

Stuart S. Miller

At the Intersection of Texts and Material Finds

Stepped Pools, Stone Vessels, and Ritual Purity
among the Jews of Roman Galilee





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Volume 16

Stuart S. Miller: At the Intersection of Texts and Material Finds

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Stepped Pools, Stone Vessels, and Ritual Purity
Among the Jews of Roman Galilee

With a Postscript: From Roman Galilee
to Nineteenth Century Chesterfield, Connecticut

With 22 figures

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Cover: Stepped Pool #4 at Sepphoris © 2014 Stuart S. Miller

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Preface

It must have been sometime in the early 1990s when I first began thinking about the “stepped pools” that the Sepphoris Regional Project had been uncovering on the western acropolis of *Ṣippori*. These pools are a wonderful example of the many possible “intersections” between “texts and material finds” that I would often take up with other staff members, especially Jürgen Zangenberg, after a day in the field, when our frequent discussions of methodological issues turned to the hermeneutical challenges that such sources pose in their own right and when studied in light of each other. In looking back at this period, I believe my hesitation in referring to the stepped pools as “miqva’ot” (which famously encouraged the students to dub them “PMLS” — “possible miqveh-like structures!”) was because research into the history of the ritual bath and especially into ritual purity was still in its infancy and because I sensed that these “installations” would bring to the fore a question I had been struggling with since I joined the staff of the excavation in the mid 1980s: how most sensibly to utilize the writings of the Tannaim and Amoraim in our assessment of archaeological finds, especially in an era in which scholarship on Talmudic literature was undergoing a thoroughgoing revolution.

The heuristic value of the works of the rabbis was not a new interest for me. It actually stemmed from my days as a graduate student at New York University, where I first grappled with the question of what we can learn from Talmudic sources about a city, specifically Sepphoris, which at the time had not undergone substantial excavation. The result was *Studies in the History and Traditions of Sepphoris* (1984), which was precisely what the title says—not an attempt to write the history of the city, or even that of the rabbis who lived there—the Neusnerian school had clearly demonstrated the latter was impossible—but rather an examination of selective passages that dealt with two themes that interested me, one an institution, the “castra” of Sepphoris, the other, references to priests associated with the city. Neither study resulted in a picture of the city that was “rabbinic” or, for that matter, priestly. In fact, what resulted pointed to an increasing Roman presence, beginning with the first century C. E., that the rabbis were well aware of and to the conclusion that much too much was being made of the supposed priestly composition of the town’s population, a subject I would continue to pursue and take up anew in this volume.

As these interests suggest, I have always been fascinated by the larger society of which the rabbis were only a component. Indeed, at the heart of my *Sages and Commoners in Late Antique ’Ereṣ Israel: A Philological Inquiry into Local Traditions in Talmud Yerushalmi* (2006), was an admission that we know less than we thought

about the rabbis, even if I contended that their literature could be effectively mined for information about the dynamics of their movement. Although that work was still decidedly devoted to literary traditions of and pertaining to the rabbis, my years at Sepphoris had obviously prompted me to listen more closely for what the sages had to relate—either directly or indirectly—about the people amongst whom they lived, especially, non-rabbinic, Jewish “commoners.”

The present effort confronts what archaeology reveals about these commoners, especially in light of rabbinic sources. It comes on the heels of a decade long revisionist trend that has discounted the utility of Talmudic writings for historical reconstruction. While some scholars, a small minority to be sure, still arrive at reconstructions that are overly dependent upon uncritical readings of rabbinic sources, the more recent, equally troubling, trend threatens to replace this antiquated approach with one that often dismisses Talmudic sources altogether and frequently privileges archaeological finds in a rather selective manner, a method that results in a lopsided and hardly more convincing reconstruction of “history.”

The balancing act that has ensued in the best of circumstances is not new to anyone familiar with the debates among scholars in biblical studies. During the same period in which this repositioning among historians of Roman Palestine has taken place, revisionist and postmodern readings of biblical texts have led to a similar questioning of their value for reconstructing the history of ancient Israel. Indeed, my fear is that what William G. Dever has referred to as the “caricature of ancient Palestine...that no archaeologist would even recognize” that has emerged in some accounts of biblical Israel is now extending to Roman Palestine. Rather than dismiss the biblical text altogether, Dever has called for a consideration of the “convergences” between literary sources and material finds, which he considers our most reasonable hope for gleaning reliable information about biblical/ancient Israel. (See below, Introduction, notes 32 and 33.)

Although Eric Meyers long ago championed such a conversation for the Roman period, we are only now confronting the challenges it poses. With regard to ritual baths, we are fortunate to have the pioneering work of Ronny Reich, who in his 1990 dissertation convincingly demonstrated that the “stepped pools” that were being uncovered at the time in Judaea in particular were intended for ritual immersion. Reich then brought the finds into conversation with the writings of the rabbis as did others after him.

The challenge now is to fine tune the apparent convergences between the literary and material sources without privileging one or the other—and without denying the divergences. In this volume, I discuss the implications of “stepped pool” discoveries that take us beyond 70 C.E. and consider them in light of what we know about ritual purity not only from the rabbis, but also from other Jewish and even non-Jewish texts. My thoughts on the “stepped pools” of Sepphoris led me to consider stone vessels as well and the larger subject of ritual purity concerns as they pertain to post-destruction Jewish society.

I especially wish to emphasize that my interest here is primarily in the *dynamics* of ritual purity practices, particularly, but not exclusively, immersion, which I contend were evolving and undergoing transformation after 70 C. E., enabling at least some rites to persist into Late Antiquity and beyond. I am less interested in discerning and explaining trends, say in the number of people dedicated to ritual purity rites or the *relative* extent to which they continued to be observed after the destruction of the temple and the Bar Kokhba Revolt of 132–135 C. E., than I am in the nature of the rites that do survive. My aim is to arrive at a description of ritual purity practices for which there is evidence and some plausible, phenomenological explanations for their persistence, in the hope that this will contribute to our appreciation of Jewish life in *’Ereṣ Israel* during the Roman period.

The decision to include a “Postscript” to this book describing my involvement in the excavation of a turn of the twentieth century *miqveh* in a long defunct, Jewish farming community in Chesterfield, Connecticut stemmed largely from this same interest in the tenacity of Jewish rituals. The survival of what *seem* like, and to some extent were, vestiges of ethnic and religious expression in times and circumstances that are not ideal for their preservation calls for explanation and study, no matter the period.

While I am on the subject, I would like to express my gratitude to my co-director of the Chesterfield excavation, Connecticut State Archaeologist Nicholas Belantoni, to Nancy Savin, president of the “New England Hebrew Farmers of the Emanuel Society” and her entire Board. I also wish to acknowledge Esther Doyle Read and Celia Bergoffen for bringing me up to speed on the excavation of nineteenth and early twentieth century *miqva’ot* in the United States.

This work builds upon that of others, some of which I critique herein, but without which my contribution would not have been possible. First, of course, is the already referred to work of Ronny Reich, whom I would like to also thank for inviting me to attend a conference hosted by The Yad ben Zvi Institute devoted to “The *Mikveh* (Jewish Ritual Bath)—from Eretz-Israel to Germany (Ashkenaz): A German-Israeli Seminar” while I was on sabbatical in spring, 2011 in Jerusalem.

As will soon become quite evident, I have also learned much from the work of a good number of other scholars who work in roughly the same period as I do, some of whom I have gotten to know primarily through their scholarship. These include Asher Grossberg, Eyal Regev, and Carol Selkin Wise on *miqva’ot*, and Vered Noam and Hannah Harrington on ritual purity. Oded Irshai and Jonathan Klawans both reviewed various aspects of their scholarship with me.

I have also had ongoing conversations about the “stepped pools” at Sepphoris with Katharina Galor, who shares my passion for this topic, and spent many days with me discussing their relationship to the cisterns on the western acropolis and to the houses and other structures in which they appear. Katy’s firsthand knowledge of the Qumran pools and of domestic settings in the Roman period were es-

pecially helpful and in many instances compelled me to rethink the construction, possible workings, and contexts of the stepped pools uncovered by the Sepphoris Regional Project.

On one of our many on site examinations of the pools, Katy and I were joined by Anna Iamim of Moshav Tzipori, who shared her vast knowledge of the stepped pools, cisterns, and subterranean cavities on the acropolis with us. I would also like to thank Anna for preparing and providing the updated diagram of the stepped pools and relevant cisterns on the western acropolis that is included in this volume.

Speaking of water installations, I am grateful to Tsvika Tsuk for sharing his knowledge too, especially of the reservoir at Sepphoris and for the trip we took together to examine the stepped pools and cisterns at Masada, in 2003, when I was not yet aware that my work would culminate in a book.

Yonatan Adler contacted me some time ago, having heard of my interest in ritual baths. A couple of years of weekly, sometimes daily, email correspondence ensued before we finally met during my sabbatical in Jerusalem in spring, 2011. Up to that point, I often waited impatiently to hear Yonatan's response to my many email queries and was frequently delighted to learn that we were arriving at similar conclusions at the very same time—and, when we differed, that we were both struggling with the very question of methodology which is at the heart of this book. Here I only engage Yonatan's dissertation where pertinent, most often on topics that he has already addressed in scholarly journals. I look forward to our continued conversation.

I would like to point out that I have made a concerted attempt to incorporate or at least cite the work of newer and younger scholars whose work is only available in dissertation form. At the risk of not doing justice to their arguments, I felt it was more important in this day and age, when such works are more easily accessible, to let the reader know that some avenues that I sometimes only tangentially discuss are being pursued by others elsewhere. It may very well be time to reconsider the perspective of my and previous generations of scholars in the United States that dissertations do not need to be routinely consulted.

I wish to acknowledge three scholars who are no longer with us, each of whom had an interest in ritual immersion and *miqva'ot*. We have come a long way since Hanan Eshel first questioned the use of the pools at Sepphoris, a subject the two of us discussed at Sepphoris, at the National Library in Jerusalem, and in our respective homes in Jerusalem and West Hartford. His initial skepticism undoubtedly played a role in my earlier suggestion that we needed to think of “ritual baths” in broader, less “monolithic” terms, that is, beyond what the rabbis have to say about them. Hanan understood well the conversation that needed to be advanced. We have also lost David Amit in the interim. David shared much of his knowledge of ritual baths with me and took the time to show me many of the stepped pools beyond the walls of the Old City of Jerusalem. Finally, this is probably an appropriate place as any to express my gratefulness to Ehud Netzer,

whose discovery of a good number of Second Temple period stepped pools are discussed herein. Ehud, whom I first met at Sepphoris in 1986, was a gracious and attentive sponsor of my first research sabbatical in 1988 at the Hebrew University.

Readers of this volume should keep in mind that some of my conclusions will of necessity require further refinement and revision with the scientific publication of existing archaeological sites and future discoveries. In this connection, I would like to thank Alan Todd, Ben Gordon, and Byron McCane for keeping me as up to date as possible on the assessments of the finds being prepared for publication in the Sepphoris Regional Project field reports.

The production of this book came to conclusion during a period of transition for Judaic Studies at the University of Connecticut. I now enjoy the collegiality and friendship of Jeffrey Shoulson and Susan Einbinder who bring much needed insights from later periods.

As for my own period of specialization, my many conversations over the years with Steven Fine have extended my horizons. Steven, more than anyone, has compelled me to always keep art and artifact in my focus.

Sandy Gallup, UConn's Library Liaison to Judaic Studies, is constantly besieged by book purchase requests from me that are always thoughtfully considered. Joe Natale, Stephen Bustamante, Lana Babij, and the dedicated staffs of the lending and interlibrary loan departments of the Babbidge Library at Storrs are to be commended for tending to my constant and frequently urgent requests. Claudia Lopes of the Trecker Library on the West Hartford campus has done everything she can to ensure that I am able to work closer to home.

My home institution has provided other, much appreciated support. I wish to acknowledge the University of Connecticut Office for Research, the Center for Judaic Studies and Contemporary Jewish Life and Konover Chair of Judaic Studies, and the Office of Dean Jeremy Teitelbaum in the College of Liberal Arts and Sciences.

The editorial staff of the *Journal of Ancient Judaism Supplements* has been most helpful. The two anonymous readers offered wonderful suggestions, almost all of which I have taken up, and in a couple of instances saved me from some egregious errors. Armin Lange, the editor of the series, deserves my gratitude for his patience as do the editors at Vandenhoeck & Ruprecht, especially Christoph Spill.

Adam Parker served as a wonderfully speedy and helpful editor, and Clinton Moyer, who did a splendid job on the indices to my *Sages and Commoners*, once again ensured that a volume of mine would be more user friendly. Rae Asselin, Administrative Assistant of UConn's Center for Judaic Studies, provided invaluable technical help in preparing the images for this volume.

This book is dedicated to four renowned scholars, Baruch Levine, Lawrence Schiffman, and Eric and Carol Meyers, who have played key roles in advancing my appreciation for texts and material finds. Eric deserves special thanks for encouraging me to bring out a volume dedicated to this subject.

Finally, as always, my loving family deserves acknowledgment, for they, more than anyone, have had to live with the exhilarations and frustrations of a sometimes overly engaged and distracted scholar. To Aviva, Rena, and (by the time of publication) the newlyweds, Tova and Cameron—and, more than anybody, my wife Laura—I offer my sincerest thanks.

Erev Yom Tov, Passover, 5774
April 20, 2014

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Author's Note to the Revised Edition

Since the first appearance of *At the Intersection of Texts and Material Finds*, a good number of substantive and thoughtful reviews have appeared. These include the efforts of Yonatan Adler, Moshe Blidstein, Rick Bonnie, Yair Furstenberg, Matthew J. Grey, Eyal Regev, Shai Secunda, Benjamin J. Snyder, James W. Watts, and Yael Wilfand. I am truly grateful to all these scholars for advancing the discussion. I also wish to thank Yonatan Adler and Asher Grossberg for continuing to keep me up-to-date on their research on ritual baths and Mordechai A. Friedman for some wonderful insights on medieval matters.

The revisions in this second printing are limited but include, aside from small corrections throughout, some important adjustments to nuance and content, particularly in chapters ten and eleven.

4th of Tishrei, 5779
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Acknowledgments

Except where indicated otherwise, The Jewish Publication Society's 1986 translation of the *Tanakh* has been routinely consulted and usually followed, although sometimes with slight modification. Translations of rabbinic texts are usually my own.

The following articles have been excerpted or incorporated into this book in thoroughly revised form. The author is grateful to the publishers indicated for permission to reuse them:

"Some Observations on Stone Vessel Finds and Ritual Purity in Light of Talmudic Sources," Stefan Alkier, Jürgen Zangenberg, eds., *Zeichen aus Text und Stein, Studien auf dem Weg zu einer Archäologie des Neuen Testaments* (Tübingen: A. Francke Verlag, 2003), 402–419.

"Priests, Purities, and the Jews of Galilee," H. W. Attridge, D. B. Martin, J. Zangenberg, eds., *Religion, Ethnicity and Identity in Ancient Galilee: A Region in Transition*, (Tübingen: Mohr Siebeck, 2007), 375–402

"Stepped Pools and the Non-Existent Monolithic 'Miqveh,'" D. Edwards, T. McCollough, eds., *The Archaeology of Difference: Gender, Ethnicity, Class and The 'Other' in Antiquity*, Studies in Honor of Eric M. Meyers, AASOR 60/61 (Boston: American Schools of Oriental Research, 2007), 215–234.

"Stepped Pools, Stone Vessels, and other Identity Markers of 'Complex Common Judaism,'" *Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Period*, 41 (E. J. Brill, 2010): 214–43.

For Baruch Levine and Lawrence Schiffman,
who inspired my scholarly interest in *texts*
&
For Eric and Carol Meyers,
who facilitated my engagement with *material finds*

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Introduction

Ritual Baths and Ritual Purity, the Last Fifty Years

A fateful day it was during the excavations at Masada (1963–1965) when Rabbi David Muntzberg confirmed that the three adjacent pools discovered by Yigael Yadin and his team were components of a *miqveh* (Fig. 1). Fateful, not only because of the immense implications of the discovery, but also because that moment very much defined how ritual baths would be studied for the next half a century. For Yadin, Rabbi Muntzberg's declaration that the installation was indeed a *miqveh* and that it was "among the finest of the finest, seven times seven times" was definitive, leading him to pronounce "the defenders of Masada were *devout Jews*..." who "had gone to the arduous lengths of building these ritual baths in scrupulous conformity with the injunctions of *traditional Jewish law*" (emphasis mine).¹

Yadin cannot be faulted for consulting with and accepting the opinion of Rabbi Muntzberg, who presented seemingly irrefutable arguments based upon his knowledge of traditional Jewish immersion rites.² The two main pools of the "southern miqveh" (Fig. 2) could each accommodate forty *se'ah* of water, the amount of water prescribed by the later rabbis for immersion,³ and the hole in their common wall enabled rainwater that had collected naturally in the pool presumed to be an *òšar mayim* ("reservoir") to come into "contact" (*hashaqah*) with and validate the drawn water in the other. The third and smallest pool, Yadin suggested, enabled the rinsing of hands and feet prior to immersing, a practice that has some support in rabbinic sources.⁴

1 See Yigael Yadin, *Masada: Herod's Fortress and the Zealots' Last Stand* (New York: Random House, 1966), 164–67, where he also discusses the subsequent discovery of a similar installation in the northern administration building. For other possible ritual baths at Masada, see discussed below, p. 40.

2 Rabbi Muntzberg (Mintzberg), who was accompanied to Masada by Rabbi Eliezer Alter and some of the two rabbis' followers, is the author of *The Construction of Ritual Baths and their Ritual Preparation: Laws and Customs* (Hebrew; Jerusalem: National Center for Family Purity in Israel, 1963), which has been reprinted at the end of Ya'akov Yeshayahu Blau (Bloi), *Introduction to Miqva'ot: Anthologies and Explanations of the Laws of Ritual Baths* (Hebrew; Jerusalem, 2007).

3 Differing views exist in halakhic literature as to the exact volume represented by "forty *se'ah*." See the discussion of Muntzberg, *Construction of Ritual Baths*, 13, who gives a range of 250 to 922 liters. But cf. A. Ben David, "Ha-Middah ha-Yerushalmit: An Archaeological Solution of a Talmudic-Metrological Problem," *IEJ* 19 (1969), 168 f., esp. n. 35. See below, pp. 85 f., and Chapter Six, n. 18.

4 The pools at Masada and the workings of an *òšar* will be taken up in greater depth below. For hand washing, see below, Chapter One, n. 34; Chapter Three, nn. 34 and 102; and the relevant section in Chapter Eight. On foot washing, see pp. 196f., esp. n. 39.



Fig. 1 Rabbi Muntzberg and associates at Masada. Yigael Yadin, *Masada*, Random House, p. 167. © 1966 Israel Exploration Society. Reproduced with permission.

While all this was reasonable enough at the time, what has changed in the interim is our understanding of Second Temple as well as post-70 C. E. Judaism, including the development and character of the rabbinic movement. While much of this is due to further archaeological discoveries, it is especially the result of greater refinement in interpreting these finds and in utilizing Talmudic sources, which has led to the rejection of simplistic, “one-to-one” interpretations of material finds and uncritical use of the writings of the rabbis for historical reconstruction.⁵ These advances, which will be considered where relevant below, compel us to refine earlier assessments of ritual bathing and other purity practices during the late Second Temple and post-70 C. E. periods.

With regard to the “southern miqveh” at Masada, the intention here is not so much to debunk its identification as a “ritual bath” as it is to reflect upon how plaster lined “stepped pools” and other discoveries presumed to be purity-related, such as stone vessels, are studied in order to arrive at a more nuanced appreciation of their use and significance. The study of ritual baths itself remained in its infancy for much of the twentieth century as Talmudic methodologies were being honed. Meanwhile, by the time Ronny Reich completed his pioneering doctoral disser-

⁵ “One-to-one” identifications are discussed at length in my “Stepped Pools, Stone Vessels, and other Identity Markers of ‘Complex Common Judaism,’” *JSJ* 41 (2010): 214–43, which has been incorporated into Chapter Eleven below.



Fig. 2 Masada, southern “ritual bath.” Two adjoining stepped pools: The stepped pool on the left (“Pool A”) is thought to be an *òsar*; the one to the right is believed to be for immersion. The small pool in front of the pool on the right may have been used for rinsing hands and feet. © 2014 Israelimages. Reproduced with permission. http://www.israelimages.com/see_image_details.php?idi=3634

tation on the subject in 1990,⁶ other installations had been identified as *miqvaòt*. Ehud Netzer’s discovery of stepped pools in the Hasmonean and Herodian complexes at Jericho included several double pool installations (see Fig. 3) that the excavator concluded, following the reasoning resorted to with regard to Masada, were *òsar* arrangements.⁷ The “southern miqveh” at Masada had evidently become the paradigm, one, however, that Reich would show was misleading, since stand-alone stepped pools, that is, those without an adjoining pool, were turning out to be much more common, having been found at Qumran and in Jerusalem. These, Reich convincingly argued, were *also* “*miqvaòt*.” David Amit’s subsequent doc-

6 Ronny Reich, “*Miqvaòt* (Jewish Ritual Baths) in the Second Temple, Mishnaic, and Talmudic Periods” (Hebrew; Ph.D. diss., The Hebrew University of Jerusalem, 1990). A revised version of this work was published under the same title by Yad Izhak Ben-Zvi (Jerusalem) in 2013. References from here on will be to the book.

7 Ehud Netzer, “Ancient Ritual Baths (*Miqvaot*) in Jericho,” in *The Jerusalem Cathedra, Studies in the History, Archaeology, Geography and Ethnography of the Land of Israel* (ed. Lee I. Levine; 3 vols.; Jerusalem: Yad Izhak Ben-Zvi, 1981–1983), 2:106–19. Cf. Netzer’s earlier report, “Ritual Baths (*Miqvaòt*) from the Second Temple Period at Jericho” (Hebrew), *Qadmoniot* 11 (1978): 54–59.



Fig. 3. Jericho, stepped pool with reservoir (*ḏsar?*)

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umenting of similar, contemporaneous pools in the Hebron hills *seemed* to support Reich's observation that the final two centuries of the Second Temple period were the heyday of "miqveh" construction and ritual purity observance,⁸ a view that would soon be undermined, if only somewhat, by the discovery of a large concentration of stepped pools from before and well beyond 70 C. E. in *domestic* settings at Sepphoris, and, another similarly large collection of approximately thirty pools, also belonging to residential settings, albeit from the later, Byzantine period, at Khirbet Susiya in the Hebron hills.⁹ All in all, as this book goes to press, over

8 David Amit, "Ritual Baths (*Miqva'ot*) from the Second Temple Period in the Hebron Hills" (Hebrew; Master's Thesis, The Hebrew University of Jerusalem, Department of Archaeology, 1996).

9 For a discussion of the stepped pools of the western acropolis at Sepphoris, see below, Chapter Six. The earliest pools at Khirbet Susiya date from ca. the mid-fourth century. See Yuval Baruch, "Horvat Susiya: The Chronology of the Site in Light of Recent Excavations," *Judea and Samaria Research Studies* 14 (2005): 159–65 (Hebrew). I did not have access to Baruch's dissertation, "Horbat Susya and Rujum el-Hamiri as a Case Study for the Development of the Village and the Rural Settlement in the Southern Hebron Hills from the Early Roman to the Early Muslim Periods," (Hebrew; Ph.D. diss., Hebrew University, 2009). For other post-70 C. E., Talmudic-era stepped pools in the North, see David Amit and Yonatan Adler, "The Observance of Ritual Purity after 70 C. E.: A Reevaluation of the Evidence in Light of Recent Archaeological

eight hundred and fifty stepped pools have been identified. Many of the stepped pools from pre-70 C. E. Judaea continued in existence up to the time of the Bar Kokhba Revolt, and while the overall number discovered from after 135 C. E. from beyond Judaea falls off precipitously, the fact that the institution survives, it will be argued below, testifies to the ongoing importance of purity practices among the Jews, certainly in the Galilee, but elsewhere as well.¹⁰

Fortunately, much attention has in recent years been devoted to ritual purity practices in ancient Judaism, at least insofar as they affected life in the late Second Temple period. The impetus for this interest has come from both the material finds and the scrolls from Qumran. The scrolls have provided a wealth of information about the Qumran Sect's notions of purity and have served as an interesting counterpoint to what are perceived to be the more mainstream practices of other Jews living in Judaea.¹¹ At the same time, the discovery of "stepped pools" that have been persuasively identified as "ritual baths," and stone vessels, which according to the rabbis were not susceptible to impurity, assured scholars that ritual purity was an essential component of the "common Judaism" that characterized the Second Temple period.¹²

Discoveries," in *Follow the Wise: Studies in Jewish History and Culture in Honor of Lee I. Levine* (ed. Zeev Weiss, et al.; Winona Lake, Ind.: Eisenbrauns, 2010), 126–39, which will be frequently cited in the ensuing discussion. See following note.

10 A notable collection of stepped pools has been discovered north of Jerusalem at Shuafat, where the pools were first built *after* 70 C. E. but did not last beyond 135 C. E. On these pools and others from rural Judaea that are difficult to date precisely but were in existence between the First and Second revolts, see Yonatan Adler, "Tosefta Shabbat 1:14—'Come and See the Extent to Which Purity Had Spread': An Archaeological Perspective on the Historical Background to a Late Tannaitic Passage," in *Talmuda de-Eretz Israel: Archaeology and the Rabbis in Late Antique Palestine* (ed. Steven Fine and Aaron Koller; Berlin: Walter De Gruyter, 2014), 63–82. A complete breakdown of most of the known pools by location and period can be found in Yonatan Adler's dissertation, "The Archaeology of Purity: Archaeological Evidence for the Observance of Ritual Purity in 'Eretz-Israel from the Hasmonean Period until the end of the Talmudic Period (164 B. C. E.–400 C. E.)," (Hebrew; Ph.D. diss., Bar Ilan University, 2011), 50–67 and 319–43. See further discussion below.

11 For a review and critique of the various approaches to the study of ritual purity in the Second Temple period, see Hannah K. Harrington, "Purity and the Dead Sea Scrolls—Current Issues," *Currents in Biblical Research* 4:3 (2006): 397–428.

12 The notion of "common Judaism" was first formulated by E. P. Sanders, *Judaism: Practice and Belief, 63 BCE–66CE* (2d ed.; London: SCM Press, 1994), 45–57. See Wayne O. McCready and Adele Reinhartz, eds., *Common Judaism: Explorations in Second-Temple Judaism* (Minneapolis: Fortress, 2008), especially the article by Boaz Zissu and David Amit, "Common Judaism, Common Purity, and the Second Temple Period Judean Miqwa'ot (Ritual Immersion Baths)," 47–62. Zissu and Amit break down the Judean ritual baths by types (domestic, public, adjoining synagogues, "agricultural installations," "for use by pilgrims," and those near graves), thereby demonstrating how central they and, therefore, ritual purity are to "common Judaism." My reformulation of the notion of "common Judaism" as "complex common Judaism" is discussed below, especially in Chapters Eight and Eleven.

In some respects, however, this preoccupation with the Second Temple period has contributed to a distorted view not only of this era, but also, and more importantly for our purposes, of the post-70 C. E. situation. Complicating matters is the interpretation of the material remains, which are often understood exclusively in light of the writings of the rabbis. This approach might make some sense for post-70 C. E. finds,¹³ but it is less defensible for material remains belonging to the Second Temple period. Paradoxically, whereas Tannaitic sources are seen as particularly fruitful for understanding the “*miqva'ot*” of the Second Temple period, they have been regarded as having considerably less to say about purities after the destruction of the temple. Indeed, Reich's treatment of ritual baths, most of which belonged to the pre-destruction period, led him to conclude that ritual bathing considerably abated once the temple had been destroyed.¹⁴ Likewise, in his important, 1988 treatment of stone vessels, Yitzhak Magen concluded that ritual purity concerns diminished after the destruction. After all, stone vessel production, he maintained, based on the evidence available to him at the time, seemed to fade after 70 C. E., and to have ceased altogether ca. 132 C. E., signifying a waning interest in ritual purity once the temple had been destroyed.¹⁵

Of course, later, post-70 C. E. pools and stone vessels from beyond the Bar Kokhba period (132–135 C. E.) were virtually unknown when Reich and Magen made their observations. Even so, a mistaken reading of the biblical and rabbinic record exacerbated matters. Biblical sources were thought to support the notion that purity practices had little meaning beyond the Tabernacle or temple. This temple-centric perception led to the assumption that whatever remained of ritual purity interests after 70 C. E. must have been cultivated by the priestly class, itself considerably weakened now that it had been deprived of its power center. This entrenched, biblically-derived association of purities with the temple is perhaps what led Magen to assume that when the late second-century Tanna R. Simeon ben Eleazar points out *'ad hekhan parešah tohorah*,¹⁶ he is alluding to the extent to which purity concerns had “broken out” (Magen's translation), in *the second half of the first century B. C. E.* and persisted until the destruction of the temple.¹⁷

Several developments in recent years have led to a reassessment of ritual purity practices in the post-destruction period. Although Jacob Neusner had in-

13 Although this assumption too will be qualified below.

14 Reich, *Miqva'ot (Jewish Ritual Baths)*, 231 f.

15 Yitzhak Magen, *The Stone Vessel Industry in the Second Temple Period: Excavations at Hizma and the Jerusalem Temple Mount* (Jerusalem: Israel Antiquities Authority, 2002), which supersedes his earlier Hebrew work, *The Stone Vessel Industry in Jerusalem in the Second Temple Period* (Hebrew; Jerusalem: Society for the Protection of Nature, 1988). The English version will be cited here.

16 *T. Shabb.* 1:14; *y. Shabb.* 1, 3b and *b. Shabb.* 13a. The passage will be further discussed below.

17 See Magen, *The Stone Vessel Industry in the Second Temple Period*, 138, and esp. 145.

sisted that it was the Pharisees/Rabbis who extended these practices beyond the temple, it is now generally accepted that the Torah itself contains a dual approach towards purities, which incorporated both the sacred as well as the “secular” sphere.¹⁸ This biblical emphasis on purities was picked up on by others besides the Pharisees and would remain important in post-70 C. E., Jewish society. Further informing the situation is the already alluded to discovery of large concentrations of “stepped pools” at Sepphoris (including in areas beyond the western acropolis, to which our discussion is limited) and Khirbet Susiya, which take us well beyond the destruction in 70 C. E. and the Bar Kokhba Revolt of 132–135 C. E., into the Late Roman and Byzantine periods. Smaller collections of Late Roman stepped pools have been discovered at Beth She‘arim as well as Qedumim, which is believed to be Samaritan, and possibly at Kul‘at ibn Man in the Galilee.¹⁹

18 For a discussion of Neusner’s view, see Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary* (AB 3A; New York: Doubleday, 1991), 1004–8. Cf. Vered Noam, “The Dual Strategy of Rabbinic Purity Legislation,” *JSJ* 39 (2008): 471–512, who argues that the rabbinic perception of purities vis-à-vis the “unconsecrated sphere” is intentionally divorced from the Bible and belongs to the “early strata of oral law” (509). Hence the rabbis had a “dual strategy,” one based on the Torah, the other independent of it. This, she maintains, was unusual inasmuch as Second Temple groups in general recognized that the written Torah was the source for both tendencies. Whether or not popular purity rites were in imitation of priestly rites or were independently arrived at has been the subject of much discussion. See John C. Poirier, “Purity beyond the Temple in the Second Temple Era,” *JBL* 122 (2003): 247–65, who especially makes the argument, followed here, that purity was largely seen as “connected to holiness, which is enjoined upon all of Israel” (254). Cf. Harrington, “Purity and the Dead Sea Scrolls,” 403 f.; Eyal Regev, “Non-Priestly Purity and its Religious Aspects according to Historical Sources and Archaeological Findings,” in *Purity and Holiness, The Heritage of Leviticus* (ed. M. J. H. M. Poorthuis and Joshua Schwartz; Leiden: E. J. Brill, 2000), 223–244a; and Eyal Regev, “Pure Individualism: The Idea of Non-Priestly Purity in Ancient Judaism,” *JSJ* 31 (2000): 176–202.

19 There are four stepped pools in the settlement at Bet She‘arim and three in the nearby cemetery. See Amit and Adler, “The Observance of Ritual Purity after 70 C. E.,” 131 f. The six pools from Qedumim were known to Reich. See Reich, *Miqva’ot (Jewish Ritual Baths)*, 224 f. Cf. idem, “A Note on Samaritan Ritual Baths” (Hebrew), in *Jews, Samaritans and Christians in Byzantine Palestine* (eds. David Jacoby and Yoram Tsafrir; Jerusalem: Yad Izhak Ben-Zvi, 1988), 242–44. The excavators date the pools from the first to the eighth century. See Yitzhak Magen, “The Ritual Baths (*Miqva’ot*) at Qedumim and the Observance of Ritual Purity among the Samaritans,” in *Early Christianity in Context: Monuments and Documents* (eds. Frederic Manns and Eugenio Alliata; Jerusalem: Franciscan Printing Press, 1993), 167–80. An earlier version of Magen’s article appeared in Hebrew as, “The *Miqva’ot* in Qedumim and the Purification Standards of the Samaritans,” *Cathedra* 34 (1985): 15–26. The early dating of one of the pools is doubted by Reich, *Miqva’ot (Jewish Ritual Baths)*, 224. Cf. Adler, “The Archaeology of Purity,” 46–47. For a survey of Samaritan ritual purity and washing practices, see Reinhard Pummer, “Samaritan Rituals and Customs,” in *The Samaritans* (ed. Alan David Crown; Tübingen: Mohr Siebeck, 1989), 651 f. and 665–68. For the three pools at Kul‘at ibn Man, see Uzi Leibner, *Settlement and History in Hellenistic, Roman, and Byzantine Galilee: An Archaeological Survey of Eastern Galilee* (Tübingen: Mohr Siebeck, 2009), 237 f.

Most recently, at least six stepped pools dating from the Roman through the late Byzantine period were discovered at Kefar 'Othnai under the current Megiddo prison.²⁰ Many individual installations from Late Roman or Byzantine Galilee have also been discovered, including at Khirbet Shema, Sasa, Ḥorvat Kor, Ḥorvat Hoquq, Meroth, Chorazin, Arbel, Ḥorvat Parod, Khirbet Qana, Tiberias, Tel Yin'am, En Rani, and, in the Carmel mountain range, at Sumaqa, 'Isfiya, and Castra (see Fig. 4).²¹ Mention has already been made of the discovery of individual stepped pools in Judaea that went out of use by the Bar Kokhba Revolt. Aside from the installations at Khirbet Susiya, Late Roman and Byzantine stepped pools have been uncovered in other, southern Judaeian locations including Ḥorvat Ma'ón, Rujm a-Dir, Ḥorvat Rimón, and at a location near Benei Na'im (again, see Fig. 4).²²

As for stone vessels, evidence for their production is now appearing in the North and, at the very least, establish that there was no *sudden* diminution in stone vessel usage before ca. 135 C.E.²³ Most promising is the discovery of a stone quarry and workshop in the vicinity of A-Reina near Upper Nazareth and perhaps another stone vessel manufacturing center in Bethlehem of the Galilee. While the dates of production at these two sites have not as of yet been fixed, other stone vessel finds, admittedly few but nevertheless tantalizing, take us well beyond the Bar Kokhba period. These include five fragments belonging to barrel shaped *krater* (Hebrew: *qallal*) vessels, found below the floor of the fifth-century

20 See Yotam Tepper and Leah Di Segni, *A Christian Prayer Hall of the Third Century C.E. at Kefar 'Othnay (Legio): Excavations at the Megiddo Prison 2005* (Jerusalem: Israel Antiquities Authority, 2006), 17, who suggest that these might be ritual baths belonging to Samaritans. Amit and Adler "The Observance of Ritual Purity after 70 C.E.," 133 n. 32, note that two other stepped pools in the vicinity have been identified by Boaz Zissu, Yotam Tepper, and David Amit from earlier excavation reports as reported in their "*Miqwa'ot* at Kefar 'Othnai near Legio," *IEJ* 56 (2006): 57–66, but that they have not been securely dated. One of these pools is in a domestic context, the other is near a wine press. The connection between wine presses and ritual baths is discussed below, Chapter Three. Zissu, et al., also argue (63) for the identity of the site as ancient Kefar 'Othnai/Caparcotna.

21 I duplicate here the lists provided in Amit and Adler, "The Observance of Ritual Purity after 70 C.E.," 131 f., for which the authors provide ample documentation. I, however, left out a stepped pool at Meron that Eric M. Meyers, *Excavations at Ancient Meiron* (Sheffield: Sheffield Academic Press, 1981), 41–44, originally identified as a *miqveh*. Amit and Adler call attention (n. 29) to Reich's skepticism, *Miqwa'ot (Jewish Ritual Baths)*, 227, about the usage of this stepped pool as a ritual bath because of its small entranceway. Reich also notes its insufficient depth for immersion.

22 See Amit and Adler, "The Observance of Ritual Purity after 70 C.E.," 134–36, where they discuss other stepped pools that might have continued in use into the Byzantine or even the Islamic periods in southern 'Ereṣ Israel. For an updated bibliography and discussion of many of the post-70 and 135 C.E. stepped pool discoveries in Galilee and Judaea, see Adler, "Come and See the Extent to Which Purity Had Spread," 67–76.

23 Amit and Adler, "The Observance of Ritual Purity after 70 C.E.," 139–42.

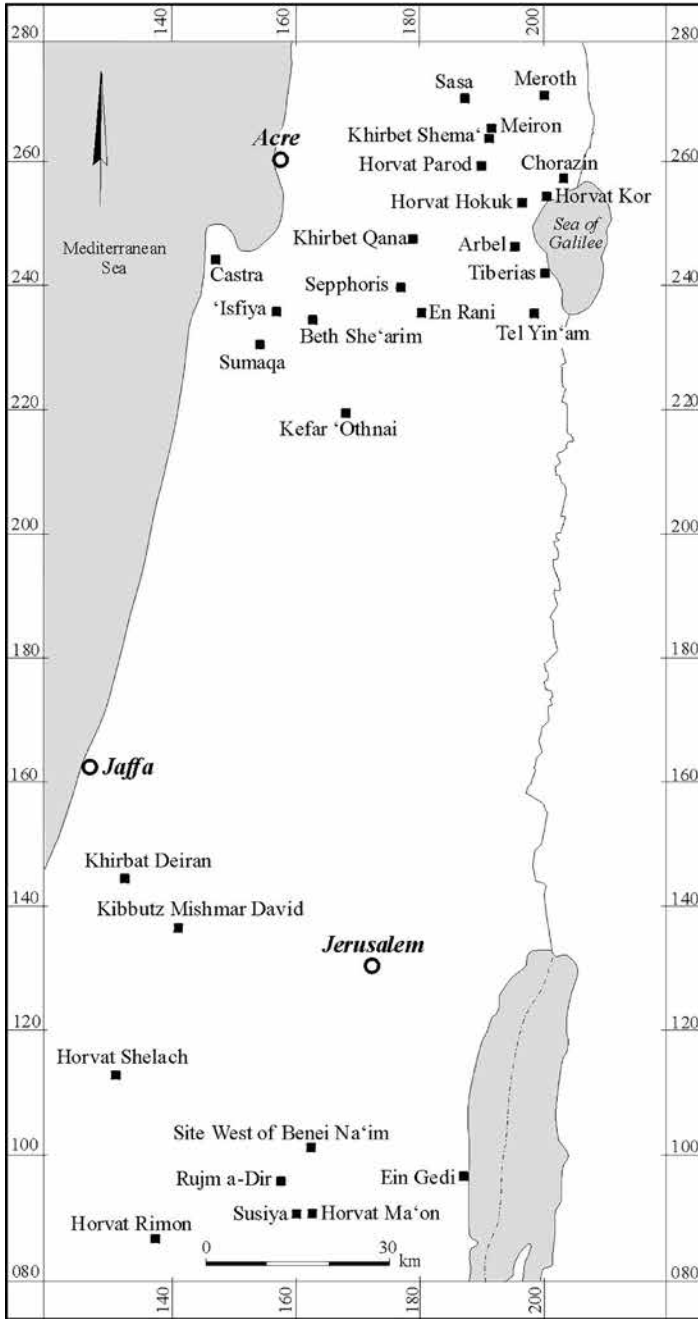


Fig. 4 Distribution of post-135 C. E. stepped pools.
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