

## **A Reconstruction and Re-description of Late Second-Temple Judaism as a Religio-Cultural System**

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### **I. Introduction: Objectives and Rationales**

The theoretical perspectives of social anthropologists and sociologists of religion such as, Berger and Luckmann,<sup>1</sup> E.E. Evans-Pritchard, Clifford Geertz, and Mary Douglas, and of “history of religions” scholars like Jonathan Z. Smith,<sup>2</sup> each in their various ways, support the value of examining religions as, or as substantial parts of, socio-cultural *systems*. Such approaches allow scholars to ascribe meaning and significance to the observed, individual elements of an historical, practised religion in light of these elements’ place within a greater, integrated and

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<sup>1</sup> Peter L. Berger, Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (London: Penguin, 1967).

<sup>2</sup> E.E. Evans-Pritchard, *Social Anthropology* (London: Cohen and West, 1951); Mary Douglas, *Purity and Danger* (London: Routledge, 2003, first printed, 1966); *Natural Symbols* (London: Routledge, 1996, first printed, Barrie and Rockcliff, 1970); *Implicit Meanings* (London: Routledge, 1975), cf. essay entitled “In the the Nature of Things”; *Rules as Meanings* (London: Penguin, 1973); Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973), cf. essays entitled, “Thick Description: Toward an Interpretive Theory of Culture,” pp. 3-32, “Religion As a Cultural System,” pp. 87-125, “Ethos, World View, and the Analysis of Sacred Symbols,” pp. 126-141. Jonathan Z. Smith, *Imagining Religion: From Babylon to Jonestown* (Chicago: Univ. of Chicago, 1982), cf. essay entitled “The Bare Facts of Ritual,” pp. 53-65), “Fences and Neighbours: Some Contours of Early Judaism,” pp. 1-18, “In Comparison a Magic Dwells,” 19-35, “Sacred Persistence: Toward a Redescription of Canon,” 36-52; *Relating Religion* (Chicago: Univ. of Chicago, 2004), cf. essay entitled, “When the Chips are Down,” “Topography of the Sacred,” “The Domestication of Sacrifice,” “A Matter of Class: Taxonomies of Religion,” “What a Difference a Difference Makes.”

coherent whole that constitutes the socially constructed world of the community of adherents. These conceptual frameworks also provide a basis for meaningful comparison across religious systems that move beyond the tracing of historical influences or the documentation of parallel phenomena.

Notwithstanding the value of such approaches, their application to the study of the evidence for Early Judaism or Early Christianity is fraught with methodological and historiographical challenges. Our evidence is often episodic and fragmented, not easy to understand, difficult to date, hard to ascribe to specific historical communities, about which we often know too little, and sometimes in service of setting themselves apart from other closely-related groups, about which we often know even less. Consequently, so many of us have understandably spent careers devoted to these latter, “first-order”, historical issues, in the hope of providing a firmer basis for the next generation of scholars to turn their attention to other matters of the next order.

No one disputes the necessity of sound historical-critical work as a basis for other forms of inquiry. But we should recognize that it comes at a cost. We may be by-passing valuable opportunities along the way, where some understanding of what the whole might have been and how the whole might have worked bids us look for, or look differently at, the (somewhat disjointed) parts that our episodic and incomplete sources reveal to us. Perhaps our work would have been, and would be, facilitated by at-least-heuristic, explicit, reconstructions or re-descriptions of (various types of?) Early Judaism or Early Christianity as socio-cultural systems, however tentative and qualified our claims. These would provide valuable interpretive lenses or hypotheses for our first-order work.

This paper attempts heuristically to describe *a* late second-temple Judaism in Jerusalem and its immediate Judean hinterland as a coherent religio-cultural system. In so doing the paper both is reminiscent of, and differs from, the work of E.P. Sanders,<sup>3</sup> W. McCready, A. Reinhartz and others in defining a 1<sup>st</sup>-century “common Judaism”. Like their work, this paper must proceed by collating, admittedly sometimes selectively, evidence from a wide variety of quarters and from a period spanning several centuries, but always with an eye to questions of historical plausibility and practice by what may *reasonably* be surmised to be a wide swath of this geographically-delimited, Judean population, notwithstanding their differences on what they deemed significant matters. This paper differs too in its aspiration to interpret the evidence in a culturally-systemic manner. What I mean by this will become clearer as the paper progresses.

It is my expectation—perhaps, better stated, it is my admission—that the religio-cultural system so reconstructed will constitute an “ideal” one to some significant extent; that is, one that in its totality does not describe any particular, historical community’s religious culture. Again, the latter parts of this essay will make this matter clear, when we are faced with using the varied sources at hand. Nevertheless, as we shall argue, it is an “ideal” system that, I hope, sheds light

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<sup>3</sup> E.P. Sanders, *Jewish Law from Jesus to the Mishnah* (London: SCM, 1990); *Judaism, Practice and Belief* (London: SCM, 1992); see review essay by Martin Hengel and Roland Deines, “E.P. Sanders’ ‘Common Judaism’, Jesus, and the Pharisees,” *Journal of Theological Studies* 46/1 (1995) 1-70. Wayne McCready, Adele Reinhartz, *Common Judaism: Explorations in Second Temple Judaism* (Minneapolis: Fortress, 2008), cf. W. McCready and A. Reinhartz, “Common Judaism and Diversity within Judaism,” pp. 1-10, E.P. Sanders, “Common Judaism Explored,” pp. 11-23. Where this paper stands in relation to Sanders’ “Common Judaism” will become evident as the paper progresses. But at this juncture, one major methodological matter distinguishes what this paper will (re)describe from Sanders; I have deliberately restricted my exercise to a restricted, even if highly salient, geographical community, Jerusalem and its environs. By so doing, I have bracketed what Judaism or Judaisms may have been practiced by whom in, let us say, the Galilee, let alone in the near Diaspora in locales such as Damascus or Alexandria. It is far more likely, that a Judaism centred on the rites of the Jerusalem Temple cult dominated the daily religious life of Jerusalemites than it did the life of Galileans. That historical likelihood makes this a different exercise than Sanders’.

on the meaning and significance of much of the evidence from early Judaic (and Christian) sources, including evidence from communities defining their identity over against, at a distance from, or after the demise of, Jerusalem-temple-centred Judaism.

## II. Methodological and Conceptual Frames

Describing “a religion” is a complex and comprehensive affair, for many of the same reasons that *defining* religion has been a challenge.<sup>4</sup> Such definitions often appeal to an array of different traits and components from sacred texts to beliefs about supernatural beings and their activities, from behavioural norms and social institutions to symbols and rituals, and the list goes on. Few modern scholars of religion or analytic philosophers of religion would maintain that all the components of such lists are both necessary and sufficient. And a serious discussion could be had about whether any of the items on such lists are, strictly speaking, necessary.<sup>5</sup> Furthermore, if

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- <sup>4</sup> The literature on the definition of religion is extensive. I offer just one reference as indicative of the issues and complexities: see, for example, Andre Droogers, “Defining Religion: A Social Science Approach,” in *The Oxford Handbook of the Sociology of Religion*, Peter B. Clarke, ed. (Oxford: Oxford University Press, 2011), pp. 263-279. I still find the 1967 essay by the analytic philosopher, William P. Alston, in the *Encyclopedia of Philosophy* to be a good, thumbnail introduction to the complexities. See also William P. Alston, *Perceiving God* (Ithaca: Cornell University Press, 1991). On the difficulty of specifying necessary and sufficient traits of religion, see Brian C. Wilson, “From the Lexical to the Polythetic: A Brief History of the Definition of Religion,” in *What is Religion? Origins, Definitions, and Explanations*,” Thomas A. Indopoulos and Brian C. Wilson, eds. (Leiden: Brill, 1998), 141-162. See also E. Thomas Lawson, “Defining Religion...Going the Theoretical Way,” in *What is Religion? Origins, Definitions, and Explanations*, 43-50.

<sup>5</sup>See above n.4, Wilson, “From the Lexical to the Polythetic: A Brief History of the Definition of Religion.”

one were to compare lists of phenomena that may constitute a “religion” to those that would be brought to bear to categorize something as a “culture”, a “philosophy”, an “ideology”, or a “social movement”, one would likely find commonalities across the lists.

The upshot is that it seems unhelpful to view “religion” as a *sui generis* phenomenon distinct from and unconnected with other aspects of society and culture, since what are usually listed as characteristic elements of a religion overlap considerably with, or would be subsumed entirely with, elements of culture and of social formations.<sup>6</sup> In fact, to take on the task of describing and interpreting, in whole or in part, the religion of any group requires one to adduce a wide and dense array of traits that has as its meaningful context only within an equally “thick” description of social and cultural norms, institutions, and shared perceptions of reality of which the allegedly strictly “religious” elements form a part.<sup>7</sup> The evidence required to elaborate such “thick” descriptions of a social and cultural formation of a particular time and place is extensive. Consequently, those of us who study religions of antiquity face challenges derived from the nature of our evidence, that make our work very different than that of our colleagues who study contemporary religion.

An autobiographical excursus will aptly illustrate this last point.

In the late 1980s and early 1990s, Frederick Bird and I, together with some half a dozen graduate students set out to study just one dimension of the religion of contemporary Montreal Jews. We wished better to understand how ritual played a role in constructing family and

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<sup>6</sup> See, e.g., Russel C. McCutcheon, “Redescribing “Religion” as a Social Formation: Toward a Social Theory of Religion, in *What is Religion? Origins, Definitions, and Explanations*, 51-72.

<sup>7</sup> Perhaps a culture without a serious religious component is both a theoretical and an empirical possibility. But I suspect that it would be rare indeed to find a religion which is not embedded in a cultural context in a manner that is mutually upholding. This is true even for religious groups that one would view as countercultural movements. See earlier references to works of Clifford Geertz.

synagogue-based-community identities.<sup>8</sup> In both family and synagogue settings, we observed how both the practice of traditional, “reformed” and reworked rituals of Judaism, at home and in the synagogue, combined with newly invented ones, and how all of these were interwoven within sets of social relations, stories about the family’s or congregation’s history, values, allegiances and alliances within and outside of the family or congregational circle.

The richness of the array of information that we could bring to bear in understanding the roles and meanings of ritual and ritual innovation in their lives together as Jews was mindboggling. We could see how such rituals old and new helped give expression to, forge and reinforce the group identity of the family or synagogue, nested within a larger Jewish community, and within more encompassing Canadian society in Quebec, within all of which the family or congregation had to define its place. The reports of the researchers constituted an immense body of evidence of various of levels of specificity, as one might expect. In the end, we decided to focus on congregational Sabbath ritual as an important component of the forging of a distinctive congregational identity against a backdrop of competing forms of Judaism and types of Jewish congregations in Montreal.<sup>9</sup>

Consequently, we could plainly see, for example, how the “members” of very small-scale congregation (a *shtibl*) that had fashioned itself as a house-Rabbinic-academy had succeeded to define their distinctive version of a Jewish identity in relation to the larger classical Rabbinic

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<sup>8</sup> Armed with the required informed consent, our graduate students spent many hours as participant observers both in family settings and in a number of quite different types of Jewish congregations. People let our researchers into their homes, graciously invited them to spend the weekend at their cottages, welcomed us into their synagogues on Sabbaths and Festivals, answered our questions of clarification. What are you doing? Why? Where did this ritual come from? How does it make you feel? What do you think it means?

<sup>9</sup> Jack N. Lightstone, Frederick B. Bird, Simcha Fishbane, Marc P. Lalond, Victor Levin, Louise Mayer, and Madeleine McBrearty, *Ritual and Ethnic Identity: A Comparative Study of the Social Meaning of Liturgical Ritual in Synagogues* (Waterloo: Wilfrid Laurier University Press, 1995).

Academy several kilometers away, on the one hand, and the even larger modern Orthodox synagogue not 200 meters away, on the other. We could discern how the members of the *shtibl*, some of whom were the students of the small Rabbinic academy's "head" (*rosh yeshiva*) and only teacher, and others of whom were benefactors of the academy, sought to express greater participation and integration into secular society in Montreal than their counterparts in the major Rabbinic academy, but more highly valued the study of traditional Rabbinic texts as a/the central element of their shared Jewish identity than did members of the nearby modern Orthodox synagogue. Their participation in their *shtibl*'s Sabbath services served to help position them exactly where they wished to be within a larger social and cultural matrix.

I am recounting this long-past academic collaboration with Fred Bird, because it contrasts so starkly with what I have dealt with for the lion's share of my academic research to better understand the formations of Early Judaism in context, and among them of the early rabbinic movement in particular. The work I undertook with Fred Bird and our students was certainly not without its methodological and conceptual challenges, but it was eye-opening not to have had to face the particular difficulties of studying the religion and culture of people and communities living 18 and 19 centuries ago, the evidence for which is episodic, incomplete and fragmentary, usually tendentious, and highly filtered through the sieves of later orthodoxies that got to determine what documents survive and which do not—excepting those texts which by extraordinary fortune archaeologists have dug up. And as valuable as the material remains of these ancient communities are, they are a but a few pieces of a much larger material puzzle, with most of the pieces missing.

Our energy as scholars of religion, society and culture in antiquity is nearly consumed with dealing with historical-critical challenges. We are constantly struggling to get to the *starting*

*line* of the endeavour to describe and understand in context the Jewish and Christian communities of the ancient world. Describing an ancient Jewish group's religion, at a given time and place in antiquity, as an integrated, lived and practised whole in context, as one would be able to do for a contemporary religious group, is an impossibility. Unless ...! Unless one is prepared for the sake of the exercise to suspend, even if only temporarily, many serious and critical historiographical problems, and indulge in an *informed* act of scholarly imagination. The result would be an "imagined" religion, or an "ideal" one, perhaps. But it could serve a purpose; it would allow us to proffer heuristic meanings and significance to much of the evidence we do have in hand in a way that might otherwise not be possible.

I have given some thought to what it means for such an activity of academic imagination to be "informed". At least three elements come into play. One I would call "filling in blanks", often from somewhere else. By this I mean fashioning some of the missing pieces from cognate evidence or from evidence that is somewhat removed in time in place from the religious culture one is attempting to describe. The second is selectively bracketing some of the pieces that one does have, because they seem, without far more information than we have at hand, to be aberrational elements. I realize this to some extent "cooks the books", but it does sometimes allow one to get beyond hurdles to a useful end, allowing a subsequent return to the bracketed pieces with new and helpful perspective. The third is a somewhat greater dependence on theoretical models to provide the framework and latticework for fitting pieces together than would be the case for scholarship of contemporary religious groups. Of course, all scholarship of social and cultural phenomena, even of modern contemporary phenomena, reply upon conceptual or theoretical models. But when the evidence is sparser and contains more gaps, one



must accept that that reliance is bound to be heightened. I shall have more to say about this paper's conceptual and theoretical foundations shortly.

As I have already stated, the religion that I endeavour to “imagine” is one of a very particular group, time, and place: that of “Jews” living in the very late second temple period in Jerusalem and in very *nearby* Judean territory. I did not say “all Jews” or “the Jews”, since that would be patently unverifiable and likely false, and I am reluctant even to say “most Jews”, in large part for the following reasons. To imagine that religion in sufficient detail I must, as I have already intimated, cull data from disparate sources, times and places, and herein lies my running roughshod over number of historiographical issues. This essay (explicitly or implicitly) selectively collates evidence from the Hebrew Bible and the Mishnah in particular, and to some extent from Early Christian literature, Josephus and some of the Dead Sea Scrolls—all this against a backdrop of elements of the material remains of the Land of Israel in Hasmonean and especially Roman Times. The disparate provenance and perspectives of these bodies of evidence is problematic to be sure. The relevant sections of the Hebrew Bible were produced more than four centuries earlier than the last decades of the second Temple Period. Mishnah was composed about 130 years after the demise of the 2<sup>nd</sup> Temple and is engaged in its own exercise of “ideal” reconstruction, when it proffers rulings about a Judaic cult and religious practice centred in the Temple, its institutions and its personnel. Much of early Christian literature is attempting to define itself over against the Temple cult and the Judaism associated with it—after its demise, when it is defunct.<sup>10</sup> Its accounts of them are tendentious, at times anachronistic, and sometimes

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<sup>10</sup> This is commonplace in the Gospels and Acts, written relatively soon after the Temple's destruction, and in Paul's epistles. But consider the Epistle to Diognetus, which in chapters 3 and 4 rants against a Judaism that to a significant extent is gone by the time the Epistle is composed in the 2<sup>nd</sup> century. See, for example, Diognetus 3:5 (trans. J.B. Lightfoot):

vilifications of what it knows or thinks it knows of that Judaism. The list of methodological difficulties and caveats goes on. Nonetheless, I mix and match elements from these sources. The process and the result are, admittedly, highly eclectic, and, of course, still leave blanks that must be finessed in some manner.

Does that mean that what I “imagine” as a perhaps “ideal” reconstruction is a fiction? Not at all; it is more like a best guess, much as a reconstructed text would be, based on fragments of a number of manuscripts from various eras, containing different recensions, and having many lacunae. The resulting text would eclectic with many letters and words interpolated in square brackets, and we would then, nonetheless, proceed to interpret the meaning of such a text—an apt analogy or metaphor for the endeavour at hand.

The conceptual and theoretical framework and latticework for the imaginative reconstruction of this Judaism is hinted at the outset of this paper. The elements of religion are viewed as part of a cultural system. Perhaps it is more accurate to say that I endeavour to describe an imagined, religiously-informed, shared cultural system. By culture I mean a “reasonably coherent” set of shared views about how “the world” works, together with the shared norms, social institutions, and critical infrastructure that makes it work both in the *minds* of people and in their lives *lived* together within some social order. It includes as well shared accounts of why their world is as it is, and the symbols and rituals that encode or point to the saliency of what they share.<sup>11</sup>

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But those who think to perform sacrifices to Him with blood and fat and whole burnt offerings, and to honour Him with such honours, seem to me in no way different from those who show the same respect towards deaf images; for the one class think fit to make offerings to things unable to participate in the honour, the other class to One Who is in need of nothing.

<sup>11</sup> See, e.g., above, n.2, references to essays by Clifford Geertz.

I refer to culture as a “system”, because when enough elements complement and reinforce one another, in other words, “fit”, they give to the whole a sense of self-evident plausibility for that group’s members. (These are, in my view, related to the “strong sentiments” engendered in religions adherents that Clifford Geertz refers to in his famous essay “Religion as a Cultural System”.<sup>12</sup>) Since cultural systems, and religions as part of them, have complex histories; they do not spontaneously develop and appear as a system. Their elements emerge over extended periods of time, often in different antecedent systems. Therefore, the “fit” at any one time among its elements is necessarily imperfect. The parts were not socially or culturally designed and engineered to work with the one another. If there is, however, too little “fit”, the system will increasingly lack plausibility, and the perceived legitimacy of its elements will diminish.

There is another state of affairs that would seriously undermine the legitimacy of any religiously-informed cultural system; the realization that major elements that comprise it are mere convention, that is to say, that the elements become understood as social constructs that just as easily could have been otherwise (and, in fact, might even be observed to be otherwise in the group next door). Some of the work of Mary Douglas<sup>13</sup> on “implicit meaning” in cultural systems suggests that cultural systems are experienced as most “natural” when members of the group are less self-conscious about, or are less able or inclined to explicitly articulate discursively, the “fit” that entails across major elements of the system. What is experienced as simply “in the nature of things” (even though it is patently not) is less likely to be perceived as

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<sup>12</sup> See above, n.2.

<sup>13</sup> See above, n.2.

mutable. Consequently, change in religiously-informed cultural systems often occurs by “stealth” over time, lest it occur by tumultuous rupture (as in the case of the Reformation).

### **III. “Imagining” Late 2<sup>nd</sup>-Temple Judaism as a Cultural System**

This, then, is the conceptual frame I apply to my imaginative description or re-description of major aspects late 2<sup>nd</sup>-Temple Judaism as a mutually reinforcing fit of a number of elements that operate as an encompassing, reasonably coherent, cultural system. I will state at the outset that the historical origins of these elements are of no consequence to me for this exercise. For all I care, each element may have disparate historical origins in different systems. I will admit at the outset that the thickest descriptions we have for these elements are in the Hebrew Bible, on the one hand, and especially in the Mishnah (and Tosefta), on the other. But, of course, neither purport to offer thick descriptions of observed practice. They are, if anything, “thickly fashioned injunctions”, Mishnah especially so. As already noted, in so far as we are imagining a state of affairs in the last decades of the 2<sup>nd</sup> Temple period in Jerusalem and nearby, both sources are problematic. At least the biblical scriptures were of undisputed authority in the 1<sup>st</sup> C CE, even if the compositions of its legal texts, which are of especial importance to us, took place almost half a millennium earlier. Mishnah was composed some 130 years after the Jerusalem Temple’s destruction. Mishnah’s own dependence on the legal sections of the Hebrew Bible are undisputable. But it is difficult to know whether and when Mishnah is (1) directly (or simply?) elaborating biblical law, (2) elaborating historically valuable reminiscences of late 2<sup>nd</sup>-Temple-period practice, or (3) just making it up to fill in the blanks itself. Some elements of each of the five broadly-conceived heuristic thematic categories I will use in what follows are referenced, at least in passing, in the Gospels, Acts, and/or the Epistles of Paul, in Josephus, and in the DSS.

But the evidence from none of the latter matches the specificity of either the Hebrew Bible or Mishnah (and Tosefta). What then are my general thematic categories?

My imaginative reconstruction of late 2<sup>nd</sup> Temple Judaism as a religious cultural system is founded on a number of subsystems that interact with, and mutually reinforce, one another.

They are:

- (1) The social differentiation of people in distinctive castes;
- (2) The rules of purity;
- (3) The system of agricultural gifts;
- (4) The system of sacrifices and festival days and pilgrimage;
- (5) A taxonomy of geographical space.

One may legitimately ask whether subset 3 and 4 are distinct, or whether 4 itself should be subdivided. These are entirely appropriate questions? Given the level of analysis required in this paper to fulfill its delimited objectives, further refinement of this taxonomy of subsystems may be deferred.

In the remainder of this paper, I will frequently refer to these five subsystems without delving too deeply into a description of each. I do this for two reasons. First, a fully elaborated account of each is impossible in the confines of this paper. Second, most of my audience is likely already familiar with enough of the elements of each to grasp the argument that follows in this paper; simply put, a more complete description here is unnecessary to make the points I set out to make. Rather I would have us focus on how these subsystems *work together*, even if they did not originate in whole or in part together, *to function as a religious cultural system*.

I would like to preface this exercise by pointing out something that *ab initio* is not obvious, that may seem odd at first glance, and which on further reflection may be significant.

Some of the most explicitly-well-attested and particularistic traits of Jews and Judaism in Greco-Roman antiquity, items which often appear on lists of the “common Judaism” of the 1<sup>st</sup> century—dietary laws, circumcision of infant males; refraining from work of the Sabbath and Festivals, fast days, ablutions in immersion pools (*miqva ’ot*), public reading of biblical scriptures, in-group marriage, monotheistic allegiance to YHWH alone—are either (mere?) sub-elements of one or another of these interacting sub-systems (e.g., in-marriage) or “incidental” to the functioning of the system, no matter how pervasive they may be among Jews of antiquity. If it sounds odd to say this, recall my earlier remarks about the distinction between “implicit” meanings and “explicit” recognition. Mary Douglas reminds us of the powerful role of the former in rendering the system self-evidently appropriate to the members of the groups, of giving the system an air of being “in the nature of things”.<sup>14</sup> The mutually reinforcing interplay across these sub-systems in a larger, culturally-systemic whole operates mostly at an “implicit” level. Ancient sources generally do not speak, and perhaps are not conscious, of the operations of the whole *as a system*. Yet, as Maccabees I, II, III and IV, aptly illustrate, (some?) Jews of the 2<sup>nd</sup>-Temple period view would view strict, “imageless” monotheism, male circumcision, Sabbath observance, or eating the meat of unclean animals as so central to their individual and collective identity that wars should be fought and martyrdom should be risked over them.<sup>15</sup> Would these

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<sup>14</sup> See above n.2, article by Mary Douglas of the same name.

<sup>15</sup> This list of the explicit attestations to these as Judaic “markers” at the end of the 2<sup>nd</sup>-Temple period is indeed prodigious and from multiple fronts. For example, refraining from work on the Sabbath and dietary restrictions figure prominently in Josephus’ account of the privileges and dispensations granted to Jewish communities in the Empire (Josephus, *Antiquities*, XIV, 223-267). The Gospels have Jesus criticize over-scrupulousness of Sabbath observance, of refraining from eating with those unclean, or eating that which is unclean. To the intended audience, these passages are effective rhetorically because of what would have been recognized as pervasive traits of Jews and Judaic practice. Writing half-a -century or so later, the Epistle to Diognetus provides a list of Jewish superstitions at 4:1 (trans. J.B. Lightfoot):

texts have argued the same had a priest been forced to marry a Jewish woman who was divorced, or if one were forced to eat produce from which *terumah* (heaving offering) had not yet been designated, or if second tithe in alternate years were not consumed in a state of cleanness within the walls of Jerusalem? Discrete elements of Judaic practice the transgression of which may have been “explicitly” understood as “red lines”—as grounds for war or martyrdom—by many Jews of the era in question, may not necessarily, *in and of themselves*, been systemically important at the “implicit” level.

To begin to shine a light on the sub-systems’ operation as a “system,” let me cite a passage of Mishnah which aptly attests to the interplay of the five thematic categories in some whole.

**m. Kelim 1: 6-9a**

1:6

1. There are ten [levels] of holy [territory]:
2. The Land of Israel is more holy than all of the [other] Lands.
3. And what is [the nature of] its holiness?
4. [In] that they bring from it[s produce the offerings of] the *omer*, the first fruits, and the two loaves,
5. which they do not thusly bring from [the produce of] the other lands.

1:7

7. Cities [in the Land of Israel] surrounded by a wall are more holy than it [the rest of Land of Israel].
8. [In] that they send forth the leprous
9. And they parade [in cortege] around within [the city the bier of] a dead person as they wish.
10. [But once] it [the dead person] leaves [the city], they do not return it [back within the city walls].

1:8

11. [The territory] within the walls [of Jerusalem] is more holy than them [the territory within the walls of other walled cities in the Land of Israel].

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But again their scruples concerning meats, and their superstition relating to the sabbath and the vanity of their circumcision and the dissimulation of their fasting and new moons, I do [not] suppose you need to learn from me, are ridiculous and unworthy of any consideration.

12. [In] that there they eat lessor holy things and second tithe.
13. The Temple Mount is more holy than it.
14. [In] that men with a flux, and women with a flux, and menstruants, and women who have recently given birth do not enter there.
15. [Within] the rampart is more holy than it.
16. [In] that Gentiles and one unclean with corpse uncleanness do not enter there.
17. The Women's Court [of the Temple] is more holy than it
18. [In] that one who has immersed that self-same day [and is waiting the until the next to bring a purification offering] does not enter there.
19. And they [who unwittingly transgress this interdiction] are not liable on account of it for a sin offering.
20. The Court of [male] Israel[ites of the Temple] is more holy than it.
21. [In] that one [who has completed all other rites of purification but] that lacks [i.e., has not yet had] his atonement sacrifice [brought of his behalf] may not enter there.
22. And they [who unwittingly transgress this interdiction] are liable on account of it for a sin offering.
23. The Court of Priests is more holy than it.
24. [In] that [clean] Israelites enter there only at the moment [required to fulfill] their sacrificial needs,
- 25 [i.e.,] for the laying on of hands [upon the sacrifice to confess one's sins], for slaughtering [of the sacrifice], for the waiving [of portions of the sacrificial meat before the altar].
- 1:9a
26. [The Area] from the Vestibule [of the Sanctuary] to the Altar is more holy than it.
27. [In] that [temporarily] blemished [priests or Levites] whose heads are uncovered do not enter there.
28. The Sanctuary is more holy than it.
29. [In] that only those [unblemished priests] whose hands and feet are [first] washed may enter there.
30. The Holy of Holies is more holy than it.
31. [In] that only the High Priest enters there [and only] on the Day of Atonement at the moment of the *avodah* [sacrifices].<sup>16</sup>

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<sup>16</sup> My translation, reproduced from J. Lightstone, "Roman Diaspora Judaism," in J. Rupke, ed., *A Companion to Roman Religion* (Oxford: Blackwell, 2007), pp. 358.



This Mishnah passage makes differentiation of geography in terms of level of holiness one side of a classificatory matrix. Holy territory begins at the outer boundaries of the Land of Israel (at least where the authorship of Mishnah believes the biblical boundaries are). And the passage defines concentric circles of increased holiness as one moves inward from those boundaries to a central point, the Holy of Holies of the Jerusalem Temple. There are other sides of the matrix which serve to establish and define the levels of geographical holiness. Agricultural gifts are due from territory within the boundaries of the Land of Israel. Access to more holy territory is a function of caste (the High Priest, [unblemished] priests, [unblemished] Levites, male Israelites, women Israelites, Gentiles), as well as levels of uncleanness. As regards sacrifices and other offerings, lesser holy things (e.g., the Passover offering and second tithe in alternate years) are eaten within the walls of Jerusalem. Most holy things (e.g., burnt offerings, peace offerings, purification offerings, guilt offerings) are brought within the Court of the Priests of the Temple, by clean, male Israelites who bring their offerings to officiating priests fit for service in the Temple. Additionally, on the altar in the Vestibule the daily (*tamid*), Sabbath, New Moon, and Festival-Day sacrifices are offered. Next in holiness is the Sanctuary itself, in which stand the incense altar, the menorah, and the shew-bred table, and access to which requires further ablutions by the officiants. Finally, the passage references the inner-sanctum of the Sanctuary; the blood of the purification offerings of the Day of Atonement is taken into the Holy of Holies, and only on that day, by the presiding High Priest alone.

As stated, each of the five subsystems is at least given “honorable mention” (or more) in m. Kelim 1:6-9a. Permit me to reference them:

1. Territory (lands beyond the borders of the Land of Israel, the Land of Israel, walled cities in the Land of Israel, Jerusalem, Temple Mount, Rampart, Court of Israelite

- Women, Court of Israelite Men; Court of the Priests, Vestibule, Sanctuary, Holy of Holies);
2. Caste (Gentiles, Israelite Women, Israelite Men, Blemished Priests, Blemished Levites, Unblemished Priests, Unblemished Levites, High Priest)
  3. Agricultural gifts (*omer* [of first barley harvest], first fruits, two loaves, “lesser holy things”, second tithe);
  4. Sacrifices/ Festival Days/ Pilgrimage (the *omer* [first barley harvest] triggered annually by the Passover, first fruits, which are brought on the Pentecost pilgrimage festival, lesser holy things includes the Passover sacrifice, disposition of second tithe in alternate years requires pilgrimage to Jerusalem, purification offerings on the Day of Atonement);
  5. Purity (Leper, dead bodies, men or women with flux, menstruant, women who have recently given birth, persons who have counted their days of “cleanness” and have undergone immersion but wait to bring their purification or atonement offering after sunset, clean Israelite men, clean Israelite women, clean priests and Levites who have washed their hands and feet).

This categorized list may be directly cross-referenced topically with the detailed, elaborated content of at least seventeen of Mishnah tractates (and indirectly with a number of others), and with scores of scriptural verses from Exodus, Leviticus, Numbers and Deuteronomy.<sup>17</sup>

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<sup>17</sup> At the very least, directly referenced are topics central to: m. Ma’asrot (see Nm 18:21-24.), m. Ma’aser Sheni (see Dt 14:21-27, 26:12-15, Lv 27:30-31, 19:23-25), m. Hallah (see Nm 15:17-21), m. Bikkurim (see Ex 23:19, 34:26, Nm 18:13, Dt. 26:1-11), m. Pesahim (see Ex 12:1-28, 43-50, 23:18, 25, Nm 9:1-14, Dt. 17:1-8), m. Yoma (see Lv 17:1-34, Nm 29:7-11, Ex 30:10), m. Kiddushin (cf. 3:12-4:8, see Ex 34:16, Lv 21:13-15, Dt 7:3-4, Ezek 44:22, Ez 9:1-2,15, Ne 13:23-27.), m. Zevahim (see Lev 1:1-9, 14-17, 3:1-5, 4:27-31, 7:1-8) m. Middot, m. Kelim (see Lv 11:29-35, 15:4-6, 9-11, 19-27, Nm 19: 14-15), m. Nega’im (see Lv 13:1-14:53, Dt 24:8), m.

The passage implicitly, and unselfconsciously, demonstrates another important point. Each subsystem has meaning *only in relation to* at least one, and often more than one, of the other subsystems. For example, geographical place and space is defined in relation to what can, must, or must not happen in it. One must take agricultural gifts from the produce of the Land of Israel, only. One is free from uncleanness (see, e.g., m. Kelim 1:1-5<sup>18</sup>) so that one may go up to

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Taharot, m. Miva'ot (see Lv 11:31-32,36, 15:13, 16, Nm 31:23), m. Niddah (see Lv 12:1-8, 15:19-30, 18:19, 20:18), m. Zavim (see Lv: 15:1-15), m. Tevul Yom (see Lv 12:32, 22:6-7), m. Yadayim. References to relevant scriptures for each Mishnah tractate are conveniently presented as a part of the preface to each tractate in H. Albeck, ed., *Shishah Sidre Mishnah* (Jerusalem and Tel-Aviv: Dvir and Mosad Bialik, 1959).

<sup>18</sup> For convenience—with apologies for not doing my own, as I usually do—following is Blackman's translation of m. Kelim 1:1-5 (*Mishnayoth: Order Taharoth*, Philip Blackman, ed. and trans. [London: Mishna Press, 1955], 27-31):

1:1 These primary sources of uncleanness- a [dead] unclean reptile, and semen and one that has become unclean from a corpse, and a leper in the days of his reckoning, and the water of the [red-heifer] sin-offering [even though] insufficient for sprinkling-communicate uncleanness to man and vessels by contact and to earthenware utensils[if they be present, whether touching the wall or not] within the air- space\$ but they do not communicate uncleanness by carrying.

1:2 They are surpassed [in their potency to effect uncleanness] by carrion and by the water of the [red-heifer] sin-offering when sufficient in quantity for sprinkling, since these communicate uncleanness to the person by carrying: and he also confers uncleanness to garments by contact, but his garments [that he wears while touching the carrion] do not acquire uncleanness by [mere] contact [without the carrying at the same time].

1:3 They are exceeded [in their power to confer uncleanness] by one who copulates with a menstruant, since he communicates uncleanness to whatsoever lies beneath [him] in the same degree as [one suffering from

an issue confers uncleanness to covers him] above. They are surpassed by the discharge from one that has an issue, and by his saliva, and by his semen, and by his urine, and by the blood of a menstruant, since they cause uncleanness both by contact and by carrying. They are exceeded [by the uncleanness of] what [one with an issue] rides upon, since it imparts uncleanness [even to what is] beneath a large stone. [The uncleanness of] what [one suffering with a flux] rides upon is exceeded [by what he] lies upon, for [the uncleanness contracted by] contact therewith equals [that caused by] the carrying thereof. [The uncleanness of] what [the suffering from a flux] lies upon is surpassed by [the uncleanness of] him that suffers a flux, since one with a flux communicates uncleanness to what he lies upon, but what he lies upon does not transfer uncleanness to the like degree to whatsoever it lies upon.

1:4 [The potency of uncleanness of] a woman with a discharge] transcends [that of] a man with a discharge, since she communicates uncleanness to the man that copulates with her. [The potency of the uncleanness of] a leper transcends [that of] a woman with a discharge, for he conveys uncleanness [to a dwelling] on entering. [The potency of the uncleanness of] a leper is transcended by [that of] a barleycorn's bulk of bone [of a corpse] since it imparts seven-day uncleanness. More stringent [in potency of

the Temple Mount and participate in certain rites, and so that one does not contaminate foodstuffs that are destined for Jerusalem, its Temple, or for Levitical-priestly consumption. The laws of permitted and prohibited marriage, so as to maintain the caste system, serves especially to provide fit priests and Levites of appropriate lineage for the Temple (see e.g., m. Kiddushin 4:1-8)<sup>19</sup> and to receive designated agricultural gifts. One is a “fit” member of the priestly caste,

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uncleanness] than all of them is [that of] the corpse, since it imports uncleanness by a overshadowing, an uncleanness that is not conveyed by [any of] all the others.

1:5 There are ten grades of uncleanness that emanate from man—one whose atonement is [yet] incomplete is prohibited [to consume of] holy sacrifices, but is permitted [to eat of] priest's-due and tithe; one that had immersed himself [in the ritual bath] the selfsame day" [but sun- down has not yet arrived] is forbidden [to eat of] **holy** sacrifices and priest's-due, but is permitted [to eat of] tithe; one that has suffered an issue of semen [and has not yet had the ritual immersion] is forbidden [to eat of] the three of them<sup>6</sup>; one who has copulated with a menstruant communicates uncleanness to aught lying under [him] to the same degree as [one with a discharge imparts uncleanness] to aught lying above [him]; one with a discharge that has suffered two fluxes conveys uncleanness to whatsoever he lies upon and to whatever he sits upon, and he must bathe in running water,' but he is exempt from the [sin-] offering, [but] if he experience three [fixes], he must bring the [sin-] offering; he that is a leper in quarantines communicates uncleanness [to a house] on entrance, but he is exempt from [the obligations of] letting the hair grow in neglect and from the rending of garments, and from cutting the hair, and from the bird offerings, but if he were certified completely healed from leprosy, he is liable to all of them; if a member were severed from one but does not bear [its] proper flesh, it affects uncleanness by contact and by carrying but does not communicate uncleanness by overshadowing, but if it have [its] proper flesh, it conveys uncleanness by contact and by carrying and by overshadowing. The quantity of proper flesh is such as to effect repairment. R. Judah says, If in one place there be sufficient [flesh, if cut into thread-like strips] to surround it [namely, the torn part] with [the thickness of] the thread of the weft, it has the possibility of reparability.

<sup>19</sup> Referring to the lineages in Nh 7:5, m. Kiddushin 4:1 articulates ten castes—showing Mishnah’s propensity to list-making as a form of taxonomy (trans. my own):

4:1

A. Ten castes (*yohasin*) immigrated (‘*alu*) from Babylonia [to the Land of Israel]:

- i) Priests,
- ii) Levites,
- iii) Israelites,
- iv) profaned [priests, whose fathers married women whom priests may not marry),
- v) converts,
- vi) freedmen [and freedwomen],
- vii) *mamzerim* [those born of adulterous or consanguineous relations],
- viii) *netinim* [descendants of Cananite Gibeonites who converted (see Joshua 9:26)],
- ix) ignoti (*shukim*) [whose biological fathers are not known, see m. Kiddushim 4:2],
- x) foundlings [neither of whose biological parents are known].

B. Priests, Levites and Israelites are permitted to have sexual relations among one another.

C. Levites, Israelite, profaned [priests], converts and freedmen [and freedwomen] are permitted to have sexual relations among one another.

D. Converts, freedmen [and freedwomen], *mamzerim*, *netinim*, ignoti, and foundlings are permitted to have sexual relations among one another.

who is unblemished and free from uncleanness, so that one may enter to officiate at sacrifices in the Vestibule and Sanctuary of the Temple, and so that one may eat holy things that are the God's dues, paid to God by being consumed by his Levitical-priestly caste. Others within the Jewish caste system are obligated to provide from the produce of the Land of Israel the agricultural gifts and sacrifices that are due to the Temple and its Levitical-priestly personnel. And all castes must at key times be free from uncleanness so as to not contaminate YHWH's Temple, personnel or YHWH's dues. But only Israelite [in the sense used in m. Kiddushim 4:1] women are fit marriage partners for members of the priestly caste, if their male offspring are to be priests officiating in the Temple, or their female offspring are to be wives of someone in the line of potentials for the high-priesthood. The boundaries of the Land of Israel are significant by reason of the fact that within its frontiers the produce must be tithed, and within those boundaries is there a population observing of purity laws that serve to protect the Jerusalem Sanctuary within concentric circles of ever increasing purity-maintenance. Jewish *sovereignty over the Land* is not a formal systemic requisite, no matter how much it is an abiding ancient historical aspiration, as long as the elements of the system can be *adequately implemented in it*.<sup>20</sup> That is to

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<sup>20</sup> Thus Maccabees I and II do not justify the Hasmonean Revolt in terms of the need to exercise Jewish sovereignty over the Land simply for the sake of exercising that sovereignty. Indeed, that self-sovereignty had ceased centuries earlier, and the early Persian monarchs are heroes in the Books of Ezra and Nehemiah. Rather, the apologies of Macc. I and II for Hasmonean family is grounded in the narrative that the Land's foreign sovereigns, the Seleucids, had begun to make it difficult to operate what I am calling "the system" in the Land, unlike the Ptolemaic and the Persian rulers that preceded them. Under these conditions, the Hasmonean-led revolt was necessary, and their assumption of power was deemed a guarantee of sorts. This squares well with Josephus' stance in *Wars* and in *Antiquities*; if you let the Jews operate their "system" in the Land, all but the most militant among the Jews would have continued to accept Roman rule. For Josephus, the Hasmonean revolt was the exception that proves the rule, and should have been a lesson for Jews and Romans alike in the 1st century. Josephus goes to considerable lengths in *Antiquities* XIV to show that Rome, especially with Julius Caesar, got off on a good foot in the Land of Israel and with respect to Jewish communities outside the Land.

say, the details of any sub-system matter, have meaning, only in relation to detailed aspects of one or more of the other subsystems. As a corollary, each on their own is either devoid, or much devalued, of meaning and purpose. That is the *one* of the key senses in which one may assert that the sub-parts implicitly work together as a whole system, a kind of set of gears that engage one another.

Ironically, I have just made the point that knowledge of the “details” of the sub-systems are important to perceive how they engage one another—this after having earlier demurred about getting into such details in the confines of a paper such as this. Earlier, my stated reticence was justified as a matter of mere practicality, not one of principle. But what if I were not so confined? What if I had a monograph, not paper, in which to pursue matters? In reality, I would still have a methodologically daunting task, and it is worth, at this particular juncture, knowing why, even in the confines of this paper. Put most briefly, to enter into the details as they are likely to have been in the last decades of the 2<sup>nd</sup>-Temple period requires that we arbitrate among ancient sources (and ancient groups) that do not agree about the particulars. Let me provide just several examples.

The Mishnah’s laws of agricultural gifts already assume that not everyone shares the rabbis’ particular views about when to tithe produce, what needs to be tithed, or what may be done with produce before it has been tithed. The rabbis’ stance is this: one may not use produce for any purpose, until certain specific tithes have been at least designated (even if tithes have not yet been given to the appropriate recipient). Once these specific agricultural gifts have been designated, then the remainder has been de-sanctified (is *hullin*) and may be used. Because the early rabbis *assume* that Jews disagree about such details concerning tithing and agricultural gifts, or hold positions that in the early rabbis’ view makes these Jews appear to them to be less

fastidious about these matters (as the Gospel's portray Jesus), Mishnah must posit a category that sits between tithed and untithed produce, namely, "doubtfully tithed produce" (*demai*). Mishnah then articulates procedures for dealing with *demai*. It is the subject (and title) of an entire Mishnah tractate.

Mishnah's views on these matters are often taken to be those of the Pharisees, although the *detailed* evidence for this stands on a very narrow evidentiary base. The weight of the identification is too heavily borne on a stem provided by the passages of the Gospels that condemn the Pharisees' obsession with tithing (even?) dill and cumin. Biblical law is of course the source for tithing and agricultural gifts, but is mute on so much of the detail that consumes Mishnah.

The same difficult arbitration among the sources about the details of proper practice in agricultural law is required for the other four sub-systems. Let me take just one, purity. Mishnah takes biblical purity law and refashions it into well-defined hierarchies of purity and uncleanness that goes far beyond the plain sense of scripture. Fine! But in turning scripture's purity laws into a completely articulated and coherent system (which, incidentally, is the subject of m. Kellim 1:1-5, the passage immediately preceding our own cited earlier), Mishnah may or may not reflect the norms in force in latter decades of the 2<sup>nd</sup>-Temple period. Again, the Gospels portray the Pharisees as perturbed by Jesus' relative lack of concern with purity, and ridicule the Pharisees for their over-concern with matters of uncleanness. But that is not a sound basis for saying that Mishnah's purity laws were the Pharisees'. Nor is it a firm basis for saying that other groups in Late-2<sup>nd</sup> Temple Jerusalem and its hinterlands, such as the Sadducees, were any less concerned with purity than the Pharisees or than the Mishnah. Josephus at several junctures sets out to enlighten his intended audience about the differences between Sadducean and Pharisaic positions

on matters; none of these differences intersect with topics of the few passages where Mishnah explicitly contrasts Pharisees and Sadducees. Mishnah (m. Yadayim 4) *explicitly* contrasts Pharisaic and Sadducean positions with respect to differences concerning certain *details* of purity law, for example, whether the stream of liquid produced when one pours from one vessel to another connects the vessels for the purposes of transmitting uncleanness. And on this issue, the Qumran text 4QMMT takes a position as well (the one that accords with what Mishnah attributes to the Sadducees).

So even if we were not confined by the parameters of a paper such as this, we would still be faced with a serious methodological impasse, or at least a serious limitation. Mishnah provides us with the most details about these subsystems because of Mishnah's agenda. So, turning to Mishnah for *details* about our five sub-systems for the late 2<sup>nd</sup>-Temple period often becomes an easy default, in effect making the Mishnah the prevailing force in these arbitrations. But we simply cannot know how much of Mishnah *detailed* positions and systematization of these matters reflects the normative practice of how many Jews in and around Jerusalem some 130 to 160 years earlier. And no other sources provide enough detail to anchor matters. What we do know and what is clear, however, is that the details mattered a lot, else the conflicts about them would not have registered as prominently as they do in our sources. The early Christian stance as reflected in the Gospels, for example, is unique in that its message is: do not take these details or the disputes about them so seriously. But the Gospels are in their essence justifying the opting out of the system, are they not? It is all the more convenient for them that the Temple and what hinged on its operation is gone. It is only a stubbornly persistent shadow of the system that seems to hang over them.



But *what if* something *like* Mishnah's *detailed* legal systems *generally speaking* had defined the praxis of most of the Jewish population of late 2<sup>nd</sup> century Jerusalem and its hinterland? That is not an indefensible position considering the other sources at hand, ranging from the Hebrew Bible, Josephus, Early Christian literature (most notably the Gospels and Acts), and the Qumran documents. Putting the Hebrew Bible aside for the moment, at a *general* level several aspects of one or more of our five sub-systems is referenced in each of these bodies of literature. And archaeological evidence for late 2<sup>nd</sup> Temple Jerusalem is generally consistent with such a position. As to the evidence of the Hebrew Bible, it is the authoritative source book for many particulars out of which Mishnah forged its halakhic systems, notwithstanding that another group could have (and may in fact have) done the same and produced systems that *in detail* differed substantially from Mishnah's.

What, then, would be the meaning and significance, perhaps "implicit" only, of the whole as a functioning cultural system, *if* we were to use the sub-systems as detailed in Mishnah, in conjunction with the Hebrew scriptures, as a model?

In response, I propose that for some cultural systems its (implicit) meaning is bound up with what appears to be its intended outcomes, its ends. In the case at hand, that outcome patently has something to do with the expected or desired results of YHWH's beneficent presence on earth, a presence that is in some fashion centred in the Holy of Holies.

For YHWH to be both present and beneficent, a number of requisites must be met. Of course, his will must be done (a point endlessly stressed in Deuteronomy), as defined in the way of life (the *halakha*) that accords with Torah (His Teaching). Yes, that will enjoins acts of social justice and the like. But it also entails sacrifices to YHWH (alone), support for his one and only Temple, for the officiant castes of his Temple, and support for the disaffected who are YHWH's

special wards. The sacrifices to YHWH, the heaving offerings and tithes to priests and Levites, and the mandated gifts to the poor are their *due*, to be provided by other Jews, so that the latter may experience YHWH's beneficence.

What of YHWH's presence in his sanctuary? In the system at hand, that presence is directly affected by protecting it from forces of uncleanness, which are many (see m. Kelim 1:1-5), because YHWH's presence cannot dwell where there is uncleanness. Caste, geography, rules of uncleanness, differentiation of animal species, and rites of purification—all these work together to create bounded areas of ever-increasing realms of purity that protect the centre, the Sanctuary and the Holy of Holies, served by a special caste, so that YHWH's presence will remain. The Pentateuch is quite explicit about this: rules of uncleanness and rites of purification must be observed lest YHWH depart from his Sanctuary and the people “die in their uncleanness” (Lv 15:31). YHWH's presence is life-giving; uncleanness mitigates against that presence; therefore, uncleanness brings disintegration, degradation, and ultimately untimely death and social disruption.

Just as uncleanness is treated as an invisible, potent, material, so too God's life-giving beneficence also seems almost-physically present in the world. It is an invisible, intangible substance of another sort, a force for growth and order, as opposed to degradation and disorder. It is that which is holy. And this positive force is most intensively present in the Land of Israel. Why? Because that is where the forces of uncleanness are systematically controlled and circumscribed by rules of avoidance and purification. But excessive holiness, despite its life-giving effects is also so intense that it must be corralled, lest the livestock, produce and even newborn, firstborn, male children of the land remain “taboo”, that is, beyond use. It is in this sense that agricultural gifts from produce and domesticated animals, and even of humankind,

must be given to YHWH, or his officiating castes, or his special wards, the poor, in order for the remainder to become sufficiently profane and fit for daily consumption and purposes. Just as uncleanness in Mishnah (and to some extent in scripture) seems to be some sort of invisible “goo” that flows and adheres to things and people. Just as the “goo” of uncleanness is less virulent as it spreads from its primary sources (*avot tum‘ah*), just as it may be contained, diluted, and dissipated to the point of harmlessness, so too the life-giving power of YHWH that inheres most powerfully in the people, produce and livestock of the Land of Israel must be gathered and concentrated in designated tithes and other offerings and returned to its source, YHWH, rendering what remains sufficiently de-sanctified for common daily use.

*If* something like Mishnah’s subsystems generally entailed in late 2<sup>nd</sup>-Temple Jerusalem and its hinterland, this would seem to be the systemic results of their interrelationships. It is a *machine* to manage the flow of life-giving holy power, to gather it and return it to its divine sources so it can be re-distributed through the cycle of things, and to contain its opposite, the forces of uncleanness. It would have been virtually impossible for Jews living in and near Jerusalem to escape participating in some manner in this machine’s workings as long as the Temple functioned and the Temple system’s operational needs significantly governed Jerusalem’s social, political and cultural life.

Our discussion also newly problematizes what the destruction of the Temple would have meant to those who had lived close enough to be in its shadow. Since the parts of the subsystems of the whole really had meaning only in relation to one another, as if they were mutually engaging gears, imparting new meaning to what might continue to be practiced after the Temple’s demise, posed a formidable challenge. Mishnah, composed about 130 years after the destruction, really did not much rise to that challenge; Mishnah defined an “ideal” world in

which the Temple still stood and operated—indeed, operated even better than it had before its destruction. This runs counter to the mythology that after 70 CE, the early rabbis somehow transformed Judaism for the exigencies of a post-Temple world. Clearly Mishnah does little or nothing of the sort; it is still stuck in the time before 70 CE. And clearly the elements of “common Judaism” that *may* have existed before 70, after 70 are also cut loose from their moorings in a cultural system of which the elements are incidental details. What is usually adduced as the elements of “common Judaism” could never in themselves have constituted a cultural system before 70 in the manner that we have demonstrated, and could no more do so after 70.

Viewing the religion of late 2nd-Temple Judaism in and near Jerusalem as a religio-cultural system has helped us to glimpse the meaning of parts in a whole in a way that is more difficult to otherwise discern. And by admittedly so delimiting the geography of our discussion, we may safely surmise that the actual practice of this Judaism occupied to some significant degree the lives of Jews within the geographical bounds that we have set. Our exercise can also be taken as a base comparison point for three further, far-more-difficult exercises, to discern the religio-cultural systems of (a) Jews at incrementally increased distances from the Temple before 70, (b) for serious dissenters (Qumran? Early Christians?) and (c) for those Jewish groups living in the aftermath of 70 (and of 135).