qumran Scrolls and Their World (ed. M. Kister; 2 vols.; Yad Izhak Ben-Zvi: Jerusalem, 2009), 2:497–528 (519, 525) (in Hebrew).