THE HOLY SCRIPTURES DEFILE THE HANDS—
THE TRANSFORMATION OF A BIBLICAL CONCEPT IN
RABBINIC THEOLOGY

Shamma Friedman

Minḥah le-Naḥum

Biblical and Other Studies
Presented to Nahum M. Sarna
in Honour of his 70th Birthday

edited by
Marc Brettler
and
Michael Fishbane

Journal for the Study of the Old Testament
Supplement Series 154
The rabbinc decree that the holy scriptures defile the hands has long been a famous crux criticerum. All agree only to the fact that no satisfactory explanation that is demonstrable has been offered. This impasse justifies an attempt to retrace some steps of scholarly analysis to see if their derailment can be repaired.

The pertinent talmudic sources suggest nothing of sinister or negative quality surrounding the 'impurity' of the holy scriptures. On the contrary, this status is unhesitatingly associated with their sanctity, both in explicit statements—'Did they not decree that Scriptural books defile the hands because they are sacred?'—and implicitly through the deep structure of legal conceptualization surrounding these laws. Defilement of hands pertains only to scrolls prepared according to the exact halakhic prescriptive, and only to those containing divinely inspired texts! Furthermore, not defiling the hands is the mark and

2. Y. Sot. 2.4, 18a. In m. Yad. 3.5, R. Akiba argues that the Song of Songs makes the hands impure because it is written in Assyrian characters, on parchment, and in ink—'All of Scripture is holy, but the Song of Songs is holy of holies'.
3. 'They do not defile the hands unless they are written in Assyrian characters, on parchment, and in ink' (m. Yad. 4.5).
4. 'R. Simeon b. Menasia says: The Song of Songs defiles the hands because it
measure of the non-inspired work, or the non-halakhically executed scroll.¹

The unconvincing nature of the talmudic explanations for this impurity led scholars to conclude that its roots are ancient and pre-rabbinic, no longer comprehended by the rabbis themselves; they are, according to M. Haran, 'a vestige of folk-ritual from the pre-Talmudic period.'² Accordingly, records of debates between Pharisees and Sadducees on this very issue seem to indicate that the ancients themselves had no authentic explanation available for these halakhot, and that those explanations appearing in this debate-context were polemical and ad hominem.³ How much more so are the later talmudic explanations (so that scrolls would not be stored with terumah, which could lead to their deterioration)⁴ to be considered rationalizations.⁵

In the Bible, impurity and holiness are two parallel realms, both operating on a principle of contagion by physical contact, with the holy being the realm of true power, and impurity taking on a shadowy existence, in contrast to the pagan 'separate but equal' impurity.¹ Several biblical prohibitions mandate against physical contact with the holy by those not qualified. Such contact is improper and even dangerous, due to the contagious effect and its consequences; 'it [holiness] is conceived as being virtually tangible, a physical entity'; 'material in quality'.²

Scholarship has already considered a type of contagious Levitical holiness as being the reason for the halakhah requiring washing the hands after contact with the holy scriptures.³ However, this approach

was composed under divine inspiration. Ecclesiastes does not defile the hands because it is only the wisdom of Solomon' (t. Yad. 2:14) and that explanations appearing in this debate-context were polemical and ad hominem.⁶ How much more so are the later talmudic explanations (so that scrolls would not be stored with terumah, which could lead to their deterioration)⁴ to be considered rationalizations.⁵

1. ‘The Gospels and heretical books do not defile the hands’ (t. Yad. 2:13)
3. ‘Rabbi Johanan ben Zakkai replied: The preciousness of Holy Scripture accounts for their uncleanness, so that they may not be made into spreads for beasts’ (t. Yad. 2:19; see m. Yad. 4:6).
4. Shabbat 14a, See Rashi ad loc., and Maimonides to Zavim, end: Avot Halaham 9:5.
5. Z. Falk has dealt with these explanations recently, taking them as reflections of actual concerns, the ‘deterioration’ explanation being more realistic and the ‘spreads' explanation phrased with premeditated exaggeration, for pedagogic purposes (The Holy Scriptures Defile the Hands’, Sinai 106 (5750), pp. 94-95). He further rationalized the ‘deterioration’ theory as reflecting a practice by priests of using worn parchment sheets from scrolls as tablecloths for eating terumah, and the ‘spreads’ explanation pedagogically exaggerating this concern. I would surmise the actual literary relationship of these talmudic explanations to be in the opposite direction. The harsh language of ‘spreads for beasts’ was converted to a more refined explanation, thus becoming even further removed historically from the first. Elsewhere, I have discussed ‘refinement of jarring language’ among characteristic features of editorially reworked texts. For an early rationalization on the ‘protection’ theme, see L. Blau, Studien zum altebräischen Buchwesen (Strassburg, 1902), p. 112.

3. In its original form, a neutral taboo was usually considered, an area where holiness and impurity meet, thus differing from the concept I will present below. For some of the early literature, or references to it, see Smith, Semites, p. 452; F. Buhl, Canon and Text of the Old Testament (trans. J. Macperson; Edinburgh, 1892), p. 7;
has been criticized regarding the lack of rabbinic documentation for this type of washing of the hands. It was rejected by Segal, and similarly by Haran, in that the talmudic sources specifically indicate 'defile', and not 'sanctify'.

Is it reasonable to expect that talmudic sources would use appropriate terminology regarding the washing required for hands after touching the holy scriptures if the historical function of the act was the washing away of contagious holiness? I think not. They do not use such terminology in treating clear biblical examples of contagious holiness. In fact, the rabbinic sources exhibit studied denial and rejection of the very concept, in a development parallel to the one Kaufmann described regarding the biblical concept of impurity, but more extreme.

The interchangeability of the realms (in the opposite direction), appears in the rabbinic interpretation of Deut. 22.9. The verse reads:

> לא חפץ דקך ולא חפץ דקך יא_consecrate_STREAM
> the hands

The peshat of כי תברא, 'lest it be made holy', is circumvented in talmudic interpretation through a notarikon. The Talmud reads כי תברא מ'תני, 'lest it become defiled'. Any object under taboo (lit. 'abomination') whether in the positive sense, like qadeš (consecrated temple property), or in the negative sense, such as through a prohibition, can be designated by qadeš in Talmudic literature in this context (e.g. m. Kil. 4.5).

Regarding the sin offering, the Torah warns, 'Anything that touches its flesh shall become holy', namely, will receive holiness through its touch.

Onkelos and Rashi carry this line of interpretation even further, and achieve the polar opposite. Onkelos: ידריא תיבשת, 'lest it become defiled'! Rashi:

> זן תברא יא

Lest it be made holy. Like its Targum 'lest it become defiled'. Any object under taboo (lit. 'abomination') whether in the positive sense, like qadeš (consecrated temple property), or in the negative sense, such as through a prohibition, can be designated by qadeš as 'Don't come closer, for I would render you qadeš' (Isa. 65.5).

The new JPS translation of Deut. 22.9 chose more neutral ground in defusing this crux: 'may not be used'. This can hardly be considered a literal translation of כי תברא. The root qadeš is still used in Tannaitic literature in this context (e.g. m. Kil. 4.5).

1. J. Kil. (ibid.) Rashamb comments: 'lest it become prohibited like holy sacrifices'. A third interpretation in the Palestinian Talmud may come closer to the heart of the matter, were we to accept Penei Moshe's redirection (even by paraphrase and not emendation) to Exod. 29.37! מִתְבַּרְאֵי חֲרֹנִי, וְעַל כֵּן מְחַרֶּשׁ תְּנַחַר מִדָּמֶשׁ שֵׁל שֵׁל וּכְשָׁר שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל שֵׁל Sheshet ha-D_or ve-mi-mor. Lest fire break out'.

The obverse of the usual meaning of כי תברא was also obtained through


1. For priests after the Temple service, see Leiman, Canonization, p. 193 n. 549.
2. 'Canonicalization'. Cf. Leiman, Canonization, p. 118.
4. J. Pes. 2.1. 28c; j. Kil. 8.15, 31b; b. Qid. 56b (Hizqiah), b. Hal. 115a.
contact with the holy sacrifice. Similarly Ezek. 46.20, ‘This is the place where the priests shall boil the guilt offerings and the sin offerings, so as not to take them into the outer court and make the people consecrated’.  

Sifra ad loc. is most instructive:

**Anything that touches its flesh shall become holy.** One might think, even if it had not absorbed; Scripture instructs, *its flesh*, only if it absorbs. One might think that even if part of it touched, all of it will become invalid; Scripture instructs, *that touches shall become holy*, what touches is invalid. How (should one act)? Cut off the place of the absorption. *Its flesh*, and not bones, sinews, horns or hoofs. Will become holy, to be like it. If it is invalid, it will become invalid, and if it is valid, it will be eaten, according to the most stringent status it possesses.

This remarkable pericope exemplifies a thorough rejection of the concept of contagious holiness. Rather than an electricity-like quality that is conducted through all matter by contact, holiness is limited to the very substance of the original sacrifice, and transfers to another object only if that object absorbs some of the fluid of the sin offering. The extent of contamination is limited to the physical area of actual liquid absorption.

Even more astounding is the fact that according to this passage, it is not holiness at all that transfers, but rather the halakhic status of the sin offering, namely, either validity or invalidity to be consumed by the priests, the actual language of the Tannaitic law emphasizing invalidity.

Similarly, Exod. 29.37, regarding the altar, ‘whatever touches the altar shall become holy’ generated *m. Zev. 9*, entirely devoted to validity or invalidity of becoming potential sacrifices, for animals or objects touching the altar. Its functional import is that an object that is potentially valid for becoming a sacrifice, or even bearing a minor invalidity, if placed upon the altar, shall not be removed (אｆ על ה Caleb). It is a type of propriety, similar to rules like *מ‘ץ מקס בקץINTERNAL经营者* (Rashi). But sacrifices bearing a greater level of invalidity are simply removed, without becoming ‘holy’. At most, ‘consecration’, but hardly ‘sacratification’, and certainly not contagious holiness, automatic, ‘material in quality’. In fact, the talmudic *halakhah* actually allows non-priests to touch the altar.

Regarding Exod. 30.29, which indicates holiness by touch for the table (אפסום), lampstand (כיזוק), altars, and other vessels, there is little rabbinic material. *M. Zev. 9.7* applies the same law we have discussed for the altar to all of these. In this context it may be most suggestive to quote *m. Hag. 3.7* ‘... and they say to them, “take heed least ye touch the table and lampstand”’. Even though existing rabbinic interpretation is otherwise, it would be interesting to speculate whether this...

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1. Ezekiel would probably have translated the above verse in Leviticus: ‘*Any one who touches its flesh...*’; cf. Num. 19.16, 22, etc. Compare Milgrom, *Sancta Contagion*.

2. *Cf.* Sifra, beg. Zav., 29a-b; *b. Zev.* 83b; *b. Sanh.* 34b. Pseudo-Jonathan (and glosses) correctly expanding the import of Onkelos, sedes 159, apparently taking הקדשה as more literally referring to people: *ל יקיר ברחו הקדשה מין כל איש*. More literally as referring to things: *ל יקיר בריח הקדשה מין כל物体*. This discrepancy in translation with Lev 6.20. The discrepancy in *JPS* (*‘holy’*/‘consecrated’) may have to do with unedited divergencies of different translators, or the acceptance of the Talmudic interpretation here, see below. Regarding a reponsum by R. Sherira Gaon on the entire sugya, see S. Abramson, *R. Nissim Gaon* (Jerusalem, 1965), p. 254 n. 38.

3. *Cf.* Sifra, ibid., 3.6, 31a, to Lev. 6.11.

3. See Rashi *ad b. Zev* 97b, top. Rashi’s position is that absorption of taste would not be sufficient, and here it is actual substance *משם יקרין*. This figure is central and controversially in the famous halakhic discussions of the priests, the actual language of the Tannaitic law emphasizing invalidity.

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1. ‘ SHALL BECOME CONSECRATED’. I have unified the translation with Lev 6.20. The discrepancy in *JPS* (*‘holy’*/‘consecrated’) may have to do with unedited divergencies of different translators, or the acceptance of the Talmudic interpretation here, see below. Regarding a reponsum by R. Sherira Gaon on the entire sugya, see S. Abramson, *R. Nissim Gaon* (Jerusalem, 1965), p. 254 n. 38.

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quote represents an early concern reflecting the very biblical prohibition quoted above.¹

Holiness through contact was still a clear and expressed concept in Ezekiel's description of the Temple (chs. 40–48), for example, the requirement for the priests to deposit the garments used in the divine service before exiting to the outer court, 'Lest they make the people consecrated by (contact with) their vestments' (44.19).

In Hag. 2.11–13 it figures in a halakhic question (torah) that the prophet poses to the priests, their answer serving as the text upon which he bases his exhortative homily.

Thus said the Lord of Hosts: Seek a ruling from the priests, as follows: If a man is carrying sacrificial flesh in a fold of his garment, and with that fold touches bread, stew, wine, oil, or any other food, will the latter become holy? In reply, the priests said, 'No'. Haggai went on, 'If someone defiled by a corpse touches any of these, will it be defiled?' And the priests responded 'Yes'.²

1. The actual wording (in Danby's translation) is: ‘Take heed lest ye touch the table and render it unclean’, based on the standard editions. E.g., Albeck: המחביהável אל הלחם בלא בד. However, the Kaufmann Codex has a different reading (which may be a later scribe's error). Other conservative textual witnesses also lack למשנה (see J.N. Epstein, Mavo L'Nosah Ha-Mishnah, p. 145 n. 4; cf. R. Hananel), and consequently it must be viewed as an explanatory gloss. Even the exact meaning of this gloss was disputed. The general context of this passage, purification of the holy vessels which became defiled during the festival (itself a worthy subject for comparison with the biblical laws, which are summarized and interpreted in Milgrom, 'Sancta Contamination'; cf. idem, 'Sanctuary'; 'Graduated', pp. 253-54) was clearly the inspiration for the explanatory gloss. However, the very idea that the menorah and table might be defiled by touch during the actual purification ritual (the simple sense, cf. R. Hananel contra Rashi) is most surprising, especially if this warning was made to priests (cf. R. Rabbinoicz ad loc., p. 92 n. 8; concerning an ancient concern about seeing these Temple vessels, cf. A. Böchler, JQR 20 (1908), pp. 330-46). Our Mishna passage has recently been discussed in the context of sectarian disagreement on the role of the populace in the Temple; see Y. Sussman, 'The History of the Halakha and the Dead Sea Scrolls', Tarbiz 59 (1990), pp. 68; I. Knohl, 'Participation of the People in the Temple Worship', Tarbiz 60 (1991), p. 141. Although the Second Temple period was marked by preoccupation with purity and defilement it is possible that the wording of this ‘warning’ harks back to the (forgotten?) biblical concern for holiness, and the mandatory avoidance of contact with the vessels embodying it.

2. The first question deals with transferable holiness, Haggai’s ‘sacrificial flesh’, corresponding to contact with flesh of the sin offering mentioned in Lev. 6.20, the second with transferable impurity. Both are still clear and valid concepts, though it would appear that holiness is not as readily transferable as impurity.¹ However, talmudic discussion, attributed to first generation Amoraim, construes both of Haggai’s questions as being issues of Levitical impurity only.² Thus Rashi, in his Talmud commentary ad loc., explains ‘sacrificial flesh’ as ‘flesh of an unclean thing’ (ר. סיצי),² ‘will the latter become holy’ as ‘will it become impure’.³ We shall see that this interpretation by Rashi is completely warranted by the talmudic discussions.

In an intricate discussion, the talmudic sugyot envision several possibilities as to what Haggai asked the priests in his first question. None of these considers the simple meaning, communicable holiness, thus demonstrating how far the sages had distanced themselves from this biblical concept. It is true that they suggested that the query concerned ‘a fourth stage transmission in holiness’.⁵ However, this concept has nothing to do with contagious holiness but rather the law that impurity (I) communicates through three stages only, except if the object

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receiving the impurity is sacred, in which case even a fourth stage will be disqualified for its sacrificial functions (m. Hag. 3.2).\(^1\) In this scheme, the sacrificial flesh is not the emanator, but the receiver of the contagious quality, which is the quality of impurity.\(^2\) In fact, in PT ibid., R. Yohanan excuses the priest’s incorrect answer to the first question, in that ‘he asked them (this question) before they had decreed a fourth derivative stage (for impurity communicated through) sacred objects’.\(^3\) The other amoraic authorities who considered the priests’ first answer incorrect explained this as due to their inferior expertise in a specific type of impurity.\(^4\)

The Haggai passage is one of the best examples of the biblical concept of holiness transmittable by contact, in that the application is clear, and the juxtaposition with impurity exemplifies the parallel nature of these two realms.\(^5\) The extended talmudic discussion of this passage, where various interpretations were offered, without one of these acknowledging transferable holiness, or citing a tannaitic tradition that does, shows how completely this belief and its legal implications had disappeared from rabbinic thought. When it became necessary to interpret the legal status concerning this quality transmitted by touch, the familiar laws and terminology of Levitical impurity were substituted.

The biblical phenomenon of contagious holiness, clearly expressed in the Torah in priestly passages regarding the altar and sacrifices, in Ezekiel, and Haggai, and also in non-priestly contexts regarding contact with the holy ark, was eliminated in rabbinic tradition, so far as our sources reveal. This represents a theological development in rabbinic Judaism parallel to, and continuing, trends described by Yehezkel Kaufmann. The automatic power of impurity, functioning as an elemental cosmic humor, was reinterpreted as simply a legal status imposed by divine decree, part and parcel of the system of commandments. Similarly regarding impurity: ‘The corpse does not defile... I have issued it as a decree; you are not permitted to trespass My decree’.\(^1\)

The rub-off type of holiness underwent an even greater transformation.\(^2\) Touching the altar imposes sacrificial status upon objects that touch it only if they are halakhically qualified; otherwise nothing happens. Sacrificial flesh does not transfer its status by touch; the biblical law is interpreted as actual absorption of the sacrificial liquid, so that the first object is actually contained in the second. Where this type of transformation does not fit, since the details of the transfer-by-contact laws are too explicit, the entire complex of the the laws of impurity, terminology and functional superstructure are substituted for holiness through contact.

This presentation of the thorough transformation of the biblical concept of contagious holiness in rabbinic sources goes beyond Milgrom’s description of a gradual evolution of this concept within the Bible, and extending through the Tannaitic literature.\(^3\) He writes: ‘Haggai attests a further reduction... The final reduction in sancta contagion is posited in the Tannaitic sources...’.\(^4\) This change from

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1. FRIEDMAN The Holy Scriptures Defile the Hands 127
2. Geiger has noted that the halakha attempted to resist the idea of transfer of holiness by touch (Urschrift, pp. 172-73 = trans. p. 111).
3. Milgrom’s seminal study came to my attention after the body of this article had been written. I am grateful to Dr Baruch Schwartz for pointing it out to me.

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2. See Rom. 14.14
3. Onkelos (אונקלוס), Rashi and Radaq follow the talmudic explanation; also Radaq, Sefer ha-Shorashim, pp. 321-22.
the position of Haggai, the final stage of the biblical evolution, to that of the Tannaim, 'is minuscule', according to Milgrom. In my mind, in fact, it was too great an evolution to be viewed in quantitative terms alone, and the rabbinic concept must be considered qualitatively different.

Indeed, it would appear from the rabbinic sources that holiness was no longer considered a substance-like quality which acts automatically, the very two characteristics which justify the use of the term 'contagion' regarding holiness in the Bible. In passages where this concept does figure, it is instead a halakhic category, determined by God's decree, no more and no less. In other contexts it is completely removed by rabbinic interpretation.

I have tried to demonstrate this with respect to three categories of rabbinic style. In the first, terminology somewhat similar to that of the Bible is used, and therefore, it is more difficult to demonstrate my contention. Yet, 'The Altar makes holy whatsoever is prescribed as its due ' (m. Zev. 9.1)—does overlap with 'Whatsoever touches the altar shall become holy'...

1. 'Sancta Contagion', p. 298.
2. 'Reduce the compass' (Milgrom, 'Sancta Contagion', p. 282); 'the rabbinic reduction of the sancta's powers of contagion' (p. 282 n. 15); 'the rabbis restrict its meaning further' (p. 282 n. 16); 'the rabbis impose further restrictions' (p. 283 n. 17); 'the rabbis restrict the power of the altar even further'; 'the rabbis reduce the power of all the sancta' (p. 290 n. 39).
3. Milgrom writes, 'The fact is that impurity retains its lethal potency all during the biblical period and into rabbinic times... Why then does the power of impurity remain undiminished whereas the power of holiness is successively reduced?' ('Sancta Contagion', pp. 298-99). I would prefer to alter both of these evaluations, as far as rabbinic theology is concerned. The power of impurity is much diminished. Milgrom himself has referred to the rabbinic 'reduction in the power of impurity' ('Graduated', p. 253). According to the above-cited statement of Rabban Yochanan ben Zakkai, it has in fact entirely disappeared, and impurity has been redefined as a halakhic status: 'The corpse does not defile'. I have presented this in literal translation, and departed from the Braude-Kapstein translation, 'The corpse does not have the power by itself to defile' (Philadelphia 1975, p. 83, used for the rest of the text above), although it can convey the same idea. The kernel style is reminiscent of m. Roj. Hal. 3.8. See also J. Neusner, The Idea of Purity in Ancient Judaism (Leiden, 1973), p. 105. The 'power of holiness' is not simply reduced, but similarly transformed. It is no longer automatic, and therefore does not operate on its own. God and his decrees are the only independent realm.

1. Hence, instead of 'makes holy' in Danby's translation cited above, I would prefer 'consecrates', just as I prefer 'become holy' for the verse in Exodus to JPS 'become consecrated'.
2. Num. 17.3.
3. Cf. m. Zev. 9.8. In the parallel Tosefta: 'לעב יד וⒸ יד אנטות.' Milgrom ('Sancta Contagion', p. 283 n. 18 and see p. 279 n. 3) explains this source also in terms of sancta contagion, with reference to S. Lieberman, Tosefta Rishonim (Jerusalem, 1938), II, pp. 210-11. Indeed, Lieberman does base his explanation upon a concept of holiness by contact. However, his explanation of why the second contact is ineffective is completely halakhic.
any tradition that linked this law with the quality of holiness, and, as such, were forced to substitute a midrashic interpretation. Of course, this does not contradict my contention, and may even support it.

However, it is the third category that is most telling. The context in Haggai is absolutely explicit. The parallelism with impurity is abundantly clear. Only a quality that transfers by contact can be meant by these verses. The extremely forced doubling of impurity for our passage and imposing upon the word שֵׁרְפָּה, already in early rabbinic literature, the meaning מְדַמֵּר שֵׁרְפָּה, the diaphoretic opposite of its simple meaning, is the absolute demonstration of the fact that the very concept of contagious holiness was no longer available to these rabbinic sages.

Reverence for the Torah, at the inception of the Second Temple, emerges clearly from Nehemiah 8. The same passage also describes the beginning of the process of the ritualization of the Torah scroll. Undoubtedly much attention was given to scriptures and the proper handling of the scrolls during the Persian and Hellenistic periods; the activity of the Soferim was recalled generally by later tradition, but no specific sources regarding their activities survived this period.

The scrolls themselves eventually became independent sources of holiness, by virtue of their inspired contents, and by virtue of the sanctified name of God, which they contained. The sanctity of various parts of Scripture is evaluated on a graduated scale.

1. Milgrom address this only obliquely (in a slightly different context): "'yiqdaš' in Hag. 2.12 is rendered by the rabbis as yitma ... but this is due to their unique interpretation of this verse" ('Sancta Contagion', p. 281 n. 14, emphasis added). I have tried to expose the root of this unique interpretation. I would like to add that my conclusions are completely compatible with the major thrust of Milgrom's study namely, the gradual and ultimate elimination of the concept of sancta contagion to persons.


3. See t. Shab. 13.5 (ed. Lieberman, p. 58) and parallels. The most developed reading, as in the talmudic parallels (Tosefta Kifshuta, p. 207). Uninspired, or sectarian use of the name created a conflict (t. Shab.). The text can be (or must be) destroyed; the writing of the name must be preserved and guarded: רַחֲמֵהוּ לֹא יִזְכָּר (Canonization, p. 193 n. 549)


During the early post-Second Temple period, when halakhic literature was finally recorded after a gap of centuries, the touching of Torah scrolls, those of the prophets and the other Sacred Writings, is included within those situations which bring about a necessity to wash the hands ritually (טֶלֶלֶל לְיָדָיו). The terminology and legal-conceptual system appearing with these laws is that of 'impurity'—the holy scriptures defile the hands. We possess no demonstrable explanation for this situation. The only logical hypothesis that has been offered is that the washing of the hands protects one from spreading the sanctified quality of the holy books to non-worthy objects (as the blood of the sacrifices was to be laundered off garments). Indeed the sources themselves connect the 'impurity' of the books with their holiness: 'Did they not decree that Scriptural books defile the hands because they are sacred?'

The theory connecting the defilement of the hands by scriptural books with tangible-like transferable holiness was rejected due to the fact that the sources use explicit impurity terminology for this phenomenon. We have seen that this cannot be considered a valid refutation, in that biblical passages clearly dealing with that concept of holiness are also transferred to the legal categories of Levitical impurity by Talmudic sources. If anything, therefore, such terminology is a recommendation. An idea originally related to a concept of the transfer of sanctity from the holy books to the hands that touched

1. Lev. 6.20. Similarly, in the Testaments of the Twelve Patriarchs, the priests are required to wash the blood of the sacrifices from their hands and feet (m. Zav. 1.11): "'Yiq qo: "'And thou shall sprinkle the blood on the sides of the altar, and again wash thy hands and thy feet from the blood'" (JQR 19 [1907], pp. 573, 580). Cf. J. Jud. 12.16-17 (Kahana, p. 263). T. Levi 9.11 (Kahana, p. 165). Cited by Finkelstein (see above). If precaution against improper spreading of holiness was a special concern of the Persian or Hellenistic periods, but not taken over by the sages, it is not surprising that this practice is not recorded in rabbinic literature. Leiman's criticism of Finkelstein (Canonization, p. 193 n. 549) therefore does not apply to our reconstruction.

2. See above. These laws even specify that purity is a required attribute for generating this 'impurity'. T. Yad. 2.12 (ed. Lieberman, p. 193 n. 549) therefore does not apply to our reconstruction.
them was ultimately couched in terms of impurity, in that this was the only realm in rabbinic theology where such a transfer by contact survived. ¹

¹. In contrast to the early approach, which envisioned an actual overlapping of the concepts of holiness and impurity here. Cf. Geiger: 'die Berührung heiliger Gegenstände mache unrein' (Urschrift, p. 174, and p. 146; trans., p. 112 and p. 95).