

Drunken Teamsters Horsing Around At River's Edge: Portraiture and Symbolism in Seder Tohorot

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Readers of my essays in this journal will already know two of the lessons I learned from Seder Tohorot once I stopped thinking of its halakhic exemplars as stick figures meant solely to illustrate some specific point of law, and started thinking of them as literary characters worthy of consideration in their own right.¹ For new readers, however, I would like to begin by rehearsing, just briefly, the essential elements in the way I have come to study Mishnah in general, and specifically the method I have begun using to mine timeless spiritual principles from Seder Tohorot, the most ungainly and unwieldy of the Mishnah's six sections, and surely the least studied of them all.

Seder Tohorot, as its slightly euphemistic name suggests, is the order of Mishnah devoted to the rabbinic elaboration of the laws of purity and impurity, and it is in the context of setting down its teachings that the text presents a series of unnamed, mostly wholly undescribed, individuals as the embodiments of one or another of its halakhic principles. This use of illustrative example is not solely used in Seder Tohorot, of course, but it is there that I have found the richest lode of characters who seem to transcend their own literary contexts and then to turn, just for the briefest moment, to those readers prepared to notice them and to impart to such people a lesson of lasting value sometimes only tangentially related to the

specific topic under discussion in the chapter of Mishnah in which they appear. In my previous essay in this series, I suggested one reason for the special appeal I find embedded in the halachic exemplars of Seder Tohorot, but I have lately thought of another: because, more than any other order of Mishnah, Seder Tohorot valorizes the importance and supreme worth of human behavior and wholly denigrates the self-serving theory that the things *of* the world bear some sort of inchoate responsibility for the deeds of human beings *in* the world. And, indeed, the things of the world are depicted in Seder Tohorot singularly as being possessed of no innate moral worth at all: the halakhic importance of even the most stultifyingly everyday things—the threshold into one’s house, the gazebo in one’s garden, the sewer under one’s backyard, or the pots and pans in one’s kitchen, among countless other examples—is depicted as being entirely dependent on the proximity of those things to the edge-regions of human behavior—to sex, to death and to the way human beings burdened with incomprehensible, unwarranted and devastating disease navigate their way through the world. In turn, the world and its pieces become the backdrop for the play that is human life *not* as imagined by weak-willed slackers eager to download the responsibility for their own moral failings onto the environment in which they live or in which they were raised, but as actually played out by decent people yearning to live life to the fullest without distancing themselves from God in the process.

These halachic exemplars—the personalities I have begun to present to my readers—are a flock of strange birds. Barely present, they are often brought on stage and ushered back into the wings in a matter of moments, sometimes no longer than it takes to read a single sentence. More to the point, they themselves rarely say anything at all as they briefly dance across the page of Mishnah one is studying. Some few do say a few words here and there, but neither the ones I’ve written about already nor the ones I am about to write about say anything at all in the course of their fifteen seconds of fame . . . and they are wholly unexceptional in that specific respect. Yet, for all they appear only momentarily and generally say nothing, they are still an exceptional wise lot. The boy with the lilies and the woman with the coins, whose stories I told in my previous two essays, opened up a whole new way to think about Mishnah for me, and it is specifically the method of eliciting deep, pungent lessons about Jewish spiri-

tuality through the informed contemplation of the halakhic principles taught by the halakhic exemplars of Seder Tohorot that I wish to apply further in this essay.



We begin on a dusty road in ancient Israel. Just for color, let's fill in some details. It's summertime in the Levant, the dry season. You are walking, say, from your village to some other town in which you hope to do some business, and you are very, very hot. You sense that you are on the verge of becoming dehydrated and you know that you desperately need both some water and some shade, and that you need to find some of both in a hurry. You also know, however, that you must eventually cross a river on your journey and it is rapidly becoming your very ardent hope that that stream of cool, clear water lies just around the next bend in your path. You are, however, beginning to lose it. You don't know exactly where you are. You are about to lose confidence in your own navigational skills and to succumb to the fear that you are lost, when you negotiate one final bend in the road and find yourself, amazingly, approaching a cool river lined along its verdant banks with tall, inviting shade trees. You have, maybe, another couple of parasangs to walk, maybe not even that much. You are *very* relieved. And you are suddenly very, very tired.

As you continue to walk, you note eight or nine donkeys tethered to a low railing you hadn't previously noticed and, as you do, you realize that you are almost definitely not alone in this place. Surely, the donkeys did not tie themselves to the fence! You find yourself wondering where and when you might come across their masters and, although you aren't exactly afraid of the putative encounter, you certainly believe the reputation of the ass drivers of Roman Palestine to be well deserved . . . and you are, regretfully, not by nature the bravest of souls. Still, you tell yourself, why worry about a problem that may not exist at all? Surely, we can all get along!

You continue to walk towards the river and, as you do, you feel a slight breeze at your back. You quicken your pace just a bit and then, finally, the river lies before you. But your attention is diverted by a man standing in the dappled sunlight by river's edge. From the man's outfit, his haircut and his well developed upper torso, you recognize the man to be an ass driver, a typical *ḥamar* of the Old Arava, who clearly is just about to step into the

cool water for a relaxing dip. He stands there for a moment, apparently, deciding whether to wade in on foot or to dive in headfirst . . . when suddenly, from out of the blue, another man joins him and, together, they. . . .

As you look on, the world stops for a long moment. As you wait for something—for anything—to happen, you are amazed suddenly to be able to hear the voice of the elderly rabbi who taught you Mishnah as a child. You can't quite understand what is happening as the flow of time, which you had priorly supposed was inevitably a one-way street, somehow reverses and you are transported back to your own childhood. The scene before your eyes somehow recedes into the background as you find yourself seated at the table in that tiny school your parents sent you to when you were a child. That rabbi—you find yourself wondering how old the man would be now, assuming he could still possibly be alive—that rabbi *loved* to teach *mishnayot* more than anything, even more than *Humash* itself . . . and, suddenly, unexpectedly, you can hear his voice as clearly as if he were standing before you. And the *mishnah* he is teaching is one, in fact, that you learned with him decades earlier.²

Mi shetavel benabar, he is saying, talking (you recall) about someone who chooses to bathe in a river, just like the man you can see just before you frozen in space and time. *Vehaya lefanav nahar acheir ve'avar bo* . . . but there is another river nearby as well and he doesn't bathe in that second one, but simply wades across it to the other shore.

You are mesmerized totally as the scene shifts again. The rabbi—and the evanescent glow of childhood remembered and slightly relived—vanish before your eyes as the two ass drivers are joined by five or six others, all of them giants with muscular builds, bad haircuts and enormous feet. But as you crouch down behind a some convenient bushes to observe the scene unobserved, you are amazed to see the men at the river behaving not at all like gangsters or thugs, but rather like excited children at summer camp swimming around in the cool water, splashing each other merrily, racing from one side of the river to the other and back again, ducking under the water's surface to take turns swimming between each other's legs. As you watch, the men finish their wash-up and climb out of the river, then retrieve their clothing from the riverbank, dress, untie the donkeys and set off on their way.

Too intrigued to take time out for your own swim, you follow them down the path. Were these the men of whom your teacher was speaking? It hardly seems possible, yet, suddenly, you realize that you are fully expecting to see the other river, the one your teacher specifically said was close enough by to mention in the same breath, any minute now. Accordingly, you quicken your pace and then, suddenly, there you are at the edge of a second river. It wasn't far at all!

You crouch down again, your own lethargy now wholly a thing of the past. You are mesmerized as the leader—or rather, the man you *assume* must be the leader—walks gently up to the next river, removes his sandals, and puts his foot into the water, apparently wishing to test its depth before wading more seriously into the flowing stream. He seems satisfied—and is just going back to lead his donkey across the water—when, suddenly, impossibly, the screen splits into three panels and, blessed with the freedom of a creative intellect unfettered by the givens of the physical world (one of the true boons of Torah study pursued with intellectual integrity), you suddenly see three versions of the same story, each alternate ending occupying its own projection panel. As you look on, you can't quite decide which panel is the “real” one. Is it the one in which the ass driver is competently and calmly leading his donkey across the shallow river? Or is it the next one? As you look on, you see a second ass driver—this one, if anything, even bigger and more menacing than the first one—appearing out of nowhere and then, assuming the cannon ball position in mid-air, crashing so hard into the first ass driver as actually to knock him off his feet and into the river. (And you don't just *see* the scene before you either—you also smell it as you are suddenly assaulted by the sour odor of cheap whiskey being provided, you can only assume, by some antique mishnaic precursor to smellorama, the least lamented of all Hollywood innovations.) Or is the “real” story the one being shown exclusively on screen no. 3, where you see more or less the same story as on the second screen, but without the overpowering breath of the second ass driver overwhelming you with its boozy intimation of inebriated abandon as he shoves his friend (or, by now, more likely his former friend) into the river?

And now, in a surge of recollective energy, you remember the *mishnah* your teacher explained to you all those years ago: *daḥabu ḥaveiro leshokhro*,

vekein livhemto, tiharu sheniyim et harishonim . . . ve'im kemisaheik imo harei zeh bekhi yutan. If the man who shoved his friend—or even an animal belonging to his friend—into the second river was drunk (and was thus barely aware of what he was doing, and was certainly not intending to alter anyone's halakhic status merely playfully by dunking him in a river), then the water of the second river neutralizes the water of the first river. But if he was *just* horsing around—in other words, if he was being a jerk, but not specifically an inebriated one, and, therefore, knew perfectly well what he was doing—then the water of the second river falls squarely under the general principle known to halakhah-cognoscenti as the *ki yutan* rule and, as such, does not neutralize the water molecules from the first river still dripping from the dunked teamster's burley thighs and forearms.

You try desperately to remember what it's all about. As usual, you race to Rambam. (Or rather, we both do, since we clearly seem to be in this together.) And, also as usual, the man comes right through. But to seize what he has to say in his comment to the *mishnah* under discussion, we need first to review some principles that are codified elsewhere in Rambam, in the opening few paragraphs of one of the finest sections of the whole *Mishneh Torah*, the section called *Hilkhot Tumat Okhalin*. All foodstuffs can be contaminated with *tumah*, we read there, including both those substances commonly recognized as edible food and those that are not usually so recognized, but which some specific individual has resolved, either wisely or not, to eat.³ There is, however, a huge detail that has to be taken into account: no foodstuffs at all can be contaminated with *tumah* until they are wet down with one of the seven liquids specified in the Mishnah as capable of affecting the status of foods.⁴ Indeed, this is what *ki yutan* is all about: when the Torah specifically mentions water (at Leviticus 11:38) in this context, using the phrase *ki yutan* to mean “when (water) is put upon (an edible substance,)” it is merely using the most common of all liquids to make its point simply and clearly. But six other liquids—dew, wine, oil, blood, milk and honey—are listed in the Mishnah as being just as able as water to render foodstuffs capable of being contaminated.⁵ And there is one more detail also very worth mentioning: this act of wetting down the relevant foodstuffs must be undertaken with the approval of . . . somebody.⁶

Who this somebody may be, in fact, turns out, to be precisely the detail upon which our *mishnah* turns. If someone were to wet down produce for

some specific reason, thus willfully and willingly, this would certainly be the situation corresponding to the simple meaning of Scripture. But if the water on an individual's body drips down onto produce, it turns out that it can *also* render the produce susceptible to contamination even if the individual doing the dripping did not *specifically* wish for the produce to become wet, but simply to become wet him or herself. If that person, for example, went for a swim to cool off on a hot day, then emerged from the pool dripping with water . . . and if that person were then to allow that water to dribble down onto produce, that's enough to render the produce susceptible to contamination. And that, of course, is not a good thing . . . not if you are planning to sell your beets in the *shuk* and cannot be certain you won't end up having to sell—or wanting to sell—your goods to the kind of super-pietists who insisted on eating only uncontaminated foodstuffs.⁷

And so, finally, we get to the point. Our ass driver was swimming in the first river with the same pleasure anyone would bring to a cool dip on an unbearably hot day. There's no way to argue that he didn't wish the water to be on his body—he's the one who chose to cool off in the river, so how could he have not wished to become wet? But the second river, the one he was only trying to cross, is another story entirely. He had already cooled off . . . and merely wished to cross the river, not to become wet with its water. He wasn't trying to wash or to cool off . . . and so the water on his body was merely an unwanted happenstance, something he would have been just as happy to have avoided entirely. And that change of attitude—that sea-change, except that we're talking about a river—makes all the difference.

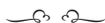
In most multiplexes you can watch many different movies, but only one at a time. In the marvelous mishnaic multiplex, however, you can sit down and contemplate three alternate endings to the same story.

In the first, the ass drivers finish their swim, then get dressed and move on. They come to another river. This one, they must ford, thus becoming unavoidably, yet also undesirably, soaking wet as they traverse the stream. In such a case, since the man became wet with the water of the second stream contrary to his own will, the water of that river cancels out the ability of whatever drops of water from the first river are still clinging to his manly chest to render foodstuffs susceptible to possible contamination with *tumah*.

In the second story, the men approach another river, but they only wander along the river's bank. They don't have to cross it, don't have to

become wet and no one, in fact, is becoming wet . . . until some drunken jerk at the end of the caravan decides it would be amusing to jump the leader from behind and shove him into the water. This dunking, wholly unwanted, also cancels out the water from the first river, because no one's will is involved—not the inebriated idiot who jumps his friend from behind (because he is too drunk to have any real idea what he's doing) and surely not the victim of his intoxicated roughhousing.

On the third screen, we see the third ending. It's similar to the second story, except without the guy being drunk. And so we see the Mishnah taking its thinking one final further step: it is not *even* necessary for the man who becomes wet and from whom the water drips on the produce to have wanted to become wet (if not to make wet his vegetables), it is enough *even* for the person who makes him wet—in this case, the idiot who jumps on him in what he personally considers to be sincere, if oafish, good fun—it is enough for *him* to be acting in accordance with his own will. In other words, the Mishnah is going to the mat to extend the *ki yutan* principle as far as it could possibly be stretched by pushing the requisite will further and further from the vegetables we are theoretically concerned about: even if the man who makes wet the man who makes wet the vegetables is acting willfully, the vegetables in question becomes susceptible to *tumah* contamination. That is an interesting halakhic concept in its own right, but is that all that these drunken and sober teamsters have come to the *beis-medrash* to teach us?



The ass driver, the star of all three films, has no lines and, therefore, says nothing at all. On all three screens, he merely gives himself a good shake, then continues on his damp way, no doubt hoping to find someplace to spread his clothing out in the sunlight before he has to walk too much further in his wet overalls. And then, almost unexpectedly, the show is over, the man is gone, and all that is left is a room full of grown men and women peering into copies of Tractate Makhshirin and trying to find a lesson of spiritual importance embedded somewhere within the complicated twists and turns of its meandering legalism.

The sages of ancient times spoke about impurity—about *tumah*—in two distinctly different voices. On the one hand, there are many contexts in which they spoke about *tumah* as though it were a physical substance.

Indeed, various principles adduced to explain its contaminative nature sound far more like one or another of Boyle's laws of gas than spiritual principles worthy of devotional contemplation. For example, when Tractate Ohalot pauses, as it does on *seventeen* different occasions, to note that it is in the nature of *tumah* under certain conditions to move endlessly upwards and downwards—the Hebrew is *bokaat ve'olah bokaat veyoredet*—but not to spread out in a sideways direction at all, it sounds as though we are discussing the behavior of a particular substance in the physical world, not some sort of midrashic or moral principle.⁸ And when we read in that same tractate that it is in the nature of *tumah* to flow *out* of confined areas, but not to flow *into* them—a principle to which Ohalot returns eight different times—the principle enunciated really does sound far more like natural law than ethics or spirituality.⁹

In other contexts, however, the rabbis scrupled to make absolutely clear that *tumah* is not a real substance at all—that, like holiness, it exists within the realm of the spirit and is a kind of midrash on physical reality, a kind of ancient attempt to express Scriptural values by translating them from literature into law. A good example is the first *mishnah* in Tractate Tohorot, where the *tanna* attempts to organize his listeners' thinking about the specific way the *tumah* laws treat the *neveilah* carcasses of kosher fowl, that is to say, the carcasses of kosher birds that have either died on their own or been killed *not* in accordance with the laws of kosher slaughter.¹⁰ There are thirteen different points the *tanna* has to make, each of them interesting in its own right, but first and perhaps foremost among them is the observation that such carcasses require that someone seriously intend to eat them before they can be deemed susceptible to *tumah*.¹¹

In other words, for the laws that govern *tumah* contamination to apply to the unkosher carcasses of kosher birds, the carrion must actually be thought of, at least by someone, as edible food. In his comment *ad locum*, Rambam spells this out in more detail: “. . . permitted foods that people normally consume for nourishment, like figs and dates and kosher-slaughtered meat . . . do not require any special intention (i.e. to make them susceptible to *tumah*,) because they are considered to be standardly edible . . . but foods that are not permitted for consumption, e.g. the *neveilah* carcasses of fowl, are deemed to be sources of *tumah* only if someone formally intends to eat them nonetheless. In that they thus become a kind of food,

they become susceptible to *tumah* according to the laws that govern that kind of contamination. . . .”¹²

There seems to have been some attempt to refine these laws further in light of societal reality in ancient times. For example, we learn at the end of the Tractate Uktzin that the law regarding the possibility of *tumah* contamination as it applies to the *neveilah* carcasses of kosher fowl is dependent on societal conditions and that, in some settings, we may simply presume the intent of individuals without having actually to locate or name them.¹³ Therefore, the *neveilah* carcass of a kosher bird requires intent in a village setting, where, presumably, such a thing would more or less *never* be eaten, but not in a big-city *shuk* where, as Rabbi Samson of Sens, commenting *ad locum*, realistically notes that, “huge crowds frequent the market, and there are (inevitably going to be) many among them who do not consider kosher fowl inedible merely because it has not been kosher slaughtered.”¹⁴

What interests me about these laws, however, is not their specific applicability to the carcasses of birds—or the degree to which they nod to how things are out there in the big *shuk* of life—but what they imply about the nature of *tumah* itself.

Like the first set of rabbinic texts mentioned above, most texts in the Bible that deal with *tumah*—and more or less all the ones that present actual legislation regarding *tumah* contamination and the lustrative rituals that may under certain circumstances undo such contamination—suppose *tumah* really to exist. When, for example, Scripture notes that *tumah* can somehow be kept from entering a pot if there is some sort of tightly fitted lid atop it, it sounds unambiguously as though the *tumah* is a kind of air-borne contagion that simply, for some unstated reason, cannot pierce the specific kind of fitted lid known technically as a *tzamid patil*.¹⁵ And in the beginning of Leviticus 15, for further example, when the Torah provides clear instructions about distinguishing between the kind of genital discharge a man might produce that “has *tumah* in it” and the kind that does not, it is hard to imagine the passage is meant to be taken poetically, metaphorically or symbolically.¹⁶

There are lots more examples, but I think it is fair to say that Scripture imagines *tumah* to be an existent thing that infects in some ways and not in others, and which can be eradicated only under certain specific conditions. Why else would there be a distinction in the laws that affect the individual who carries the carcass of an impure animal and one who merely touches

it?¹⁷ And even when the Torah clearly *is* speaking metaphorically—for example, when the text describes how the indigenes of Canaan slowly made the land more and more impure with their abominable sexual practices until it finally could take no more and puked them out like so much pyal-ized poison—the analogy works precisely because depravity of the Canaan-ites was so wholly real, and so totally toxic, that it could reasonably be compared to *tumah* itself and imagined to have infected the land on which the people lay as they committed their perverse sins *precisely* in the same way persons afflicted with the horrific venereal disease called *zivah* make impure their beds merely by lying upon them.¹⁸

And that brings us back to Makhshirin. The laws governing the susceptibility of foodstuffs to *tumah* contamination are, as noted above, wholly dependent on the question of intent. Our *mishnah* merely takes the idea to a new level, at first merely by extending its simple meaning. Thus, the original idea of Scripture, that foodstuffs become susceptible if an individual wets them down because he or she *wishes* them to be wet (as, for example, would be the case with a greengrocer who wants to display his produce in the *shuk* to its finest advantage), expands to cover the situation would ensue even if the individual in question has no interest at all in the food becoming wet, but merely wets it down with water he or she came into contact with in a way that was not wholly undesirable or unpleasant.

The man on the first screen is not happy to be wet. He doesn't like walking around in wet clothing. He just needed to cross the river and did what he had to do. The man on the second screen is equally irritated—he needed some drunken freak crashing into him and shoving him or his ass into a river? (Even on a hot day, after all, who would find it pleasant to walk around in wet clothing behind a wet donkey?) The situation depicted on the third screen takes this thinking to a new level, however. By teaching us that as long as there is someone—anyone at all, apparently—who willfully undertook some action in the world that eventually, even circuitously, led to the vegetables being wet down, then that instance of human will (distant, forgotten or irrelevant as it might seem to the outside observer) is sufficient reason to consider them *mukhsharin*, that is to say, susceptible to *tumah* contamination. Since the non-drunk assailant wanted him to be wet—which is why he jumped on him in the first place and shoved him into the water—the water on the dunkee's bulging biceps does not cancel out the

water from the first river, the one in which he himself willingly bathed, and which, therefore, continues to risk rendering foodstuffs into contact with which it might come susceptible to contamination with *tumah*.

From this almost incredible valorization of the power of human will, I believe we can learn some fairly meaningful spiritual principles . . . and it is these principles that our ancient *ḥamar* has come to teach us.

In the end, he is suggesting, religion really is all about will, about attitude, about desire. Generally speaking, Scripture treats *tumah* as a real, physically existent contagion. The rabbis, endeavoring to build a religious civilization founded on timeless values—and fully aware that religion is poetry, not science—understood the focused human will, buttressed by unfettered human intelligence and sustained by the personal spiritual integrity of the individual in question, to be the context in which the pilgrim's great goal of attaining communion with the living God can be reached. They found different ways to express this truth, of course, but the complex of diverse *mishnayot* that have at their core the underlying assumption that, biblical evidence notwithstanding, *tumah* actually has no physical existence at all form a central plank in the rabbinic attempt to enshrine this philosophical principle in law.

Indeed, by creating a long string of halakhot that do not make any sense at all if *tumah* is supposed physically to exist, and then by presenting them alongside halakhot derived directly from the biblical model of *tumah* as contagion, the sages are paying lip service to a scriptural idea while expressing themselves at the same time almost clearly about certain cardinal principles of their most basic religious philosophy.

In their own way, the rabbis of the Mishnah are nodding to the underlying truth that human beings encounter God, the Mind of the universe, along the labyrinthine byways of their own active intellects, and that the physical universe provides the interpretive context in which God may be sought, not the actual theater in which communion with the divine can actually take place. More to the point, by teaching *mishnayot* like the one we have been discussing, they are teaching that the intellectual elaboration of the law is the traditional Jewish framework for devotional progress not because there is some secret reward stored up somewhere for those who successfully elicit the halakhah from the text of Scripture, or not *solely* for that reason, but because only the mind itself exists really enough to make

straight and travelable the road to Jerusalem every true pilgrim—or at least every Jewish one—must wander towards the redemptive moment. In other words, Torah study “works” because the intellect (where will, native intelligence and erudition meet to create the moral self) is the temple in which the pious can experience communion with God.

By elaborating the law of Scripture in a way that transforms *tumah* from miasma into the dark shadow of potential degradation every created thing possesses by virtue of its existence in the perceptible universe, the sages are thus teaching a profound, inspiring lesson . . . or rather, they are sending a phantasmal, drenched ass driver to us latter-day students of the Mishnah to teach it. Does it make sense, he dares us all to ask, to imagine a bunch of beets to be susceptible to impurity if they have been wet down with water shaken onto them from an ass driver’s hairy arms *if* he had been pushed into the river by a sober roughhousing buddy, but not if he was pushed into that same river by that same man when he was drunk? How could it possibly matter if the man was drunk or not? How could the beets know? And even if we descend to the level of cartoonish whimsy on which beets do somehow know things like that, why would we ever imagine that they would care? And even if they did somehow care—and these would have to be *some* beets we’re discussing—how could the *tumah* itself know whether or not to infest them? Surely *tumah* cannot waft towards a bunch of beets and behave differently than it otherwise might have based on the blood-alcohol level of the unidentified, unnamed, long-since vanished man who pushed into a river the ass driver off of whose hirsute chest the water that wet down the beets dripped?

The more seriously the discussion is pursued, the more ridiculous it sounds . . . but the search for God in the world is not ridiculous, and for exactly the same reason: because, in the end, the will of any human being is the engine that draws that individual forward towards his or her personal Jerusalem, towards redemption, and towards God. The temple the pious erect as the theater for their own successful encounter with the God of Israel is thus built, not of dolphin skins and unhewn Jerusalem stone, but of faith, purity, piety, holiness and longing for God unadulterated by the hope for personal gain. That such things actually exist in the world as projections of the human will onto the world of things is proof positive that communion with God need not only be yearned for, but can actually be attained.

And that it can be attained not solely by prophets and kings, but by normal people prepared to focus their wills towards God, the redemptive Will of the universe and its moral Intellect.

NOTES

1. See my essays in *Conservative Judaism* 57:2 (Winter 2004) and 58:1 (Fall 2005).

2. The *mishnah* about to be cited is M. Makhshirin 5:1. The mishnah makes no specific reference to ass drivers. I am simply supposing that the ass drivers crossing a river at M. Makhshirin 3:7 have returned (with their donkeys) to recross their river under slightly different circumstances a few *mishnayot* later. I wish I could say that my personal *magid* whispered that into my ear . . . but I just made it up to make it simpler for readers to visualize the scene.

3. MT Hilkhot Tumat Okhalin 1:1.

4. Ibid. 1:2.

5. M. Makhshirin 6:4.

6. To see how the rabbis deduced this detail from Scripture, see the discussion at B. Bava Metzia 22a-b. The basic principle has to do with the anomalous spelling of the Hebrew word *yutan* at Leviticus 11:38 and the lesson the rabbis found embedded in the anomaly.

7. See Rambam's remarks at MT Hilkhot Tumat Okhalin 16:8, where the text could not be clearer that there is no prohibition for most people under most circumstances from ingesting food that has been actually been contaminated with *tumah*, let alone only rendered susceptible to contamination. Rambam refers in the final paragraph of his treatise to the kind of super-pietists of ancient times who consciously chose to disregard the letter of the law in order to be more stringent with themselves, but without specifically endorsing the stringency as something worthy of emulation.

8. M. Ohalot 6:6, 7:1, 7:2, 9:13, 9:14, 9:16, 10:6, 10:7, 12:6, 12:7, 14:7, 15:1, 15:3 and 15:7. The words appear in some of these *mishnayot* several times. Cf. MT Hilkhot Tumat Meit 7:5.

9. M. Ohalot 3:7, 4:1, 4:2, 4:3, 9:9 and 9:10. The phrase appears twice in 3:7. Cf. MT Hilkhot Tumat Meit 18:4 or 20:8.

10. Cf. Rambam's comment in the *Mishneh Torah*, Hilkhot Avot Hatum'ot 3:2.

11. M. Tohorot 1:1.

12. Rambam to M. Tohorot 1:1, s.v. *tzerikhab makhsavah*, cf. his codification of this principle in the *Mishneh Torah* at Hilkhot Tumat Okhalin 3:3. The Mishnah turns to the parallel laws that govern the *neveilah* carcasses of unkosher birds at M. Tohorot 1:3.

13. M. Uktzin 3:3.

14. Whether Rabbi Samson had in mind the large number of Gentiles that frequent markets in big cities with large non-Jewish populations, or whether he was nodding to the low level of *kashrut* observance among the Jews in such cities, is unclear. Rabbi Obadiah of Bertinoro's comment *ad locum* is equally vague, but cf. Rashi's comment to B. Keritot 21a, s.v. *vekhein nivlat of tabor bakefarim*. Shlomo Feldman, in his magisterial work, *Sefer Sha'arei Da'at* (Jerusalem, 2001), p. 169, note 202, supposes, I suppose hopefully, that the purchasers would be Gentiles.

15. Numbers 19:15, following Rashi's comment *ad locum*. Ibn Ezra takes the phrase to refer to a kind of double seal.

16. Leviticus 15:3.

17. Compare Leviticus 11:24 and 11:25. The word "and" that introduces verse 25 in the new Jewish Publication Society translation (Philadelphia, 1985) would be better translated as "but." Cf. Rashi's comment to verse 24, s.v. *vekhoh hanos'ei minivlatam*.

18. Leviticus 18:25, MT Hilkhoh Metam'ei Mishkav Umoshav 1:1.

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