**Archaeology and Text: A Journal for
the Integration of Material Culture
with Written Documents in the Ancient
Mediterranean and Near East**

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*Archaeology and Text: A Journal for the Integration of Material Culture
with Written Documents in the Ancient Mediterranean and Near East*

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Editorial Statement

The study of the human past has conventionally been divided between two distinct academic disciplines depending upon the kind of evidence under investigation: “history”, with its focus on written records, and “archaeology”, which analyzes the remains of material culture. This new annual publication, *Archaeology and Text: A Journal for the Integration of Material Culture with Written Documents in the Ancient Mediterranean and Near East*, aims to bridge this disciplinary divide by providing an international forum for scholarly discussions which integrate the studies of material culture with written documents. Interdisciplinary by nature, the journal offers a platform for professional historians and archaeologists alike to critically investigate points of confluence and divergence between the textual and the artifactual.

We seek contributions from scholars working in the ancient Mediterranean and Near East. Contributions with a theoretical or methodological focus on the interface between archaeology and text are especially encouraged. By publishing all of its articles online, the *Archaeology and Text* seeks to disseminate its published papers immediately after peer-review and editorial processes have been completed, providing timely publication and convenient access.

In providing a forum, we will publish reviews of recent publications which deal with the issue of archaeology and text. When appropriate, each volume will include a short overview of recent conferences which have treated this topic as well.

Recent Conferences focused on the Issue of Archaeology and Texts

Archaeology and Text: Toward Establishing a Meaningful Dialogue between Written Sources and Material Finds

Conference held on Sunday May 10 - Monday May 11, 2015. Sponsored by Ariel University and the Israel Ministry of Science, Technology, and Space. Conference was organized into several small sessions. Papers ranged from those dealing with the issue of archaeology and texts in the Near East to those focusing on this issue in Mediterranean Studies. Topics ranged from the application of textual material to singular sites – Text and Archaeology: the Case of Tel Rehov in the 10-9th Centuries BCE, A. Mazar – to more theoretical contributions – Purity and Purification in the Dead Sea Scrolls and the Mikva'ot of Qumran: the Convergence of Archaeology and Text, L. Schiffman.

Textual Archaeology of Ancient Near East: Are We Doing it Wrong?

Conference held on Thursday December 10 – Sunday December 13, 2015. Sponsored by the McDonald Institute for Archaeological Research, Cambridge University. Conference was subdivided into various sessions with invited responses. Topics focused on issues pertaining to the Near East with a few inclusions of cases dealing with the Bronze Age Aegean. Papers ranged from those treating the issues of the uses of archaeology and texts in broad areas in the Near East, such as Assyriology – Of Haematite and Apricots: Matching up the Mesopotamian World, N. Postgate – to contributions touching upon landscape – Satellite Remote Sensing, Archaeological Survey, and Historical Geography in Northern Mesopotamia, J. Casana – the analysis of texts in ancient Mayan studies – Histories of Decline and Fall: Archaeology, Epigraphy, and the Maya Collapse, N. Carter.

The Conference is being published by the McDonald Institute, with its organizer, Y. Heffron as the editor.

Purity Observance among Diaspora Jews in the Roman World¹

Jodi Magness, University of North Carolina at Chapel Hill

Abstract

Hundreds of stepped pools identified as *miqwa'ot* and thousands of chalk stone vessels have been found in excavations at sites around Palestine (modern Israel, Jordan, and the Palestinian territories). Archaeologists generally agree that these installations and artifacts attest to the observance of biblical purity laws among broad sectors of the Jewish population in the late Second Temple period (first century B.C.E.- first century C.E.), gradually declining in the following centuries before disappearing altogether. Some scholars connect these features and artifacts with the spread of Pharisaic beliefs and customs, according to which non-priests adopted the observance of priestly purity laws (see Magness 2011: 16, 70, 185, with references).

In this paper, I consider archaeological evidence of purity observance among Jews living in the Diaspora. Despite the fact that the only two ancient Jews who are self-identified in our sources as Pharisees were Diaspora Jews (Saul/Paul of Tarsus, and Flavius Josephus, who spent the last three decades of his life in Rome, where he wrote his histories and autobiography), no definite examples of *miqwa'ot* and not a single chalk stone vessel have been found at any Diaspora site. I propose that the rabbinic Baraita of the Boundaries of the Land of Israel may help us understand why these installations and artifacts appear to be unattested outside of Palestine. My discussion proceeds from the widely-accepted assumption that *miqwa'ot* and chalk stone vessels were connected with Jewish purity observance, and therefore provide physical evidence of certain practices.

¹ I am grateful to Yonatan Adler, Hayim Lapin, and the anonymous reviewers for offering helpful comments on this article. Their assistance does not imply their agreement with the content, for which I am solely responsible.

The Absence of Evidence: Ostia and Delos

To my knowledge, no chalk stone vessels have ever been discovered in the Diaspora. Furthermore, there are no definite examples of *miqwa'ot* at any Diaspora site (see Adler 2011: 14). Some Diaspora synagogues of the fourth-sixth centuries, such as Priene, were equipped with basins (consisting of either a plastered installation or a carved stone block), perhaps used for the washing of the hands and/or feet (for the synagogue at Priene, see Burkhardt and Wilson 2013 [the basin is mentioned on p. 178]; Wiegand and Schrader 1904: 480-81). Similar basins have been discovered in some post-70 Palestinian synagogues, for example at Ein Gedi and Khirbet Wadi Hamam (for Ein Gedi see Barag 1993: 407; for Khirbet Wadi Hamam see Leibner and Arubas 2015: 36).²

Perhaps the best-known examples of claimed *miqwa'ot* in the Diaspora are at Ostia and Delos. The Ostia synagogue has a shallow basin installed in Room B1, to the right (north) of the main entrance. The room and basin had a *cocciopesto* floor (Squarciapino 1963: 198; Runesson 2001: 69). Anders Runesson has questioned Maria Floriani Squarciapino's identification of this basin as a *miqweh*, at least according to rabbinic criteria. Although the basin could have held about 2240 liters of water, it is too shallow for full bodily immersion (only ca. 0.40 m deep), and it lacks steps. Furthermore, Runesson notes that there was no provision for filling the basin with undrawn water, and that it drained into a nearby cistern, both features which are prohibited by rabbinic law (Runesson 2001:71). Surprisingly, Runesson nevertheless concludes that "we are dealing with a ritual bath built in a synagogue and used in this context in a way different from the *miqwa'oth* of the land of Israel" (2001:71). Runesson assigns the basin to the synagogue's "Intermediary Phase," which he dates to the first half of the second century (Runesson 2001: 82). However, Michael White's ongoing work at Ostia has indicated that the synagogue complex was constructed no earlier than the third century, and the major renovation with the installation of the Torah Shrine dates to the late fifth century (White 2014; for a reevaluation of Squarciapino's documentation and chronology, see Nongbri 2015). Thus, there is no basis for identifying the basin as a *miqweh*, and it is not clear that the building even functioned as a synagogue before the late fifth century (see also Boin 2013: 119-22, 155-58, 167-68).

A building on Delos (GD 80) is widely identified as a Hellenistic period synagogue – perhaps the earliest synagogue building discovered anywhere so far (see Plassart 1914; Plassart 1914: 523-34; Bruneau 1970: 480-93; Trümper 2004). Some scholars

² All references to pre-70, 70, and post-70 in this article are to C.E.

have suggested that a cistern in GD 80 functioned as a *miqweh* (see Binder 1999: 306; for other references see Trümper 2004: 577 n. 137). The cistern (which was partially fed by an underground aquifer) was made by enlarging a natural fault in the bedrock. An arch in a wall above the cistern provided access to its interior (Matassa 2007: 100-1, who notes that only the area immediately underneath the arch was accessible when it was in use). Lidia Matassa has demonstrated that the difficulty of accessing the cistern's interior means it could not have functioned as a *miqweh* (Matassa 2007: 101-3; see also Trümper 2004: 575-78, who identifies GD 80 as a synagogue but rejects the identification of the cistern as a *miqweh*). There is thus no basis for identifying the cistern in GD 80 as a *miqweh*, and this building's identification as a synagogue is uncertain (see Matassa 2007: 110-12).

Recently, remains that might be associated with a synagogue were discovered at Limyra in Lycia (southwest Asia Minor). The remains consist of a pre-existing building (perhaps a house) that was enlarged in the seventh century or later (Seyer and Lotz 2013: 135, 136, 139). At an even later date – in the building's final phase – a water basin (ca. 1.3 x 1.3 x 1 m deep) equipped with a stone bench along one side was installed in the northeast corner of the room. The basin was supplied by a terracotta pipe that brought rain water from the building's roof (Seyer and Lotz 2013: 135). At this time, the floor of the room was raised and paved with pieces of reused stone slabs and pillars, including two fragments of chancel screens decorated with menorahs, a shofar, and a lulav (Seyer and Lotz 2013: 136). A *transenna* (a lattice or open work chancel screen), probably reused from a Byzantine church, was laid in front of the entrance to the basin (Seyer and Lotz 2013: 135, 136). The excavators raise the possibility that this building was a synagogue and the basin a *miqweh*, but they reach no conclusion (Seyer and Lotz 2013: 139-40). The late date of the basin and associated floor – apparently well after the seventh century – is worth noting. Although the chancel screens point to a synagogue nearby, their reuse suggests that the synagogue may have ceased functioning before the basin was installed and the pavement laid. Similarly, the reuse of the *transenna* suggests that the Byzantine church from which it presumably derived had also gone out of use by this time. Therefore, there is no evidence that a synagogue still existed in the vicinity when the water basin was installed in this room. Furthermore, although the interior and exterior walls of the basin are covered with hydraulic mortar, its pavement of marble slabs is unparalleled in ancient *miqwa'ot*, which typically had thick layers of plaster coating the walls and floors to prevent water seepage (Seyer and Lotz 2013: 135; see Reich 2013: 56). The manner in which the walls of the Limyra basin are completely built up (above the floor

level) is also exceptional for ancient *miqwa'ot* (see Reich 2013: 52-53). Thus, the identification of this basin as a *miqweh* is problematic and questionable – and even if it is a *miqweh*, it dates to well after the seventh century.

This brief survey indicates that there are no definite examples of *miqwa'ot* in the Diaspora. Even if we assume that Diaspora Jews purified themselves through ritual immersion before entering a synagogue, *miqwa'ot* would be unnecessary at Delos and Ostia as these buildings were near the sea (as noted by Adler 2011: 80-81; see also Trümper 2004: 577 in relation to Delos. Josephus [*Ant.* 14.256] presents a decree from Halicarnassus referring to proseuchae by the sea). More importantly, in my opinion the widespread assumption that ancient synagogues were (or should be) equipped with *miqwa'ot* is fundamentally flawed. First, Jewish law has never required ritual purity for entering a synagogue building. Second, the overwhelming majority of ancient synagogues lack *miqwa'ot*. In fact, most surviving ancient synagogues date to the fourth to sixth centuries – precisely the period when *miqwa'ot* dwindled and disappeared altogether from the archaeological record (see Amit and Adler 2010; Reich 2013: 231-32; Adler 2011: 66-67). A few pre-70 synagogues (or, more accurately, Jewish public buildings) associated with *miqwa'ot* have been found in Palestine.³

The best known examples are at Gamla and Herodium (see Amit 2010: 194; Corbo 1989: 74). However, not all pre-70 synagogues had *miqwa'ot* in direct proximity, as can be seen at Masada (see Netzer 1991: 13-17, 402-13). In my opinion, the proximity of *miqwa'ot* to some pre-70 synagogues was due not to a need for ritual purification before entering the building, but resulted from the placement of communal structures and installations in a central location, thereby making them accessible to everyone (for a similar view see Amit 2010: 194). Therefore, the few examples of *miqwa'ot* found adjacent to synagogues do not necessarily indicate a direct connection in terms of their use.

³ Adler 2011: 81-92, connects the proximity of *miqwa'ot* to these synagogues to an early rabbinic tradition requiring those who are impure due to a seminal emission to purify themselves before Torah-reading and prayer. This proposal is based on an internal reading and relative chronology of relevant rabbinic passages, and assumes they reflect a widely accepted practice for which there is no other support. For example, there is no such legislation in the Qumran scrolls, despite the fact that the caves around Qumran yielded over 100 copies of books belonging to the Torah, and despite the fact that the Community Rule informs us that members of the sect spent one-third of every night studying the Torah. Josephus also says nothing about the need for purification by ritual immersion before reading the Torah or prayer, nor does Philo, who spent his life engaged in Torah study.

The Distribution of *Miqwa'ot* and Stone Vessels

Various scholars have tracked the distribution of *miqwa'ot* and chalk stone vessels at sites around Palestine, which largely overlap. Here I summarize their results. In my opinion, the predominance of *miqwa'ot* and chalk stone vessels in Jerusalem and its environs accurately reflects their original pattern of distribution, and is not a result of more intensive archaeological excavations in the city as opposed to other parts of the country (for a similar view see Gibson 2003: 300). I include *miqwa'ot* and chalk stone vessels that postdate 70, although the majority date to the late Second Temple period. I am interested in the general pattern of distribution rather than the accuracy of specific numbers or the omission of additional sites where *miqwa'ot* or chalk stone vessels might have recently been found.

Miqwa'ot. Ronny Reich published a comprehensive study of ancient *miqwa'ot* (Reich 2013; see also Adler 2011: 9-160). For the period before 70, of a total of 459 *miqwa'ot* at 108 sites around the country documented by Reich, 206 are located in Jerusalem and its environs (Reich 2013: 211; on p. 231 he lists 74 *miqwa'ot* from 20 different sites [but none from Jerusalem] dating to after 70). Yonatan Adler records a total of 850 *miqwa'ot*, most of which are concentrated in Judea, with one-quarter of these in Jerusalem (Adler 2011: 42-50, 321-43; the larger numbers compared to Reich are due to Adler's inclusion of newly-discovered and still-unpublished examples). Although Adler supplements the numbers of *miqwa'ot* and sites listed by Reich, the overall pattern of distribution is the same.

For the period before 70 outside of Jerusalem and its environs, Reich documents relatively large numbers of *miqwa'ot* in the Shefelah (77 at 27 sites) the Jordan Valley (73 at five sites, many of which are concentrated in Jericho) Har Hevron (25 at 18 sites) Galilee (16 at eight sites) Transjordan (ancient Peraea) (12 at seven sites) the Judean Desert (16 at five sites, most of which are at Qumran) and 17 in Samaria and Benjamin (17 at eight sites). Small numbers of *miqwa'ot* are attested in adjacent regions, specifically, in the Golan (four at one site [Gamla]) the Beersheba Valley and northern Negev (three at two sites [Horvat Tsalit and Arad]) and the Carmel (five at two sites [Ramat Hanadiv and Nahal Hagit]) (see Reich 2013: Part 3, especially 211). Reich notes the complete absence of *miqwa'ot* in the Hellenistic-Roman cities along the Palestinian coast, from Tyre to Gaza (with the exception of one late Roman *miqweh* at Caesarea. Adler 2011: 49 documents one pre-70 specimen at Caesarea), and at similar inland sites such as the Decapolis cities (Reich 2013: 211. In the pre-70 chart he lists five *miqwa'ot* at two sites in the coastal plain, but these are not mentioned in

the text). The majority of *miqwa'ot* that postdate 70 are concentrated in Galilee (31 at nine sites. See Adler 2011: 44; for Galilee, see also Aviam 2007: 128): Har Hevron (24 at two sites), and Samaria (14 at four sites). Smaller numbers occur in the Carmel (three at three sites), the Jordan Valley (one at one site), and the coastal plain (one at one site [Caesarea]) (see Reich 2013: Part 4, especially 231; see also Amit and Adler 2010). Of course, at coastal sites the sea could have been used for ritual immersion (see Adler 2008: 68 n. 134, discussing Ein Gedi and sites along the Sea of Galilee).

Chalk Stone Vessels. Several scholars have mapped the distribution of chalk stone vessels. Shimon Gibson summarizes the results as follows: chalk stone vessels are known from all over the country, from Ashdod to Dor along the coastal plain, with a marked increase of such vessels in the Shefela (western foothills) region, and particularly in the central highlands and with a strong concentration at sites in and around Jerusalem. Further examples are known at sites in the Galilee (as far north as Meiron) and in the Golan Heights (Gamla), near the outlet of the Yarmouq River, in the lower Jordan River and along the western shores of the Dead Sea (between Qumran and En Boqeq) and along the eastern shores as well (Callirrhoe, Tell Nimrin), in Transjordan (Machaerus), and in the Negev (as far south as Aroer) (Gibson 2003: 300).

Although the number of chalk stone vessels and sites at which they have been found have increased since Gibson's study was published, the pattern of distribution remains the same: they are represented in the largest numbers and at the largest number of sites in Judea - especially in Jerusalem and its environs - followed by Galilee (see Adler 2011: 182-88; 367-374). Chalk stone vessels occur in the smallest numbers at sites in the coastal plain and Samaria (Adler 2011: 185-187 and Map 10; Magen 2002: 151-62).

Distribution Results

As other scholars have noted, the distribution of *miqwa'ot* and chalk stone vessels largely overlaps, with the highest concentration in Jerusalem and its environs and large numbers at other sites around Judea (see Adler 2011: 13, 184, 217; Map 11). They are well represented in Galilee and Idumaea, although some postdate 70. *Miqwa'ot* and chalk stone vessels are rare or unattested in the coastal cities and at sites located within a distance of 10-20 kms from the coast in all regions. Their southernmost limit of distribution is the Beersheba Valley and northern Negev. *Miqwa'ot* and stone vessels are found - though not in large numbers - in Peraea, to the east of the Dead Sea and Jordan River, and in the Golan.

While I agree with the prevailing consensus that the distribution of *miqwa'ot* and chalk stone vessels reflects areas with a Jewish population (although in some cases chalk stone vessels could have been used by Jews and non-Jews for utilitarian purposes, as noted by Gibson 2003: 300), this view does not explain the absence of these installations and artifacts at other sites and regions. That is, if we assume that *miqwa'ot* and chalk stone vessels are associated with Jewish purity observance, we should expect to find them everywhere Jews lived (especially in the case of chalk stone vessels, which unlike *miqwa'ot* are portable). For example, Reich notes that *miqwa'ot* are found in the major cities of Palestine that had a mixed population with many Jews, the best example of which is Sepphoris (Reich 2013: 211). The concentration of *miqwa'ot* and chalk stone vessels at sites or regions known to have housed large numbers of Jews makes sense. However, their absence elsewhere - including regions such as Syria which had significant Jewish populations - is puzzling, as ritual purity laws were presumably generally observed by most Jews no matter where they lived.⁴ Or were they?

The Baraita of the Boundaries of the Land of Israel

Mordechai Aviam has pointed out that the distribution of *miqwa'ot* and chalk stone vessels (as well as other Jewish “ethnic” markers such as ossuaries) in Galilee corresponds with the tannaitic Baraita of the Boundaries of the Land of Israel (he also mentions the “walled towns from the time of Joshua” in the Mishnah and Josephus’ description of the borders of Galilee; see Aviam 2007: 128-29; Sussman 1976: 254 n. 282 dates the Baraita to the end of the tannaitic period; for a review of the proposed dates see Ben-Eliyahu 2013: 165-66, 169 n. 67). On this basis, Aviam defines the area demarcated by the Baraita as a “Jewish zone” (Aviam 2007: 132). The Baraita of the Boundaries of the Land of Israel (henceforth: the Baraita) occurs with minor variations in several rabbinic texts (see Sussman 1981: 149; Ben-Eliyahu 2013: 160). The version in Tosefta Shevi’it 4:11 reads:

The region of the Land of Israel [includes the following areas]: The Crossing of Ashkelon, the Tower of Sher, the Cliff of Dor, the fortification wall of Caesarea and the fortification wall of Acre, the source of the waters of Gaton, Gaton itself, and Kabritha, and Kaznita, Fort of the Galilee, Hollows of Aitha, Fort of Khur and Great Khuray, Tafnith, S’noftha, the cave region of Yattir, Memtsi of Abhata, and the source of the waters of Marhesheth,

⁴ Adler 2011: 55, notes that before the introduction of man-made *miqwa'ot* (stepped pools), purification of the body through immersion in water would have been difficult.

and the river of Yphtsael and 'Ulshatha, Avlas, and the Tower of Harub, the Hollow of 'Iyon, Mesha, Tukrath, the towns of Bar Snigora, Tarnegola above Caesarea, Kenath, Petra, Trachona in the area of Bozrah, Yegar Sahadutha, Nimrin, Melah of Zarvai, Yubka, Heshbon, and the brook of Zered, Raphia, Hugra, Ammon, Moab, and Rekam Geah, and the gardens of Ashkelon, and the great road with leads to the desert (translation from Neusner 2002: 223-24).

A version of the Baraita is embedded in the lengthy (29-line) halakhic inscription in the Rehov synagogue. The inscription is in the mosaic floor of the narthex, which was laid during a renovation to the synagogue in the sixth to seventh centuries (see Vitto 1981: 93-94; for other proposed dates see Ben-Eliyahu 2013: 160-62 n. 30). The same text, but dated to the fifth century, was apparently painted on one of the plastered columns in the synagogue's hall (see Ben-David 2011: 232; Vitto 2015: 7). The following is Yaakov Sussman's translation of the text of the Baraita in the mosaic inscription (lines 13-18):

The territory of Eretz-Israel: the place which they that returned from Babyon [held], the Ascalon junction, and the wall of Strato's Tower, Dor, and the wall of Acco, and the head of the waters of Gaaton, and Gaaton proper, and Kabr[atha, and B]eth-Zenitha, and the *castrum* of Galila, and *qwb`yyh* ("peaks"?) of Aita, and *mmsyyh* of Jorcatha, and the fort of Kuryaim, and the neighborhood (or "enclosure") of Jatti[r and the brook] of *bs`l*, and Beth-Aita, and Barshata, and greater Houle, and the channel (?) of Iyyon, and *msb spnhh*, and Karka of Bar Sangora, and Upper Tarnegola of Caesarea (Paneas), and Beth-Sabal, and Canatha, and Rekem (of) Trachonitis, Zimra of the limits of Bostra, Jabbok, and Heshbon, and the brook Zered, Igar Sahadutha, Nimrin, the fort of Raziza, Rekem of Gaia, and the garden of Ascalon, and the great road leading to the desert (Sussman 1981: 152-53).

Sussman observes that this Baraita is the only ancient text that describes in detail the boundaries of the Land of Israel (Sussman 1981: 149). As noted by Hagith Sivan, despite their obvious differences, both the Rehov inscription and the sixth century Madaba Map were displayed in mosaic floors within religious buildings and "amplified contemporary [Jewish and Christian] claims to the promised land" (Sivan 2008: 255). The Baraita represents a rabbinic attempt to define the borders of the Land within which the biblical laws applying only to the Land of Israel (*mitzvoth ha-teluyot ba'aretz*; henceforth: Land-bound commandments) should be observed, as stated in m. Kiddushin 1:9: "Every commandment (*mitzvah*) which is dependent upon the Land applies only in the Land, and which does not depend upon the Land applies both in the

Land and outside the Land” (translation from Neusner 1988: 489; see Sarason 1986: 118-19).

The problem is that the areas of Israelite and Jewish settlement in various periods never corresponded precisely with the biblically ordained borders of the Land of Israel (Sarason 1986: 120). The tradition represented by the Baraita defines the boundaries of the Land as the territory settled by the Jews who returned from Babylonian exile – that is, the portion of the Land that was inhabited by Jews and where Jews most recently exercised social and political authority (Sarason 1986: 120; Ben-Eliyahu 2013: 151). The Baraita begins with Ashkelon on the southwest coast, proceeds northward to Acre, northeast to Caesarea Philippi (Paneas), southeast to Bostra, south to Rekem de Gaia (Petra), and returns northwest to Ashkelon. The Baraita elaborates on m. Shevi'it 6:1: “All [of the land] which was occupied by those who returned from Babylonia [the area] from the Land of Israel [in the south] to Kezib [Achziv] [in the north]: [That which grows of itself in this region] may not be eaten [during the sabbatical year], and [the land of this region] may not be cultivated” (translation from Neusner 1988: 81; for a discussion of this passage see Rosenfeld 2004: 425-26; Ben-Eliyahu 2013: 155-56).

Thus, the Baraita is a halakhic expansion of the brief passage in the Mishnah, and it is especially concerned with defining the limits of the dense Jewish settlement in Upper Galilee (Sussman 1981: 149; Sussman 1976: 246). The Rehov inscription elaborates on the Baraita by expanding on the status of nearby settlements such as Beth Shean, and by adding Samaria-Sebaste, which is not included in the rabbinic texts (Sussman 1981: 148, 150).

Some scholars have proposed that the Baraita originated in the Hasmonean period, as it corresponds with the territory of the Hasmonean kingdom (see Aviam 2007: 128; Leibner 2009: 416 n. 34). However, Zeev Safrai points to difficulties with this suggestion. For example, Kezib was never part of the Hasmonean kingdom, while Gaza and Raphia, which were conquered by the Hasmoneans, were outside the Baraita's southern border. Similarly, Beth Shean was conquered by the Hasmoneans but was exempt from the Land-bound commandments. Safrai also notes that the concept of the “territory of the returning Babylonian exiles” changed over time (Safrai 1984: 1098). He therefore suggests that this was not a historical concept that applied to the past, but instead was a rabbinic attempt to define the boundaries of Jewish settlement in their time (Safrai 1984: 1099).

However, according to Sussman, the boundaries described in the Baraita correspond generally with the territory conquered and occupied by the Israelite tribes in the biblical account. This is true, for example, of the western boundary (Ashkelon to Acre) (see

Sussman 1976: 242-49). Furthermore, “the great road leading to the desert” appears to refer to the route of the Israelite exodus from Egypt (Sussman 1976: 245). Only the Baraita’s northwest boundary deviates substantially from the boundaries of the land according to the biblical conquest narratives (Sussman 1976: 246). The purpose of this deviation was to include within the boundaries of the Land the area of dense Jewish settlement in Upper Galilee by expanding on the Mishnah’s reference to Kezib (Sussman 1976: 247). In other words, the rabbis used the biblical text to define a territory for halakhic purposes (in this case, to determine where the Land-bound commandments should be observed) (Sussman 1976: 250-51; Ben-Eliyahu 2013: 165, 181). Sussman concludes that the territory of the returning Babylonian exiles is not a political map associated with a particular period, but reflects the extent of Jewish settlement over time, until the composition of the Baraita (Sussman 1976: 252-53).

Eyal Ben-Eliyahu points out that whereas the Baraita delineates the northern boundary in great detail, the eastern and southern boundaries are hardly described. He suggests that this is a result of the Baraita’s composite nature, which expands on biblical descriptions of the Land by adding parts of Galilee that were densely settled by Jews during the late Second Temple and rabbinic periods. The northwestern boundary marks the area in which the Land-bound commandments should be observed (Ben-Eliyahu 2013: 157, 169). The eastern and southern boundaries are based on biblical traditions and encompass areas of Jewish settlement before 70 C.E., which were depopulated in the wake of the First and Second Revolts. In other words, the Baraita includes entire regions that were no longer Jewish by the time it was composed. Ben-Eliyahu therefore concludes that the Baraita was not a functional “halakhic road map” for the observance of the Land-bound commandments (Ben-Eliyahu 2013: 169-70). Instead, he believes the rabbis were concerned with preserving the connection between the Jews and their Land beyond the densely Jewish parts of Galilee by including territories that were no longer Jewish by the time the Baraita was composed (Ben-Eliyahu 2013: 170, 244).

The Holiness of the Land of Israel

Richard Sarason notes that the Mishnah treats the Land of Israel mostly as the “Holy Land” in the cultic sense: “virtually every Mishnaic case involving the Land of Israel deals with issues of boundaries and confusion of boundaries, both spatial and social” (Sarason 1986: 112; see also Harrington 2001: 91). The Mishnah (m. Kelim 1:6-9) presents a system of graded spheres of holiness relating to cultic purity, social

differentiation (boundaries: Israelites versus gentiles), cultic offerings (connected with the Land), and spatial differentiation (boundaries: the Land of Israel versus the land of the gentiles, outside the Land). This system proceeds inwards from “all [other] lands,” which are also called “the land of the gentiles” (*eretz ha`amim*) or “outside the Land of Israel” (*chutsah la'aretz*), to the Land of Israel, and from there to Jerusalem and the Temple (Sarason 1986: 114; see also Ben-Eliyahu 2013: 242-43; Harrington 2001: 47). The description of a similar system of graded spheres of holiness and purity in the Temple Scroll shows that this concept is not a rabbinic invention of the post-70 era, rather it originated in the Second Temple period (for the Temple Scroll, see for example Feder 2014: 297; Crawford 2000: 34). Furthermore, the concept of the Land of Israel as a “Holy Land” – the earthly dwelling of the God of Israel – existed at the latest by Zachariah’s time (Harrington 2001: 91, 98).

The cultic purity laws were originally highly localized to the Temple precincts, Jerusalem, priests who served in the Temple, and Israelites who entered the Temple (Sarason 1986: 114-15; see also Feder 2014: 290; Qimron 1988: 10). Although the rabbis extended this system beyond the boundaries of the Temple cult, Sarason says that

...the Mishnah’s rulings make it clear that this purity system applies fully only within the Land of Israel. The land of Israel is deemed to be clean (and its modes of purification, immersion-pools, are always presumed to be clean). The land of the gentiles, on the other hand, is deemed to be unclean and defiling, as are clods of earth from the land of the gentiles, and gentile dwellings within the Land of Israel. Gentile immersion-pools, both within and outside the Land of Israel, are deemed valid only for regularly occurring forms of sexually-generated impurity (seminal discharge and, with some qualifications, menstruation), but not for other, more severe forms of impurity [m. *Miqwa’ot* 8:1]... Ideal cultic and purity conditions exist only when the spatial and social categories coincide. (Sarason 1986: 115; see also Harrington 2001: 99. For gentile impurity, see below)

The Mishnah’s concern with cultic offerings is due to the prescription whereby certain agricultural offerings may be brought to the Temple only from produce grown by Israelites in the Land of Israel. Similarly, certain cultic offerings may be consumed only in Jerusalem (Sarason 1986: 114; see also Harrington 2001: 103-8). Agricultural offerings which can be given only from produce grown in the Land of Israel and consumed in Jerusalem reflect the biblical concept that God is the owner of the Land and the Israelites are his tenant-farmers, who are obligated to return the first portion of the Land’s produce to its owner (Sarason 1986: 115; see also Harrington 2001: 101-2). The discovery of *miqwa’ot* adjacent to olive presses and wine presses, mostly at late

Second Temple period sites around Jerusalem and Judea, attests to the observance of purity laws relating to the production of oil and wine (see Adler 2008, who associates this phenomenon specifically with Pharisaic halakhah).

The Hebrew Bible connects agricultural offerings with the maintenance of holiness in Israel, and, therefore, produce grown in the Land of Israel was imbued with holiness (Harrington 2001: 105; Primus 1986: 105): “For on my holy mountain, the mountain height of Israel, says the Lord God, there all the house of Israel, all of them, shall serve me in the land; there I will accept them, and there I will require your contributions and the choicest of your gifts, with all your sacred things. As a pleasing odor I will accept you, when I bring you out from the peoples, and gather you out of the countries where you have been scattered; and I will manifest my holiness among you in the sight of the nations” (Ezekiel 20: 40-41; New Revised Standard Version translation).

Charles Primus juxtaposes different views on the sanctity of the land, represented by the rulings of Rabbi Eliezer, a first century C.E. sage who reportedly survived the siege of Jerusalem in 70, with those of Rabbi Akiba, Eliezer’s younger contemporary (Primus 1986: 104). According to Eliezer’s view, holiness is inherent in produce grown in the Land of Israel. In contrast, Akiba sees holiness as one element in a complex system in which the boundaries of the land mark the boundaries of a grid (“a grid of holiness”), such that the Land of Israel is “sacred space” (Primus 1986: 105). The result of Akiba’s view is that, “Within the space, rules, standards, regulations, and laws prescribe the operation of holiness. Sacred space thus is orderly” (Primus 1986: 106). This order reflects God’s scheme of creation and the role of humans within it. “When Israel lives in its Land, the entire earth can become sacred space” (Primus 1986: 106). According to Akiba’s view, “the entire world potentially is sacred space. Different areas are subject to different standards, different rules. People in the Land and outside the Land alike have their own special roles to play” (Primus 1986: 107; for the holiness of the land in rabbinic thought, see Harrington 2001: 112-14).

The spatial and social system of graded spheres of holiness and purity explains why the Mishnah exempts gentiles living in the Land of Israel and Jews living outside the Land from the Land-bound commandments. Because these laws applied only to Israelites living in the Land of Israel, the boundaries of the Land had to be defined (Sarason 1986: 120-21). The Mishnah distinguishes between three areas: 1) the territory settled by the returning Babylonian exiles; 2) the area conquered by the Israelite tribes in the time of Joshua; and 3) the area never settled by Israelites but included within the broadest scriptural borders. The rabbis considered the second and third areas unclean because they were inhabited mainly by gentiles (*eretz ha`amim*). Sarason concludes, “Within the biblical borders, then, social taxa predominate: Scripture’s rules fully

apply only in that portion of the Land of Israel which is inhabited by the People Israel, and where the Jews most recently have exercised social and political authority during the period of the Second Commonwealth from the time of Ezra” (Sarason 1986: 120; also see Ben-Eliyahu 2013: 150-97, 288).

Holiness and Purity

The connection between holiness and purity, and wickedness or sin and impurity, originates in the Hebrew Bible. Jacob Neusner makes the following points with regard to purity and impurity. The priestly law code refers to purity and impurity mainly in reference to cultic matters (Neusner 1973: 15). Most of the purity laws occur in Lev 11-15, where purity is equated with holiness (Lev 11: 44) (Neusner 1973: 18). Impurity is caused through contact with certain natural processes and substances (see Neusner 1973: 18-22). In contrast to other purity laws that relate to the cult, Lev 18:24, 20:21, and Num 35:34 stipulate that idolatry, sexual transgressions, and murder pollute the Land (Neusner 1973: 14-15, 21). Neusner concludes, “The cult and the land are now joined to the people: all three must be kept free of impurity... For the priestly code equates purity with holiness, and the details of holiness concern as much ethical as ritual matters” (1976: 21, 25; see also 108).

Jonathan Klawans further clarified the distinction between ritual and moral impurity. Ritual impurity refers to the types of defilement described in Lev 11-15 and Num 19, which result from contact with certain natural processes and substances (Klawans 2006: 53). The characteristics of ritual impurity are 1) the sources are natural and mostly unavoidable; 2) it is not sinful to contract ritual impurity; 3) ritual impurity can convey an impermanent contagion to people (priests and Israelites) and many objects in close proximity; and 4) ritual impurity is an impermanent condition (although sometimes long lasting), the end of which is marked by undergoing purification procedures (Klawans 2006: 54). In contrast, moral impurity is associated with certain immoral acts, including sexual transgressions, idolatry, and bloodshed. Committing these acts defiles the sinner, the Land of Israel, and the sanctuary, and can lead to the expulsion of the Israelites from their land (Klawans 2006: 55). Unlike ritual impurity, moral impurity 1) is a direct consequence of sinful behavior; 2) affects the Land of Israel; 3) is not contagious; 4) is long-lasting or permanent; 5) is not treated through rites of purification; and 6) does not prevent sinners from entering the sanctuary (Klawans 2006: 55). Moral impurity is addressed through atonement, punishment, or exile (Klawans 2006: 56).

Klawans notes that, in the priestly traditions of the Pentateuch, ritual – but not moral – purity is required for participation in the sacrificial cult (Klawans 2006: 56). Feder makes a similar observation, but distinguishes between “cultic” and “non-cultic” instead of “ritual” and “moral” purity and impurity (Feder 2014: 305-6 including n. 69; see also Lemos 2013 and Kazen 2014, who provide overviews and question the validity of such categorizations and distinctions). Klawans concludes that the purpose of ritual purity laws is *imitatio Dei*: to make the ancient Israelites (and especially priests and Levites) God-like by separating them from sex and death, making them eligible to enter God’s dwelling on earth (Klawans 2006: 56).

Gentile Impurity

Is the lack of archaeological evidence of purity observance among Diaspora Jews due to the impurity of gentile lands? Christine Hayes argues that there is no indication in the Hebrew Bible that any land – whether it is the Land of Israel or gentile land – is intrinsically impure (either ritually or morally), or that any land conveys ritual impurity to people. Instead, immoral acts (the type of acts that cause moral impurity) can defile any land (Hayes 2002: 43). Furthermore, whereas the Hebrew Bible views the Land of Israel as the dwelling place of the God of Israel, other gods are worshiped in their own lands. As the residence of the God of Israel, the Land of Israel is holy, and the people of Israel are required to be holy by following His laws. Gentiles are profane (not consecrated to God), but they are not impure unless they commit immoral acts such as idolatry. Similarly, other lands are profane but become impure only if their inhabitants engage in immoral acts (Hayes 2002: 43). The Hebrew Bible promotes the view that the God of Israel can be worshiped only in the Land of Israel, whereas Israelites outside the land enter the realms of other gods (Hayes 2002: 43; although on p. 44 she notes that prophetic literature tends to deny the reality of other gods ruling over other lands).

Hayes notes a “fundamental continuity” between biblical texts and Jewish writings of the Second Temple period (2002: 45). These sources associate gentiles with moral but not ritual impurity, mostly due to a concern over the spread of idolatry (Hayes 2002: 45-46, 53). According to Hayes, Jews likely abstained from consuming gentile food because it was not kosher, not because it was ritually impure (2002: 49). Gentiles were allowed onto the Temple Mount but could not enter the Temple not because they were impure but because of their profane status in a divinely ordained hierarchy (Hayes 2002: 59-61; for the impurity of gentile lands see also Harrington 2001: 99).

Hayes' views have not gone unchallenged. For example, Tracy Lemos, citing passages from Ezra-Nehemiah, argues *pace* Hayes, that gentiles could be viewed as morally and ritually impure without any explicit connection to idolatry (2013: 284-85; a similar view was expressed prior to the publication of Hayes' book by Olyan 2000: 82-84, 161 n. 80 [in response to Klawans]). Sectarian legislation in the Dead Sea Scrolls indicates that by the late Second Temple period, some Jews considered gentiles ritually impure (see Doering 2000: 607-8; Hayes 2002: 63-66, argues otherwise. See also Ben-Eliyahu 2013: 241, for the notion of the impurity of gentile lands in 4Q266). According to Ben-Eliyahu, the notion that gentile lands are impure has biblical roots, and he supports Gedaliah Alon's suggestion that gentile impurity was connected with the impurity of gentile lands (Ben-Eliyahu 2013: 237-39, who says that Hayes fails to distinguish between the impurity of gentiles living in the Land of Israel and the impurity of gentile lands [p. 240]).

The Land-bound Commandments and Archaeological Remains

As noted above, the Baraita represents a rabbinic attempt to define the borders of the Land within which the Land-bound commandments apply and maintain the connection between the Jewish people and their Land (see Ben-Eliyahu 2013: 171). The rabbinic Land-bound commandments consist mainly of agricultural offerings and laws (e.g., first fruits; tithes; the sabbatical year) (see Safrai 1983: 202). Any attempt to correlate the distribution of *miqwa'ot* and stone vessels with the territory delineated by the Baraita must take into account the following chronological, taxonomic, and spatial considerations:

1. The Baraita is a product of rabbinic circles after 70, whereas the majority of *miqwa'ot* and stone vessels are found in pre-70 contexts associated with diverse groups among the Jewish population (including Sadducees/the Jerusalem elite, the Essenes/Qumran sect, and especially the Pharisees according to some scholars).
2. The Land-bound commandments as formulated by the rabbis concern mainly agricultural laws, whereas *miqwa'ot* and stone vessels appear to have been used in connection with a wide range of purity observances (not limited to agricultural offerings destined for the Temple and priests).
3. Although the Baraita encompasses all of the sites where *miqwa'ot* and chalk stone vessels have been found, these installations and artifacts are absent from some sites within the Baraita's borders.

Nevertheless, the general spatial (geographical) correspondence between the Baraita's boundaries and the distribution of *miqwa'ot* and stone vessels is suggestive, especially in light of their absence from adjacent regions with large Jewish populations such as Syria. In other words, these installations and artifacts were used in connection with purity observance in roughly the same area where the rabbis (later) applied the Land-bound commandments. As Shmuel Safrai remarks: "The uniqueness of the Land of Israel regarding laws applying to the land (all of them in the later period and some in the earlier period) and regarding ritual purity led the Sages to investigate and rule on the borders of the Land" (Safrai 1983: 207; see also p. 202, "the laws of ritual purity are also to a great extent linked to the land of Israel"). And, as Ben-Eliyahu observes, the Mishnah's division of the Land into three territories (Judea, Galilee, and Peraea/Transjordan), and the incorporation of these territories into the Baraita's boundaries are based on pre-70 Jewish settlement patterns that reflect a "cognitive map" going back to the late Second Temple period (Ben-Eliyahu 2013: 169-70, 178-79, 182).

The Land-bound commandments reflect a rabbinic attempt to legislate for the period after 70, when the Temple and its cult had ceased to exist but some (mostly agricultural) laws applying to the Land of Israel were still relevant (see Sarason 1986: 117; Harrington 2001: 101). The placement of versions of the Baraita in the mosaic floor and on a column of the Rehov synagogue suggests that these laws do not simply reflect an idealized rabbinic world view, but were observed by some late antique Jewish communities. Before 70, many other laws relating to the Temple cult (e.g., sacrifices and purity observance) were equally bound to the Land of Israel (see Harrington 2001: 101-8. These laws figure prominently in the Mishnah; see Sarason 1986: 111). Thus, the distribution of *miqwa'ot* and stone vessels points to the observance of purity laws – mostly connected with the Temple cult (including sacrifices and agricultural offerings) – in Jewish or mostly Jewish settlements that were understood before 70 as being within the boundaries of the Land of Israel (for the connection between the holiness of the Land and purity concerns see Qimron 1988: 9). As Ben-Eliyahu remarks (concerning the Mishnaic tradition), "This halakhic system creates a connection between the boundaries of the area in which the ethnos dwells, that is, the Jewish people, and the boundaries of the Land of Israel. The area in which the Jewish people dwell dictates the borders (areas) of the Holy Land in which the *mitzvot* must be observed, while the surrounding region is impure due to the impurity of gentile lands" (Ben-Eliyahu 2013: 243; my translation from the Hebrew; see also p. 289). The Baraita appears to represent a rabbinic version of an earlier, widely-accepted (although not necessarily uniform) Jewish understanding of the boundaries of the Land of Israel, within which laws applying only to the Land were observed. *Miqwa'ot* and stone vessels are a

physical expression of the observance of these laws (for the connection between holy offerings and purity, see Harrington 2001: 106).

There is evidence that, even before 70, Jews sought to determine which commandments can be observed only within the Land of Israel. Originally, these commandments were understood as being prefaced in the Torah by the phrase “when you come to/enter [the Land]” (or similar) (Safrai 1983: 202, 204, 205; Yadin 2004: 158). Literature from Qumran shows that the sectarians interpreted this phrase as introducing commandments which apply only to the Land of Israel, a position that was followed by some rabbis (such as R. Ishmael) but not others (such as R. Akiba) (Shemesh 2000: 175-76). According to Ronny Reich, inscribed boundary stones from Gezer attest to an interest in demarcating territory for the purpose of observing the Land-bound commandments as early as the Hasmonean period (Reich 1985: 175, 71).

Conclusion

This discussion has shown that *miqwa’ot* and chalk stone vessels are unattested at Diaspora sites. They were used for purification rites associated with ritual (or cultic) rather than moral (or non-cultic) impurity. Neusner points out that, although the priestly writers present ritual purity observance mainly as a cultic concern, purity laws also applied to ordinary, non-cultic affairs. For example, menstrual and food taboos were observed by Jews everywhere, whether or not they were visiting the Temple (Neusner 1973: 29-30, 114, 118). Nevertheless, the distribution of *miqwa’ot* and chalk stone vessels suggests that in the late Second Temple period, the viewpoint of the priestly writers prevailed. Otherwise, we would expect to find *miqwa’ot* and chalk stone vessels everywhere Jews lived. Purification from sexual activities and menstruation – if and/or when observed by Diaspora Jews independently of the Temple cult (perhaps in connection with prayer or Sabbath observance) – was presumably effected by immersion in natural bodies of water (see Wright 1997: 206-9; for Philo’s allegorization of the Land of Israel and purity observance relating to the Temple cult, see Amaru 1986: 76-77; Harrington 2001: 118-19; Neusner 1973: 29, 44, 108; 119). It is also possible that Diaspora Jews utilized gentile immersion pools for purification from sexual activities and menstruation, as suggested by a passage in the Mishnah: “The Land of Israel is clean, and its immersion pools are clean. The immersion pools of the peoples which are [located] outside of the Land are fit for those who have had a seminal issue, even though they have been filled with water from a swape well.” (m. *Miqwa’ot* 8:1; translation from Neusner 1988: 1072).

Not only are *miqw'aot* and chalk stone vessels unattested at Diaspora sites, but within Palestine they appear to be limited mostly to cities and settlements that were entirely Jewish or had a significant Jewish population (such as Sepphoris), with the greatest concentrations found in Jerusalem and its environs. Although the Baraita of the Boundaries of the Land of Israel encompasses all of the sites where *miqwa'ot* and chalk stone vessels have been found, their absence from other sites within the Baraita's borders coincides with Sarason's observation that "Ideal cultic and purity conditions exist only when the spatial and social categories coincide". (1986: 115). For this reason, the Land-bound commandments apply only to Jewish territories and settlements within the Land of Israel (Ben-Eliyahu 2013: 159). In other words, *miqwa'ot* and chalk stone vessels were used for purity observance in connection with cultic laws that apply only to the Land of Israel.⁵ The association of *miqwa'ot* and chalk stone vessels with ritual purity observance mainly in relation to the Temple cult explains their concentration in Jerusalem and its environs. Their distribution suggests that in the late Second Temple period and the centuries immediately following the Temple's destruction, many (if not all) Jews understood certain commandments as applying only to the Land of Israel and only to settlements within the Land that were entirely Jewish or had significant Jewish populations, and that many Jews shared a

⁵ Adler 2011: 71-75, is correct in arguing that *miqwa'ot* and chalk stone vessels were not connected to the Jerusalem Temple in a strictly physical sense, as indicated by their distribution at sites around the country and by their continued existence (albeit in declining numbers) in the centuries after 70. Nevertheless, I believe they were connected to the Temple cult through the observance of the commandments that apply only to the Land (and which before 70 concerned mainly the Temple cult). This is illustrated by the large sizes and numbers of *miqwa'ot* and the discovery of stone vessels at Qumran, which was inhabited by a Jewish sect whose full members adopted a priestly lifestyle (including the strict observance of purity laws) but apparently refused to participate in the sacrifices offered in the Jerusalem Temple (Reich 2016: 417-19, attributes the large sizes of the Qumran *miqwa'ot* to silting that reduced their capacity and the reliance on flash flood waters. For the proposal that animal sacrifices were offered at Qumran, see Magness: in press). The connection of *miqwa'ot* and stone vessels with the Temple cult is further indicated by the fact that they dwindle and disappear altogether after the third-fourth centuries. Furthermore, the numerous late Roman *miqwa'ot* at Sepphoris (which by the third-fourth centuries was inhabited by a number of priestly families) and in the pre-70 elite mansions in Jerusalem's Jewish Quarter (at least some of which belonged to priestly families), contrasted with a single *miqweh* at Khirbet el-Muraq ("Hilkiah's Palace") in Idumaea, suggest that a multiplicity of *miqwa'ot* indeed attests to a concern with the observance of purity laws and is not simply a reflection of wealth – which is not surprising as priests were generally among the more affluent members of the population (pace Adler 2011: 74). For different views concerning a priestly presence at Sepphoris, see Miller 2015: 252-60, 266-92; Grey 2011: 261-85. For the *miqweh* at Khirbet el-Muraq, see Damati 1980: 118 (L30).

common (but not necessarily uniform) concept of the boundaries of the Land. The Baraita of the Boundaries of the Land of Israel is a rabbinic expression of this concept, adapted to the changed circumstances in the centuries after 70.⁶ Therefore, it is not that Diaspora Jews did not observe ritual purity laws. Rather, *miqwa'ot* and chalk stone vessels – which are the material expression of the observance of these laws – are associated specifically with commandments that apply only to the Land of Israel, most of which were connected with the Temple cult, and which do not apply to areas outside the Land of Israel or to non-Jewish settlements within the Land.

⁶ The Baraita is a rabbinic formulation dating to a period when *miqwa'ot* and stone vessels declined and disappeared, suggesting that even if these installations and artifacts were used previously in connection with the observance of the agricultural laws that are the subject of the Baraita, by late antiquity this was no longer the case. The Baraita's relevance to this discussion lies in its articulation of the boundaries of the Land of Israel for the purpose of observing certain – mostly agricultural – commandments (whereas *miqwa'ot* and stone vessels appear to have been used primarily in connection with purity laws relating to the Temple cult).

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