



The Canonical Status of Song of Songs in *m. Yadayim* 3.5

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Abstract

This article analyzes the rabbinic discussion of whether Song of Songs renders the hands unclean in *m. Yad.* 3.5. This text has often been used to suggest that the canonicity of the Song of Songs was contested in early Judaism, thus ‘functionally decanonizing’ this biblical book. Yet this view has recently come under serious challenge because of other evidence in the rabbinic tradition. This study evaluates various interpretations of the discussion, which alternately emphasize canonicity, ritual purity, or divine inspiration. It explains the weaknesses of several proposals and suggests that a solution to the problem might lie in demonstrating the non-equivalence of canonicity and ability to defile the hands through reference to *m. Yad.* 4.5.

Keywords: Song of Songs, Canon, Mishnah, Tetragrammaton, *Yadayim*.

1. Introduction

Song of Songs has become ‘functionally decanonized’ for many communities that claim it as scripture.¹ For many of these communities, the book is merely a collection of human love poems that have little or no relation to spiritual or religious life. Bible scholars have participated in this process of decanonization by insisting that the canonicity of the book was questioned from the earliest times, basing their claim on a text from the Mishnah (*m. Yad.* 3.5). By repeating this assertion, they undermine the ability of a faith community to read the book as a religious text. However, M. Broyde and J. Barton have shown that this assertion is incorrect because it fails to interpret the Mishnah text accurately.² Yet neither Broyde nor Barton has offered a satisfactory alternate interpretation of the text of *m. Yad.* 3.5. In this study, I will develop their research to explain the text from *m. Yadayim* and show that the rabbis never questioned the canonicity of the Song, but only its ritual status.

2. Canonicity in Rabbinic Judaism

The controversy surrounding the canonicity of the Song of Songs finds its origin and terminus in a single passage in the Mishnah:

All holy scriptures (*kithē-haqodesh*, ‘writings of holiness’) make the hands unclean. The Song of Songs and Ecclesiastes make the hands unclean. R. Judah said: the Song of Songs makes the hands unclean but there is a dispute concerning Ecclesiastes. R. Jose said: Ecclesiastes does not make the hands unclean but there is a dispute concerning the Song of Songs. R. Simeon said: Ecclesiastes is among the lenient decisions of the School of Shammai and among the stringent decisions of the School of Hillel. R. Simeon b. Azai said: I have heard a tradition from the seventy-two elders on the day that R. Eleazar b. Azariah was appointed head of the Academy, that the Song of Songs and Ecclesiastes make the hands unclean. R. Akiba said: God forbid that any man in Israel ever disputed concerning the Song of Songs, saying that it does not make the hands unclean, for the whole world is not worth the

1. David M. Carr, ‘The Song of Songs as a Microcosm of the Canonization and Decanonization Process’, in A. van der Kooij and K. van der Toorn (eds.), *Canonization and Decanonization* (Leiden: Brill, 1998), pp. 173-89.

2. Michael J. Broyde, ‘Defilement of the Hands, Canonization of the Bible, and the Special Status of Esther, Ecclesiastes, and Song of Songs’, *Judaism* 44 (1995), pp. 65-79; John Barton, ‘The Canonicity of the Song of Songs’, in Anselm D. Hagedorn (ed.), *Perspectives on the Song of Songs* (New York: W. de Gruyter, 2005), pp. 1-7.

day on which the Song of Songs was given to Israel, for all the scriptures [or, all the Writings] are holy, but the Song of Songs is the holiest of the holy. If there was a dispute, it concerned Ecclesiastes. R. Johanan b. Joshua, the son of R. Akiba's father-in-law, said: According to what was said by Ben Azai, thus they disputed and thus they decided.³

This passage appears in a section of the Mishnah dealing with rules for purity of the hands, which includes rules for hand washing and discussions about different items which make the hands unclean: some holy items like *tefillin*, which contain portions of the Torah (3.3), and some profane items like bread (2.4). A few other sections mention scripture and how it relates to having clean hands.⁴ The fundamental point is that the holiness of the scriptures is what causes hands touching them to become unclean, because 'according to their preciousness is their uncleanness'.⁵ Commentators have used the passage from *m. Yad.* 3.5 to question the status of the Song of Songs and the nature of the biblical canon in general. Formerly, this Mishnah passage was the foundation for the idea that the Jewish canon was fixed at the so-called Council of Jamnia.⁶

In addition, this passage has been used to perpetuate a host of opinions about early Jewish and Christian exegesis of the Song of Songs. Barton summarizes this collection of opinions thus:

It is a received opinion that there were disputes about the canonicity of the Song of Songs in both Judaism and Christianity around the turn of the era. It is widely assumed that these disputes were caused by the erotic character of the Song, which made it hard for some to accept that it could stand as part of Holy Scripture. Canonicity was eventually secured for the book, so it is held, only by interpreting it allegorically as a celebration of the love of God for Israel (in Jewish circles) or for the Church (in Christian ones).⁷

Barton rejects this 'received opinion' and proposes that allegorical reading was standard practice in the ancient world, not an out-of-the-ordinary hermeneutical move used solely on the Song of Songs in order to suppress the sexual content in the text. Barton insists that the passage from *m. Yadayim* has nothing to do with canonicity and that the dispute

3. *m. Yad.* 3.5 trans. Barton, 'Canonicity', p. 3.

4. *m. Yad.* 3.2; 4.5, 6.

5. *m. Yad.* 4.6, trans. Jacob Neusner, *The Mishnah: A New Translation* (New Haven, CT: Yale University Press, 1988), p. 1130.

6. Jack P. Lewis, 'Jamnia (Jabneh), Council of', in *ABD*, III, pp. 634-37.

7. Barton, 'Canonicity', p. 1.

was not repeated or even introduced into Christian discussion. He asserts that ‘none of the Fathers argue that the book is of doubtful status’.⁸ For Barton, ‘Allegorical reading was a consequence, not a cause, of canonicity’.⁹ Here Barton breaks with the majority of commentators, but justifiably so. He reveals that the significance of the rabbinic dispute and the function of allegorical reading in the ancient world are seriously misunderstood by recent commentators.

To demonstrate the validity of Barton’s criticism, a survey of major commentators is appropriate. M. Pope (1977) slips into the pitfall observed by Barton straight away:

From rabbinic sources we gather that there was some dissension about the canonicity of the Song of Songs at the council of Yabneh (Jamnia) and that Aqiba took an active part in the controversy. This need not mean, as some scholars (notably Graetz)¹⁰ have supposed, that the book had remained outside the Canon until that time. The issue was not whether the book was included in the Canon, but whether it should have been.¹¹

R. Murphy (1990) likewise embraces the ‘received opinion’ of *m. Yad.* 3.5 as a discussion of canonicity:

The first certain comments on the Song’s canonicity in Jewish tradition appear in the Mishnah and reflect some continuing debate among first-century sages regarding the full scriptural status of this book as well as Ecclesiastes. Here the majority of rabbinic opinion declares both works to ‘defile the hands’; i.e., they are deemed canonical.¹²

However, more-recent commentaries turn to the work of M. Broyde (mentioned above) to work out a more refined position that does not squeeze the first-century rabbinic discussion into an anachronistic canon-focused framework. Thus T. Longman (2001), D. Garrett (2004), and R. Hess (2005) avoid the pitfall.¹³ On the other hand, J.C. Exum (2005) proceeds cautiously by referring to the rabbinic discussion as a ‘debate

8. Barton, ‘Canonicity’, p. 2.

9. Barton, ‘Canonicity’, p. 3.

10. Heinrich Graetz, *Schir Ha-Schirim oder das Salmonische Hohelied* (Vienna: Wilhelm Braumüller, 1871).

11. Marvin Pope, *Song of Songs* (AB, 7C; New York: Doubleday, 1977), p. 19.

12. Roland A. Murphy, *The Song of Songs* (Hermeneia; Minneapolis: Fortress Press, 1989), p. 6.

13. See Tremper Longman III, *Song of Songs* (NICOT; Grand Rapids, MI: Eerdmans, 2001), pp. 57-58; Duane Garrett, *Song of Songs* (WBC, 23B; Nashville: Thomas Nelson, 2004), pp. 14-15, and Richard Hess, *Song of Songs* (BCOT; Grand Rapids, MI: Baker, 2005), pp. 20-21.

about the Song's authoritative status'¹⁴ that resolves 'in favor of canonicity',¹⁵ while at the same time including a footnote that refers to Broyde's work and the possibility that the *m. Yadayim* discussion was about 'only how the book should be treated'.¹⁶ G. Barbiero (2011) also avers that the discussion concerns 'the problematic canonical status of the book',¹⁷ while stating in a footnote that the meaning of defiling the hands in context 'is not at all clear'¹⁸ without referring to Broyde. Alternatively, M. Fishbane (2015) carefully avoids equating the rabbis' discussion topic with canonicity:

Rabbi Akiva's proclamation is evidence of a deliberation long after the books in question had been incorporated into the sacred canon. The issue at hand was whether all these works should be treated alike (viz., had the same sanctity), or whether some deserved a lesser status (presumably due to their content or lack of explicit divine inspiration).¹⁹

Thus Barton's critique is verified, yet a considered diversity of opinion on these matters is evidenced, with more recent commentators resisting the temptation to over-interpret *m. Yad. 3.5*.

3. Vermin and Making the Hands Unclean

If the classification of a book as making the hands unclean is not equivalent to inclusion in the canon, then what is its significance? At first, Barton, relying on Goodman, attempts to penetrate the rabbinic tradition by suggesting that the ability of the books to make hands unclean was 'an attempt to give a theologically acceptable account of popular reverence for the scrolls of the Torah'²⁰ since the rabbis did not want to fall into a 'semi-idolatrous' relationship with scrolls.²¹ Later,

14. J.C. Exum, *Song of Songs* (OTL; Louisville, KY: Westminster/John Knox Press, 2005), p. 70.

15. Exum, *Song of Songs*, p. 71.

16. Exum, *Song of Songs*, p. 71 n. 26.

17. G. Barbiero, *Song of Songs: A Close Reading* (VTSup, 144; Leiden: Brill, 2011), p. 1.

18. Barbiero, *Song of Songs*, p. 1 n. 2.

19. M. Fishbane, *Song of Songs* (JPS Bible Commentary; Philadelphia: Jewish Publication Society, 2015), p. xxii.

20. John Barton, *Holy Writings, Sacred Text* (Louisville, KY: Westminster/John Knox Press, 1997), p. 111.

21. M.D. Goodman, 'Sacred Scripture and 'Defiling the Hands'', *JTS* 41 (1990), pp. 99-107 (104).

Barton returns to the ‘non-equivalence’²² of defiling the hands and canonicity and suggests that the answer is to be found not in a book’s content, but in a ‘physical characteristic’.²³ S. Leiman offers a different view that reveals what influences may be at work with a quotation from *b. Shab.* 14a:

And why did the rabbis impose uncleanness upon Scriptural books? R. Mesharshiya (350–375) said: Because originally *terumah* foods were stored near Torah scrolls, for they argued: This is holy and that is holy. When it was seen that the books came to harm, the rabbis imposed uncleanness upon them.²⁴

This Talmudic opinion attempts to explain how it is that sacred scrolls impart uncleanness. Building on this view, Broyde argues that the idea of holy books making a person’s hands unclean originated from a rabbinic decree designed to protect sacred scrolls from vermin in the Temple. He points to this passage from Maimonides:

Aforetime, they used to leave heave-offering loaves beside scrolls of Scripture, saying, ‘This is a Hallowed Thing and that is a Hallowed Thing’. But mice came and tore the scrolls. Therefore it was decreed that if heave offering touches any of the Holy Scriptures, it becomes unclean, and it suffers third-grade uncleanness as though it had touched second-grade uncleanness. Thus, all of the Holy Scriptures render heave offering invalid as though they suffered second-grade uncleanness.²⁵

Maimonides is reflecting from a much later time period and his observations are likely drawing on the text from *b. Shab.* 14a. Nonetheless, Broyde summarizes the idea thus: ‘the Sages of the Talmud observed people [that] would store *terumah* (a “sacred” food) in the ark with the holy scrolls saying “both are holy.” In order to prevent this conduct, which apparently led to rats, mice and weasels eating the scrolls as well as the sacred food, the Sages enacted a series of rabbinic decrees designed to deter this conduct.’²⁶ The decrees forbade handling the sacred scrolls and the sacred food in turn without first ritually washing

22. Barton, ‘Canonicity’, p. 4.

23. Barton, ‘Canonicity’, p. 4.

24. *b. Shab.* 14a, quoted in Sid Z. Leiman, *The Canonization of Hebrew Scripture: The Talmudic and Midrashic Evidence* (Transactions of the Connecticut Academy of Arts and Sciences, 47; New Haven, CT: Archon Books, 2nd edn, 1991), p. 108.

25. Maimonides, *The Book of Cleanness* 10.9.5, trans. Herbert Danby, *The Code of Maimonides* (Yale Judaica, 8; New Haven, CT: Yale University Press, 1954), p. 286.

26. Broyde, ‘Defilement’, p. 66.

one's hands. In this manner, persons would be discouraged from placing the scrolls and the food together and so the decrees would reduce the chance that a sacred text would be destroyed by vermin. The ability of a sacred text to make a person's hands unclean was not intrinsic to the texts, but was legislated by ancient rabbis for a practical reason: to prevent the destruction of the texts by vermin. Thus the 'received opinion' runs into a roadblock. The rabbis were concerned with rules of ritual purity to protect the holy scriptures, not with biblical canon. While this might be the case, it seems that R. Mesharshiya, and Maimonides who relies on him, are stretching to arrive at an explanation of the much earlier dispute. As M. Goodman puts it, 'It seems a complicated way to achieve a simple end',²⁷ to protect the scrolls from vermin. Solving the question comes to be a matter of sorting through the later opinions to see if any of them shed light on the nature of the original controversy.

4. Significance of Making Unclean the Hands

The significance of the discussion about whether a book makes unclean the hands in the Mishnah is disputed in the early Jewish commentaries on the Mishnah. Broyde presents three basic opinions from these commentaries. First, 'Some authorities accept that the dispute is about membership of these books in the canon'.²⁸ Second, others 'maintain that the dispute is not about membership in the canon but some other lesser disagreement as to whether these works—clearly members of the canon—defile the hands or not'.²⁹ Third, (a) for some authorities 'there is no difference between these books and any other books of the *Writings*';³⁰ (b) for other authorities 'these works do not defile the hands'.³¹ While Broyde shows that there is little uniformity in the early Jewish interpretation of the Mishnaic tradition, his work illustrates that the early rabbinic discussion on the status of the Song of Songs is more about ritual purity than about canon membership. Indeed, following from his analysis, it is tempting to suggest that the rabbis were talking past each other. Yet two other rabbinic texts clue us in that wider-ranging

27. Goodman, 'Sacred Scripture', p. 100.

28. Broyde, 'Defilement', p. 72.

29. Broyde, 'Defilement', p. 72.

30. Broyde, 'Defilement', p. 72.

31. Broyde, 'Defilement', p. 73.

theological concerns may be in play. The Tosefta records another of R. Aqiba's opinions on the Song: 'He who, at a banquet, renders the Song of Songs in a sing-song way, turning it into a common ditty, has no share in the world to come'.³² Similarly, the Talmud lists an opinion: 'Our Rabbis taught: He who recites a verse of the Song of Songs and treats it as a [secular] air, and one who recites a verse at the banqueting table unseasonably, brings evil upon the world'.³³ Barbiero finds the Tosefta text to indicate that Aqiba was 'a firm believer in the allegorical interpretation'.³⁴ Yet Exum asks the essential question: 'Was it allegorization that made the Song acceptable for inclusion in the biblical canon? Or did inclusion in the canon lead to allegorization?'³⁵ While Aqiba clearly defends the holiness of the Song, none of the recorded opinions reveal that he held to an allegorizing interpretation of it, nor is it necessary to suppose an allegorical reading preceded the canonicity of the text.³⁶ Aqiba's enthusiastic endorsement of the Song does not explain the meaning of its ability or inability to defile the hands.

Another possibility, alluded to above, has been raised by M. Goodman, who finds the origin of the ability of scriptures to impart uncleanness in Jewish embarrassment over the reverence rendered to the Torah scrolls. He argues that over time, the practice of treating the scrolls with special care developed to such an extent that outsiders could have viewed their treatment of the scrolls as idolatrous. He offers this analysis of the situation:

Faced by the fact that ordinary Jews treated scrolls of scripture as too special to be used as ordinary objects, and unwilling to accept that such behaviour could be put down to the semi-idolatrous notions that pieces of parchment could be sacred, the Pharisees may have explained customary behaviour by asserting that the scrolls of the Torah must be handled with care because when touched they would defile the hands.³⁷

32. *t. Sanh.* 12.10. H. Danby (trans.), *Tractate Sanhedrin: Mishnah and Tosefta* (London: Society for Promoting Christian Knowledge, 1919), p. 121.

33. *b. Sanh.* 101a. I. Epstein (trans.), *The Babylonian Talmud: Seder Neziḳin, Sanhedrin II* (London: Soncino Press, 1935), p. 684.

34. Barbiero, *Song of Songs*, p. 2.

35. Exum, *Song of Songs*, p. 71.

36. See J. Luzarraga, 'El Cantar de los cantares en el Canon bíblico', *Gregorianum* 83 (2002), pp. 5-63.

37. Goodman, 'Sacred Scripture', p. 104.

Thus, for Goodman, the legislation is merely catching up with current practice—justifying a reverence for the scrolls of scripture, which does not originate in scripture. However, Goodman’s view of how the ancient Jews venerated the scrolls of scripture does not stand up to T. Lim’s critique: ‘Goodman does not cite any textual evidence. Even if the practice did exist in ancient times, then presumably it would not apply to the rest of the books of the prophets and writings, since only the Torah scroll would have been paraded in the synagogue.’³⁸

Instead, Lim presents a new argument that accounts for the citation of Num. 10.35, which mentions the Ark of the Covenant, at the beginning of *m. Yad.* 3.5. The discussion of sacred scrolls imparting defilement begins with this brief citation. Lim argues that the Ark is cited in order to justify the subsequent discussion. In the same way that the Ark was so holy that it was lethal, so the scriptures impart a *sancta contagion*. He explains, ‘What the Mishnah must have meant was that the effect of the Ark’s holiness on the unsanctified is comparable to the defiling effect of sources of impurity’.³⁹ Yet the concept of the *sancta contagion* deteriorates over time so that the only available notion was that of contagious impurity, which is deployed by the rabbis to describe the ritual status of the sacred scrolls.⁴⁰ While Lim mostly avoids questions of canonicity in his article, elsewhere, in his more lengthy work, he argues that ‘the belief that holy scriptures defile the hands is an important criterion that contributed to the formation of the Rabbinic canon’.⁴¹ Lim’s argument about the *sancta contagion* more completely explains the inner workings of the ritual purity rules at stake and offers a coherent background for the paradoxical idea of something holy defiling one’s hands, yet he still sees the subject of the dispute in *m. Yad.* 3.5 as canonicity, though with careful consideration of the historical context of the discussion.⁴²

38. T. Lim, ‘The Defilement of the Hands as a Principle Determining the Holiness of Scriptures’, *JTS* 61 (2010), pp. 501-15 (505).

39. Lim, ‘The Defilement of the Hands’, p. 511.

40. See Shamma Friedman, ‘The Holy Scriptures Defile the Hands—the Transformation of a Biblical Concept in Rabbinic Theology’, in M. Brettler and M. Fishbane (eds.), *Minhah le-Nahum: Biblical and Other Studies Presented to Nahum M. Sarna in Honour of his 70th Birthday* (JSOTSup, 154; Sheffield: JSOT Press, 1993), pp. 117-32.

41. T. Lim, *The Formation of the Jewish Canon* (AYBRL; New Haven: Yale University Press, 2013), p. 180.

42. See Lim, *Formation*, pp. 50-53.

5. The Tetragrammaton

The rabbis also discussed the status of two other biblical books.⁴³ First, in *m. Yad.* 3.5, the status of Ecclesiastes is also questioned. In the Talmud, one opinion questions the ability of Esther to make unclean the hands.⁴⁴ The characteristic which unites these three books, apart from all other books of the Old Testament, is the fact that none of them contain the tetragrammaton. In the rabbinic material, this point is not addressed directly. However, Broyde argues that the absence of the tetragrammaton was the initiating factor of the rabbinic arguments over the status of Song of Songs, Ecclesiastes, and Esther. He asserts that ‘there were some Sages who were less fearful of the religious consequences of either rodents and weasels eating the text of these scrolls or of their burning in a fire since they did not contain the holiest name of God (or in the case of Esther, any name of God) in the text’.⁴⁵ Broyde offers two key interpretations of the rabbinic data. First, the ability of a holy book to make the hands unclean was decreed by the ancient sages to prevent vermin from destroying scrolls. Second, the presence or absence of the tetragrammaton in a book determined its ability to make the hands unclean or not. Barton likewise (and apparently independently) observes the absence of the tetragrammaton in the three books as a uniting factor. He claims that ‘it is possible that this is why there was some dispute about

43. In addition to Esther and Ecclesiastes, there is some rabbinic discussion as to whether Proverbs and/or Ezekiel should be ‘withdrawn’ (נִסָּד). See Leiman, *Canonization*, pp. 72-86, for a presentation and examination of the evidence, where he concludes that the rabbinic use of the word ‘in no way casts aspersions on the sanctity or canonicity of the books. Indeed, it verifies their sanctity and canonicity’ (p. 79). Because of the books’ difficult material—Ezekiel appears to contradict the Torah (*Shab.* 13b), while Proverbs is sometimes self-contradictory (*Shab.* 30b)—some authorities proposed that Proverbs and Ezekiel be withdrawn from circulation, but not from the canon. Leiman (p. 80) emphasizes that the books are never said to be incapable of defiling the hands and in the case of Ezekiel, its canonicity had been solidified long before the rabbinic discussions on its withdrawal. Yet one Talmudic source records, ‘Originally they used to say: Proverbs, Song of Songs, and Ecclesiastes were withdrawn, for they presented mere parables and were not part of Scripture’ (*ARN* 1.4; cited in Leiman, *Canonization*, p. 74). Fishbane avers that the underlying controversies reported by this text do not describe ancient events as they purport to, but ‘palpably reflect a contemporary tension and its resolution’ (*Song of Songs*, p. xxiii). Also, see Roger T. Beckwith, *The Old Testament Canon of the New Testament Church* (Grand Rapids, MI: Eerdmans, 1985), p. 288.

44. *Meg.* 7a.

45. Broyde, ‘Defilement’, p. 73. Original emphasis removed.

whether scrolls containing these books conveyed uncleanness'.⁴⁶ For Barton then, the discussion in *m. Yadayim* only arose 'because of their admitted canonicity'.⁴⁷ This alternative interpretation of the dispute is important, yet it has two problems.

First, in the case of Song of Songs, there is a controversy over whether the divine name is present in Song 8.6 in the word *שלהבתיה*. The dispute begins in the Masorah, with a textual disagreement over whether the word should be written with the *maqef* in this manner: *שלהבתיה*.⁴⁸ Thus in some opinions, the *yh* component constitutes the inerasable name of God, even though it is not the tetragrammaton itself.⁴⁹ Murphy embraces the possibility in his translation ('flames of Yah'),⁵⁰ as do the ESV and NASB ('the very flame of the Lord') and Longman ('god-like flame').⁵¹ While the text will remain a problem, its nature prevented Song of Songs from being completely devoid of the name God, at least from some perspectives. But the fact that the presence of *yh* as a distinct word and its inerasable quality were questioned in the textual tradition shows that there was no unanimity about the presence of God's name in the Song.

The second problem stems from the logical (or illogical) outworking of the ability of a book to defile the hands. If Broyde and Barton's intuition is correct, then it would follow that any text which contains the tetragrammaton would be capable of defiling the hands. Yet in *t. Šabb.* 13(14).5, the authorities reject the holiness of the Gospels even if they contain the tetragrammaton.⁵² They are agreed that the Gospels ought not be saved from fire on the Sabbath, but some argue that on weekdays, the tetragrammata in the text ought to be cut out while the rest would be burnt.⁵³ In addition, Maimonides comments that 'the case of a scroll and the wrappers of scrolls when they are sewn on render the hands unclean; but the Benedictions, although they contain the letters of the Name and

46. Barton, 'Canonicity', p. 4.

47. Barton, 'Canonicity', p. 4.

48. See BHQ 64*: 'Mishael ben Uzziel mentions this case as one of the eight cases where the text of Ben Naftali differs from that of Ben Asher: *שלהבתיה*'.

49. Broyde, 'Defilement', p. 74 n. 56.

50. Murphy, *Song of Songs*, p. 190.

51. Longman, *Song of Songs*, p. 207.

52. *t. Šabb.* 13(14).5.

53. *t. Šabb.* 13(14).5.

many passages from Scripture, do not render the hands unclean'.⁵⁴ Thus, the parts of the biblical scroll that have no biblical content and only a functional purpose—to wrap the scroll—have the power to defile. The Name itself cannot defile the hands when written in the non-biblical context of a benediction. Therefore it would seem that the presence of the tetragrammaton is not the deciding factor. However, in the same discussion, Maimonides also comments that 'If the *Hallel* or the *Shema* was written out for a child to teach itself therewith, although this is not proper, such a scroll renders the hands unclean'.⁵⁵ Here scriptural texts which contain the tetragrammaton and are written on unofficial scrolls defile the hands, but not non-scriptural benedictions which contain the Name. What then, is the deciding factor for Maimonides? It seems that if a text is canonical scripture, then it defiles the hands. If a text is not scripture, even though it has the tetragrammaton, it does not.

6. Divine Inspiration

Leiman, in his book *The Canonization of Hebrew Scripture*, raises an alternative possibility for why Song of Songs, Ecclesiastes, and Esther were labeled by some authorities as unable to make hands unclean. For him, it is not a matter of canon, nor of the tetragrammaton. He states:

The notion of books defiling the hands pertains to divine inspiration and not merely to canonicity. Books which defile the hands are canonical because all inspired books are canonical... *Most books* which the rabbis ruled do not defile the hands are uninspired canonical books.⁵⁶

Leiman's opinion is based on the rabbinic quotations, which he has collected. Two quotes in particular seem to substantiate his point. First, *t. Yad. 2.14*:

R. Simeon b. Menasia (170–200) says: The Song of Songs defiles the hands because it was composed under divine inspiration (ברוח הקדש). Ecclesiastes does not defile the hands because it is only the wisdom of Solomon.⁵⁷

Second, *Megillah 7a*:

54. Maimonides, *Cleanness* 9.9.10, trans. Danby, p. 287.

55. Maimonides, *Cleanness* 10.9.8, trans. Danby, p. 287.

56. Leiman, *Canonization*, p. 114.

57. *t. Yad. 2.14*, quoted in Leiman, *Canonization*, p. 106.

Rab Judah (250–290) said in the name of Samuel (220–250): The Scroll of Esther does not defile the hands. Are we to infer from this that Samuel was of the opinion that the Scroll of Esther was not composed under divine inspiration (ברוח הקדש)? How can this be, seeing that Samuel has said that the Scroll of Esther was composed under divine inspiration? It was composed to be recited but not to be written.⁵⁸

The disagreement manifested in these texts is still about the ritual purity of hands, yet it goes deeper than that. Simeon b. Menasia dismisses the ability of Ecclesiastes to defile the hands based on the fact that it is only Solomon's wisdom, not directly from God. He does not allude to the absence of the tetragrammaton.

The difference here is significant, since it moves from a ritual discussion to a theological consideration with wide-reaching implications. However, Leiman observes that Simeon b. Menasia himself 'expounds a verse from Ecclesiastes, the very book which according to him does not defile the hands!'⁵⁹ The book that does not defile the hands is still worth reading and commenting on. For him, Ecclesiastes is 'an uninspired canonical book'.⁶⁰ Solomon's authorship of the book apparently downgrades its status rather than elevating it. Leiman concludes his presentation with this statement:

There is no evidence in talmudic literature that the rabbis attempted to add a book to the biblical canon. Since no books were added to it, it appears likely that the biblical canon was closed prior to the earliest of the talmudic discussions gathered here. Speculation on the date of the closing of the biblical canon, based upon evidence from talmudic passages treating of books defiling the hands, would appear to be gratuitous. The rabbis were questioning the inspired status of some of the books included in the biblical canon already closed; they were neither discussing canonicity nor closing the biblical canon.⁶¹

Leiman claims that there is a strong distinction between canonicity and inspiration in early Judaism.⁶² For him, the criterion of defiling the hands centers on the question of inspiration, not of canonicity. P. Alexander acknowledges Leiman's view, but points to the difficulty of understanding the mishnaic dispute at issue: "Defiling the hands" is a complex concept which seeks to establish an analogy between a given text and a

58. *b. Meg. 7a*, quoted in Leiman, *Canonization*, pp. 106-107.

59. Leiman, *Canonization*, p. 113.

60. Leiman, *Canonization*, p. 113.

61. Leiman, *Canonization*, pp. 119-20.

62. Leiman, *Canonization*, p. 127.

Sefer Torah: it implies (a) that the text is inspired, and (b) that, if prepared like a liturgical copy of the Torah, it is fit to be read in public worship'.⁶³ Alexander's last point picks up on a little-quoted nearby text, *m. Yad.* 4.5, which states

The *Chaldaic* passages in *Ezra* and *Daniel* render the hands unclean. If the *Chaldaic* passages [in the Scriptures] were written in Hebrew, or if [Scripture passages in] Hebrew were written in *Chaldee* version, or in Hebrew script, they do not render the hands unclean. [The Scriptures] do not render [the hands] unclean unless they are written in the *Assyrian* lettering, [and] on parchment, and in ink.⁶⁴

If a scripture scroll was written with the wrong characters or in the wrong language or on the wrong material, it would not make the hands unclean. Scrolls not properly prepared do not have the same effect as those that are. This concept fits with the distinction made between Jewish scriptures and Christian Gospels mentioned above, that in *t. Shab.* 13(14).5 Torah scrolls are to be rescued from a burning building on the Sabbath, while Christian Gospels, even if they contain the tetragrammaton, are to be left.⁶⁵ As Alexander notes, it is only by 'analogy' to the Torah that the prescriptions in *m. Yad.* 4.5 apply to the other scriptures. Yet these scribal practices match the rabbinic orientation to Torah as a graphic production, as A. Goldberg explains, 'Torah then is, in contrast to all oral revelation..., a thing, an *artefact*, a product of hide or parchment and ink, and at the same time a product of certain signs and letters. This product has an exactly prescribed outward shape.'⁶⁶ If Alexander's analysis of *m. Yad.* 4.5 is correct, then it could help limit the scope of the meaning of defiling the hands. The deciding criterion would not be whether a book is canonical, whether it is divinely inspired, or whether it contains the tetragrammaton, but whether a scripture scroll is properly prepared.

63. Philip S. Alexander, "'The Parting of the Ways" from the Perspective of Rabbinic Judaism', in James Dunn (ed.), *Jews and Christians: The Parting of the Ways A.D. 70 to 135* (Grand Rapids, MI: Eerdmans, 1999), pp. 1-25 (13).

64. *m. Yad.* 4.5 in *Mishnayoth* (trans. Philip Blackman; 7 vols.; London: Mishna, 1955), VI, p. 770.

65. Alexander, "'The Parting of the Ways"', pp. 14-15.

66. A. Goldberg, 'The Rabbinic View of Scripture', in Philip R. Davies and Richard T. White (eds.), *A Tribute to Geza Vermes: Essays on Jewish and Christian Literature and History* (JSOTSup, 100; Sheffield: JSOT Press, 1990), pp. 153-66 (157).

7. Conclusion

Three distinct positions emerge from the above discussion. First, the received opinion asserts that the rabbinic discussion in *m. Yad.* 3.5 equates a book's canonicity with its ability to defile the hands. For this view, the opening sentence of the Mishnah passage, that 'all holy scriptures make the hands unclean', is the interpretive key. H. Hübner insists that 'although the term "canon" still does not appear here, clearly the notion of canonical scripture is implied by the phrase "to defile the hands"'.⁶⁷ The opening statement is thus interpreted to mean *a book is canonical if and only if it defiles the hands*. Second, the position favored by Broyde and Barton sets aside the notion of canonicity and focuses on the question of ritual purity,⁶⁸ finding that a scriptural scroll defiles the hands only if it contains the tetragrammaton.⁶⁹ This position interprets the dissenting opinions in *m. Yad.* 3.5 to be arguing that *a canonical book defiles the hands if and only if it contains the tetragrammaton*. The third position, favored by Leiman, highlights the nature of a canonical book as divinely inspired. He suggests that certain books could be canonical and yet uninspired. For him, the canon was closed two centuries before the discussion of *m. Yadayim*.⁷⁰ Thus, he interprets the dissenting voices in the Mishnah to be stating that *a canonical book defiles the hands if and only if it is divinely inspired*.

None of the positions offer a full solution to the problem. The first opinion is problematic simply because it is not substantiated by other rabbinic sources and it is rather clear that the canonical status of the books in question was firmly fixed before the late first century CE. The second opinion is inconclusive because none of the rabbinic sources relate canonicity to the tetragrammaton, so it must rely on an unattested grouping of Song of Songs, Ecclesiastes, and Esther based on the absence of the tetragrammaton. In addition, it relies too heavily on

67. Hans Hübner, 'Vetus Testamentum und Vetus Testamentum in Novo receptum: Die Frage nach dem Kanon des Alten Testamentus aus neutestamentlicher Sicht', in *Zum Problem des biblischen Kanon* (JBTh, 3; Neukirchen-Vluyn: Neukirchener Verlag, 1988), p. 151: 'Auch wenn der Begriff "Kanon" hier noch nicht vorkommt, so impliziert doch die Wendung "Hände verunreinigen"'.
 68. Hübner ('Vetus Testamentum', p. 151 n. 16) objects, 'Die Antithese "kanonisch-rituell" ist künstlich konstruiert'.
 69. Barton ('Canonicity', p. 5) insists that 'if the books were not scripture, the issue about defiling the hands would not arise anyway'.
 70. Leiman, *Canonization*, p. 135.

R. Mesharshiya's late, and possibly conjectural, explanation of the hand-defiling nature of scripture scrolls. Also, the opinion seems to be contradicted by Maimonides' rule that non-biblical benedictions containing the Name do not defile the hands. The third opinion, offered by Leiman, is an attractive solution based on the rabbinic texts cited above which associate Song of Songs and Esther with a downgraded status because they lack divine inspiration, yet it too relies on late sources to offer this theological explanation of the problem.⁷¹

Further reflection on the text in *m. Yad.* 4.5 about the preparation of a biblical scroll being a deciding factor in its ability to defile the hands may lead to a better solution—one that acknowledges the 'non-equivalence' of canonicity and the defiling of the hands. Yet it is possible that we will never arrive at a complete explanation of the reason that the ancient rabbis thought that the scrolls of scripture defile the hands. Lim's account, which links the scrolls' ability to the lethal holiness of the Ark of the Covenant, certainly helps us come closer to a complete understanding. The crucial point is not whether we can untangle the ancients' dispute perfectly, but that we do not persist in misapplying it. The discussion in *m. Yad.* 3.5 deals with complex issues of ritual purity related to the scrolls of scripture and we should be reticent to import later notions of canonicity into this earlier controversy. In the end, *m. Yad.* 3.5 does not justify generalized statements about a fluid canon or specific statements about the canonicity of the Song of Songs being under dispute from earliest times. By repeating statements calling the Song of Songs' canonical status into question, scholars have participated in the process of functionally decanonizing the Song, a result certainly not in line with the rabbis' intentions.

71. It is important to remember that we are dealing with dissenting voices in every case. The prevailing view in *m. Yad.* 3.5 is that Song of Songs and Ecclesiastes *do* defile the hands.