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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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*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 10-9<sup>th</sup> 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.

# **Divination Texts of Maresha – Archeology and Texts**

**Esther Eshel, Bar Ilan University  
Ian Stern, Archaeological Seminars Institute**

## **Abstract**

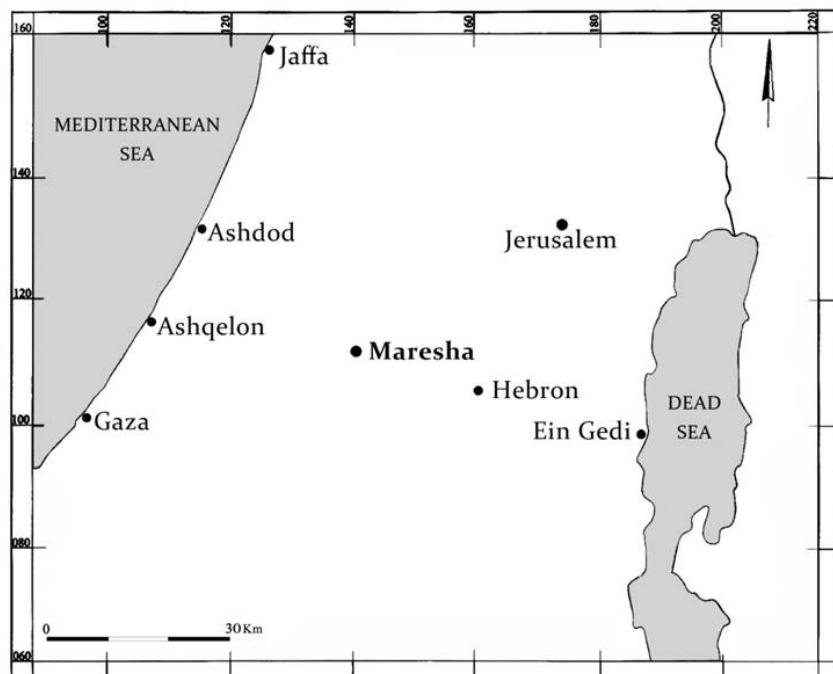
The discovery of over 384 Aramaic ostraca in Subterranean Complex 169 of Maresha includes, to date, 137 ostraca that can be categorized as divination texts. We believe they were possibly utilized for cultic purposes. In this same subterranean complex a disproportionate number of other finds were uncovered that can be considered cultic in nature. These include astragals, aniconic kernos lamps, figurines, small domestic stone altars and models of chalk phalli. This article is a preliminary look at some of the various genres of Aramaic inscriptions in this Subterranean Complex 169, their possible origins and parallels in the ancient Near East, as well as their possible connection to the many cultic items discovered with them.

## **Introduction**

During the course of our excavations of Subterranean Complex 169 (hereby SC 169), located in the lower city of Maresha, a significant number of finds that can be categorized as “cultic items” were uncovered. These items include astragals (knucklebones), aniconic kernos lamps, models of chalk phalli, figurines, and small domestic stone altars. Significant portions of the epigraphic material we have also discovered in this complex appear to be cultic in nature as well and, more specifically, used for purposes of divination. This article will discuss what connection can be found, if any, between these cultic items and Aramaic divination.

## **The Site of Maresha**

There are a number of biblical and post biblical references to Maresha (Fig. 1) as a city in ancient Judah (Josh 15:44, II Chr 2:7-9, and Mic 1:13-15, Josephus, *Ant* 8.10.1 §246, Eusebius, *Onomasticon* 130:10-12). The archaeological record clearly reflects an Iron Age II presence (Bliss and Macalister 1902: 58, Kloner 2003: 9-16). Following the

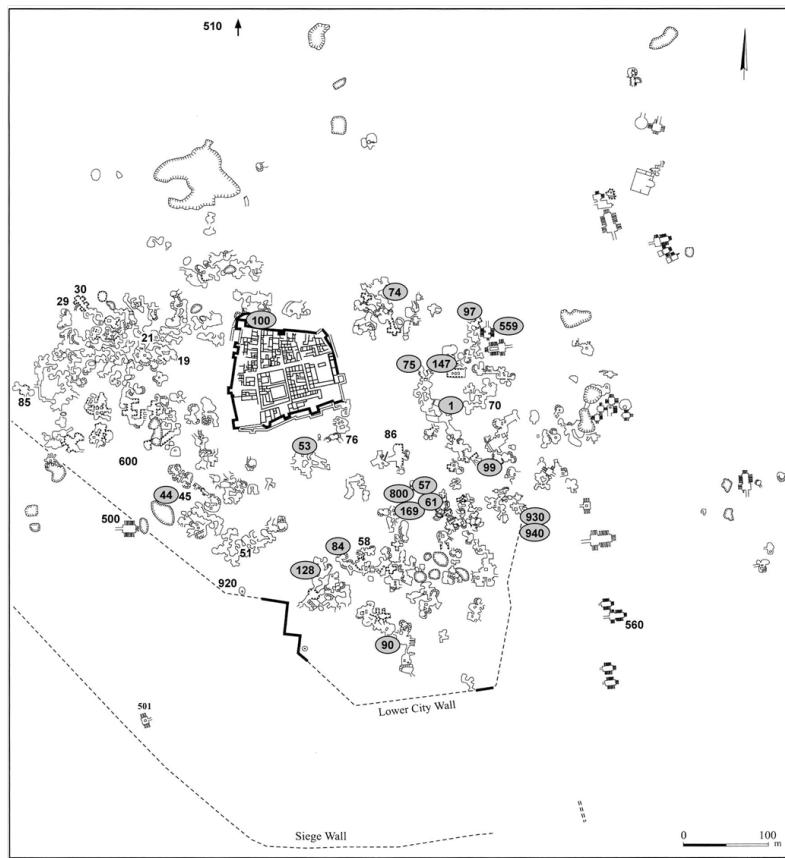


**Fig. 1 – Map of Israel with Maresha**

Babylonian conquest of Judah in 586 B.C.E. and the subsequent conquest of Edom by Nabonidus in 552 B.C.E., there was a migration of Edomites and other ethnic groups into Southern Judah. While there is little archaeological evidence from the sixth-fifth centuries, material finds from the fourth century B.C.E. have been discovered (Eshel 2010: 38, Lemaire 1996: 84-85). Nevertheless, the status of Maresha during the Persian period is unclear. By the third century B.C.E., a Hellenized Sidonian community had settled in Maresha (Peters and Thiersch 1905: 36-39). The city's close commercial ties with the Ptolemies during the third century B.C.E. is evident in the Zenon Papyri (P. Cairo 59006, 59015, 58537). In ca. 198 B.C.E. the city came under Seleucid control and the process of Hellenization intensified. Later, during the Hasmonean wars, Maresha was used as a base for attacks against Judea and subsequently suffered retaliation from the Maccabees (2 Macc 12:35). Following the conquest by John Hyrcanus in 107 B.C.E., the city was abandoned or transferred to a different location.<sup>1</sup>

Maresha was first excavated in 1900 by Bliss and Macalister, who uncovered a planned and fortified Hellenistic city encircled by a town wall with towers. Large-scale excavations of surface areas and some of the subterranean complexes were directed by Amos Kloner, under the auspices of the Israel Antiquity Authorities, from 1989 to 2000. The results of the rich finds were published in three volumes (Kloner 2003, Ehrlich and Kloner 2008, Kloner 2011), and more are being prepared.

<sup>1</sup> While Josephus, in Ant 14.4.4 §75, JW 1.7.7 §156, attests to a post Hyrcanus Maresha, no archaeological evidence of such a city has been found to date aside from a number of surface coins.



**Fig. 2 – Plan of Maresha with SC 169, 57, 800**

Beginning in 2000, an archaeological excavation was conducted in SC 169, located in the lower city of Maresha (Fig. 2), approximately 105 meters from the upper city of Maresha in what is one of the most unusual and interesting complexes in the Maresha area. It contains 13 rooms that are still being excavated. The excavation, on behalf of the Israel Antiquities Authority, Hebrew Union College, and the Archaeological Seminars Institute, was directed by Ian Stern and Bernie Alpert (Stern and Alpert 2014).

### The Cultic Items

During the course of the excavations of SC 169, a significant number of finds that can be categorized as “cultic items” were uncovered. Most of these finds are from subterranean complexes that contain anthropogenic debris dumped inside during the Hellenistic period from surface dwellings and that therefore, unfortunately, lack a clear stratigraphic context. Nevertheless, the finds in these “dumps” can still be dated typologically. They range chronologically from the fourth to the late second centuries B.C.E.. These include astragals (knucklebones), aniconic kernos lamps, and models of chalk phalli.

**Astragals** - Fifty astragals (Fig. 3) or knucklebones were discovered in SC 169; six are inscribed with Greek letters, of which one is made of glass (Fig. 4) and one of lead. These astragals represent 44% of the sheep/goat bones discovered in SC 169, the highest percentage of any excavated subterranean cave system at Maresha (Perry forthcoming). Astragals were used as gaming pieces and for divination during this period. They may have been used for cleromancy or divination by lots. The four sides bearing a name or number and the different combination of numbers can be interpreted as having particular significance for the enquirer. A collection of astragals found in Branchidai-Didyma in western Anatolia might serve as a useful parallel. Alan Greaves (2012: 177-206) assessed the evidence for different aspects of the divinatory process used there, including divination by mantic trance and cleromancy.

This included the use of astragals as a means of delivering responses. According to Greaves, the three criteria that point to divination are: 1. context, 2. their modification



Fig. 3 – Astragals from SC 169

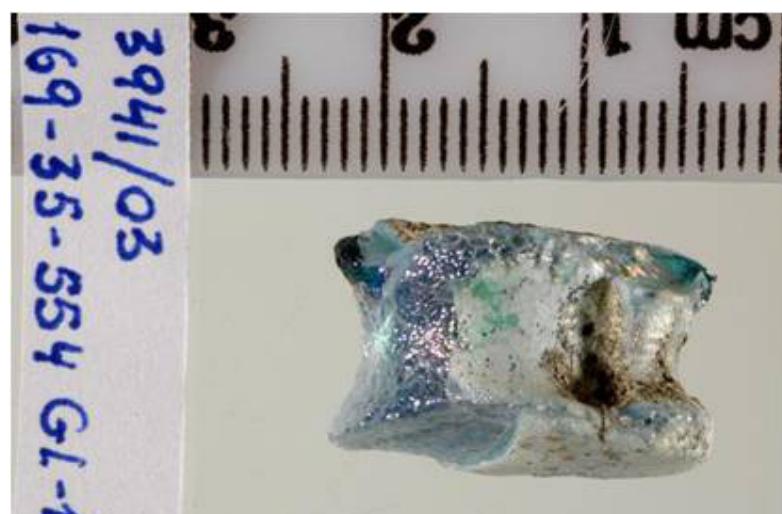


Fig. 4 – Glass Astragal from SC 169

or production in other materials, and 3. inscriptions. Our astragals appear to meet these criteria.

#### Aniconic kernos lamps

**lamps** - The discovery of hundreds of aniconic kernos lamps attached to stands is unique to Maresha (Figs. 5-6). The kernos vessels on which the lamps were mounted are among the most singular artifacts produced in Maresha. It seems that the concept of these vessels was imported from abroad and adapted to local needs and rituals performed at this site (Ambar-Armon, Kloner, and Stern 2010: 103-140). Of the 763 whole Hellenistic period lamps discovered in SC 169, approximately 42% are kernos lamps. Kernos vessels, to which small bowls were attached, have been unearthed in large quantities in at least two sites in Greece: Eleusis (Mylonas 1961: 222) and the Eleusinion (Pollitt 1979) in central Athens (Ambar-Armon, Kloner and Stern 2010: 125). Various types of kernos vessels, some of which were local, have also been discovered in Egypt, and some are similar to the types found in Athens and Eleusis. The vessels found in Maresha were probably influenced by the nearby Hellenistic center in Alexandria. Ambar-Armon's study



Fig. 5 – Kernoi from SC 169



Fig. 6 – Kernos lamp from SC 169

has shown that the lamps from Egypt had a strong influence on the Maresha lamps (Ambar-Armon 2007: 304–6), and suggests that, by extension, also the kernos lamps felt this influence. Lamps attached to vessels have been found in ritual contexts in the Hellenistic world. It is acknowledged that they were used in temple rituals and were designed accordingly: for example, such lamps in the Temple of Athena in Corinth (Broneer 1930: 34, fig. 16:133 no. 42), in Naucratis in the Temple of Aphrodite (Bailey 1975: 96, Q152), and in Knidos in the Temple of Demeter (Bailey 1988: 342, Q2742).

The vessels mentioned by Athenaios of Naucratis, author of *Deipnosophistae* (Pollitt 1979: 205), were associated with the mystery rites in Eleusis in Attica. This secret ritual was one of the most widespread secret rituals of the ancient world, promising participants a special place in the afterlife. The content of the ceremonies remain a secret until the present. It is believed that the priests who took part in this procession carried kernos vessels on their heads. Evidence of this has been found in a vessel decorated with figures carrying kernos vessels on their heads (Cintas 1950: pl. 46). However, most of the vessels from Maresha were large and heavy, and it is more likely that they were placed on flat surfaces.

Finally, Ambar (Ambar-Armon, Kloner, and Stern 2010: 132-3) found a lack of soot marks on 41% of the lamp nozzles (as opposed to only 4% of all the lamps at Maresha) and 27% showed limited use, shown by slight traces of soot (as opposed to 2% of the closed lamps). In addition, the oil reservoirs in the lamps had a limited capacity, meaning a short burning time (ca. 1 hour – as tested by personal observation). All of this suggests that the main function of these kernoi was something other than merely illumination.

**Circumcised phalli** - To date, we have discovered twenty models of circumcised phalli (Stern 2012: 57-88), carved from local chalk, in several of the subterranean complexes (Figs. 7-8). They appear to be erect, partially broken, and life size. Sixteen of the 20 phalli discovered at Maresha were found in SC 169. While Roebuck (1951:



Fig. 7 – Phallus from SC 169

117-118) believes that flaccid phalli were utilized as votive genitals in a healing cult, Ehrlich (2009: 18-20) argues that they are connected to the cult of Dionysus and Hermes and had an apotropaic value. It is possible that they were used in a fertility rite.



**Fig. 8** – Phallus, other side from SC 169

**Domestic Altars** - Finally, over 40 small domestic stone altars were found in SC 169 (Figs. 9-10).

The concentration of these cultic items in one subterranean complex raises certain questions. Parallels in other parts of the Hellenistic world indicate that such items had a ritualistic purpose.



**Fig. 9** – Small domestic altars from SC 169

### The Heliodorus Stele and the Temple

Approximately 30 meters from SC 169 is Area 800, which has been identified as a shrine by both Kloner (2001: 111-112) and Graicer (2012: 183-193). The structure, constructed on an east west axis, is the largest building to be found in Maresha to date, measuring ca. 13 x 27 meters, with remains of 3-4 layers of



**Fig. 10** – Small domestic altars from SC 169

large, nari stone walls. Graicer believes that it was constructed by Ptolemy IV after his victory at the battle of Rafiah, in honor of his wife Arsinoe III.

Complex 169 is only ca. 10 meters from SC 57, where the famous “Heliodorus” stele was discovered.<sup>2</sup> It concerns the Seleucid king Seleucus IV’s appointment of a certain Olympiodoros to a position of religious responsibility in Koile Syria and Phoenicia. The importance of the location of this SC and, more specifically, its proximity to these other two sites, will be made clear as we proceed. The consensus of scholarly opinion is that the “Heliodorus Stele” once stood near or inside a temple (Gera 2009).

## Divination

Divination was a common way of predicting the future in the ancient world. The diviners would investigate different naturally-occurring phenomena, interpreted as signs, which bear a hidden meaning in predicting the future. Another way for the diviners to access such information was by creating predictions from shapes regarded as omens. The ritual of conceiving omens from the characteristics of sheep livers spread from Babylonia and reached Etruria, where it was performed in a very similar way. According to classical literature, the Greeks also used liver omens, as well as divination by pouring oil or flour onto liquid (Luck 1985: 229-305).

The Israelites were also familiar with the divination practices that were common in the surrounding countries. Ezek 21:26 describes the king of Babel consulting omens while preparing the attack on Jerusalem: כִּי-עָמַד מֶלֶךְ-בָּבֶל אֶל-אֶם קְזִירָה, בָּרָאשׁ שְׂנֵי, “For the king of Babylon has stood at the fork of the road, where two roads branch off, to perform divination: He has shaken arrows, consulted *teraphim*, and inspected the liver”. Another reference to the Babylonians using celestial divination is mentioned in Isa 47:13 נֹלְאִיתָ, בָּרָבָן... אֲצַחְתִּינָךְ; יְעַמְּדוּ-נָא וַיַּשְׁעַד הַבָּרִי שְׁמִים, הַחֲזִים בְּכָבָרִים... “...You are helpless, despite all your art. Let them stand up and help you now, the scanners of heaven, the star-gazers...” Deuteronomy prohibits different forms of magical activities: לֹא-יַעֲשֵׂא בָּךְ, מַעֲבֵר בָּנוֹ-וּבָתוֹ, בָּאֵשׁ, קָסֶם קָסֶמים, מַעֲגֵן וּמַנְחָשׁ וּמַכְשָׁר, “Let no one be found among you who consigns his son or daughter to the fire, or who is an augur, a soothsayer, a diviner, a sorcerer, one who casts spells, or one who consults ghosts or familiar spirits, or one who inquires of the dead” (18:10-11).

<sup>2</sup> In 2007 Hannah Cotton and Michael Würkle published the first fragments (A+B) of an inscription, found in a private collection. In 2009 three more fragments (C, D, E) of the same inscription found in Maresha were published. For the preliminary report see Stern 2009: 60-61. The inscription was studied by D. Gera 2009: 125-155 and 2009: 100-104.

## The Inscriptions

The excavations at Maresha have yielded more than 1200 Greek and Semitic inscriptions. The majority of the ostraca were written in Greek and can be dated to the Hellenistic period. Of the 480 Aramaic ostraca so far discovered at Maresha, 384 are from Subterranean Complex 169. Included in this collection are a group of 137 Aramaic ostraca, dating to the third – second centuries B.C.E., that share a common formula of ... הִנֵּה, that is, “If X...”, וְהַנֵּה לֹא, “and if” as well as וְהַנֵּה לֹא, “if not”. Some ostraca include the words: הָנָה מִן אֱלֹהִים, “Thus, it is from the gods”.<sup>3</sup> Only a few of these inscriptions are complete or almost complete; the rest are fragmentary. The pottery sherds used by the scribes were not always the most suitable writing media – at least one inscription was written on the upper part of a jar, including the rim; in another case the letters were inscribed on a fragment of a bowl, including over the black stripe decorating its upper part. In some instances, several inscriptions were written in scattered different columns on one almost complete bowl (Fig. 11).

The texts from Maresha have not been fully deciphered, and for a long time we could not identify any specific deity or personal name. Although the ethnicity of the owners of these inscriptions is unknown, previous studies of the ostraca from Idumea have shown that the vast majority were not Jews. The epigraphic material represents a very mixed ethnic population within late Persian-period Idumea, consisting of (31%) Arabs, (24%) Idumeans, (28%) Western Semitic, (9%) Judahite, (5%) Phoenician, and (3%) others (Stern 2007: 213). We have deciphered the name קֹס within six of the divination texts under discussion. Among the newly deciphered Qōs ostraca we read: הִנֵּה קֹס מִן קֹס, which tentatively might be translated as: “Thus, the stumbling is from (or: caused by) Qōs” (Reg. No. 169-68-1316-S3). It should be noted, that the theophoric element of Qōs in Edomite personal names is known since the eighth century B.C.E.. He was probably the principal god of Edom, as noted by Bartlett (1989: 203), and the



**Fig. 11 – Inscribed bowl**

<sup>3</sup> The first readings of some of these ostraca were done together with Rivka Elitzur-Leiman, while many are still to be read and fully deciphered.

only deity mentioned in the inscription at Kirbet et-Tannur, dated to the first century B.C.E. (McKenzie and Reyes 2013: 191-192). The worship of Qōs by the Nabateans is documented as late as the second or third centuries C.E. from inscriptions found in Bosra and Jerash (for a summary of the finds and discussion, see McKenzie and Reyes, *ibid.*).

The first such inscription including the נָתַן formula was discovered by Amos Kloner in Area 61 at Maresha. It was written on a bowl, together with two other inscriptions - a recording of a daily harvest and an account. Lacking Semitic parallels, we interpreted these inscriptions as general scribal exercises, while the נָתַן inscription was interpreted as a wisdom text, based on parallels found in Ben Sira and the words of Ahiqar (Eshel, Puech, and Kloner 2007: 41-47).

Currently, we have managed to identify 137 texts containing the conditional structure of ...נָתַן. The contents of the Maresha נָתַן group of texts is diverse. They include various genres to be discussed below, whose exact breakdown remains to be determined. Based on the phrase “it is from the gods/Qōs”, along with the characteristic structure ... נָתַן, “if X”, the ostraca under discussion here may be understood as divination texts (see above). In order to affirm this interpretation, the best analogy is from the Mesopotamian world, where the most common written attestations for divination are conditional omens (see Rutz 2013: 219-221). The Mesopotamian omen was a pair of elements – protasis and apodosis, which together constituted one casuistic statement, usually beginning with the Akkadian word *Šumma*, “if” (Rochberg 2010). While in the Mesopotamian omens the structure is clear, i.e., the protasis and the apodosis are usually complete – the meaning of the Maresha texts is much vaguer, and no exact parallel with the Mesopotamian omen was found.

In some cases, parallels were found to the Mesopotamian omen texts, especially to the series called *Šumma Alu*. This is a group of 107 tablets, containing nearly 10,000 private omens dealing with the fate of individuals, associated with unprovoked or uninduced omens and signs. The *Šumma Alu* omens were developed in Mesopotamia, primarily in Assyria, over the course of several hundred years, and were standardized around the middle of the seventh century B.C.E. (for a general survey of the *Šumma Alu* texts see: Freedman 1998: 1-14).

In one ostraca (Reg. No. 169-94-1481-S1) we found the phrases: והן מותא והן מחללה, “And if death and if illness”, or, הן מחללה נשואה, “if an illness is put [upon X]” (Reg. No. 169-94-1481-S1), which seems to be the equivalent of the apodosis in many omens from the *Šumma Alu* group, predicting the bad fate of an individual. For example, “If fungus is seen on a south wall, the mistress of the house will die” (Freedman 1998, Tab. 12: 29).

The fragmentary phrase [...] “**הַנְּתִפְתָּח תֶּרְעָא**,” “if a gate will be opened” (Reg. No. 169-114-1700-S2), may be compared to a series of omens which deals with the direction of a house’s doorways: “If a house’s doorways open towards the south, the inhabitant of that house will be happy; If a house’s doorways open towards the north, the inhabitant of that house will not be happy” (Freedman, 1998: 95, Tab. 5:71-72):

In another ostraca already published, Eshel (2011: 181-186) suggested the reading:

1. אֵין נִגְפָּת בְּלִילִיתָא

2. וְשַׁתְּקֹו וְהַן אֲוֹתוֹקָא ]

“If you are hurt by Lilith [or: if you meet Lilith], And (by) ŠTQW, and if (you are hurt by) ’WTWQ’ [...]” (Reg. No. 169-94-1392-S1). Another text reads: [...] “and if a spirit [...]”.

Here we have two or three names of demons. The first is the well-known female demon – **לִילִית** (Lilith), followed by what seem to be two additional demons. Starting with **אוֹתוֹקָא**, this noun should be compared to the Akkadian evil demon *utukku(m)* (Black, George, and Postgate 2000: 430b).

The second noun seems to be related to the root **שַׁתְּקֹו**, meaning “to be silent,” which is used in Aramaic in both the conjugation *pa’el*, “to silence”, and *itpa’el*, “to be silent”. The Maresha ostraca can be explained as referring to a demon whose power is to render people mute or paralyzed. The term can be compared to the name **שְׁתִיקָא**, written on an amulet found in the Cairo Genizah (T.-S. AS 142.12 line 36; cf. Schäfer and Shaked 1994: 85). Here, too, we find parallels in the *Šumma Alu* texts,<sup>4</sup> where a series of omens in Tablet 19 deal with different demons appearing in a man’s house (Freedman 1998).

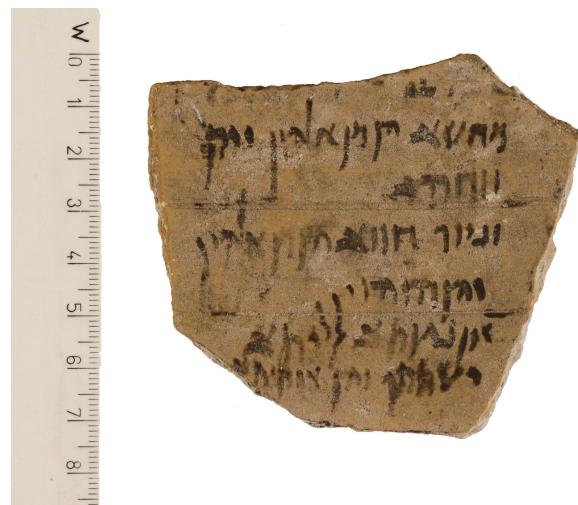
One of the most popular phrases in our collection of ostraca from Maresha is: **הַנְּמָן אֱלֹהִין**, “Thus it is from (the) gods”, or **הַנְּמָן קְוָס**, “thus it is from (the hands of) קְוָס”, to be compared with Gen 24:50: “**וַיֹּשֶׁן לְבָנָן וּבְתָوָאֵל וַיֹּאמֶר מִיְהִינָּה יִצְאָה הַקְּבָר**” “Then Laban and Bethuel answered, ‘The matter was decreed by the LORD’ ”. Another possible link can be made between the phrase **הַנְּמָן אֱלֹהִין** and tablets from the *Šumma Alu* group, in which some omens are understood as “the hand of” different gods. For example: “If a donkey goes out of a man’s house—hand of Adad; the property of the owner of the house ... will be substantial” (Tab. 43, line 18); or: “If a prince is riding a chariot and falls to the right of the chariot—hand of Šamaš; trouble” (Line 23). Or in general: “If a big cat cries out in a man’s house—hand of his god; losses will go out of the man’s house” (Tab. 45, line 67).

In addition to the demons mentioned in the Maresha texts, the texts seem to

<sup>4</sup> For a general survey of the *Šumma Alu* texts see: Freedman 1998: 1-14.

include other related terms which come from the world of sorcery. Such is the case with the opening word in one of the largest and fully preserved texts – ענוני. The root ענן in Aramaic means: “to practice sorcery”. The same is true in Hebrew – the noun עונן usually comes in a group of other magic professionals, as cited previously from Deuteronomy 18: מעונן “a diviner.” Interestingly, עונן is sometimes defined in the Bible by its foreign origin, e.g., Isa 2:6: “כִּי מִלְאֵי מִקְדָּם וְעַנְנִים כְּפָלָשִׁתִּים” [For they are full [of practices] from the East, and of soothsaying like the Philistines]. An interesting, though unfortunately broken, text from Qumran, 4Q513 (=4QOrdinances<sup>b</sup>), might shed some light on the discussed ostraca from Maresha, as it also mentions [...], reading: [...] ענני ה[א]ה [...] וְלֹא מִתּוֹרָת מֹשֶׁה [...], where has been interpreted as either a personal name (Wacholder 2001) or, better, as translated first by Baillet, “that he showed omens [...] and not from the Law of Moses” (1982: 290). Qimron corrected the reading, reconstructing: [...] כְּכֹל אֲשֶׁר הָר[א]נוּ עַנְנִי[הִמְ] (2013: 199). He accepted Baillet’s interpretation of ענני as derived from מעונן, “one who creates illusions” (see b. *Sanhedrin* 65b), here in 4Q513 referring to the Pharisaic leaders.

Another *genre* found in these ostraca, is the terminology related to astrology. For example, the usage of the noun נדשׁ can be found in another mentioned ostracon (Fig. 12; Eshel 2011: 181-186). Eshel suggests interpreting this as an illuminated phenomenon produced by stars or meteors. Further, she proposed, based on the usage of the verb נזה to describe the movement of Halley’s Comet in the Maresha ostraca, that this word is used in the same way in the “Birth of Noah” text (4Q535, Frg. 3). Thus, 4Q535 is probably referring to the horoscope of the “Elect of God” as well, albeit in a very fragmentary context (see Eshel 2011: 183-184). The last example in this category is the reading of another ostracon (Reg. No. 169-94-1392-S1): “Should a comet be seen, it is from the gods, and indeed, you see it!” Here we have astrology as a sign from the gods, a well-known phenomenon in the ancient world. The last genre, relates to the law. In this regard, we have some texts that specifically refer to human relationships in general, and between men and women in particular. In some ostraca we find many references to people, in



**Fig. 12** – Aramaic ostracon with astrological terms

various forms – men and women, אֲנָתָה גְּבַרָּא, as well as a young man or a slave, עֶלְמָא, and a young woman or a slave girl עַלְמָתָה. While the context is often unclear, occasionally the context is known to us in detail. Of those, the most interesting saying, on the obverse side of a large ostraca (Reg. No. 169-94-1481-S1), is the complete sentence: הִנֵּן מַחְטֵּף יְהֹוָה אֲנָתָה וְהַן מַקָּה, “If (or: should) he elopes with the woman or should he take her (in marriage)”. The ostraca from Maresha are mostly fragmentary, difficult to read, or missing large parts but, in some cases, we were lucky to find some clear and complete lines. This is the case in the ostraca mentioned above, “If (or: should) he elopes with the woman or should he take her (in marriage)”, immediately followed by הִנֵּן בְּקַשְׁתִּים מְמֻלָּל עַמָּה וְהַן לֹא “If the man speaks with him (or: her) truthfully, and if not?”, either with his wife, or maybe better: with her father, and some lines later it reads: הִנֵּן בְּאִישׁ עַל אֲנָתָה, probably a short sentence for: If (something) bad (is said-found) with regards to the woman”. This brings to mind the biblical law of Deut 24:1: ...וְהִנֵּה אִם-לֹא תִמְצֵא-הָן בְּעִינָיו, כִּי-מִצְאָה בָּה עֲרוֹתָה זָכָר וְכַמֵּבָב לָה סְפִירַת וּמִמְנָה בִּזְהָה, וְשָׁלַחַת... “... if she fails to please him because he finds something obnoxious about her, and he writes her a bill of divorce, hands it to her, and sends her away from his house”, and its well-known interpretation in m. *Gittin* 9:10: ...וּבַית שָׁמָאי אָמְרִים לֹא יָגַרְשֵׁנָה אִם כִּן מִצְאָה בָּה דָּבָר עֲרוֹתָה ... וּבַית הַלְּלָא אָמְרִים אֲפִילוֹ הַקְדִיחָה תְבַשְּׁילו... רַבִּי עֲקִיבָא אָדָם אֲתָא אֲשָׁתוֹ אֶלָּא אִם כִּן מִצְאָה בָּה דָּבָר עֲרוֹתָה ... וּבַית הַלְּלָא אָמְרִים אֲפִילוֹ מִצְאָה אַחֲרָת נָאָה הַיָּמָנה וְרַאֲיָתָם, וְהִנֵּה אִם-יֵצָאוּ בְּנוֹת-שִׁילּוּ לְחֹלוּ בְּאַחֲלֹות וַיַּצְאָתֶם מִן-הַכְּרָמִים וְחַטְבָתָם לְכָם אִישׁ אֲשָׁתוֹ מִבְּנוֹת שִׁילּוּ וְהַלְּקָתָם אֶרְץ בְּנֵיכֶם כַּשְׁהִיוּ בְּנֵי אַלְכְּסַנְדְּרִיאָה מִקְדְּשֵׁין נְשִׁים, אַחֲרָבָא, וְחַוטֶפֶת מִן הַשּׂוֹק, “When the Alexandrians would betroth a woman, afterward someone else would come along and grab her right out of the market”. The same custom was also practiced, as noted by Adiel Scemer (2003: 116-117, and notes 43-44 there), by surrounding communities of non-Jews, such as followers of the Nestorian Church.

What we have seen here is that this ostraca might tentatively refer to both marriage

and divorce. If it refers to marriage then there were two options: taking a wife by eloping or buying her, and if it refers to divorcing her, it was based on the man's criticism of her behavior or appearance.

## Conclusion

In this article we have discussed different genres of texts embedded in common formulas of **ה... ה**, “if X”, where some are supplemented with a believer saying **ה מֵאֱלֹהִים**, “thus it is from the gods”, or: **ה מֵקוֹס** “thus is from (or: caused by) Qōs”. Although these texts are varied, one may tie them all to a single shared context, which is the world of divination. We might tentatively associate this type of text, while varied in content, with a ‘yes-no question’ – perhaps practiced in the divinatory context of a temple, as well attested to in various forms and cultures.

The divination texts, together with the various cultic materials discussed above found in SC 169 and the “Heliodorus Stele” found nearby, may all have been utilized in the shrine (Area 800), also located close by.

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# **Toward an “Archaeology of Halakhah”: Prospects and Pitfalls of Reading Early Jewish Ritual Law into the Ancient Material Record**

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## **Abstract**

Archaeology is indispensable for understanding the genesis and development of halakhah, Jewish ritual law, and the impact of its observance on the functioning of ancient Jewish societies. Using examples from my own work over the past few years, this paper seeks to illustrate the kinds of data archaeology can provide on how ancient halakhah was practiced, information which is simply not to be found in texts. The topics to be surveyed include *mikva’ot* (ritual baths), chalkstone vessels, and *tefillin* (phylacteries). The unique contribution of archaeology to the study of each of these halakhic phenomena is explored, with a special focus on what archaeology has to teach us about these rituals which we would not have known from the texts alone. Some of the potential hazards and pitfalls of using archaeology together with texts of a halakhic nature are discussed as well, including the anachronistic use of written sources in interpreting earlier remains and the mistaken privileging of rabbinic halakhah over alternative possibilities. Archaeology and texts tend to provide very different kinds of information, and if brought together prudently, hold the potential to offer a much more comprehensive and accurate understanding of how halakhah was observed in the ancient past.

## **Introduction**

“Halakhah”, in its broadest sense, refers to the overall system of Jewish law, especially as this relates to the details of ritual practice. Although the term first appears in Late Roman period rabbinic literature (see: Meier 2003), today the term “halakhah” is used in scholarship to refer to systems of Jewish ritual law which are not necessarily rabbinic, and so we may speak of “Pharisaic halakhah”, “Sadduceean halakhah”, “Qumranic halakhah”, and so on. Here I will be using the term in this most expansive

sense in referring to any Jewish approach to the practical implementation of Torah law. Chronologically, it is quite difficult to speak of any sort of halakhah prior to the composition and widespread reception of the Pentateuch, and as such our discussion below will focus on the historical era beginning with the latter half of the Second Temple period through Late Antiquity (i.e. the late Hellenistic, Roman, and Byzantine periods in Palestine).

The observance of halakhah played a central role in the day-to-day lives of Jews throughout extended periods of Jewish history. The tenacious commitment of Jews to their ancestral laws even to the point of martyrdom is a theme found repeatedly among ancient authors, Jewish and non-Jewish alike (see, e.g., Rajak 1997). In his widely-cited article on halakhah in the Dead Sea Scrolls, Yaakov Sussmann famously argued that the proper observance of ritual law was of such vital concern to Jews living in the late Second Temple era, that the rise of the various sects at this time owes itself first and foremost to differences in interpretation of halakhah, and that it was halakhah – as opposed to theology – around which the various sects circled their wagons (Sussmann 1990: 61–64).

Recognizing the critical significance of halakhah for the development of Judaism and for the unfolding of Jewish history, scholarship beginning with the 19<sup>th</sup> century *Wissenschaft des Judentums* movement has made great strides in developing a “history of halakhah”, an investigation of how various aspects of halakhah originated and developed over time. Unfortunately, this vitally important field of inquiry has focused its efforts almost exclusively on the evidence provided by written sources, mostly late Second Temple period Jewish literature and early rabbinic texts. Material evidence provided by archaeology was unavailable to the earlier researchers, and mostly ignored by later ones. Here I will argue that archaeology is in fact indispensable for understanding the genesis and development of halakhah, and for appreciating the impact of ritual law and its observance on the functioning of ancient Jewish societies.<sup>1</sup> Using examples from my own work over the past few years, I will try to illustrate the kinds of data archaeology can provide on how ancient halakhah was practiced, information of the sort which is simply not to be found in texts. I will conclude my presentation with a few words of caution relating to the hazards and pitfalls inherent in

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<sup>1</sup> The recently published volume (based on a 2011 conference held at Yeshiva University) dedicated to the use of archaeology in understanding rabbinic materials (Fine and Koller 2014) is an excellent example of how archaeology can be utilized to explicate early rabbinic literary sources, both halakhic and aggadic. See especially: Meyers 2014; Sperber 2014. The present essay focuses specifically on the use of archaeology for understanding halakhic *practices*, and how these developed over time and space regardless of whether or not these practices were rooted in the rabbinic sphere.

such a venture. In this way, I believe, what I call here an “Archaeology of Halakhah” may serve as a felicitous case study of a field in which a meaningful dialogue between written sources and material finds might be sought.

## Prospects

Admittedly, archaeological investigation is possible for only a limited range of halakhic questions. As a ready example, the very first law discussed in the Mishnah relates to the question of when the *Shema'* liturgy is to be recited in the evening: “מָיִם תְּשִׁמַּח בְּעֶרֶב אַת שָׁמַע?” (m. Berakhot 1:1). Clearly, recitation of liturgies, prayers, and benedictions is something which cannot be expected to leave any traces in the archaeological record. This is of course true of a large number of practices governed by halakhah, which are of a completely non-material nature. This having been said, there *are* numerous halakhic practices which in one way or another involve materiality and which therefore *can* be studied through the lens of archaeology. Salient examples include: synagogue architecture, restrictions on idolatry and figural art, *mezuzot* and their placement on doorposts, the four species ritual on Sukkot, and the dietary laws as reflected in archaeozoological remains. In the present paper I will focus on three additional topics which have been particularly important in my own recent work: *mikva'ot* (ritual baths), chalkstone vessels, and *tefillin* (phylacteries). I will focus here on the unique contribution of archaeology to the study of each of these halakhic phenomena, and what archaeology has to teach us about these rituals which we would not have known from the texts alone.

### Mikva'ot

*Mikva'ot* (singular: *mikveh*) are pools used for the ritual immersion of impure persons, utensils, and clothing, as described in early rabbinic literature, especially in tractate *Mikva'ot* in both the Mishnah and the Tosefta, rabbinic works thought to have been redacted around the 3<sup>rd</sup> century C.E. Beginning with Yigael Yadin's excavations at Masada in 1963–65 (see: Yadin 1966: 164–67), archaeologists have uncovered increasing numbers of stepped water installations which conventionally have come to be identified as *mikva'ot*. Over 850 such installations are known today, which date from circa 100 B.C.E. until the end of the Byzantine period in Palaestina, circa the middle of the seventh century C.E. (Adler 2011a: 319–343).

The question of why stepped water installations should be identified as ritual purification pools is in and of itself an excellent exercise in the use of archaeology together with texts (Adler 2011a: 33–42; Reich 2013: 46–52; Miller 2015: 32–55). What I would like to focus on here, however, is the question of what archaeology can teach us about Jewish ritual purification practices which we did not already know from a study of the written sources by themselves.

Without archaeology, we would have had no idea that in the late Second Temple period Jews were immersing in artificial, purposely built installations designed for ritual immersion. Although the subject of purity, purification, and ritual immersion appears not infrequently in Second Temple period literature, incredibly enough, nowhere in the writings which have come down to us from this period is any mention made of where ritual immersions actually took place. It is exclusively the archaeological finds which teach us that by the first century B.C.E., Jews were immersing themselves in artificial stepped pools.

Something else which we would never really know for sure is how widespread the practice of ritual immersion was among the Jewish population of Judea at large. True enough, ritual purity was an important issue in much of Second Temple period Jewish literature. Ritual washing and immersion are topics discussed not infrequently in these sources. The problem is that, like all texts, these literary sources reflect the subjective viewpoints of their authors, and we can never really know for sure how representative these viewpoints may have been of the non-literary (and probably even non-literate) common folk living in Judea at the time. We know, for example, that the authors of various texts found at Qumran took great interest in things having to do with ritual purity. Philo, Josephus, the New Testament authors, and the later rabbis all tell us about ways that different individuals and groups observed the purity laws, including ritual washings. What is extremely difficult to learn from these sources, however, is to what extent these practices might have been observed by regular common folk on a day-to-day basis. Whereas texts tend to highlight the fringes of society, whether literary elites or religious pietists, archaeology is exceptionally well-suited for shedding light on precisely those who make up the majority of society but whose voices often go silent in the texts. The fact that numerous *mikva'ot* tend to be found at any given Early Roman period settlement site, no matter how small, strongly indicates that the Jewish populace at large made regular use of these purification pools (Adler 2014a: 70).

Archaeology also allows us to investigate possible discrepancies in the distribution of these installations between various regions, and provides us for the first time with hard data which may point to differences between, for example, Judea in the south

and Galilee in the north – a question with great ramifications for the study of the nascent Jesus movement (Adler 2011a: 293–300). Careful study of the material finds also allows us to track the use of *mikva'ot* over time, pinpointing when they first appeared, when the phenomenon peaked, and at what point in time did the use of these installations eventually wane (Adler 2011a: 50–68; Adler 2017b).

## Chalkstone Vessels

Chalkstone vessels are another archaeological phenomenon from this era associated with ritual purity observance. During the Early Roman period, various types of vessels made of chalkstone, serving as both domestic tableware and storage containers for food and liquids, were in widespread use at Jewish sites throughout Judea, Galilee, and Perea, supplementing the usual repertoire of ceramic vessels (Cahill 1992; Deines 1993; Magen 2002; Adler 2011a: 161–220). This was a uniquely Jewish phenomenon, as remains of chalkstone vessels are conspicuously absent from non-Jewish sites. Why is the distribution of these vessels so clearly divided along these ethnic-religious lines? Scholarship has conventionally answered this question by interpreting the archeological finds in light of texts. The Tannaitic rabbis assume that stone vessels cannot contract ritual impurity and, as such, never have need for purification (e.g. *Sifre, Huqat* 126 [ed. Kahana, 411–12]). Vessels made of stone were used on various occasions when the ritual purity of a vessel was to be ensured (e.g., m. *Beṣah* 2:3; m. *Parah* 3:2,11). This practice appears to underlie the Gospel of John's explanation that the stone water jars featuring in the wedding at Cana narrative were associated with “the purity (laws) of the Jews” (John 2:6 lit.). Interpreting the archaeological chalkstone vessels in light of these texts, scholars have explained that Jews produced and used these vessels specifically because of their unique quality of imperviousness to ritual impurity (Deines 1993: 166–246; Magen 2002: 138–47; Adler 2011a: 178–82; cf. Miller 2015: 153–183). As a result, chalkstone vessel remains are conventionally interpreted as an indication of ritual purity observance.

While the later rabbinic sources lay the theoretical basis for our understanding that at least some Jews in ancient times believed that stone was a material impervious to impurity, nowhere in the rabbinic literature do we find any clue that Jews everywhere throughout the country were producing and using tableware and storage vessels fashioned from stone on a regular, probably daily basis. Once again, it is archaeology, and archaeology alone, which allows us to recognize how widespread this phenomenon was among rank-and-file Jews throughout the country, regardless of socioeconomic

or sectarian differences, and hence how central ritual purity concerns were for Jews throughout Early Roman Judea. And again, it is only through archaeology that we can trace the development of chalkstone vessel use over historic time and through geographic space. One fascinating result of this archaeological investigation has been the recognition that chalkstone vessels remained in widespread use for decades after the destruction of the Jerusalem Temple in 70 C.E., a discovery which seems to indicate that the observance of purity laws in general may have had very little to do with the Temple cult and much more with concerns over personal piety (see Adler 2017b).

## Tefillin

The final example we shall explore of how archaeology provides a significant contribution to the study of ancient halakhah is that of *tefillin*. In discussing *tefillin*, we are actually referring to artifacts composed of two distinct components: (1) leather cases, intended to house (2) rolled-up slips made of thin skins inscribed with biblical texts. These leather cases, holding their inscribed slips, would have been worn on the head and arm (or hand) of the *tefillin* practitioner.

Because both components of *tefillin* are made of organic material, all ancient *tefillin* remains known today derive exclusively from caves in the Judean Desert where the arid environmental conditions preserved the ancient skins. Altogether, twenty-three leather *tefillin* cases were found at Qumran, all of which presumably predate 70 C.E., and an additional two cases were found in refuge caves dating to the end of the Bar Kokhba revolt, around 135 C.E. (for a survey on the distribution of these finds, see: Adler 2017a). Aside from these cases, 34 decipherable slips have also been found, again mostly from Qumran, with a minor number found in Bar Kokhba period refuge caves as well (*ibid*).

Considering the small quantity of *tefillin* remains uncovered and the extremely limited scope of their find-spots, it is impossible to produce any meaningful distribution map for *tefillin*. Unlike what we saw above with regard to *mikva'ot* and chalkstone vessels, there is really no way of knowing to what extent the Judean Desert *tefillin* finds might be representative of general practices throughout the country. Similarly, we cannot investigate differences between geographic regions, nor are we on firm ground for investigating significant chronological developments. Nevertheless, the *tefillin* finds do provide us with invaluable information about this ritual practice which we never would have known from the written sources alone. The only ancient texts we have which describe the *tefillin* ritual in any detail are rabbinic, and it is very

hard to learn from these sources what non-rabbinic or pre-rabbinic *tefillin* practice might have looked like. The archaeological finds provide a first view into the way the ritual was performed in lived reality by those who were presumably situated outside the sway of rabbinic influence.<sup>2</sup> We learn from these finds, for example, that while some Jews included in their *tefillin* the exact same Pentateuchal pericopae as described by the rabbis, others included these and additional texts, for example, the Decalogue (see: Adler 2011b: 224–228). Variety in practice can also be noted with regard to the morphology of the *tefillin* cases: some are shaped as a solid pouch divided into 4 individual cells, while others have these cells separated by slits (Adler 2017a: 164–66). These and other discrepancies between the individual *tefillin* exemplars may represent chronological, or more likely sectarian differences, within Early Roman period Jewish practice – differences never openly discussed in the literature of the later rabbis (*ibid.*).

## Potential Pitfalls

In my call for developing an “Archaeology of Halakhah”, it is not enough to point out the prospects – it is also necessary to point out some of the potential pitfalls of using archaeology together with texts of a halakhic nature.

One extremely common mistake is to read the material finds exclusively through the prism of rabbinic halakhah. Here I have in mind those scholars who proverbially hold the spade in one hand and the Mishnah in the other. Many such scholars assume, as a matter of course, that the ancient individuals responsible for the archaeological remains necessarily followed rabbinic prescriptions. The rationale behind such an approach is clear: nowhere do we find a more detailed and intricate treatment of early halakhah than in rabbinic literature. It is far easier to assume that the material finds represent a halakhic tradition about which we know a great deal, than to grope in the dark with halakhic approaches about which we know very little. The problem with reading the rabbinic rulings into the archaeological finds is two-fold. The first problem is that the earliest works of rabbinic literature were redacted into their final form no earlier than the beginning of the 3<sup>rd</sup> century C.E., and while these writings are thought to contain earlier traditions, it is no simple task to discern and date the various strata found within them. Clearly it would be a gross error to interpret archaeological remains in light of halakhic concepts which came into being only a century or two later.

<sup>2</sup> For a recent monograph which utilizes archaeological finds together with textual sources in order to postulate an apotropaic function for *tefillin*, see: Cohn 2008.

The second problem relates to the question of rabbinic influence. It is thought that during the first centuries of the Common Era, no more than a few dozen rabbis would have been active in Roman Palestine at any given time (Levine 1989: 66–69; Lapin 2012: 65–67). To what extent these rabbis and their halakhic ideas had any influence at all over other Jews during this time is not really known. It is completely unwarranted to simply assume that everyone living at the time of the rabbis would have abided by their halakhic rulings, or would even have been aware of what these rulings may have been.

A glaring example of this kind of naïve approach to the use of rabbinic sources in interpreting archaeological finds may be found in the latest volume of the Masada final reports, where an entire chapter, replete with detailed diagrams, is dedicated to harmonizing the 1<sup>st</sup> century B.C.E. and 1<sup>st</sup> century C.E. archaeological remains of stepped pools at Masada with the significantly later rabbinic sources (Grossberg 2007). Even if the archaeological remains and the texts had been contemporaneous, it would be completely unjustified to simply assume that the people who built and used these (or any other) pools both knew and seriously cared anything about what the rabbis had to say.

Anachronisms aren't limited to using Late Roman rabbinic halakhah to elucidate earlier archaeological finds. Even more serious is when archaeological finds are interpreted in light of medieval or even modern Jewish practices. We may cite examples where chalkstone mugs are interpreted as washing cups (Deines 1993: 231–33, 245–46; Magen 2002: 99),<sup>3</sup> chalkstone bowls are interpreted as *havdalah* spice boxes (Berlin 2006: 150), and *mikva'ot* in Hasmonean and Roman period Judea are interpreted in light of practices which first appeared in 18th or 19th century Europe (for a critique of this very popular anachronistic interpretation, see: Adler 2014b).

An important recent corrective to these mistaken approaches can be found in Stuart Miller's recent volume on ritual purity (Miller 2015). Throughout the book, Miller postulates that scholars have been offering a completely wrong view of the issue, and suggested that rabbinic halakhah be seen as a somewhat natural development deriving from the actual practices evidenced in the material culture, as opposed to the other way around. That is, while rabbinic halakhah took for granted earlier practices, the rabbis went one step further by taking the halakhic questions at hand in new directions. As Miller rightly asserted, such an appreciation of the rabbinic project provides all the more reason to avoid imposing the views of the rabbis on the archaeological finds.

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<sup>3</sup> For a previous critique of this interpretation, see: Miller 2015: 176.

## Conclusions

I have tried to make the case for a study of ancient Jewish ritual law which makes discriminating use of archaeology in conjunction with halakhic texts. Archaeology and texts tend to provide very different kinds of information, and if brought together prudently, hold the potential of offering a much more comprehensive and accurate understanding of how halakhah was observed in the ancient past. Many of the potential prospects and pitfalls that I have pointed out for this “Archaeology of Halakhah” are no doubt applicable in other fields, where texts may be studied profitably in tandem with material culture.

The past is long gone. We will never again be able to experience the past. We will never even be able to gaze upon the past as upon some panoramic view. The wall of time stands in the way, completely blocking our field of vision. Snippets of evidence, whether textual or archaeological, act as small apertures in this wall, providing the most restricted of glimpses. If we are prudent enough to peer through all of the available peepholes, and wise enough to recognize that each vantage point provides a very different perspective on the same grand scene, we will at least begin to appreciate in some modest but meaningful way that past we so desperately seek beyond the barrier of time.

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# Purity Observance among Diaspora Jews in the Roman World<sup>1</sup>

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## 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.

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## 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).<sup>2</sup>

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 miqwaoth 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

<sup>2</sup> 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.<sup>3</sup>

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.

<sup>3</sup> 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 Boqe) 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.<sup>4</sup> 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,

<sup>4</sup> 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 'Ulsathatha, 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 Sahaduta, 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’anim*) 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’anim*). 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 *mitzvoth* 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.<sup>5</sup> 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

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<sup>5</sup> 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).

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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.<sup>6</sup> 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.

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<sup>6</sup> 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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# **Visual Models in Archaeology and Harmonization of Archaeological and Literary Data**

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## **Abstract**

In this article I argue that an important arena for the transfer of knowledge between history and archaeology is that of visual reconstruction. I am taking a brief look at the metamorphoses of archaeological knowledge when used, together with historical knowledge, for the purpose of narrative reconstructions. I then move on to discuss how this knowledge is articulated in order to produce so-called “realistic” visual models of ancient monuments. It is proposed that a middle-range theory to overcome the issue of the perceived incommensurability between excavation and textual data may be found by analyzing the construction of visual models, particularly digital reconstructions.

In what follows I discuss in general terms the epistemological environment of knowledge transfer between archaeology and history (part I). I then present some methodological implications of the construction of so-called “realistic” visual models of ancient monuments and probe into how knowledge is articulated in the process (part II). A number of partial solutions for mitigating the tensions between archaeological and literary data are subsequently put forward, particularly with respect to visual reconstructions (part III). In a brief conclusion (IV) it is argued again that in order to look for a middle-range theory to overcome the issue of the perceived incommensurability between excavation and textual data, one of the most promising places is precisely the construction of visual models, particularly digital reconstructions.

## **I. The Harmonization of Textual and Archaeological Data**

Insufficient attention has been given to the stress and strain to which archaeological knowledge is subjected in order to make it compatible with information from literary sources. When creating a methodological framework for blending archaeological and written sources, one draws on a conspicuously fragmented body of literature. The very

existence of a problem, namely that the integration of artefactual and documentary data is fraught with uncertainties (biases, circularity, self-fulfilling prophecies, and coalescing data that may be in fact incommensurable) was not duly acknowledged until perhaps the mid-20<sup>th</sup> century. Where it was recognized, it had a very limited impact on how archaeologists actually were to proceed with excavation, publication, and visual reconstructions. It has seemed for a long time self-understood that the much younger discipline, archaeology, should be a handmaiden to age-old history, and merely illustrate it (Hume 1964, Moreland 2006). A perception of archaeology as ancillary to history is in fact perhaps the most enduring misconception throughout the development of the discipline, and archaeologists repeatedly protested against this “tyranny of the historical record” (Champion 1990, Small 1999). It may be that revolutionary texts such as Rostovtzeff’s *Social and Economic History of the Roman Empire* (1926), which used, on a scale never quite encountered before, archaeological artefacts to illustrate a narrative still culled primarily from written sources, may have, as a side-effect, confined archaeology to playing this role in perpetuity. Indeed, the use of archaeology in a majority of ancient history books and journals still does not go substantially beyond this view, as Lloyd (1986), Martin (2008), and Hall (2013) have shown. Kemp (1984: 21) pointed out that archaeology still supplies “garments, baskets, razors, sandals – all the props needed for the costume reconstruction of ancient life”. Among explanations for this view we should count the fact that archaeologists are still “trapped by the agenda set by historians” (Austin 1990), and in general that the questions asked of the material remains are in fact those normally asked of texts (Allison 2001: 181). Classical archaeology’s reluctance to indulge in theory-building regarding the relationship between “word” and “dirt” (Vermeule 1996), of course, did not help the situation.

It was Cambridge scholars who initiated a debate that was to bring about a loss of innocence, starting with Finley’s (1971) disappointment in archaeology not having made much progress on this front since Rostovtzeff. Finley denounced the academic creed according to which statements in literary or documentary sources are to be accepted unless they can be disproved, and that material culture matters mainly in so far as it can support or falsify the literary tradition (Finley 1985, Hall 2013: 207-9). In turn, A.M. Snodgrass (1987) exposed archaeologists’ “positivist fallacy”, a tendency to mechanically equate what appears to be significant in the archaeological record with what appears to be significant in the textual evidence. A layer of ash must be due to the Dorian invasion, some Cimmerian raid, an attack of the Goths. This is tantamount to making archaeological and historical prominence interchangeable. This fallacy is all too easy to perpetrate given the fragmentary nature of both the archaeological record and of historical sources.

The disenchantment with this state of affairs resulted in a quest for solutions, but the attempts were desultory and the ideas proposed were rarely incorporated in actual research programmes. To summarize a sundry of disparate suggestions in the literature, the solution appeared to be a two-pronged approach. Firstly, one would make sure to analyze archaeological and historical sources independently (Leone 1988: 29, Miller 1991, Andrén 1998, Storey 1999: 232, Galloway 2006, Hurst 2010; Hall 2013: 208). While this approach hopes to avoid circularity in argumentation (Kosso 2001, 81-90), the question as to what guidelines to follow in order to know when the disparity between the two lines of evidence begins remained unanswered. In a second approach, one would bring together the strands of evidence (pursued separately so far) and compare them. The priority for investigation would then become those aspects of the human past for which the archaeological and textual evidence contributed contradictory statements. Such contradictions have been in turn named inconsistencies (Allison 2001), contrasts (Andrén 1998), incongruities (Little 1992), ambiguities (Leone 1988), disjunctions (Carmack and Weeks 1981), deviations (Leone and Potter 1988), or dissonances (Hall 1999). In the range between what was called “text-free” and “text-aided” archaeology (by Hawkes [1954]; cf. Little 1992, and Young 1992 “text-misled”), almost all positions have been advocated. A plethora of suggestions were made as to how to bridge the great divide between artefact and text, necessarily reflecting various habitus-bound research agendas. Occasionally, it has been advocated that a certain area of study is key to deconstructing the dialogue between archaeological and textual data. Among such highly sensitive research areas are, according to certain scholars, the study of ancient materials and technologies (Martinón-Torres 2008) or that of cult and religion (Dever 1991). The rationale for these choices is not further elucidated. On a more general level, Andrén (1998: 146 sqq.) and Martinón-Torres (2008) have argued that in order to sidestep a philosophically unrewarding study of concepts (artefacts, texts), we could analyze best-practice strategies, in other words how concentric contexts for each of the two are crystallized in practices. Others yet have found redemption in bringing into the limelight long-term quantifiable change, since that is precisely what texts cannot do (Hurst 2010), in using one category of evidence for deriving hypotheses to be tested within the other category (Little 1992, Perry 2007), and in using a sort of “formation process” analysis, geared towards understanding how texts and artefacts come to be and how they come to shape society (Galloway 2006, Moreland 2006, Martinón-Torres 2008). Some of the solutions however have further obscured the original problem, such as the idea that archaeology and history speak “different languages” (e.g. Ahlström 1991), when in fact the two types of evidence are rather incommensurable, in Kuhn’s sense.

A more metaphorically-minded cohort of archaeologists drifted away from the archaeological arena in search of solutions. For example, Martin (2008) proposed to achieve a proper “dovetailing of text and objects” by using cultural semiotics and thick-description ethnography, while Galloway (2006) resorted to Bruno Latour and Arjun Appadurai for actor-network theory and the social life of things to help construe the relationship between texts, artefacts, and society. Finally, where processual archaeologist had spearheaded an increased, at times indeed total, independence of archaeological data from written sources (Arnold 1986), post-processual approaches focused on hermeneutics (Leone 1988, Dyson 1995 on the archaeological site as an Urtext; also post-ironic perspectives in Isayev 2006).

The wide geographical and chronological coverage of the works tackling the subject must be underscored. If these approaches did not build up to the critical mass needed for a problem-specific methodology, they still testify to tectonic movements through the whole of archaeology today. These approaches stem from work in medieval archaeology (Austin 1990, Fehring 1991: 229–237 focusing on Germany, Young 1992, and Tabaczyński 1993), prehistory (Bennet 1984 for Late Bronze Age Aegean), Classical (Storey 1999, Snodgrass 1985, Lloyd 1986), and North American (Leone 1988). The debate was perhaps most welcome in areas where traditionally written texts dominated the development of the discipline (Egypt, Kemp 1984, Mesopotamia, Ellis 1983; Stone 1987; Matthews 2003; Zettler 2003, Syria, Gates 1988, the Near East in general, Zimansky 2005 and as a case study, Casana 2009, Roman and Byzantine Near East, Perry 2007, Biblical archaeology Finkelstein 1996; Bunimovitz and Faust 2010 as well as other articles in Vikander Edelman 1991 and Levy 2010). As for Anatolia, the Hittite empire is still known to us primarily through its texts, limited in range and geographical distribution as they are, but archaeology is now catching up (Glatz 2009; Matthews and Glatz 2009; Atici 2014). Excavators seem to be coping better with Hittite vassals such as Troy, but although the city of Homeric epic has produced fine scholarship on e.g. the Trojan War, they only recently started to set methodology as a primary goal (see Vanschoonwinkel 1998; Rose 2013; Pavel 2014). Despite the substantial number of contributions (although this is still small compared to most other provinces of theoretical archaeology), they are not yet articulated into a coherent whole. It can be however said that the schism between the epigraphic and the archaeological approaches to the ancient Near East, invoked by Gates three decades ago (1988: 64) might give way to reconciliation, and we will no longer witness a “division of labor” between archaeologists and philologists/historians (as noted by Zettler 2003:5). The concern remains that many only pay lip service to what promises to be a noble critical stance, and moreover, that they reiterate a relatively small number of tenets.

Currently, the most promising avenue of combining archaeological and literary material, as reflected in the literature, seems to be to revisit the relevance of multidisciplinarity. The term multidisciplinarity remains oddly uncomfortable when discussing archaeology and history, as if digging in the ground and reading Tacitus were in fact done with fundamentally similar methods and objectives (cf. Martinón-Torres 2008). As D. Austin (1990: 13) put it, whenever archaeologists attempt to deliver an independent historical narrative, they are accused by historians of “at best, irrelevance or lack of scholarship, and at worst of uttering jargonistic claptrap”. Nevertheless, there are now enough voices pleading for the integrated production of historical knowledge, and even though the multi-disciplinary approach is “the most difficult, the most susceptible to superficiality...”, it is still the most productive (Carver 2002: 490; see also 1990). Blending archaeological, historical, and scientific knowledge is championed among others by Martinón-Torres (2008: 33) with the rationale that thereby the ability of the respective specialists to understand past societies is “multiplied exponentially”. Despite the reservations of Isayev (2006), the way this could work is adequately described by the so-called ”mode 2 knowledge production” (Gibbons 1994). Some archaeological applications of it exist already, as in the multidisciplinary project (not without its own cautionary tales) described by Rankov (2004).

In conclusion, what Arnold (1986) noted in the eighties is still true today: researchers piously advocate the integration of the categories of evidence, but few are doing it and fewer are explaining how it should be done. The majority endorse (tacitly) the view that in the end archaeological evidence is mute and cannot be understood without written texts, or a variant of this view (Allison 2001), and that the role of archaeology will never be more than marginal in historical reconstruction (e.g. Lloyd 1986: 42). Small (1995) deplored that the archaeological record is still seen as a “subordinate dynamic context for viewing textually-adduced reconstructions”, and sure enough some archaeologists still claim (notably Rainey 2001: 148) that one ought not to use “subjectively interpreted archaeological data” to contradict written sources. The trouble is not that the same archaeological data is invoked for antagonistic interpretations (Miller 1987) – plurality of interpretations has never been the problem – but that scholars proceed with a “forced harmonization” of archaeological and historical data (Ahlström 1991: 119).

For a couple of decades prehistoric and Classical archaeology have been increasingly unhappy with this forced harmonization, but the situation remains that described by G.R. Storey at the turn of the millennium, namely one where “a balanced, dependable method for integrating textual and archaeological data is still lacking” (Storey 1999: 206).

## II. Visual Models in Archaeology

A new source of solutions can be found in exploring the mechanisms of model building, especially in the field of visual reconstructions of archaeological discoveries, be they monuments or whole sites. The harmonization of textual, archaeological and (increasingly) hard-science data is unavoidable, decisions and selections are made at every corner, and, if critically monitored, they can speak volumes about how researchers prioritize information and integrate evidence. How we create visual reconstructions (even when we do not document our underlying theoretical stance) is an approach whose analysis can offer key insights as to how we go about the “harmonization”.

Over the past three or four decades, digital models of now destroyed buildings have become, if not ubiquitous, at the very least a familiar presence in the media, in museums, scholarly publications, and classrooms (Lock 2003; Frischer 2008; Favro 2013). An image-hungry world, where science is highly respected, especially if it looks like magic, immediately embraced the potential of computer simulations. To be sure, such simulations come with great advantages. They offer lavish illustrations of ancient sites for laymen and academia alike, for children and blasé cultural consumers. They stimulate public interest in, and awareness of the past and can help to convince sponsors to support archaeology. To scholars, more specifically, they provide a way to manage the complexity of data and the possibility to simultaneously examine complex components, both large-scale and small-scale. By using models, archaeologists can extract more data from archaeological remains and are more successful in identifying potentially unreliable or missing data. Digital models also represent the most cost-efficient way to devise and test hypotheses, from daylighting analyses to heating patterns to earthquake resistance. In comparison to physical models, they can easily be shared inside and outside the community of peers, and they can be updated when new information becomes available or when new theories supersede old ones (Earl 2003; Frischer 2008; De Paepe 2014: 29; Llobera 2011: 194). An expression of the great scholarly confidence in, and public appeal of digital models was the volume by Forte and Siliotti (1997), who collected computer simulations/re-presentations of a few dozen major sites worldwide, from the Palaeolithic to the Classical period. The number of similar studies has increased continuously since then, whether dealing with Thule whale bone houses with skin and sod covering (Dawson and Levy 2005), Olmec ritual precincts (Gillespie and Volk 2014), the Roman forum (Favro and Johansson 2010), Cham temples in central Vietnam (Guidi et al. 2014), the Rotterdam synagogue destroyed in WW2 (De Paepe 2014), or Chaco Canyon kivas (Kantner 2000).

The widespread production and use of models is however, not without its critics. Commenting on the models in the seminal volume mentioned above (Forte and Siliotti 1997), Gary Lock cautioned: “the technology is almost too successful, it is too convincing, it is too believable”, and concluded “the general understanding of the potential and pitfalls of modelling and VR in archaeology is coming of age after the sometimes blinkered enthusiasm of the early years” (Lock 2003: 154, 155). The fact that an overwhelming majority of those models were produced by private companies raised the concern that this was out of scholarly hands, and that archeological authorship was threatened. To this day – even though universities and research institutions are more involved than ever before in the design of models – the alleged disjunction between archaeologist and modeler remains haunting (e.g. Guidi et al. 2014: 55, cf. 62). The two specialists ought in fact to work together in a hermeneutic spiral (an “iterative interaction between archeologists and digital modelers, leading to a progressive refinement of the reconstructive hypotheses” Guidi *et al. loc. cit.*). To put it simply, this is a two-pronged approach. First, it entails a permanent back and forth between the (laser-scanned) reality-based model (showing only what is left in the field, itself a valuable means of recording) and the reconstructed model (adding all that is missing). Second, a similar back and forth takes place between the modeler (the one who is computer savvy) and the excavator (the one who is the purveyor of strictly archaeological data).

Behind the popularity of digital models of ancient monuments there is more than just an interest in the past and a fancy for elegant design. As scholars, we are indeed working with the past-as-reconstructed, rather than with that utter stranger, the past-in-itself. Every time we take a stance about our history we in fact create a model of it, one which, we hope, will be both accurate and relevant today. But science-aided (virtual) experiences are today marketed as the only ones which can impart the feeling of authenticity. There is an increasing disdain for the narrative when not backed by graphics (garish or not). Models, a type of displaced materiality, are advertised to the public as the only one capable of representing the material world, in other words, of doing justice to the mathematical image that nature has become. This is rooted both in Husserl’s 1970 [1936] phenomenological analysis of the crisis of science and in the neopositivist conception of science, and is occasionally pushed to the extreme by a compulsive drive to show off computer capabilities. The current conception of virtual reality has produced a disembodied viewer who has become ubiquitous and omniscient. This seems a vindication of Husserl’s conception of the model achieving a higher ontological status than the reality (the *Lebenswelt*). At the same time, it paradoxically illustrates Baudrillard’s view that the reconstruction is a simulacrum, “a truth concealing

that there is none”, reflecting the “characteristic hysteria of our time: the hysteria of production and reproduction of the real” (1988: 166, 180). Digital models in archaeology may have become Baudrillard’s (*id.* 166) “maps that precede the territory”, in a world of scientific illustrations where an original monument and its reconstruction are mutually constitutive. In an age of simulation, witnessing the liquidation of all referentials, models have become more real than real, and indeed their hyperreality is the only reality that past monuments can enjoy. In the recent philosophy of science, N. Gray further argues that virtual reconstructions are generally perceived as erring on either side of reality, either almost but not quite real, or, on the contrary, more concentrated than real (i.e., perceiving either the model’s “deficiency” or its “intensity”, (Gray 1995, n. 1, p. 347).

Paramount in the discussion of visual reconstruction in archaeology today is the notion of realism – in fact, “a slippery term” (Earl 2003: 231). Curiously, it took a century or so to debunk the myth that archaeology is presenting the “real” past, only for us to unreservedly embrace today the view that the digital model “brings the past back to life”. Proponents of this view would be of course otherwise bound to dismiss as naïve any historian who set about showing history as “how it really was”. Archaeology was the new history, now it would seem that computer models are the new archaeology. What are the underpinnings of this generous naivety when it comes to digital reconstructions? Models have indeed become increasingly convincing in a short time since the advent of computers, and it is easy to forget that the same reservations that applied to the historical narrative should now be applicable to such visual reconstruction. No epistemological vaccine was ready in time to protect against the sudden rise of astonishing and compelling computer models. The graphic pizzazz of such models downplays or completely conceals that any number of educated guesses or *pro domo* choices go into such models, which are inevitably theory-laden. Models are intrinsically glamorous and their very appearance tends to imply that archaeologists know much more than they do about the past. In so doing, they obscure the fact that a visual reconstruction is not the restitution of the past, but a present theory of the past (Kantner 2000; Moser and Gamble 1997; Dawson and Levy 2005: 445). The model is not objective – not even the digital replica of an artefact, let alone that of an ancient monument. In fact, these replicas belong to a realm between reality and our minds; they operate in a space that is at once virtual, fluid, and ritualized. Despite their perceptual realism, models are not a slice of, but only a statement about, a real past. Younan and Treadaway (2014: 241) have summed up the current discussion on liminality as a space between the tangible and the imaginary, where 3D technologies are at work. Michel Foucault (1986: 24) had spoken, even before the advent of computer simulations, of counter-sites or “heterotopias”: “places... outside of all places, absolutely different from all sites that they reflect”.

Another problem with models is that, if the public is expecting to be walked through the past, they will always be disappointed by the model's inability to ever breathe actual life into the past. It has been pointed out that the authenticity of a model is not about verisimilitude, but rather about process, biography and embeddedness (Gillings 2005; also Mesick 2013: 66). In fact, the realism of such reconstructions is judged against photography, so in fact it should be called photorealism, reifying vision as the means to evaluate the world (Gillings 2005; Earl 2013). Architects such as J. Pallasmaa have criticized the hegemony of vision in the appreciation of built (reconstructed) structures. Realism as a criterion for evaluating success should be discarded if understood as mere visual, photorealistic (as opposed to multisensorial, contextual, and functional) agreement between original and reconstruction, without considering "the life for which the original was intended" (Yegül 1976: 171-172). One of the ensuing paradoxes is that the more realistic the model, the less it helps answer research questions (cf. Kantner 2000: 52). Moreover, accuracy, verisimilitude, or realism can in fact only be assessed as a function of purpose, and often this involves the consideration of the intended audience. Is the reconstruction focusing on the building's earthquake resistance, accompanying a traveling exhibition, being used in undergraduate courses, or currying the favor of excavation sponsors? Between consumption, teaching, and research, goals which restrict the infinite task of reconstructing, modelers must choose which compromises – in terms of accuracy – are acceptable and which are not. Delingette (2002: 90) calls any digital reconstruction a "restrictive interpretation". How this interpretation will be restricted is a function of the goals and target audience of the reconstruction. Such purpose-driven accuracy is now commonly acknowledged. Multipurpose reconstructions run into trouble, and not only because of the enormous computing power required. For example, different degrees of realism are needed for pedagogical and research purposes: the amount of realism needed for research purposes is contraproductive in the classroom, where slowed-down visuals are less effective. more importantly, too realistic an appearance creates in the eyes of students the impression that this was how the past actually looked like, rather than just a hypothesis (Kantner 2000; Smith and Rusinkiewicz 2012).

The aspiration to be realistic has also resulted in models using real photos of dramatic skies over the digital Roman Forum model, or real water videos in Hadrian's pool, while at the same time having the viewer fly through the model on a Wimbledon serve trajectory, certainly unlike anyone's experience of these sites, now or then.

Barthes argued in his "L'effet de réel" (1968) that the use of very concrete details can well remain a mere rhetoric device, driven not by the need for accuracy, but by the art of persuasion. Audiences are actually used as arenas to build disciplinary prestige, with less regard for knowledge formation. C. Mesick further argued that models ought to

self-sabotage their in-your-face realism, suggesting they could signal to the viewer that they are just conjectures, by means of “angled contours of the landscape”, “deliberately... garish colors”, or “obviously ‘fake’ textures onto roofs” (2013: 81). Others have pleaded for ”varying transparency, digitally signposting particular elements, and degrading the visual fidelity of areas that are considered less ‘certain’ ” (Earl 2003: 232) The intentional introduction of conspicuously non-realistic elements in archaeological reconstruction is an interesting avenue of research. The seductive realism of images of the past may also supply better tools for manipulation (Smiles 2013); data is often scant and/or ambiguous and deductive reasoning can only take the archaeologist so far.

As Yegül (1976: 172) put it, to physically rebuild all ancient buildings to their last roof tile would be very disappointing, if not totally irresponsible (and financially impossible). But while the question whether to restore and/or reconstruct even individual monuments is very difficult, no harm is done in creating an academic models. In an ideal world, it would be mandatory for any archaeological publication to include a visual reconstruction of the site’s architecture, indeed alternative reconstructions of the same monument. Not in order to wow the public, let alone to encourage handsome reconstructions piggybacked on poor data (cf. Favro 2013: 164), but simply because reconstructions (visual, as well as narrative) are the crucial test for the archaeologist’s understanding of the site. The costs in money and time are probably why alternative reconstructions are not offered. At best, it is suggested (Kantner, 2000: 52) that all reconstructions be accompanied by written text and description of the original archaeological material. The very definition of academic reconstructions presupposes, apart from the authors being qualified experts, the full disclosure of the metadata (archaeological, historical, scientific etc.) on which the work is based. Alternative reconstructions are, to be fair, recommended in the 2007 International Council on Monuments and Sites “Enam” charter for the Interpretation and Presentation of Cultural Heritage Sites (par. 2.4; language such as “the most probable reconstruction” was significantly left out from a previous draft, and the idea was altogether absent from the 1964 Venice charter). The authors of such a model would be perhaps best advised to present two reconstructions, at the opposite ends of what they consider the range of the possible.

Another counterproductive trend is correlating increased realism with decreased human presence. Realistic appears to have to mean dehumanized, sanitized, cold, scientific, and numb. In models streets in digital cities are generally shown with no people, little if any vegetation, no graffiti, no signs of age and wear on constructions (Kantner 2000; Earl 2013, 232; Favro 2010, 32, n.5). While this is likely to the additional computational difficulties rather than being a statement about society, it is bound to

permeate public opinion and, in time, give new generations a quite eerie impression of how ancient places must have looked like. Experiential depth of these models, in sum, remains very shallow (Favro 2013, 168; Gillings 2005). The object's aura, lost, in view, during (mass) reproduction, seems to have a correspondent in the loss of experiential depth from original to digital model. An additional problem is that models make a point to be rich in details, clear and easy to view – that is, after all, what makes them valuable, according to common wisdom. But what if the original monument was dark, elusive, intentionally confusing, labyrinthine, awe-inspiring? What if the ancient visitor was supposed to feel lost or dwarfed, enclosed or exposed (also Kantner 2000; 50 Earl 2013, 233)? Instead, the modern visitor of virtual ancient environments is in full control, a domineering consumer of science as entertainment.

All visual reconstructions are intended for an audience. A spectacular 3D digital model of Ancient Rome “for everyone” was recently produced by international experts gathered in the *Rome reborn* project, a model previously on Google Earth, but now here <http://vimeo.com/32038695> (last accessed Sept. 5, 2016). If he could watch it, Flavio Biondo, the Renaissance father of archaeological topography, would be amazed; Piranesi, probably, disappointed. The vagaries of assessing the success of a model point towards disciplinary ruptures between archaeology and history, but also to the opportunities for reconciliation in the future.

### III. (In)commensurable Paradigms

We have seen in part I a few suggestions for overcoming the perceived incommensurability of archaeological and historical data. In the view of the discussion of visual reconstructions in part II, they can be reformulated as follows. Firstly, one can begin to match two different categories of evidence, and evaluate possible discrepancies, only when satisfactory, if perhaps incomplete, explanations can be given of either category solely on its own terms. These discrepancies between archaeological and historical data can then be used to prioritize research topics. There is no in depth discussion in the literature as to how the identification of such “contrasts”, to use Andrén’s terminology, can be used as markers and catalysts of further rapprochement between archaeological and historical narratives. It has been previously argued that one would want to analyze archaeological and historical sources independently (Leone 1988: 29; Miller 1991; Andrén 1998; Storey 1999: 232; Galloway 2006; Hurst 2010). The point is that a purely archaeological reconstruction of occupational phases at a site is fundamentally a stranger to the same reconstruction culled from written sources, and visual reconstructions can help negotiate

between them. This is an enhanced form of the hermeneutic spiral where archeological and historical data are checked against each other, but the back and forth between them is regulated by visual reconstructions as a milieu for testing assumptions, choices, and methods. One thinks of how a reconstruction of the Roman Senate House can investigate the impact of its marble floors and marble-clad walls on acoustics and therefore on its proper function as an arena for debate (Frischer 2008). Enhancing a model by adding physical properties was in this case seen as a tool for historical analysis. But any such investigation quickly generates questions or indeed hypotheses that need to be ground truthed against the archaeological reality of the monument. This is no different when dealing with, say, Hindu temples; Guidi et al 2014 have worked from a reality-based model and, separately, from historical and iconographical sources to establish the range of heights of the Kalan temple in Vietnam, since no clear indications to that effect were available in either category of sources. Different attempts to visualize the temple prompted at each step a return to the ruins to check for compatibility and entailed yet another search for historical comparanda.

Secondly, the solution to combining archaeological and textual data partly resides in a change of approach to historical reconstruction. Instead of merging these categories of evidence in the fabric of an omniscient narrative, one would be best advised to constantly tell two intertwining stories, an archaeological and a historical one, each one using the other as a foil. This would be followed by the production of competing, alternative visual reconstructions. Such competing reconstructions could recreate, in turn, a very minimalistic rendering, based on the most conservative interpretation of all archaeological clues, and a maximizing rendering based on the most generous reading of the texts, or the other way around as the case may be. This could visually suggest the range of heights of a temple, or the range of visibility and therefore social impact of an urban pageant along a known route, be it the victorious general's triumphal procession in Rome or the mediaeval Christmas pageants of Spanish Jaén. Archaeologists also have the obligation to entertain multiple interpretations at the same time when merging archaeological and historical data and when creating visual models. Clearly this is not a comfortable thing to do. Juggling with alternative interpretations requires not only scholarly effort, but a kind of flexibility that many years of specialization tend to stifle. Even researchers who start off by considering several hypotheses end up soon committing to one of them, even before a critical mass of evidence, pointing in this or that direction, had been reached. But it cannot be overemphasized that the extent to which alternative interpretations of the data must be entertained during the research, as long as each of them can account for a substantial part of the reliable data.

Thirdly, the use of visual reconstructions should be seen as a catalyst for blending archaeological and historical data, in so far as the process can be recast as “science in the context of application” (Carrier and Nordmann 2011), where objectives are formulated from the outset within a dialogue between scientific stakeholders. In so doing, one should investigate not only how society-specific knowledge claims are raised, but for whom knowledge is in fact produced. The main point here is that the study of the collaboration between historians and archaeologists, often joined, e.g. during experimental archaeology projects by scientists, is a multidisciplinary effort best understood as “mode 2” knowledge production (Gibbons 1994). Researchers negotiate and produce knowledge in a non-hierarchical manner. None of the disciplines dictates the framework. Quality control is a function of disciplinary rigor combined with social accountability, consensus formation, and constant negotiation of the results (Nowotny *et al.* 2001, 2003). Reflexivity is a characteristic of this process since the result is not scientific truth, but rather socially-viable knowledge: not objectivity as a view from nowhere, but a network of views managed by knowledge brokers. The literature offers various examples of case studies of multi-disciplinarity involving scientists, not just historians and archaeologists, from re-building a Roman bath (Yegül and Couch 2003) to the re-building of a Greek trireme (Rankov 2004). I argue that knowledge is actually shaped by the process of knowledge dissemination. Here I have in mind outreach programmes through which the general public is, on the one hand, informed, stimulated, and educated, and, on the other hand, attracted into informal or formal archaeological networks. This leads to long-term societal support for archaeology (information, donations, volunteers) and more protection (less destruction) of past remains by the public. Outreach will have to be considered as one of the new important resources for the creation of archaeological knowledge, articulating an epistemological interface between archaeology and history. Model-building is part and parcel of outreach activities as it is part of academia and fundraising. There is no denying that the public, children and adults alike, enjoys physical and digital reconstructions. Vision leads to cognition (Frischer 2008, V). Archaeology is a science predicated on the fascination for the artefact and the monument in their striking, albeit eroded, physicality. The public needs to actually see what is left of the artifacts and the monuments, as well as how they may have looked like in their day. Flamboyant orations just won’t cut the mustard. As outreach specialists design their programmes, they aim to maximize learning, and consequently they think of ways of involving the public in archaeological problem-solving. This encourages the presentation of partial models and open-ended configuration, so that the learner can, physically or on a computer screen, select a different dome form, see arches collapse when buttresses

are removed, experiment with light angles and variegated marbles. This puts alternative interpretations back on the archaeologist's agenda, where they are so badly needed. In this context I would mention the media hype surrounding the 2001 Troy exhibit "Dream and Reality" in Stuttgart, Germany (*Troia-Ausstellung: Traum und Wirklichkeit*), which was both a success to judge by the number of visitors (almost a million) and an occasion for controversy. Manfred Korfmann, the excavator of Troy and initiator of the exhibition, was at that time accused of having gone beyond the liberties any reconstructed model was entitled to. But whether the reconstruction of how the city looked like was entirely backed by excavation results or not was a moot point. The excavator made the public engage with the artist's view presented in the exhibition, and that per se was excellent. He could have been faulted rather for not having shown two radically different, and equally provocative, models of the city instead of just one.

Fourthly, there are a number of methodological aspects that draw attention to the potential of visual reconstruction to help with the conciliation and imbrication of archaeological and textual data. In theory at least, in model-building the duty to consider all possible categories of evidence cannot be side-stepped. It may give primacy to archaeological data, strictly in the sense that any model starts from the physical remains as fixed points of the reconstruction. But to flesh those out the recourse to historical knowledge is paramount, sometimes in the indirect form of using archaeological analogies which in turn had been produced with historical knowledge. In contrast, compared to the sophistication with which ancient historians discuss written sources, their approach to archaeological reports in order to harvest usable knowledge tends to be perfunctory and reductionist (Carver 2002; Moreland 2006). The options available to the archaeologist or historian to produce a productive reconstruction are not available to the model maker. It would appear that proper model-making, by its nature, fosters willingly or unwillingly a more rigorous approach. This could be an instance where the task produces the tools.

Another methodological question is: which monuments should be visually reconstructed? Some obvious answers are: "big ruins" – their good preservation screams for reconstruction; "famous" monuments, regardless of degree of preservation – the public is hungry for substitutes; those that interest "many people", for whatever reasons (religious, nationalist) etc. One should however also investigate additional questions. For example, are there chronological periods or geographical areas where this fit between archaeological and literary information is better? It would seem logical that archaeological evidence is most needed where written sources offer only meager coverage of a specific historical period. But there is an embedded historiocentrism

in this suggestion. In fact archaeological evidence is needed as badly, if for different purposes, where texts are abundant and (apparently) trustworthy. Indeed, it can be counterintuitively suggested that we need archaeology especially where texts offer a mass of information that is bulky enough for us to winnow out inconsistencies, judged by internal (not archaeological) *Quellenforschung* criteria, and thereby also create the possibility to compare them with the archaeological narrative. Clearly, however, there is a point after which the returns from using archaeology in addition to texts are diminishing, such as in the case of post-medieval archaeology. On the other hand, where prehistory gives way to history, and records are scant and political, the idea of merging the two categories will not bring much. Importantly, an exclusive focus on periods that are both well excavated and well documented by historical sources (such as Roman Italy or the Greek Aegean) runs the risk of perpetuating a knowledge paradigm that is both Eurocentric and conservative, but also of obliterating the process through which blending the two categories of data is done. This is most likely when texts are very fragmentary and the archaeological record lacks information from key sites. From this point of view, epistemological advances are therefore to be expected rather from the archaeology of fringe areas, interfaces, provinces, and melting pots. And it is no surprise that monuments from these areas are for now noticeably underrepresented among visual reconstructions. A corpus of visual reconstruction of monuments from contested peripheries and other fringe areas can greatly help the blending of relevant archaeological and historical data. Take, for example, the reconstruction of monuments or urban architecture in the East Aegean/West Anatolian Interface (on sites such as Troy, Pavel 2014), exhibiting a blend of influences from powerful neighbours, grafted onto resilient local traditions. This appears to be an appropriate arena to confront our assumptions about both Mycenaean and Hittite architecture in a much sharper way than if we were working on the cities of Mycenae or Hattusa themselves, where we are constrained by what seems to be established knowledge. Other interfaces, such as Philistia, for which Egypt and Assyria competed in the early first millennium BCE, are however less bound to exhibit such influences from the neighbouring cultures.

Related to this is the issue of scale, the focus on individual monument reconstruction has deflected attention away from the need to recreate the visual landscape of whole regions. Again, here the implications of what monuments to reconstruct and how to reconstruct them are similar to those of how archaeological and historical information can be matched. Indeed, these reconstructions should be clustered around important fundamental issues. Specific questions, derived from literary sources such as whether Alexander the Great was buried in Babylon or if the *depas amphikypellon* pottery type

was used by the heroes of the Trojan war, answered by archaeological sources, risk resulting in circular answers. Merging archaeological and textual evidence functions best when the historian strives for regional syntheses and wide-ranging evaluations. That way patterns emerge properly from both the historical and archaeological sources, and they can be overlapped or confronted. The drawback here is that these types of syntheses appear to be unappealing to academic authors – to judge by the percentage of such syntheses in the bulk of archaeological publications –, although they are supposed to be the ultimate goal, in archaeology even more so than in history. But whenever syntheses are attempted, even in relatively short articles, the benefits are instantly apparent, such as that by Schallmayer. Schallmayer discussed the contradictions between the literary sources attesting war destructions in the Roman territories west of the Rhine and the substantial destruction layers actually identified by archaeological excavations. His investigation showed that from the first to the third centuries CE the latter are much more numerous than the former, while for the 4<sup>th</sup> the opposite is true.

Finally, it is important for both archaeologists and historians to understand that the others' conclusions are just as provisory as theirs – and for the model-maker to bear that in mind. It is understandable that historians would want to derive a clean-cut judgment from the conclusion of an archaeological publication on their topic. However, in employing such conclusions, they will more often than generally admitted remove from that conclusion all "probably", "possibly", "partly", or "apparently". In a recent book J. Hall (2013: 209) spoke in this respect to the issue of "unidimensionality". Provisional conclusions are also notoriously difficult to illustrate visually in any other way than by using alternative reconstructions for the same monument. In such a scenario, one alternative reconstruction can perhaps privilege the archaeological data, the other the historical data. While there is a continuum of knowledge between archaeology and history, the danger remains that the choice between conflicting interpretations is made by an archaeologist based on a historical interpretation, itself perhaps privileged by the historian because of an archaeological tentative conclusion.

## IV. Conclusion

In this paper I perused the epistemic map of the transfer or knowledge from one theoretical framework to another, i.e., between the historical and the archaeological paradigm, and probed into the role of visual reconstructions in mediating between the two. As Stefan Hauser (2005; 94) put it, the collaboration between archaeology and history “is not a mere reconciliation of two accidentally and wrongfully separated components of classical and ancient studies, but an interdisciplinary negotiation between two theoretically and methodologically mature disciplines.” (translated by author). This is indeed a multi-step negotiation of knowledge between archaeological and written sources, whose catalyst and also end-product is the narrative/visual reconstruction.

As we have seen, behind the facade of objectivity of every model, behind the positivistic display of scientific wizardry, there are choices, interpretations, conundrums. A model is not better for concealing this. On the other hand, there should not be anything apologetic in a model, as if it degraded the sanctity, or the aura, of the original. Latour and Lowe (2010) have reversed Walter Benjamin’s “aura” concept, and argued that the complexity and social relevance of an artefact can be measured by the popularity of its models. Technology may actually create the aura of the original, rather than doing away with it.

The future will bring more computing power and with it more convincing reality, with more realistic models. But we should not be satisfied with these advances. More can be done then simply amping up the photorealism of our models. The challenge is rather how to make models more open-ended, while preserving a certain sense of well-roundedness, or how to supply them in pairs -- model plus its alternative twin. The incompleteness of open-endedness far from being a disadvantage, draw the audience in, and it is this participation that really triggers interest and shapes durable knowledge. The challenge is to infiltrate architectural models with a sense of the fortuitous, or to tag in an un conspicuous way certain architectural members as conjectural, without distracting the viewer from experiencing them as credible (Earl 2013). By the same token, models should become more dynamic, as e.g. to show evolution through time by turning on and off period layers (Mesick 2013; Gillespie and Volk 2014). All this discourages the public from receiving knowledge passively, and empowers it to ascribe different meanings to the past. Indeed, such meanings may perhaps be different than those preferred by the archeologists themselves, and this is fine as long as all these interpretations remain in the range of good scientific practices. I would go so far as to encourage cultural poaching. In the context of this paper, this would mean that heritage

institutions and their arsenal of visual and narrative instruments for outreach do not monopolize the meaning of the past, do not force the interpretation of cultural goods on the public, and do not decree what are the appropriate ways to visualize the past. They rather diligently assist the public in choosing how to visualize the past, while eschewing the excesses of fringe archaeology.

The process of translating archaeological results in historical narratives and visual illustrations helps to filter out inconsistencies and fosters reflexivity and multivocality. Above all, this process, rather than creating mere copies or equivalents, actually generates archaeological knowledge. The creation of historical narratives and visual models of sites and monuments does much more than communicate results. It is a heuristic device to test the archaeologist's understanding of a monument or site. This is a proof that true interdisciplinarity helps to reinforce disciplinary excellence and integrity, rather than posing the threat of relaxing disciplinary standards. Deconstructing model-making techniques, e.g. modern reconstructions of baths with opus sectile decoration, can help produce a theoretical device that may help to bridge the conceptual gap between different categories of data, between e.g. marble tesserae found in the trench and discourses on luxury in literary sources. It is by deconstructing model-making techniques that we may be able to finally discuss the two paradigms, textual and artefactual, in terms of commensurability.

Digital models are immensely popular today. People walk through Hadrian's villa in the model created by the Institute for Digital Intermedia Arts from Ball State University: <https://www.youtube.com/watch?v=tk7B012q7Eg&feature=youtu.be>. (last accessed Sept. 5, 2016). Special journals, such as *Digital Applications in Archaeology and Cultural Heritage*, are dedicated exclusively to the scholarly publication of 3D digital models. This very new phenomenon cannot be reversed, nor should it, but it certainly can benefit from more critical reflection, especially given its role in harmonizing archaeology and history, and disseminating the resulting knowledge.

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# **Reading Between the Lines: Jewish Mortuary Practices in Text and Archaeology**

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## **Abstract:**

Discussions of corpse contact impurity in biblical, as well as Palestinian and Babylonian rabbinic texts, have shaped scholarly assumptions that ancient Jews generally avoided spaces associated with the dead. While rabbinic writings repeatedly consider suitable responses to death, including procedures for corpse treatment, funerals, and mourning, few ancient texts discuss activities Jews once conducted at graveside to commemorate the dead through time. Even if rabbinic texts do not explicitly document the practice, however, analyses of neglected archaeological data from Levantine and European burial caves, including textual and pictorial graffiti, reveal that some ancient Jews did spend time close to the dead by performing multiple activities of mortuary commemoration around tombs. Hundreds of examples of graffiti discovered in Roman Palestine and in the catacombs of Rome, Malta, and North Africa, this paper suggests, offer rare and tangible evidence, *in situ*, for how some Jews and their neighbors systematically and diachronically visited and elaborated the interiors of cemeteries after the completion of activities surrounding burial and interment. While excavators and historians commonly use rabbinic texts as frameworks to interpret the contemporaneous archaeological record, this paper thus advocates an opposite approach – the independent and contextual evaluation of artifacts – to facilitate a rereading of ancient rabbinic writings concerning ancient Jewish mortuary practices.

## **Introduction**

Meager literary and archaeological evidence attests to ancient Jewish commemorative practices, defined here as activities associated with visiting, maintaining, and adorning graves and cemeteries through time. While several rabbinic texts delineate proper methods of constructing cemeteries, preparing and interring corpses, conducting

funerals and burials, and mourning for the deceased, few passages detail activities considered appropriate for diachronic remembrance of the dead.<sup>1</sup> The archaeological record largely remains equally opaque. Disruptions to the stratigraphy of most burial sites associated with ancient Jews curtail the meaningful examination of mortuary objects, including oil lamps, small jars, and food containers, whose evaluation otherwise might shed greater light on Jewish acts of commemoration for the dead, during funerals and in the years that followed them.

This paper suggests that, despite the apparent lacunae in ancient Jewish texts, attention to some of the most neglected features of the archaeological record, including ancient textual and pictorial graffiti, offer unexpected insights into Jewish acts of commemoration in late antiquity. Hundreds of examples of mortuary graffiti, discovered throughout the Mediterranean, offer rare, tangible, and geographically variable evidence, *in situ*, that Jews, just like many of their neighbors, commonly, systematically, and serially elaborated the entrances and interiors of ancient cemeteries during their visits. I argue that related examples of writing and decoration are best interpreted as vestiges of ancient Jewish mortuary and commemorative behaviors. Analysis of these types of activities, by extension, offers a distinct opportunity to rethink traditional readings of archaeological and literary evidence for activities Jews conducted, following the deaths of their loved ones, throughout the ancient Mediterranean.

To situate the following discussion of Jewish commemorative activities, I first offer a general summary of the state of the evidence for mortuary behaviors of ancient Jews, which, to this point, has largely relied on statements embedded in Palestinian and Babylonian rabbinic texts and on interpretations of several features of the archaeological record.<sup>2</sup> Next, I review some examples of mortuary graffiti, which, when read in distinct ways, document varied behaviors of commemoration, which Jews and their neighbors once conducted diachronically and serially inside cemeteries of Roman and Byzantine Palestine, Malta, Italy, and North Africa. Finally, I assess how the examination of some of these textual and pictorial graffiti differently illuminates received readings of selected rabbinic texts that allude to mortuary behaviors of Jewish populations in late antiquity.

<sup>1</sup> On the architecture of burial caves and cemeteries see *b. B. Bat.* 101a; *m. 'Ohal.* 15:8; *y. B. Bat.* 15c; *b. Ketub.* 111a; on preparing and interring corpses, see text below; among other texts on mourning see discussion below and *b. Sanh.* 47a; *y. Qat.* 3:5; *y. Mo'ed Ber.* 3:1.

<sup>2</sup> Summary of mortuary practices associated with ancient Jews in Rebillard 2009:25-26; and Zlotnick 1966; see also modes of interpretation in Park 2000 and Davies 1999: 110-121.

Scholarship that underlies this overview is expansive and diverse and crosses several disciplinary boundaries in the study of texts, textuality, art, archaeology, and anthropology of art. Numerous and increasingly sophisticated studies consider the nuanced relationships between Palestinian and Babylonian rabbinic corpora, which record correspondingly varied prescriptions for mortuary practices.<sup>3</sup> Likewise, ongoing and fervent debates, proffered by Shaye Cohen, Stuart Miller, Tessa Rajak, Hayim Lapin, Lee Levine, Ze'ev Weiss, and Leonard Rutgers, among several others, variously interpret mortuary archaeology and inscriptions from Roman Judea and Palestine, as well as from Italy, Malta, and North Africa, to consider the broader demographic and cultural contexts of associated burial communities.<sup>4</sup> Scholarly disputes about the identities and characteristics of Palestinian and diaspora Jews in late antiquity, let alone concerning the differences between Jewish communities associated with the production of rabbinic texts (such as the Mishnah, Tosefta, and the Babylonian and Palestinian Talmuds), and those who lived outside of the orbit of rabbinic literary culture, remain significant and ongoing.<sup>5</sup> The following analysis draws from such studies and presupposes their methodological complexities, which necessarily underlie any responsible and synthetic consideration of evidence for ancient Jewish populations of diverse chronological, geographic, and cultural contexts.<sup>6</sup>

Anthropological approaches to literacy, writing, and art similarly shape the following analyses of activities of textual and pictorial production, which the application of graffiti necessarily entails. Traditionally, when epigraphers and art historians analyze ancient graffiti (whether from Rome, Pompeii, or elsewhere), they have paid disproportionate attention to their lexical and pictographic contents.<sup>7</sup> Recent advances in landscape theory and spatial mapping, which owe to the insights of scholars, such as Christopher Tilley and Alix Barbet, however, draw additional attention to the significance of the precise locations and spatiality of graffiti for their improved interpretation.<sup>8</sup> In tandem,

<sup>3</sup> Edited volumes, which consider the diverse interpretations of the Mishnah in Roman Palestine and Babylonia (in the Talmud Yerushalmi and Talmud Bavli, respectively) include the works of Schäfer (ed.) 2000, 2001, 2002, and Nikolsky and Ilan 2014.

<sup>4</sup> Bibliography that relates to these regional studies remains vast and includes: Mazar 1973; Schwabe and Lifshitz 1974; Avigad and Mazar 1993; Avigad 1976, Avigad 1959 (Hebrew); Magness 2010; Kloner 1994 (Hebrew); Cohen 1981-82; Lapin 1999, 2011: 311-346; Miller 2004; Levine 2005; Rosenfeld 2010. Synthetic approaches are also considered within Rajak 2002a; Weiss 1992.

<sup>5</sup> Treatments of diaspora populations include those of Noy 1993; Noy and Bloedhorn 2004; Rutgers 1992, 1995, 1998, 2000; Stern 2008; Buhagiar 1986; Gwynn and Bangaert 2010.

<sup>6</sup> Langner 2001; Maayan-Fanar 2009; Hachlili 2005.

<sup>7</sup> One useful demonstration of these methods is the exemplary collection of Langner 2001.

<sup>8</sup> For examples of such approaches, see Tilley 2004; and Barbet 2012.

Alfred Gell's anthropological approaches to art, which emphasize art (and writing) as an *activity*, as opposed to traditional scholarly considerations of art and writing as *products* of action, encourages corresponding readings of mortuary graffiti as vestiges of ancient behaviors of picture- and text-making.<sup>9</sup> When regarded accordingly, graffiti—here defined as hand-drawn and non-monumental textual and pictorial markings—therefore embed critical and rare information about the uses of the places they once adorned—in this case—mortuary spaces. These approaches thus inspire new considerations of understudied aspects of ancient Jewish life.

## Literary Sources on Commemoration: Rabbinic and Otherwise

Rabbinic writings, edited in the third through seventh centuries C.E. in Roman Palestine and Babylonia, have traditionally offered frameworks for broader discussions of ancient Jewish mortuary behaviors. Relevant texts that dominate related scholarship, however, remain more ambiguous and less prescriptive than one might hope for reconstructing activities associated with visiting and remembering the dead at graveside. This surprises when one pauses to think about it, because so many passages of the Mishnah, Tosefta, and Talmuds describe activities and procedures relating to death, preparation and disposal of the dead, and mourning.<sup>10</sup>

Several texts, for example, outline regulations for funerals, which should occur as quickly as possible after an individual's decease (*b. Mo'ed Qat.* 2a). A funeral might incorporate multiple phases, whereby mourners, musicians, and eulogizers would accompany processions to transport corpses to a cemetery (*m. Ketub.* 4:4; *b. Ketub.* 46b; *b. B. Bat.* 11b). Burial and, perhaps, the lighting of lamps or incense, could follow graveside. Ostentatious decoration of corpses and tombs is discouraged (*b. 'Abod. Zar.* 11a). And while acceptable mourning customs included circumscribed acts of prayer and visitation of graves following funerals (*m. Mo'ed Qat.* 1:6; *m. B. Bat.* 6:8; *y. Ber.* 3:1), protracted acts of grieving and recurring visits to cemeteries are generally discouraged.<sup>11</sup>

One might consider at least four basic explanations for the early rabbis' implicit discouragement—or, to be more precise—lack of advocacy—of ongoing visits to cemeteries, the repetition of which might continue indefinitely beyond the mandated periods of mourning for a loved one. Lack of attention to commemorative activities

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<sup>9</sup> Overview of these methods in Gell 1998: 8-10.

<sup>10</sup> See broader discussion in Avery-Peck and Neusner 1999; Tzuberi 2014; Zlotnick 1966.

<sup>11</sup> For unusual mourning conditions and procedures, see Zlotnick 1966; also Balberg 2014: 88.

in rabbinic texts, foremost, could relate directly to the absence of preliminary biblical consideration of cognate topics. Rabbis used biblical texts as subjects of their commentaries; lack of biblical treatments might account for the corresponding absence of rabbinic discussions of mortuary commemoration.

A second explanation for a lack of rabbinic advocacy for grave visitation may relate to broader understandings of corpse impurity (*tum'at met*). Several texts consider how *tum'ah* (impurity or defilement) can result from direct and indirect physical contact with corpses. Rabbis describe physical contact with the appurtenances of graves and pieces of corpses to be sources of *tum'ah*, which priests (e.g., *m. Erub.* 3:1; *y. Ber.* 3:1; *t. Hor.* 2:1), and Nazirites (e.g., *m. 'Ohal.* 2:1; *m. 'Ohal.* 18:14; *y. Naz.* 3:5), should particularly avoid.<sup>12</sup> In this respect, Palestinian and Babylonian rabbis maintain and expand the attitudes expressed in biblical discussions of similar topics.<sup>13</sup> Additional rabbinic texts similarly expand upon biblical treatments (*Num* 19:10-19), to consider how corpses and their parts could be polluting for all individuals, not just those of exceptional status or conditions (such as priests or Nazirites). As corpse-impurity is considered one of a first-order (*m. 'Ohal* 1:1-2), even indirect human contact, facilitated by touching certain types of implements or architectural features, which have themselves contacted corpses or corpse-parts, can render people unclean (*m. 'Ohal.* 1:2-5, 2:1-3; *y. Ber.* 3:1). Lack of protracted discussions of graveside commemorative activities in rabbinic texts thus might relate to this perceived risk of impurity-contagion, amplified by the presence of multiple corpses in a cemetery (*m. 'Ohal.* 2:6).<sup>14</sup>

Supplementary theories concerning the absence of rabbinic discussions about visits to cemeteries remain more speculative. One possibility, which we might classify as psychological, or, perhaps, sociological, might relate to the rabbis' understandings that excessive attention to the dead is bad; protracted grief could disrupt the lives of individuals and society at large.<sup>15</sup>

One final explanation might consider the silence in rabbinic texts to reflect reality. Perhaps activities to commemorate the dead were rarely undertaken in Roman Palestine or Babylonia, and, for this reason, did not merit any discussion at all in

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<sup>12</sup> On broader discussions of corpse pollution and death, see summary in Magness 2012: 159.

<sup>13</sup> Broader discussion of the distinctiveness of biblical notions of corpse pollution and interpretations in rabbinic texts considered in Balberg 2014: 32-33; 88, 202 n.2.

<sup>14</sup> Relationships between the architectural design of cemeteries and visitors' susceptibility to contagion is discussed in *m. 'Ohal.* 15:8.

<sup>15</sup> This sense may be implied in the discussion of mourning procedures in *m. Mo'ed Qat.* 1:5; sociology of modern Jewish mourning is treated in Kearn 1989; for references in the Mishnah and Babylonian Talmud, see Rubin 2008.

rabbinic writings. This might seem like the most logical explanation of all. One could be forgiven, in any case, for concluding that few Jews in late antiquity (whether or not they participated in the culture of the early rabbis), spent significant amounts of time in cemeteries to visit graves of their friends and loved ones after the completion of funerals.

## Archaeological Evidence and Related Interpolations

Various features of the archaeological record, however, challenge arguments, *ex silencio*, that Jews in late antiquity avoided activities of posthumous commemoration inside cemeteries. Recurring discoveries of certain genres of storage vessels in ancient cemeteries associated with Jews poses a first challenge. Such finds include ungentaria (small and narrow-mouthed ceramic or glass containers for the storage of precious liquids and spices), found in cemeteries where Jews were buried in Palestine, Italy, and North Africa. Consistent presences of these tiny containers in ancient necropolises might attest to a practice associated with funerals or subsequent visits to tombs, whereby mourners brought small containers of spices, perfumes, or oils to sprinkle their contents around graves. Some rabbinic texts allude to the conduct of related activities at funerals.<sup>16</sup> Discoveries of larger and fragmentary ceramic containers (which, originally, may have stored grain, oil, or food) inside catacombs and group tombs associated with Jewish populations might, likewise, suggest the conduct of complementary practices, including activities of feasting, for or with the dead, that may have also taken place inside mortuary contexts.<sup>17</sup> Despite the relative ubiquity of these types of ceramic finds in cemeteries of Jewish use throughout the Mediterranean, lack of reliable stratigraphy inhibits related conclusions. Most ancient cemeteries associated with Jews have been so badly pillaged and corrupted by centuries of reuse, exploration, theft, and amateur excavation, that the original contents and placements of these glass and ceramic jars are entirely unknown and therefore obscure.<sup>18</sup> Ultimately, it remains unclear whether these vessels were originally buried *with* the dead, or whether they were used, by the living, during funerals, or for commemorating the dead through time.

<sup>16</sup> For broader discussion of the uses of perfumes and associated containers (unguentaria) in rabbinic and archaeological sources, see Green 2008, 2011:61. See also consideration of commemoration in Roman and Christian contexts in Rebillard 2009:140-175.

<sup>17</sup> This practice is known in pagan contexts and critiqued by some Christian writers, including Tertullian (*De Idolatria* 16.4-5). Discussion of artifacts associated with feasting practices in Jewish contexts is found in Stern 2008: 290-292; in Roman and Christian contexts, see Denzey Lewis 2011; Jensen 2008:142.

<sup>18</sup> Berlin 2002; Stern 2008: 291.

One might ask, then, whether any additional clues have been discovered *in situ*, which could more definitively attest to ancient Jewish acts of commemorating the dead? An affirmative answer to this question, I suggest, relates to recurring carvings of mortuary graffiti, which are preserved in situ and, as such, document activities ancient Jews once conducted to commemorate their deceased in their original spatial contexts.

Scholars of early Judaism overlook most of the graffiti found in ancient burial caves, partly because archaeologists either omitted mention of them, or dismissed their value for discussion. In response to recurring discoveries of ancient mortuary graffiti throughout the vast Beit Shearim necropolis of Roman Palestine, for example, archaeologist Binyamin Mazar remarked that "...some of the drawings and graffiti as well as inscriptions painted or incised by the relatives of the deceased or by visitors, lack any preplanned order and are carelessly executed..."<sup>19</sup> But closer examination reveals that graffiti from Beit Shearim, such as those Mazar once denigrated, were neither carelessly, nor randomly applied. Their locations and contexts, as I argue elsewhere, follow distinct and precise spatial patterns, as do similar examples found in burial caves elsewhere in Roman and Byzantine Palestine and in Rome, Malta, and North Africa. While few of these graffiti were discovered in sealed archaeological contexts, they share enough linguistic, iconographic, semantic, and spatial similarities to attest to their antiquity. And each of these graffiti were fixed to immovable features, such as walls, ceilings, and upon tombs, which preserves information about the original spatial and temporal contexts of their application.

The necropolis of Beit Shearim, located roughly 20 km southeast of modern Haifa in Israel, retains some of the highest concentrations of graffiti of all known mortuary sites, connected to Jewish populations, throughout the Mediterranean. The cemetery was used for hundreds of years (roughly from the late second through sixth centuries C.E.) and its ancient importance relates to its scale and demography.<sup>20</sup> Its excavated portion (roughly one-third of its original expanse) contains hundreds of burials, which makes the complex the largest known regional necropolis of its period. Without explicit signs of pagan or Christian presence, moreover, it served as a type of destination cemetery for Jews from regions that stretched from coastal and inland Syria to ancient Yemen (Himyar).<sup>21</sup> Attraction to the cemetery may have related to the fame of some of the rabbis, who were buried inside.<sup>22</sup>

<sup>19</sup> Mazar 1973:136; cf. Rachmani 1994: 20.

<sup>20</sup> Weiss 2010 discusses dating and demography of the necropolis.

<sup>21</sup> Discussion of these points in Rajak 2002a; Robin 2004.

<sup>22</sup> Extensive discussions of these points in Rajak 2002b; Weiss 2010.

Lexical contents and locations of ancient graffiti from the site are surprisingly diverse. These include texts written in Greek and Aramaic, which sometimes include well wishes for the dead. Two better-known examples of this type are preserved along the side wall and ceiling of the northernmost entrance to the largest burial cave from the complex, commonly designated as catacomb 20. Scratched in large letters, the first of these wishes the dead in Greek: “Good luck on your resurrection! (εὐτήχως τὴν ὑμῶν ἀναστάσι!)” Another message, also in Greek and carved roughly one meter away from the other text, pronounces: “Take heart/courage pious parents, no one is immortal!” (Θάρσιτε πατέρες ὅσιοι οὐδίς ἀθάνατος!)<sup>23</sup>

Certain aspects of these writings are conventional for the cemetery. Most epitaphs from Beit Shearim, for example, are similarly carved in the Greek language and scripts, rather than in Hebrew or Aramaic.<sup>24</sup> Likewise, a belief in some form of resurrection, which the first text describes (and the second text may imply), is echoed in other epitaphs found in the caves nearby, as well as in many contemporaneous rabbinic texts.<sup>25</sup> Other features of these writings, however, are more noteworthy. First, the texts are entirely anonymous. Second, their locations are distinctive. Carved around a cave entrance, meters away from the closest burial space, they do not function as epitaphs, which commonly name the dead, who are interred in associated tombs.<sup>26</sup> Rather, they serve different functions: as general public service messages for those who entered the cave. Their target audiences might include living mourners, who visited the catacombs, but they particularly address all of the dead, who were brought to their final resting places in the spaces beyond.

Other textual graffiti appear around entryways to other catacombs in the necropolis and around doors to inner rooms filled with graves and burial beds (*arcosolia*). These include examples from opposite sides of an interior doorway cut into catacomb 12—just meters to the left of the outer entrance to the cave. The meanings of the texts carved into opposing walls of the passageway remain obscure, but, as restored, may

<sup>23</sup> Full texts read as: εὐτήχως τὴν οὐμῶν <υ> ἀναστάσι, in Avigad 1976: 95; fig. 42; Schwabe and Lifshitz 1974: 180; no. 194, fig. 20; Θάρσιτε πατέρες ὅσιοι οὐδίς ἀθάνατος; Avigad 1976: 95, fig. 41; Schwabe and Lifshitz 1974: 179; no. 193, fig. 19. Sigmas are lunate.

<sup>24</sup> Consideration of related points in Lapin 1999.

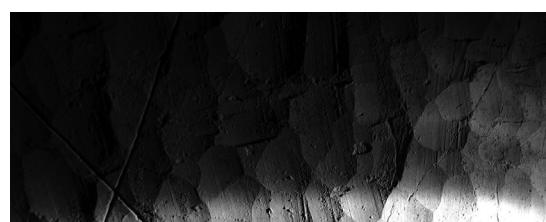
<sup>25</sup> For more extensive consideration of discussion of resurrection or afterlife in ancient Jewish contexts, see Park 2000:150-163; Setzer 2004; Davies 1999:110-124; Lieberman 1965; compare also Avigad 1976: 101.

<sup>26</sup> Schwabe and Lifshitz 1974: no. 136, also nos. 57, 127, 187, 193. In certain respects, the sentiments are locally conventional; several epitaphs throughout the Beit Shearim cemetery contain messages to comfort the deceased through reminding them, posthumously, that no one is immortal.

replicate the same words in Hebrew scripts on the east doorjamb (יְהוָה[ס]) as in Greek scripts (ΑΕΚΣΟ ΕΦ) on the west side of the doorframe (figures 1, 2).<sup>27</sup> Other types of anonymous writings appear elsewhere: carved alphabet lists have been discovered throughout Beit Shearim and inside multiple burial caves found farther south in the Judean Shefelah (lowlands), including burial caves of Horvat Egoz, Horvat Eitun, and Horvat Lavnin.<sup>28</sup> Sometimes these alphabet texts (so-called abecedaries) appear in retrograde, but they appear most frequently, whether in Greek or Hebrew letters, around entrances and doorways to burial chambers. In this way, they replicate the positions of the textual graffiti discovered throughout Beit Shearim.<sup>29</sup>



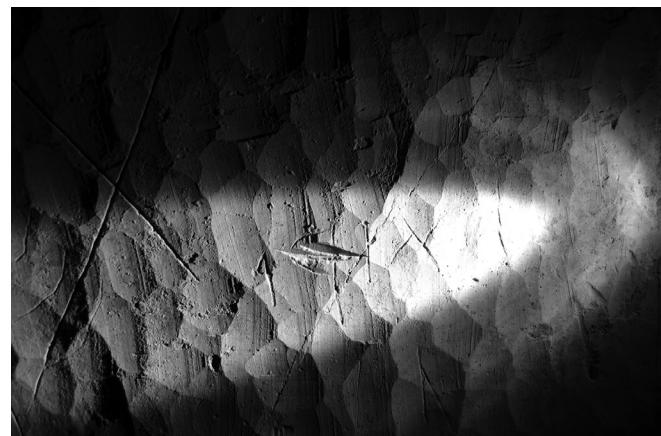
**Figure 1.** Greek inscription from east side of doorway, room 2, Catacomb 12, Beit Shearim.  
Photo: Ezra Gabbay





**Figure 1.** Greek inscription from east side of doorway, room 2, Catacomb 12, Beit Shearim.

Photo: Ezra Gabbay



**Figure 2.** Hebrew inscription and menorah drawings from west side of doorway, room 2, Catacomb 12, Beit Shearim. Photo: Ezra Gabbay.

Entryways were also popular places to draw pictures of animals, people, and objects associated with mortuary contexts. Animal drawings recur throughout Beit Shearim and in other regional burial caves dating from the Hellenistic through late Roman periods. Those at Beit Shearim include birds, such as eagles (figure 3) and quadrupeds, as well as ships, which appear in tomb vestibules and between arcosolium burials in Beit Shearim (figure 4). Similar motifs



**Figure 2.** Hebrew inscription and menorah drawings from west side of doorway, room 2, Catacomb 12, Beit Shearim. Photo: Ezra Gabbay.

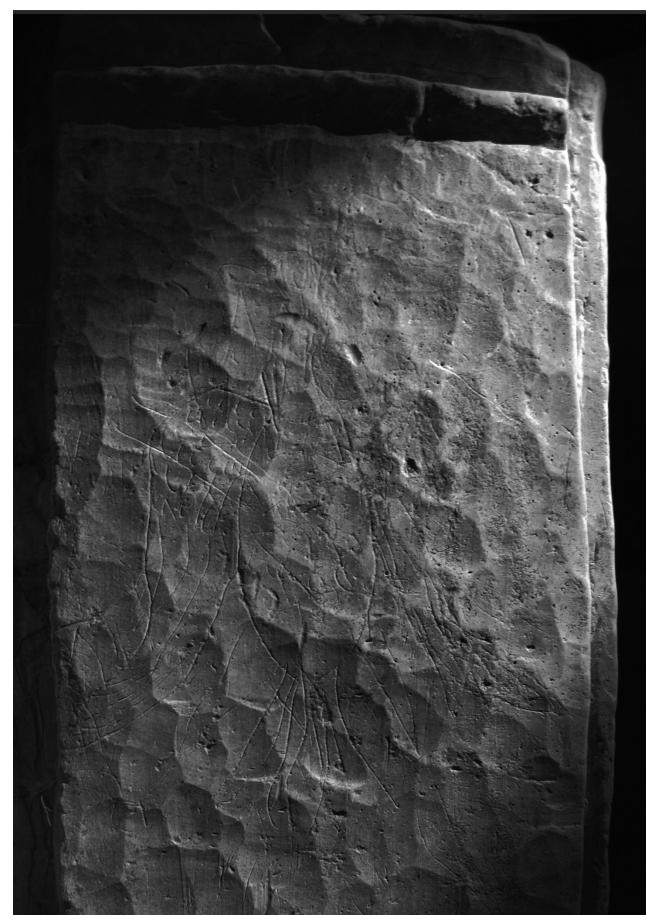
<sup>27</sup> Editors translate the Greek text as “‘[May] I attain [happiness]’; Schwabe and Lifshitz 1974:121–3, no. 133, fig. 5; also discussion in Avigad 1976: 22, fig. 7. One menorah is carved on the east doorjamb, while several menorahs are carved on the west jamb.

<sup>28</sup> Consideration of textual graffiti in Zissu and Adawi 2014.

<sup>29</sup> See discussion of retrograde inscribed writing in Naveh 1988.

appear in a monumental tomb in Jerusalem and in several caves of the Shefelah.<sup>30</sup> Regardless of the precise reasons for drawing ships in regional burial caves, the custom is not limited to the eastern Mediterranean: nautical images are commonly applied in graffiti and monumental decoration farther west in Jewish and non-Jewish contexts elsewhere in Rome and Malta, as I discuss additionally below.

Graffiti that resemble Egyptian obelisks—tapering vertical pillars with pyramidal tops—also appear in mortuary contexts in the Levant. Architectural monuments in Jerusalem and elsewhere in ancient Syria, from the Hellenistic through Roman periods, replicate the basic shapes of obelisks and flattened pyramids; these served as burial monuments, which occasionally symbolized the souls of the deceased.<sup>31</sup> Pictorial graffiti, whose contours mimic the appearances of these built monuments, are consistently scratched in graffiti at entrances to burial caves in Beit Shearim and in cave vestibules farther south in the Shefelah; those in the Shefelah bear



**Figure 3.** Image of eagle or vulture from northwest doorway, room 1, Catacomb 12, Beit Shearim. Photo: Ezra Gabbay.

<sup>30</sup> Graffiti of animals are carved into caves of the Shefalah (Zissu 1996, 1999). Ship graffiti are found in several catacombs at Beit Shearim in catacomb 1 and in Mugharet el Jehennem. At Beit Shearim, the highest concentration of ship drawings appears in catacomb 25; these examples remain unpublished. Charcoal drawings of ships are similarly found inside the vestibule of a first-century complex, commonly called Jason's tomb, on Alfasi Street in the Rechavia neighborhood of Jerusalem; images in Rachmani 1967. Reasons for the consistent presence of ships in Levantine mortuary contexts remain speculative, though traditions that link ships and death appear in texts and archaeological contexts associated with both Jews and their neighbors throughout the Greco-Roman world. See also text of 1 Macc. 1.13, 27-29 and Stern: forthcoming.

<sup>31</sup> Scholars often describe these as “nefašot” in the Near East (singular: nefesh); see Mouton 1997. The word ‘nefesh’ can mean soul, but, in some inscriptions, can also designate the tomb itself.

little association with Jewish populations.<sup>32</sup> These images may serve to symbolize and reinforce the mortuary aspect of the surrounding caves.

Select types of graffiti also appear inside and around burial caves farther west in Italy (Rome and Venosa), as well as in Malta and North Africa. Many of the examples, more readily associated with Jewish populations, include pictures, such as symbols of seven-branched candelabra and appurtenances associated with the Jerusalem Temple, which had been destroyed centuries earlier (70 C.E.).<sup>33</sup> In North Africa, menorah shapes and flowers, which suffer from erosion, were carved deeply outside entrances to the subterranean cemetery at Gammarth, in the outer precincts of late ancient Carthage.<sup>34</sup> In Rome, throughout the Jewish catacombs beneath Mussolini's Villa Torlonia, several menorah images were carved into the drying plaster that sealed the entrances to individual tombs. Ships were also carved in similar ways.<sup>35</sup> Still other types of graffiti are also carved around tombs in Maltese catacombs, such as those of Sts. Agatha and Paul; these include images of menorot, ships, and abbreviated Greek texts.<sup>36</sup>

Acts of carving mortuary graffiti might have served particular and distinctive functions in these diaspora contexts: perhaps inscribers carved them to differentiate the tombs of the Jewish dead from those of their pagan or Christian neighbors, to



**Figure 4.** Ship graffiti south wall of Catacomb 25, Beit Shearim. Photo: Ezra Gabbay.

<sup>32</sup> Unpublished images of these appear in catacombs 20 and 6 at Beit Shearim; *nefes* images are also found in vestibules of burial caves from the Judean Shefelah, such as those reproduced in Zissu 1999b and 2001(Horvat Egoz, Horvat Lavnin); the latter caves bear no apparent association with Jewish populations; cf. Hachlili 1981; Kloner 1985. *Nefes* images also appear on ossuaries and are represented in Herodian tomb architecture; for the latter, see Peleg-Barkat 2012; Avigad 1950-1951:106.

<sup>33</sup> Hachlili 1998, 2001.

<sup>34</sup> These images remain unpublished; I recorded them in a visit to the Gammarth catacombs in fall 2003. It remains unclear whether the images are still preserved, as they remain unprotected *in situ*.

<sup>35</sup> Graffiti in the Jewish catacombs from Rome, particularly in the Torlonia catacomb, remain poorly published and largely inaccessible to this point.

<sup>36</sup> Discussion of Maltese Jewish and Christian burials in Buhagiar 1986.

represent a collective connection with Jerusalem and its destroyed temple, and/or to exhibit, iconographically, a common mode of religious and cultural identification. Carving graffiti-ships might also have reflected continuities in the commemorative activities of pan-Mediterranean pagans, Christians and Jews. Lack of publication of many examples of mortuary graffiti from the Roman west, however, impedes their more definitive comparison with eastern Mediterranean cognates.

## Conclusion

What, if anything, can consideration of mortuary graffiti tell us that we might otherwise not know about ancient Jewish commemorative behaviors? First, on the most basic level, it tells us that, in late antiquity, some Jews throughout the Mediterranean visited, inscribed, and decorated tombs, as a form of commemorative practice. Recurrences of sentiments and iconography throughout several of these graffiti suggest that there were common “tropes” of written and visual expression—particularly in burial contexts. Carving graffiti into stone or into wet plaster was a practice consistently enacted by Jewish and neighboring populations in mortuary contexts in different areas of the Mediterranean.

When did visitors apply these graffiti to cemetery walls? Perhaps some of them drew and wrote them during funerals or festivals. But some examples, such as figure 3 above, required more extensive amounts of time to implement—either due to their position in a cave or to the intricacy of their designs. It is likely that more elaborate texts or images took more time to carve than would be permitted by the moments surrounding burial. They were more likely applied during cemetery visits, conducted in the months or years that followed.

Associated activities, moreover, were quite varied. Some textual graffiti from mortuary contexts, for example, might reflect efforts of their artists and inscribers to communicate with the deceased in some way. Other markings might have served different functions — to protect or beautify graves, or to signify the presence of the dead. And the care taken to create many of the more elaborate texts and images suggests that, despite rabbinic discouragements against spending time in places that might facilitate corpse contact, some Jews, like their neighbors, spent protracted periods in the caves to create their works of writing and art. Graffiti thus reflect practices, otherwise unknown in textual sources, whereby Jews consistently used acts of writing and drawing as a means to commemorate the dead.

These observations, in turn, might inspire expanded readings of certain rabbinic texts, whose contents are rarely noted in discussions of Jewish mortuary customs. For example, several texts of the Mishnah and Talmud describe individuals' acts of marking the spaces of the dead. These discussions, which employ the same verb, (גִּזְבַּח) often are adjacent to discussions of impurity, more generally (cf. *m. Nid.* 7:3). In some cases, the acts of marking may entail the piling of lime upon a grave to accelerate decomposition or to help passersby avoid unintended contact with it (*m. Ma 'ás Š.* 5:1). Marking tombs is consistently described as a type of public service in this way (*m. Šeqal.* 1:1). But other descriptions of this activity of “tomb marking” recur elsewhere. One passage from *Bava Metzia*, for example, describes how Resh Lakish used to mark off [burial] caves of the rabbis (*b. B. Meṣ.* 85b), while another, from *Bava Batra*, specifically states that a Rabbi Bana’ah adorned the tombs of the righteous dead (*b. B. Bat.* 58a). The former texts are from Roman Palestine, while the latter ones, redacted in Babylonia, are embedded in broader discussions of the strange and mystical visions that concern the spirits of the dead. But perhaps the archaeological record—in the form of graffiti—might inspire slightly different readings of these passages than traditional interpretations have permitted. Perhaps, by marking tombs, Resh Lakish and Rabbi Bana’ah, among others, were performing otherwise unrecognized activities, which some of Palestinian, Maltese, Italian and North African Jewish peers would have found to be entirely conventional. Perhaps their acts of “marking” graves included those of writing or drawing—either to warn their contemporaries not to accidentally trespass on corpses or associated appurtenances, or in complement, as a means to care for, venerate, remember, or communicate with the esteemed dead.

Excavators and historians commonly use rabbinic texts as frameworks to interpret the contemporaneous archaeological record, but this consideration of graffiti facilitates a distinct possibility; a means to demonstrate how archaeology can sometimes inspire new readings of rabbinic texts, to supplement, expand, and thereby transform current hypotheses about the activities associated with Jewish life and death in the second to sixth centuries C.E.

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# Complex Purity: Between Continuity and Diversity in Ancient Judaism

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Review of:

**Stuart S. Miller, *At the Intersection of Texts and Material Finds: Stepped Pools, Stone Vessels and Ritual Purity among the Jews of Roman Galilee* (Göttingen: Vandenhoeck & Ruprecht, 2015)**

## Varieties of Ritual Purity

Second Temple literature testifies to the centrality of ritual purity in shaping private conduct as well as group identity among the Jews of Palestine. While in the Priestly Code the laws of purity are geared towards maintaining the sanctity of the sanctuary (Leviticus 12-15) by isolating it from lepers, carriers of genital discharges, and anyone coming in contact with a dead corpse (Num 5:1-4, 19:20), in the Second Temple period the fear of contamination largely dominated the daily life of many. Literary sources relate to purification after contact with a corpse or following sexual relations as a standard practice, and Josephus mentions not only the expulsion of those inflicted by severe impurity, but the regular isolation of women during their menstruation period.<sup>1</sup> He further quotes the decree of the Seleucid king, Antiochus III, prohibiting the importation of impure animals and artifacts into Jerusalem, and warning non-Jews from entering the Temple precincts.<sup>2</sup> Furthermore, gentile impurity even appears to have influenced commercial relations, since Jews avoided importing foreign oil, as well as glass and clay vessels, from abroad.<sup>3</sup> According to the Acts of the Apostles, Jews were even careful not to enter the houses of gentiles (Acts 10:28). Finally, as we learn from the same group of Jesus followers, many Jews awaited an era of absolute purification from worldly sorrows, putting their trust in contemporary prophets such as John the Baptist and Jesus, while participating in their acts of purification.<sup>4</sup>

<sup>1</sup> *Tob.* 2:5; Philo, *Laws* 3:63, 205-206; Josephus, *AgAp* 2:198, 203; *Ant* 3:261-262.

<sup>2</sup> Josephus, *Ant* 12:145-146.

<sup>3</sup> See Goodman 2007: 187-203 for evidence of Jewish observance of kosher olive oil.

<sup>4</sup> I discuss the formation of rituals for purification from sin in Qumran and Early Christianity in Furstenberg 2016b.

As much as purity manifested itself as a common concern, the dominance of purity is most evident within the writings of those elitist groups, who sought to distinguish themselves from the multitude, and whose claim for religious authority was rooted in the recognized value of their unique purity practices. The Jerusalem priests, the Pharisees (and *haverim*), Essenes, and the Qumran Sectarians all held themselves to be in a superior purity status in comparison to the common people (*am ha-arets*, “people of the land”, in rabbinic jargon). Concurring with their extreme separatism, the Essenes identified outsiders as gentiles with respect to their level of impurity.<sup>5</sup> The Pharisees were more lenient in their dealings with non-members but were still careful to limit contact with them. As in the case of the Jerusalem priests, purity was commonly conceived as a signifier of religious status, and it was therefore essential in the creation not only of holy space, in Jerusalem and the Temple, but of social hierarchy as well.<sup>6</sup>

Following this heritage, rabbinic literature, created after the destruction of the Temple, exhibits the same basic features apparent in Second Temple sources. First, it indicates the significance of purity beyond the realm of the Temple. It assumes that despite the destruction of the Temple, there is still a continuing obligation to maintain purity laws, first and foremost for the sake of the priestly offerings, *terumah* and *ma'aser*, which continued to be separated and given to the priests in a state of purity. Second, rabbinic literature refers to the existence of distinct levels of purity and to the role of the associations (*havurah*) in supporting the effort of those who wished to eat their daily food in a state of purity.<sup>7</sup> Like their Pharisaic predecessors, the rabbis assumed all were obligated to observe a basic level of purity, while they distinguished themselves from others through a more intense involvement in purity. The result of this effort is evident in the extensive treatment of purity in order Purities of the Mishnah, covering every aspect of daily life and organizing one's complete environs.<sup>8</sup> The fact that purity was not limited to the Temple, as we learn from the literary sources, explains its enduring presence, in rabbinic literature as well as in the material culture of the following centuries.

In light of the unprecedented role of purity among Second Temple Jews, it comes as no surprise that artifacts of purity are major signifiers of Jewish material culture. Stepped pools, identified as *miqwa'ot* for purification, are a standard feature of Jewish settlements during this period, beginning in Judea in the first century BCE and continuing

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<sup>5</sup> Josephus, *War* 2: 150

<sup>6</sup> Regev 2000; Furstenberg 2015, 2016a.

<sup>7</sup> *m. Demai* 2:3; *t. Demai* 2:2-12.

<sup>8</sup> For an excellent presentation of the significance of purity in rabbinic literature see Balberg 2014.

beyond 70 CE and the Bar Kokhba Revolt into the Late Roman and Byzantine period, in southern Judea and beyond into the Jewish settlement in the Galilee. The same is true concerning the second feature of purity material culture, stone vessels. Due to their insusceptibility to impurity, stone vessels served to secure foods from the threat of contamination. Large numbers of such vessels were found in the Jerusalem area, in keeping with the extraordinary purity needs of the city. However, in contrast to the assumption of earlier scholars, we now know that their production did not cease after the destruction of the Temple and there is now evidence for their continued usage in Later Roman Galilee. True, in this period the numbers of both stepped pools and stone vessels declined, but they are still a component of Jewish material culture.<sup>9</sup>

The material finds seem, then, to ratify the literary evidence and point to the same general picture: concern for purity was not limited to the Temple and continued to thrive after its destruction among considerable groups in Palestine, albeit in a more limited manner, into the Byzantine period. This agreement is quite extraordinary, considering the tension between rabbinic literature and material culture apparent in other spheres of Jewish life in antiquity, such as in the case of synagogues or legal documents. In addition, until recently the tendency among both archaeologists and scholars of rabbinic literature was to limit the impact of purity in daily dealings and confine it to the scholarly interests of small marginal groups such as the rabbis or members of purity associations. Recent surveys and current interpretive methods of rabbinic literature go hand in hand in reassessing the intensity of the ritual world in Jewish antiquity.

However, this correlation is only the preamble for a more nuanced and sophisticated scholarly task: offering an integrated evaluation of the role of purity in ancient Judaism. As evident from both Second Temple and rabbinic literature, ritual purity held different meanings for different groups and it was a mutable and multidimensional category, within both popular and more ideological circles. This range of competing values requires a better assessment of the relationship between the literary and the material evidence for understanding this phenomenon as a whole. Taking into account the inherent tension between the ideological and even separatist literary works and the common interests embedded in the widespread material culture, we must ask whether these bodies of evidence add to a coherent image of purity culture, or do they represent disparate aspects of this multifaceted phenomenon?

The relationship between texts and material finds breaks down into three separate levels: First, in light of the differing practices attested to in the literary sources, the

<sup>9</sup> See Adler 2014 for a useful survey.

most basic question is what system of *halakhah* (Jewish law) fits the material finds best. Do the specificities of the physical finds, size, structure, and material, correspond to the rulings of one of the groups known from our literary sources, such as the Pharisees, Sadducees, Essenes, or Rabbis, and do they testify to the dominance of a specific system of law? This question is crucial in light of the debate concerning the extent of pharisaic dominance over popular Jewish practices,<sup>10</sup> and the affinity of the Pharisees' way of life to "Common Judaism".<sup>11</sup> On the second level, what does the integration of literary and material evidence tell us about how Jews understood the purpose of preserving purity? Can the material finds expose alternative approaches to purity, hidden or marginalized by the peculiar interests of the authors of Second Temple or rabbinic texts? Having considered the relationship between particular and popular practices and the purpose of popular purity against the notions expressed in the literary source, we come to the third level: how did the diverse practices and conceptions of purity shape social fabric? Is it appropriate to speak of a "Common Judaism" or were there distinct "Judaisms" separated by their forms of purity, serving to delineate social boundaries,<sup>12</sup> or was there some form of symbiosis between the different manifestations of purity? While texts tend to present a polarized picture and set themselves in opposition to their halakhic and ideological interlocutors, the material findings demand of us a more sophisticated account of the ties and interdependencies between the differing practices within a shared material and social framework.

In his remarkably comprehensive book, *At the Intersection of Texts and Material Finds*, Stuart Miller exhibits his original and balanced approach towards the diversity of literary and material sources and arrives at new answers to all three issues. Instead of interpreting the stepped pools and the stone vessels against the halakhic, ideological, and social background outlined by rabbinic texts, Miller seeks to understand the array of peculiar notions as by-products of the underlying material culture shaped by common interests as well as social and economic circumstances. The finds represent the common ground from which specific halakhic conceptions and more developed notions of purity sprung. By their very nature, material findings reflect a more popular and elusive form of ritual, which was later crystallized by more learned and ideological groups as they negotiated their ritual environment.

Taking his cue from the archaeology of ancient synagogues that have revealed new forms of Jewish practice irrespective of rabbinic instruction, Miller attempts to describe

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<sup>10</sup> For example, Mason 1990.

<sup>11</sup> This is the assumption of Gedalyahu Alon in his seminal paper on purity in ancient Judaism, "The Bounds of the Laws of Levitical Cleanliness," (Alon 1977: 146-189).

<sup>12</sup> Compare Sanders 1994 and Neusner 1978.

a distinct form of common purity that is biblical rather than rabbinic in nature. He therefore understands specific rabbinic requirements as deriving from and responding to this emerging material culture, and not as shaping it, as previously assumed. The same is the case with respect to the purpose of common purity. Miller deduces the common conception of purity primarily from the specific setting of the archaeological finds, and he sets them against alternative conceptions. The material finds provide the sole foundation for interpreting the form and purpose of common practice. This is the basis for Miller's construction of a "Complex Common Judaism" that retains a close relationship with specific ideologies but cannot be reduced into them. Miller's approach is highly suggestive and considerably advances our understanding of the interplay of legal production and material culture. At the same time, as I survey his position, I offer a reconsideration of what is in my view the indispensable role of legal framework in shaping and maintaining a constant purity material tradition.<sup>13</sup>

## Material Finds as Legal Artifacts

The ritual baths in Palestine, of which over 850 were found in various settings: domestic, public, pilgrimage, and agricultural, dating from the end of the Hellenistic period up to Late Antiquity, are distinct in their physical features, which set them apart from other water installations.<sup>14</sup> The measures of these baths also correspond in their size and shape to the legal instructions laid out in later rabbinic literature. This fact creates the impression that these structures are a designated ritual institution, created from the very start to fit the needs of ritual law. Consequently, it seems appropriate to interpret the specificities of these baths following rabbinic principles as these were formulated in the Mishnah, and which the commissioners of the *miqwa'ot* presumably followed.

As Miller demonstrates at the very head of the book, this scholarly approach has found strong corroboration with the findings of a unique double bath installation at Masada (17-20). This compound is strikingly similar to the familiar halakhic

<sup>13</sup> The following discussion will not relate to chapters that do not address these core issues, as I understand them. Chapter 4 discusses P. Oxyrhynchus 840, which mentions Jewish immersion. Despite the illuminating analysis of the notion of Jesus as living water, the chapter does not shed light on Jewish practices. Most of chapter 9 examines the status of priests. It barely relates to purity and its relevance is only in the negative conclusion concerning the marginality of priests during the post destruction period. In chapter 10 Miller turns to medieval Judaism for additional examples of non-rabbinic purity. It is doubtful however whether these cases concerning highly rabbinized medieval communities represent a separate, biblically oriented Judaism. See more below.

<sup>14</sup> Reich 2013; E.P. Sanders 1990: 216-219; Amit and Zissu 2008: 47-62.

mechanism of '*otsar*' ('treasury'), by which a reservoir of undrawn water validates the drawn water in the adjacent bath, thus enabling the replacement of waters in the main immersion bath. This system reflects a complex array of halakhic principles, including the requirement of a minimal amount of undrawn rainwater; the permission to refill the rest of the bath with fresh drawn water; and the validation of these waters through mere contact with the separate reservoir. Finding such double baths enhanced the tendency to view the architecture of the ritual baths as direct products of Pharisaic teachings, most systematically expressed in the writings of the Rabbis. This correlation entailed a more elaborated attempt to identify the variety of archeological finds with distinct halakhic positions of the different parties of Second Temple Judaism. Scholars sought to find on the ground the same tension and variation of ideology and practice as in the literature of the period. Thus, the distribution of double installations, presumably based on the principle of purifying a bath through a separate body of water (*nissog*), alongside other stand-alone baths, came to represent Pharisaic presence in the different localities. Large immersion pools with a double entrance were associated with the stringent Sadducean practice, and pools with a bottom step large enough to contain a minimal amount of undrawn water, as well as pools for immersing hands, were viewed as Pharisaic constructions.<sup>15</sup>

In chapters 1-3 Miller quite arguably refutes these prior attempts to subject the finds to rigid halakhic considerations. However, in this process he arrives at the opposite extreme and denies the applicability of halakhic literature for the interpretation of archeological findings. As in ancient synagogue architecture, which was evidently prone to surrounding influences but not to rabbinic supervision -- rather, the halakhic authorities were compelled to respond to current tendencies -- the *miqwa'ot* as well, Miller argues, were not constructed by the rabbis and in accordance with their laws (45-46). To the contrary, common practice set the stage for the rabbis to formulate the legal principles of valid immersion pools. Miller is no doubt justified in his critique of the simplistic inference from law to findings and in his call for a more sophisticated account of the relationship between the two. At the same time, I would argue that with respect to the system of purity observance, the material culture is strongly in debt to the legal framework and rationale set by the literary sources.

Miller shows (ch. 2) that rabbinic sources do not assume a standard structure, but they refer to various kinds of pools, including natural reservoirs and baths, created for other purposes besides purification. He points out that the rabbis never insist that the bath serve exclusive purification needs, and thus he dismantles the image of the immersion pool as a designated ritual artifact constructed strictly for the sake of

<sup>15</sup> Regev 1996; Grossberg 2007; Elitsur 1999.

purity (51). He introduces the notion of the non-monolithic ritual baths, which vary in accordance with changing physical circumstances and practical needs (see 189). Miller thus follows in the footsteps of Yonatan Adler, who argued most persuasively that the double adjacent baths are not halakhic constructs.<sup>16</sup> These were not intended to preserve a minimal amount of undrawn water, as previous scholars have conjectured on the basis of the modern ‘otsar’ installations, but rather they served various practical functions as a separate ritual bath, settling tank, or storage. In this respect, practical considerations surely take precedence over anachronistic legal constructions in the interpretations of the material finds.

At the same time, in an attempt to release the findings from the grip of rabbinic assumptions Miller moves on to reconstruct an alternative practice, which in direct opposition to the rabbinic tradition validates drawn water for purification (ch. 3, pp. 72, 84, 89-93). As far as I can tell, he does not adduce positive proof for this practice<sup>17</sup> beside the assumption that the demand for undrawn water is a rabbinic innovation and is not biblically sanctioned.<sup>18</sup> Despite the fact that the stringent rabbinic notion resonates in Qumran literature as well,<sup>19</sup> Miller insists on reconstructing a biblically based purity system completely independent of the interpretations and traditions of later legal corpora. This suggested system validates any kind of rainwater, even if not naturally collected.<sup>20</sup> Thus, the findings serve Miller not only to introduce some practical considerations of ritual bath construction but as testimony of an alternative form of purification.

Yet, in contrast to the remarkable disparity between the material finds and the textual horizon of expectations in the case of the ancient synagogues, no such tension exists in the case of ritual pools. I find no conclusive evidence for a non-rabbinic approach to

<sup>16</sup> Adler 2014b.

<sup>17</sup> The case of the *bet tevilah* (immersion room in the Temple, *m. Middot* 5:3) represents, according to Miller, a pre-rabbinic practice (309-311). Since it was situated on an upper floor, it seems not to fit rabbinic requirements concerning connection to the ground. But, since the immersion room is part of a construction connected to the ground, this case cannot provide decisive proof for a non-rabbinic practice.

<sup>18</sup> Following Sanders 1990: 219-221.

<sup>19</sup> See discussion on CD 10:10-13 on pp. 81-82, 89.

<sup>20</sup> Note, however, that this suggestion leaves open a basic issue concerning the purifying nature of water the ancients could not have overlooked. Water serves both and at same time as the ultimate purifier and the most dangerous conduit of impurity. While scripture does not define which waters are pure, it states that a spring or a cistern holding water is clear (Lev 11:36). If, following Miller’s suggestion, we do not hold to the rabbinic distinction between natural and humanly drawn waters, what would re-purify the waters that were already artificially drawn and invalidated by human usage? I therefore think rabbinic interpretation is both the most plausible and practical interpretation of scripture at this point.

purity and alternative means of purification. Moreover, the relatively early formation of distinct, albeit not exclusive, installations for purity reflects the specific and unique needs they came to serve and that could not be accommodated by other means, such as bathhouses and their like. Admittedly, these distinct installations do not disclose the roots of their separate development, and the necessary ritual and conceptual framework is provided primarily by the rabbinic sources. The need to maintain the water in its natural undrawn state, as presented in rabbinic sources, offers the most suitable case for the rise of the unique material findings, and at the same time, it clarifies the means for using these installations in the most practical manner.

The case of stone vessels discussed in chapter five presents us with similar methodological considerations. This unique finding is characteristic of Herodian Jerusalem and appears in diminishing numbers in the post-70 CE period up to the fifth century. If it were not for rabbinic exclusion of such vessels from susceptibility to impurity, it would be nearly impossible to justify the immense efforts put into this stone industry. More than the immersion pools, stone vessels are exclusive ritual artifacts and are practically worthless outside this context. Some stringent groups may have rejected rabbinic leniency towards stone vessels (this depends on the interpretation of some Qumran texts),<sup>21</sup> but anyhow, one cannot imagine the evolution of this expensive industry without the clear ritual incentive, supplied by rabbinic rulings. Consequently, the extent of this finding served scholars as a direct indication for the scope of purity observance among the Jewish population. During the Second Temple period “purity burst” in Jerusalem,<sup>22</sup> it carried on in Judea after the destruction and survived on a minimal scale up to the fifth century in the Galilee. Miller acknowledges the ritual value of the stone vessels, but at the same time downplays this aspect, known primarily from rabbinic texts, as a secondary outcome of the stone industry of the Herodian period. In his view, the changes in the extent of stone vessels primarily reflect technological and economic circumstances, and not a change of ritual practice. Only after the establishment of this industry, some people such as the rabbis saw this as an opportunity to enhance purity observance and deemed the vessels pure.

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<sup>21</sup> See pp. 95–96. A good number of stone vessels were found in Qumran, but at the same time the literary evidence (11QT<sup>a</sup> 49:14 and CD 12:15–16) has been understood as indicating that stone vessels are susceptible to impurity. Note however that both sources refer specifically to moist vessels, and they are the substances conveying impurity, not the stone itself.

<sup>22</sup> In contrast to Miller, pp. 169–172, I accept Adler’s position that the reference to the “burst of purity” in an earlier period in *t. Shabbat* 1:14 goes back to the Temple period and not to the later rabbinic period (Adler 2014a; Furstenberg 2016a: 1). To my mind, the literary context referring to the Houses of Shammai and Hillel makes the association to the Temple period quite clear.

Here again, I find it hard to accept the elimination of ritual literature from the interpretation of these findings, while in fact it supplies the most plausible foundation for the rise of the unique material culture that developed in Judea. Once the technology is accessible, it provides an excellent solution for the daily management of the enduring threats of contamination (while earthen vessels are not only susceptible to impurity, but must be broken once they are defiled). It is therefore safe to argue that the extent of stone vessels in Second Temple Judea testifies to the exceptionally high motivation to develop such a peculiar material environment. As long as purity was considered a major social value, the purity industry was not only a worthwhile investment but it is economically reasonable to assume that it met the highest standards set by legal authorities.

We lack a clear picture of the industry of stone vessels in the Galilee, but in any rate, it must have been relatively restricted in comparison to its Jerusalem antecedent. Miller is certainly right to conclude that this diminution cannot testify to the termination of purity. It does however offer some insight to the fundamental change that took place in the presence of purity in the public sphere. If we assume the technology of stone vessel production persisted (as the recently found quarry near Nazareth reveals), we must assume that at this stage these utensils were intended for the relatively few, who were careful to regularly eat their foods in a state of purity, and therefore took care to maintain designated utensils. All others, who observed purity only occasionally, managed well enough with their standard food ware. What was a widespread norm in Judea of the first century CE and shaped the industry and market of vessels had now become an exceptional practice of a virtuous few, who did not leave much of an imprint on the material culture.

### The Purpose of Purity Observance

The many ritual baths in the Jerusalem vicinity presumably served the needs of the Temple, the pilgrims and their markets, and the priests who received holy foodstuff. The location of these baths determined the immediate context for interpreting their purpose and the kind of purity they supported. Against this model, how should we understand the purpose of the twenty or more ritual baths found in the western acropolis of Sepphoris,<sup>23</sup> away from Jerusalem and postdating 135 CE? This question sets the stage for the second section of the book (ch. 6-10), and here Miller adds to his reconstruction of non-rabbinic purification practices, in the previous section, a novel explanation of

<sup>23</sup> Or the ritual baths at Susiya in the southern Hebron hills, for that matter.

the purpose of purity, independent of the image of purity in rabbinic literature, based primarily on the location of the ritual baths. Since there is no conclusive evidence for a dominant presence of priests in Sepphoris, as Miller demonstrates in detail in chapter nine, which could have explained the role of the *miqwa'ot* along the lines of the Jerusalem findings. How should we understand the purpose of the Sepphoris ritual baths within contemporary religious culture?<sup>24</sup> The interpretive key, according to Miller, is the domestic setting of these baths, which points to a specific concern for purity pertaining to sexual relations: following menstruation and after seminal emission (ch. 8).

Domestic purity, Miller further argues, is not only distinct from priestly oriented purity, but it took hold as a substitution for the Temple and compensated for its loss (ch. 7, p. 204). Miller thus sets clear boundaries between three forms of purity: Temple and priestly purity, the rabbinic\Pharisaic approach to purity, and the newly enhanced popular purity. Following scholars who view the destruction as a turning point in the nature of Jewish religiosity, from institutionalized ritual to individual internalization of religious consciousness,<sup>25</sup> Miller suggests that the loss of the Temple entailed a heightened awareness of purity within the personal sphere. The holiness of Israel, manifested in the care for domestic purity, replaced the holiness of the Temple. Miller goes on to claim that this form of purity is unique not only in its practice (the use of drawn water) and in its focal point (the family) but also in its source of authority. This popular purity (what we may term *am ha-arets* purity) disregarded the elaborate rabbinic instructions and rested directly on scripture (208). In fact, the tension between the rabbis and popular modes of purity is demonstrated in rabbinic literature itself. A collection of stories in the Palestinian Talmud relates to sinners and fornicators who were very careful to immerse, and to commoners who were willing, despite rabbinic resentment, to risk their lives for the sake of purification after sex. The rabbis even castigate those who practiced morning immersion rather than study Torah.<sup>26</sup> The ritual baths in Sepphoris belong, Miller suggests, to the world of such commoners, with their own separate form of purity.

However, as in the previous section, there seems to be more room for integrating the material finds into the complex rabbinic portrayal of closely related forms of observance

<sup>24</sup> Compare Adler 2014a: 81: ‘We may speculate that these settlements held a strong priestly presence, or perhaps were home to members of lay *havurah* societies dedicated to the regular observance of the ritual purity laws within the framework of a surrounding Jewish society which no longer adhered to these strictures.’

<sup>25</sup> Stroumsa 2009.

<sup>26</sup> *y. Berakhot* 3:4, 6c. See Kiperwasser 2012 for further analysis of this unit.

among rabbis and others. Miller recurrently emphasizes that domestic purity replaced the Temple purity. He rejects the claim put forth by Adler of a continuous decrease in purity observance<sup>27</sup> and prefers an exchange paradigm: One form of purity emerged with the loss of the former dominant form, and therefore the number of findings over both periods is irrelevant to our understanding of the developments in this field (323). This reconstruction is quite telling, but the comparison of Second Temple sources to later rabbinic literature clearly points to substantial continuity in the nature of popular observance of purity, and there is no evidence for an amplification of these tendencies in later periods. As mentioned above, early authors such as Philo and Josephus (quoted by Miller, p. 231) testify to daily purifications following corpse defilement and sexual contact. Thus, later rabbinic evidence for the separation of menstruants and purification after sexual relations corresponds to Second Temple practice, and there is no need to assume that the destruction motivated the rise of alternative expressions of piety. Furthermore, already during the Temple period we find new forms of purification, such as hand purity, intended for the protection of the individual (see Mark 7:1-23, discussed on p. 215-222). The findings from Sepphoris are in line with earlier finds from Judea, and it therefore makes most sense to interpret them as sections of one continuous, and at the same time complex, phenomenon.

A strong continuity exists not only between different periods but also between the different forms of purity. These are much more defused than the monolithic impression suggested at times in the book. On an analytical level, the separation of different motivations is indeed helpful, but in practice, the varied forms of purity are hardly distinguishable. Purity observance provided a shared space for a range of practices and purposes undivided by clear-cut boundaries. First, the care for the purity of the priests and their foods had a direct impact on the daily conduct of each person, who was obliged to separate pure heave-offerings from his own fruits. As rabbinic sources testify, those who were not competent in matters of purity and could not maintain the purity of the priestly share on their own turned to professionals who separated it for them.<sup>28</sup> Consequently, even those who lacked a consistent and active commitment to purity were compelled to support the priests' obligation to maintain their share in purity.

Rabbinic sources also uncover the affinity between popular care for purity and more established forms. On all levels, purity was associated primarily with eating (and

<sup>27</sup> This is also the position I adopt in my detailed account of the history of purity observance, as seen from rabbinic perspective (Furstenberg 2016a).

<sup>28</sup> See *t. Demai* 3:1-8 examples of professional associates (*haverim*) separating heave-offering in a state of purity for *am ha-arets*.

not with sex). As the priests were careful to eat their own foods in a state of purity, also others -- although they refrained only from specific sources of contamination, such as menstruation and semen -- made sure to purify specifically before they ate. In Late Antique Palestine, menstruating women were regularly excluded from food preparation, besides their limitations with regard to sexual relations.<sup>29</sup> Eating in a state of purity was considered a widespread value, although it was maintained on differing levels of expertise. Furthermore, although the rabbis distinguished their own level of observance from that of others, the *am ha-arets*, they promoted a view of purity suitable to popular sentiments, as their vehement adoption of hand-washing reveals. This complex system of purity observance combines biblical commandments and popular interests, and instead of replacing the priestly purity agenda, it worked to support it in wider social circles. The literary sources testify then to the richness of meanings of purity and the interdependence between them, and the material finds corroborate a multifaceted image of this purity space. Instead of setting the evidence for popular purity as an alternative to the elitist purity of the priests and rabbis, which avoids them and skips directly back to scripture, I suggest describing the purity scene through the ongoing interplay between its different participants.

## Purity and Jewish Society

The image of Jewish society in antiquity underwent a radical reevaluation in the last decades, with the marginalization of the Pharisees and rabbis as leading groups in favor of a more Hellenized or Romanized depiction of general Jewish society. More recently, a milder and traditionally committed version of this form of popular Judaism evolved, famously coined “Common Judaism” by Ed Sanders. In the last chapter, Miller seeks to move beyond this social category, arguing that it does not take into account the considerable overlap between the different groups nor the inability to completely separate them. One receives the impression that Common Judaism was one of many forms of “Judaism”, with its own separate set of ideals and practices, while archaeology reveals that we are actually facing a compound of varying cultural expressions within a shared space. Miller terms this space “Complex Common Judaism” (320). As he stresses, archaeological remains do not lend themselves to specific group identities, but they reflect the complexity of Jewish society as a whole. While not eliminating group differences it demands a more sophisticated account of the

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<sup>29</sup> This aspect of menstrual impurity is most explicit in the text comparing purity practices in Palestine and Babylonia, *Ha-hilukim sh-ben Anshei Mizrach u-vnei Eretz Israel* (Margulioth ed. p. 79).

relationship between the different components of this compound. Miller particularly points out the difficulty of setting clear boundaries between rabbis and others during the post 70 CE era. In contrast to the dominant scholarly tendency to separate rabbinic and non-rabbinic Judaism, Miller most arguably claims that “non-rabbinic” Judaism does not stand in and by itself, and the rabbis on their part actually valued popular customs and identified themselves with the larger community.

No doubt, Miller’s position is an important corrective to current scholarly trends, that in their eagerness to downplay rabbinic influence did not offer a reasonable account of this non-rabbinic Judaism, and arrived at extreme conclusions concerning its assimilation into the Roman milieu.<sup>30</sup> Clearly, the material identity signifiers of Jewish settlements during the entire Roman period, of which the ritual baths are the most prominent, testify to the enduring vibrancy of Jewish material culture through political and social changes, and to the dominance of ritual practice in shaping Jewish space and distinct identity. The continuity of common ritual material culture surely undermines any claim of extreme cultural fluctuations during the Roman period; does it also inform us of the internal forces that shaped the complex of Jewish society? At this point, there seems to be some tension between the last chapter underlining the difficulty to distinguish Common and rabbinic Judaism and the emphasis upon the unique features of popular purity in the previous chapters. One element is however persistent: Miller recurrently characterized common Judaism through its turn to Scripture. In his view, its affinity to rabbinic practice does not derive from the rabbis’ leading social role or authority (he is very careful not to attribute them) but from the shared commitment to the biblical heritage. This, according to Miller, seems to be the constitutive element of the “Complex Common Judaism”.

Miller’s subtle approach clearly advances our understanding of Judaism in antiquity far beyond conventional dichotomies; at the same time, I believe this very last point, which underlies the book’s overall case for “common purity”, deserves reexamination. The claim that common Judaism is characterized by its shared reliance on biblical law, does not take into account the diverse manifestations of the biblical heritage within the range of Jewish and Christian identities, including a variety of approaches to purity among “Jewish-Christian” groups. We know of Christian groups who maintained purification after menstruation and after sexual relations,<sup>31</sup> but at the same time left no designated installations for that sake. The crucial element, then, is not the biblical

<sup>30</sup> Following Schwartz 2001.

<sup>31</sup> As we learn from the Ps. Clementine *Homilies* and *Recognitions* and from the *Didascalia Apostolorum* (Reed 2012).

roots of the ritual baths and of the aspiration for purity but the continuity of the specific material culture from its Second Temple roots and the choice to maintain this specific ritual complex. Furthermore, this material tradition was shaped within a distinctive legal framework, and it therefore owes its persistence to the ongoing interplay between common interests and legal expertise. Beyond the distant and amorphous biblical foundation, the persistence of this material culture depended on the continued collaboration of common purity observance with the only religious elite known from Jewish society in Palestine of the Roman period.

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