THE CORPSE IN THE TENT

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One of the most difficult topics in the study of ritual purity is that of the corpse in the “tent,” and particularly the question of how the biblical law expressed so briefly in Numbers 19:14-16 proliferated into the complex system found in Mishnah Ohalot and elsewhere.

Numbers says simply: “When a man dies in a tent, this is the law: everyone who goes into the tent and everyone who was inside the tent shall be ritually unclean for seven days, and every open vessel which has no covering tied over it shall also be unclean. In the open, anyone who touches a man killed with a weapon or one who had died naturally, or who touches a human bone or a grave, shall be unclean for seven days.”

These verses differentiate between a corpse that is enclosed in a “tent” and a corpse that is in the open. When it is enclosed, it transmits impurity even to those people and vessels that have not touched it; simply to be under the same roof as the corpse is sufficient to incur impurity. In the open, however, a corpse (or even part of a corpse) transmits impurity by touch only. A grave, on the other hand, has its own individual impurity, by which it transmits impurity by touch in the open, even if the corpse itself is not touched.

Rabbinic law fills out this account in certain commonsense ways that are not problematic. The provision that corpse-impurity arises even from a small portion of a corpse is stated in Numbers only in relation to a corpse in the open (the “bone”), but it is a natural extension to understand this as applicable also in the case of the enclosed corpse. It is also not problematic that rabbinic law seeks to define minimum quantities. How large does an enclosure have to be to count as a “tent”? How small can a portion of a corpse be not to be dismissed as insignificant? This kind of quantity definition is characteristic of the
rabbis and is to be expected. Even the idea that the biblical “tent” does not mean an actual tent but any kind of enclosed space is hardly surprising, since the rabbis always regard the Written Torah as giving concrete instances which stand for more general concepts.

But certain other rabbinic concepts in relation to the “tent” are surprising, even bizarre, since they do not seem to depend on any logical or generalising extension of the text. The chief concepts of this kind are the following:

1. that a person or vessel that “overshadows” a corpse (i.e. is positioned vertically above a corpse, or part of a corpse) becomes ritually unclean;
2. that a person or vessel that is “overshadowed” by a corpse, or part of a corpse (i.e. is positioned vertically below it), becomes ritually unclean.
3. that corpse-impurity can be conveyed from one enclosed space to another by means of an “aperture” of a certain minimum size, and with the help of a certain kind of “intention” on the part of the owner of the enclosed space.

These additional concepts seem so far from the biblical text that Jacob Neusner, in the course of his minute though unsatisfactory studies of the subject, has declared (his italics), “If we started with Scripture and asked what it taught, we should never, never discover even the simplest datum of rabbinic law.” Neusner’s treatment of the subject, then, proceeds in terms of a rabbinical concept of the Tent, which bears no logical relationship to the biblical tent.

I shall argue, however, that the rabbinical concepts arise by natural and logical steps from the biblical data. Neusner admits that the rabbinical concepts did not begin with the rabbis of the second century, but show every sign of a long previous post-biblical development, though some refinements do indeed belong to the second century.

Neusner even finds discontinuity in the rabbinical concept of a minimum Tent of one cubic handbreadth. This, he argues, is alien to the biblical tent, which is simply an actual tent, large enough to contain a corpse. The biblical authors, he contends, never intended the law of

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1 Neusner (1975), p. 238.
2 For criticism of Neusner’s general tendency to see rabbinic literature as separated by a wide gulf from Scripture, see Maccoby (1990). For criticism of his thesis that the Mishnah actually sets itself up as a rival to Scripture, see Maccoby (1984).