THE INTEGRITY OF THE RABBINIC LAW OF PURITY
(MISHNAH-TRACTATE TOHOROT)

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The diverse law codes, from Scripture through the Mishnah, produced by various communities of Judaism in ancient times share facts in common but use them, each in its own system and setting. Hence while the Mishnah reached closure only at 200 C.E., it makes use of facts that circulated and are attested in other Judaic law codes in much earlier times. The context in which ancient facts are utilized in a later document permits us to see how enduring data serve successive Judaic systems and affords perspective on the entire cultural and religious composite comprised by those Judaisms. In his studies on ancient Judaisms, Sean Freyne has distinguished himself in recognizing the diversity of those religious systems, and it is appropriate to dedicate in his honor these remarks of description, analysis, and interpretation of matters of purity in the Mishnah’s tractate on that subject.1

When the Rabbinic sages wished in Mishnah-tractate Tohorot to organize a basic category (retrospectively) called “purities”—Tohorot in Hebrew—as was their way, they identified data that, for reasons they discerned, cohered. These data were turned from rules into exemplifications of encompassing and systemic principles, with the

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result that through a repertoire of concrete laws, the sages produced a remarkably abstract statement of natural philosophy, a work of coherence and integrity. In tractate Tohorot they treat four problems. The connections that they draw between these four distinct categories of Halakhah having to do with purities then expose the rationality that animates their thinking throughout.

That fact becomes clear when we examine the outline of the tractate:

ii. Susceptibility to Uncleanness of Holy Things, Heave-Offering, and Unconsecrated Food
iii. Doubt in Matters of Uncleanness
iv. The Haber and the ‘Am Ha’ares
v. Concluding Miscellanies and Reprise. Uncleaness of Foods, Liquids, Connection

The important items are these:

1. the relationship between sources of uncleanness and removes or successive levels of sanctification;
2. the relationship between Fathers and Offspring of uncleanness;
3. sorting out matters of doubt and determining probabilities;
4. the relationship of the haber and the ‘am ha’ares.

These four categories derive from the systematic presentation of the Halakhah by the Mishnah and the Tosefta of Tohorot, the only sustained statements on the matter that we have from Rabbinic antiquity, the Talmuds falling silent here. Stated in the indicated sequence, then, the four main foci of Tohorot hold together because to the sages they make a single continuous statement, from logical beginning to inexorable end, and the fixed order of the topics is essential and is critical to the message that is set forth.

The Rabbinic sages contemplate an intangible world of confusion between classes of things and persons that are both alike and not alike: things that may contract uncleanness but also attain sanctification; sources of uncleanness; things that may be unclean or clean; persons...