CHAPTER ONE

The Practices of Excommunication: Distancing and Death

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A Preliminary Classification of the Practices of Excommunication

The following are the practices binding on the excommunicated person (the person under *niddui*) according to rabbinic literature:

Practice	Source	Notes
Prohibition on cutting the hair	Baraita in the Babylonian Talmud, Moed Katan (hereafter MK) 15a. Mishnah, MK 3:1 (indirectly).	
Prohibition on laundering clothes	Baraita, MK 15a. Mishnah, MK 3:2 (indirectly).	
Tearing the garment	The story of Rabbi Eliezer's excommunication.	In the talmudic discussion the question remains unresolved (*teiku*): there is no ruling on whether he is obliged to tear his garment. In the medieval period, Naḥmanides and Rashba conclude that a person under *ḥerem*, the more severe form of the ban, must do so.
Prohibition on wearing sandals in town	Baraita, MK 15b. Tosefta, Ta'anit 1:6.	
Stoning the excommunicated person's coffin	Mishnah, Eduyot 5:6. Evel Rabbati 5:13.	If he dies under the ban.
Prohibition on Torah study	Evel Rabbati 5:14. MK 15a.	In the Bavli the prohibition applies only to a person under *ḥerem*. The story of Rabbi Eliezer's excommunication is also a source.
Prohibition on working	MK 15a.	In the Bavli the prohibition applies only to a person under *ḥerem*. In Evel Rabbati there is no prohibition on working.
Prohibition on exchanging greetings	Mishnah, Ta'anit 1:7.	Rav Yosef's view alone.
Covering the head	Baraita in the Bavli, MK 15a.	Rav Yosef's view alone.
Washing the whole body (prohibited)	Baraita, MK 15b.	
Circling to the left on entering the Temple Mount	Mishnah, Middot 2:2. Evel Rabbati 6:11.	
Prohibition on entering the Temple courtyard	Mishnah, Eduyot 5:6.	
Prohibition on sitting within four cubits of the excommunicated person	The story of the excommunication of Rabbi Eliezer ben Hyrcanus. In the Bavli, Moed Katan, the scriptural support comes from Judges 5.	Principally the Bavli's version of the story (Sanhedrin 68a). According to Rava, eating and drinking with the excommunicated person are also prohibited.

How should we approach the analysis of these practices? As I have noted, some have seen excommunication as "civil death." Others have distinguished between practices intended to distance the excommunicated person and practices intended to cause him pain and to disgrace him by labeling him. Among the practices intended to distance him, they have counted the obligation to enter the Temple Mount from the left, the prohibition on entering the courtyard, and the prohibition on sitting within his four cubits. The prohibition on studying Torah with him has also been included here. The mourning practices he must observe, on the other hand, have been understood as intended to cause him pain and disgrace him: he may not wear sandals in town, cut his hair, launder his clothes, or shave. Stoning his coffin, too, has been understood as a practice intended to disgrace him. These judgments raise a question. How does one distinguish a practice intended to distance someone from one intended to disgrace him or cause him pain? Does barring him from the courtyard cause him no pain? Or again, does forbidding him to cut his hair do nothing to distance him?

Another possibility is to consider the practices of excommunication in the very context in which the sages set them out systematically. The sages enumerated the laws of excommunication alongside the practices of mourning. Most of the laws of excommunication appear in the talmudic discussion in Moed Katan 14b–16a, with the exception of circling to the left upon entering the Temple Mount and the prohibition on entering the courtyard. The discussion compares the laws of mourning observed by the mourner, the excommunicated person, and the *metzora* (a person with biblical *tzara'at*). It enumerates fourteen laws of mourning:

Mourning practice	Mourner	Excommunicated person	Metzora
Pilgrimage festival	Does not observe his mourning during the festival.	His ban remains in force during the festival.	Observes his *tzara'at* during the festival.
Haircutting	Forbidden.	Forbidden.	Forbidden.
Covering the head	Required.	Rav Yosef: required. Abaye: perhaps one placed under the ban by Heaven is different, since that ban is more severe.	Required.
Phylacteries	An *onen* (one whose deceased relative has yet to be buried) may not wear phylacteries.	Unresolved.	Forbidden. Rav Pappa permits them.
Exchanging greetings	Forbidden.	Rav Yosef: forbidden. Abaye: perhaps one placed under the ban by Heaven is different, since that ban is more severe.	Forbidden.
Words of Torah	Forbidden.	Rav Yosef: a person under *niddui* may recite, and others may recite for him. A person under *ḥerem* may recite to himself.	Permitted.
Laundering clothes	Forbidden.	Forbidden.	Forbidden.
Tearing the garment	Required.	Unresolved.	Required.
Overturning the bed	Required.	Unresolved.	Unresolved.
Working	Forbidden.	He may be hired and others may hire themselves out to him. A person under *ḥerem* may neither be hired nor hire others. Rav Yosef: an excommunicated person and a mourner may work at night.	Unresolved.

Mourning practice	Mourner	Excommunicated person	Metzora
Bathing	Forbidden.	Rav Yosef: washing his whole body is forbidden, but he may wash only his hands, face, and feet.	Unresolved.
Wearing sandals	Forbidden.	Rav Yosef: forbidden only in town, permitted on the road.	Unresolved.
Sexual intercourse	Forbidden.	Rav Yosef: permitted. Abaye: perhaps one placed under the ban by Heaven is different, since that ban is more lenient; hence the matter is in doubt.	Forbidden.
Sending offerings	May not send an offering (appoint an agent for his own offering).	Rav Yosef: he may send offerings. Abaye: perhaps one placed under the ban by Heaven is different, since that ban is more lenient; hence the matter is in doubt.	May not send an offering.

The table raises a difficult question. What logic governs the order in which the discussion sets out the mourning practices? At first sight they seem to be listed at random. Yet the discussion itself is carefully composed and remarkably well ordered. It is hard to accept that the order in which the practices appear has no significance. A closer look shows that they are arranged according to the physical “distance” from the person observing them. It is as if a camera were filming each of those observing the practices of mourning: at each stage the field of vision narrows, the lens comes into focus, and the camera moves closer to the person observing the practice.

First the discussion lists the practices by which someone who observes them can be identified from a distance, by sight. The prohibition on cutting the hair, the obligation to cover the head, the prohibition on putting on phylacteries: all mark out from afar the person observing mourning. The text then “approaches” him and addresses the prohibitions on exchanging greetings and on studying Torah. Both involve coming within speaking distance. Neither greeting someone nor studying Torah requires that one stand right beside him. Next come prohibitions that involve close physical proximity, practices that engage the sense of smell: the prohibitions on laundering, bathing, and wearing sandals. The obligation to tear the garment appears here as part of the exposure of a body that stinks for want of washing. It belongs to this same close physical proximity. So does the obligation to overturn the bed: one comes close to the place where the person observing mourning sleeps. The prohibition on work likewise involves close physical proximity, particularly the kind that engages the sense of smell when someone is in the workshop beside him. Sexual intercourse, which comes at the end, is the point of greatest physical proximity. The organizing logic of the discussion is thus one of distancing. It runs from practices that mark a person out at a distance, through restrictions on communication that takes place a few steps away from him, to a proximity that allows one to smell him and that reaches its height in sexual relations. Two mourning practices remain that I have not mentioned: distancing during the pilgrimage and the sending of offerings. These open and close the discussion. Both concern the distanced person’s participation in a public activity. Participation in the pilgrimage is distinctly physical, both because the many pilgrims jostle against one another and because one ordinarily makes the pilgrimage in a group. Sending offerings is a way of taking part in public life by proxy: one can participate in religious rites without being physically present. At one end, then, the discussion lists distancing from public life in its most physical form. At the close it lists distancing in its most abstract form: acting through an agent. Distancing, then, is the broadest common denominator of the practices observed by the excommunicated person. In Chapter Four I shall analyze this talmudic discussion in detail. Here I shall examine the connection between death and excommunication and show how the distancing of the excommunicated person is meant to work. Is it meant to disgrace him? Is it meant to cause him

pain? What psychological processes does distancing set in motion? These questions are at the center of the present chapter.

Death and Excommunication

The Talmud treats the excommunicated person and the mourner together. The comparison is older still, appearing already in the Tosefta (Ta'anit 1:6): "All those of whom they said that wearing sandals is forbidden: when one leaves the city one puts them on; on reaching the city one takes them off. And so you say of an excommunicated person and a mourner." (All those on a public fast who are forbidden to wear sandals are forbidden to do so only inside the city, not outside it. The same applies to the excommunicated person and the mourner.) This comparison can signify different experiences of mourning. The prohibition on wearing sandals in town need not have the same meaning in the context of a public fast as it does in the context of excommunication. Mourning practices are ancient and powerful rituals, and they may well have migrated to other contexts. In what context, then, does the excommunicated person observe them? As I have noted, one hypothesis is that the object is to disgrace him (Libson 1978–80, 177). Certainly, stripping him of his social face, by forbidding him to cut his hair, launder his clothes, or wear shoes, has an element of humiliation and disgrace. Yet this seems too narrow a framework within which to examine his mourning practices. To be ignored and shunned is worse than the cruelest torture, and the frame of reference that governs being ignored and shunned is death (James 1890, 294). Studies show that being ignored can affect several basic and vital needs: the need to belong, the need for a sense of self-worth, and the need to feel that life has meaning.

The need to belong finds expression in the human need for frequent, positive interactions with a few other people within a stable relationship in which each cares for the other's well-being (Williams 2001, 61). Excommunication and distancing, in either their social or their physical form, severely undermine this basic need. Self-worth is injured as well. Excommunication carries with it the message that something about the excommunicated person is undesirable or bad, and he internalizes that message. The need for existential meaning, for a meaningful life, brings us directly to the heart of the metaphor of death. Here the metaphor of excommunication makes itself felt with full force: by being excommunicated and ignored, he gets to see what life looks like without him in it. Human beings have a basic need to avoid thinking about their own deaths. Excommunication makes them contemplate the fragility and the transience inherent in being alive. The source of the excommunicated person's mourning, then, is his own social death. Nor is that all. His mourning practices have to do with more than his being a "dead man walking" who mourns his own social death. As I shall presently show, they activate a whole constellation of ideas about the dead person, the corpse, and mourning.

Contempt versus Disgust

The comparison to a dead man walking suggests that the symbolic realm of the practices of excommunication is death, and that the emotion that best describes the attitude toward the excommunicated person is disgust, not contempt. Feelings of disgust have to do with the wish to repress the fact that humans are organic creatures akin to animals, ultimately destined for death and dissolution (Miller 1997, 162). Contempt is accompanied by a sense of superiority, by pleasure in that superiority, and also by pity. Disgust, by contrast, is accompanied by discomfort and an absence of pity. As I have said, contempt is too narrow a framework for explaining the excommunicated person's condition. He poses a social threat because he refuses to accept the

sages' authority. A social system is therefore brought to bear on him that is meant to make a dead man walking of him. A corpse, as we know, is the disgusting and threatening thing par excellence. It is in this light that we should examine his mourning practices.

A feeling of disgust creates a hierarchy between the one who feels it and the one who inspires it. Yet the hierarchy itself is a source of discomfort. What emerges here is at once the great power of excommunication as rabbinic literature describes it and its transience. If disgust rather than contempt gives these practices their meaning, the system is far crueler than it would be if its meaning were merely to disgrace the excommunicated person. A system of contempt also allows for pity. A system of disgust provokes an involuntary physical recoil from him, without compassion. Yet where contempt arouses feelings of superiority and pride in the person who shows it, disgust forces the person who feels it to experience unpleasant sensations. To inscribe excommunication within the realm of disgust is thus to impose unpleasant feelings on those who excommunicate, and in so doing to set a limit to how long they can keep it up. Nor is disgust confined to those around him. He feels them drawing away. He smells the stench rising from his own body, and all this produces self-disgust. He is a dead man walking in the figurative sense, but he is also, in a physical sense, a walking corpse. The corpse, the very emblem of dissolution, is the absolute object of disgust. The metaphor of a "dead man walking" has to do with the experience of being ignored that is inherent in excommunication and fosters in him the feeling that he is not alive. The practices bring his inward sense that he is "disappearing" from the world into alignment with his outward conduct: he mourns. These practices, marking him as a dead man walking and a disgusting corpse, are more than outward signs of a social system imposed on him from without. Their effect is on his own body. He does not merely receive signals from those around him that he is disgusting. He feels disgusting himself. Self-disgust, the feeling "I am disgusting," the identification of disgust with one's very being, is hard to endure because there is no "stepping out" of it. Disgust becomes part of the self, and recognizing it fills the excommunicated person with anxiety and dread.

Death and Recognition in Excommunication: Hegel's Dialectic of Master and Slave

The existential dimension of excommunication, expressed in the transformation of the excommunicated person into a dead man walking, may be clarified through the concepts of Hegel's dialectic of master and slave. These concepts have the potential to illuminate the strong connection between death and mutual recognition, or the absence of mutual recognition. Two elements are needed for our discussion: the self's absolute dependence on mutual recognition, and death. Hegel's dialectic brings out the paradox of excommunication. The more successful it is, the deeper the bond it reveals between the excommunicated person and society, and vice versa. The indissoluble bond between master and slave that the dialectic requires for human self-consciousness to take shape also clarifies how important a society's and a community's dealings with the excommunicated person are to their ability to define their own boundaries. On Kojève's reading, one could even say that excommunication finds concrete expression in the dialectic of master and slave. Kojève sees mutual recognition as the outcome of the struggle between them. At its most basic, his premise is that a human being is continually engaged in a struggle for recognition by another. The dichotomy is between man and nature. Man aspires to "human distinction," expressed in "man's freedom in the face of nature and in his ability to overcome nature" (Klein 1977–78, 14–16). This human distinction is no end in itself: its object is to gain recognition from another. How is one to bring another person to recognize one's superiority over him, and thereby realize the human

distinction to which one aspires? By proving that one can master one's instinct for life, that one can overcome human nature and take one's life in one's hands for an end that has nothing to do with "vital interests" and everything to do with the desire "to bring another person to recognize the worth of the one who struggles" (ibid., 16). Going to meet death is the only way of winning recognition of one's superiority to the natural instinct for life. Yet going to meet death is not the end in itself—this is not suicide. It takes on meaning when it is "motivated by the desire to win recognition of one's own worth" (ibid.). From the very existence of humanity and history, Kojève infers that this struggle for recognition by another was not fought to the finish. Had some not yielded, only "one combatant [would have remained], and there would have been no one left to recognize him" (ibid.). In forgoing the very act that would have realized their humanity, those who yield become slaves. The master is a tragic figure. He cannot recognize the slave, and without such recognition the slave's recognition of him as master is worthless. The slave's subordination leaves the master's life withered and idle, for the slave supplies his every need.

The slave, in contrast, is the hero, the protagonist of the novel. It is through him that history advances. Absolute fear, the slave's terror in the face of death, sets him free. He submits to the master not because he obeys the instinct for life but out of fear, out of an encounter with nothingness through which he comes to know himself as finite and mortal. Giving up the struggle does not negate him altogether. He continues to work, and his labor thus expresses both his apprehension of nothingness and of himself as a finite being, and his own existence within that negation. Through labor, an activity that repeats itself only with variations, the slave develops himself and his world: he is dynamic. He possesses the power of abstraction, "the ability to negate the world as given, to take it apart and put it together anew" (ibid., 23). In Kojève's political thought the French Revolution brought about a general condition of mutual recognition, since there is no longer any distinction between masters and slaves. An individualist bourgeois society realizes the principle of mutual recognition. It eases the tension that formerly existed between the slave's consciousness, as the true master of nature because he creates and acts, and his consciousness of himself as a slave.

Kojève's interpretation of Hegel's text gives concrete form to the struggle with the excommunicated person: it is a mutual struggle for recognition. In rejecting the authority of the sages, he is in effect struggling for recognition of his own human distinction. The radical means the sages deploy in turning him into a dead man walking belong to the context of the life-and-death struggle. Denying him recognition means his surrender in this struggle, a surrender that amounts to symbolic death. Kojève assigns the creative potential to the slave. We might accordingly say that the excommunicated person, in his encounter with nothingness and his subordination to the master, possesses a creative potential. Here, perhaps, a crucial difference comes to light. In the rabbinic period the negation of the excommunicated person is far more radical than the negation of Hegel's "slave."

His death is more than symbolic. As I shall show below, the prohibitions that bind him are more than a metaphor: they have concrete meaning. At an advanced stage of excommunication he is forbidden to work. He comes to a standstill, and the development of his self-consciousness is cut short. Moreover, the restrictions on his body and his dress, as well as those on his communication, are designed to label him from a distance, to prevent physical contact with him, and to make him as disgusting as an actual corpse to those around him.

Excommunication and Melancholia

Excommunication affects basic human needs: the need to belong, to feel one's own worth, to have control, and to lead a meaningful life. Moreover, locating disgust in the self arouses anxiety and dread in the excommunicated person. As I shall argue, the mourning practices he observes in this context reproduce the workings of melancholia as Freud understood them. The practices of excommunication set a process of melancholia in motion in him.

Freud, as is well known, distinguished mourning from melancholia. Both involve a withdrawal into oneself, a loss of interest in reality, and a "profound dejection" (Freud 2002, 8). In mourning, after the loss of a loved figure, the libido must detach itself from the object. The process is difficult, painful, and protracted because the object continues to exist in the psyche and the mourner resists breaking away. His reluctance to do so can be so great that he sometimes enters a psychosis in which he continues to cling to the loved figure who has long since died. Only at the end of mourning does the libido obey the command of reality and detach itself from the object, leaving the ego free again (ibid., 9–10).

Like mourning, melancholia is a response to the loss of a beloved object. Unlike mourning, however, it does not require that the beloved object have died. Freud gives the example of an abandoned bride. Melancholia sets in motion an arduous inner labor of adjustment to loss, of pain and sorrow and a turning away from reality, as in mourning. But it also involves a severe injury to one's self-image. This differs from the mourner's condition, in which "the inhibition and restriction of the ego are in fact an expression of exclusive devotion to mourning" (ibid., 9). In melancholia the ego turns against itself, bringing about "a tremendous impoverishment of the ego" (ibid., 11). The melancholic abases himself before others and pities anyone attached to him.

The mental states of both the mourner and the melancholic have to do with loss. For the mourner the object is external, whereas the melancholic's loss concerns his own ego. Again and again he speaks reproachfully of himself as base, selfish, hypocritical, or useless, and as an immoral person, insisting he was so in the past as well as in the present. Freud argues that the melancholic turns against himself and empties his ego of substance, whereas the mourner perceives the world as impoverished. In Freud's account this happens because the melancholic turns his criticism of the beloved figure who abandoned him against himself. Thus a woman who pities her husband for being tied to such an ineffectual wife "actually wishes to accuse her husband of being ineffectual" (ibid., 14). In normal mourning, injury or disappointment leads a person to withdraw the libido from the object of love and attach himself to someone else. In melancholia the libido does not pass to another object but returns to the ego.

This is the source of the melancholic's fierce self-criticism: "the conflict between the ego and the loved person" becomes quite literally part of him. Once he has internalized the beloved figure who abandoned or disappointed him, the boundaries between the ego and that figure are no longer clear. His criticism converts harsh reproaches against the object of love into harsh reproaches against himself. The depressed, melancholic person's internalization of the love object is what makes this conversion possible. Where once the object was with the ego, now the ego is with the ego. Now the conflict is between ego and ego, not between ego and object. This split creates a love–hate relationship within the ego. On the one hand love, the libido directed toward the beloved ego, is lodged within the ego. On the other, there is great hatred for the beloved who abandoned it. This is in effect a self-punishment intended to take revenge on the original objects.

To return to the excommunicated person: as we have seen, his mourning practices are bound up with his being a dead man walking. He mourns his own death. He imagines the world without him.

Moreover, the order of meanings that fits excommunication is that of disgust rather than contempt. In making him a dead man, a corpse, the most disgusting thing of all, it makes him feel disgusting and filthy himself. Freud's distinction between mourning and melancholia can tell us more about the psychological effect of these practices. The excommunicated person mourns, yet he does not pass through a normal process of mourning. It is his ego that becomes empty and poor while the world goes its way. The beloved object, the community, is beside him yet beyond his reach. Like the melancholic, he wants to communicate with those around him and unburden himself of the self-criticism generated by melancholia. But since his communication with them is restricted, he will find it hard to do so. The melancholic process set in motion by the mourning practices is thus a slow process of "self-strangulation" and self-reproach. Viewed from the perspective of mourning practices as a mechanism of distancing, melancholia looks like the external activation of conscience, what Freud calls the "critical agency," in someone deemed to have lost that agency. The aim is to awaken conscience, to create a mechanism that will bring criticism to bear from within a person who has repudiated the authority of the sages. The effect of the mourning practices he observes is thus not therapeutic, in the sense of enabling his return to society. Their effect is first and foremost one of disciplining him, meant to bring him to accept the sages' authority, which he had previously rejected.

Furthermore, it is precisely the blurring of the boundaries between the ego and the beloved object that sets the melancholic's self-reproach and the impoverishment of the ego in motion. For the excommunicated person, too, the boundary between himself and society is unclear. I spoke above of Foucault's two modes of disciplining: the exile of the leper and the disciplining imposed in response to the plague. The leper is the prototype for expelling from society what it cannot tolerate, while the plague is the ultimate model of surveillance, discipline, and visibility. Is excommunication an expulsion from society or a model of surveillance and discipline? At this point we can say that it combines elements of exile and expulsion with elements of disciplining and watching over someone who remains within society. The distinction between mourning and melancholia makes it clear that the uncertain boundaries between the excommunicated person and the community, together with the mourning practices he is expected to observe, can lead him to criticize himself severely. The use of mourning and its practices as a means of disciplining someone under the ban is perhaps the most subversive point of all. The mourning practices are the very instrument of disciplining: they are received as having therapeutic power and it is as such that they are carried over into the sphere of disciplining and excommunication. Indeed, as we shall see when we consider the practices observed by the mourner, this subversive quality may be present in mourning itself as well as in excommunication.

Labeling and Identification from a Distance

The three practices I shall examine in this section—circling to the left on the Temple Mount, the prohibition on cutting the hair, and the obligation to cover the head (according to Rav Yosef, a third-generation Babylonian amora)—all serve to label the excommunicated person and make it possible to identify him from a distance. This labeling has far-reaching consequences for his ability to interact socially, for appearance and social power are closely connected. The findings show that a person's appearance and looks are bound up with his ability to communicate, to influence his social surroundings, and to be influenced by them. This connection arises from the need, if we are to survive, to process a great deal of information and many stimuli in a short time. Human beings categorize to reduce the amount of information they have to contend with and use visual information to make the quick judgments essential to survival. Every element of human

appearance, from the body (the look of one's hair, face, teeth, or tattoos, for instance) to one's dress (brightly colored clothes, for example, or makeup), will affect the social power brought to bear upon a person or the social power that person can exercise.

Appearance conveys information of many kinds: gender, group membership, degree of social power. Children, for example, decide another child's gender on the basis of a haircut or clothes. Complete strangers can be taken for members of the same group if they are dressed alike. People have also been found to obey a person in uniform because they consider his authority legitimate. The impression a person makes by his appearance allows others to interpret his intentions, personal inclinations, and values. The "cues" of appearance help those around him decide how to treat him and how to communicate with him. The first cues are, of course, a person's sex and age, closely followed by hairstyle and build. Appearance figures in people's assessments of attitudes as well as personality. Particular hairstyles and clothes indicate political views and social status. Appearance also plays a part in establishing the "definition of the situation": the social context within which a person is to be understood and approached in a future interaction. One enters an interaction with a prior assumption about its character and about the personality of the person with whom it takes place. That assumption strongly influences the character of the entire interaction. The sense most directly engaged by these practices is sight. We recognize the distanced person from afar because he is out of place or because of some distinctive feature visible from far off, such as his unkempt hair. Identifying the deviant is central to the way deviance is treated. The mark set upon Cain and the modern labeling of offenders identify them as "the source of something threatening and serve to deter potential offenders, so that 'they may see and be afraid'" (Shoham and Rahav 1983, 117).

Circling to the Left on Entering the Temple Mount

The Mishnah (Middot 2:2) lays down:

> All who enter the Temple Mount enter by the right, go around, and leave by the left, except one to whom something has happened, who goes around to the left. [They ask him:] "Why do you go around to the left?" "Because I am a mourner." [They answer:] "May the One who dwells in this House comfort you." "Because I am under the ban." "May the One who dwells in this House put it into their hearts to draw you near." These are the words of Rabbi Meir. Rabbi Yose said to him: "You make it sound as though they had perverted justice in his case. Say instead: 'May the One who dwells in this House put it into your heart to heed your fellows, so that they may draw you near.'"

Some conclude from this mishnah that the excommunicated person was not expelled from the congregation, since it expressly permits him to ascend the Temple Mount, albeit by a route opposite to everyone else's (Libson 1978–80, 188). Ordinarily one entered the Temple Mount from the right, as one entered Greek temples. Entering from the left was a sign of calamity, since the proper course was to enter from the right and leave by the left (Lieberman 1983–84, 274). The Mishnah suggests that going around to the left had two consequences. One was recognition of the mourner's mourning, of the excommunicated person's ban, or of anyone "to whom something has happened." The other was a verbal response: "Why do you go around to the left?" A parallel version in Evel Rabbati mentions in the same breath as the mourner and the excommunicated person someone "who has lost something" (6:11). Those who circle left on the Temple Mount, then, are people to whom something has happened: a family member has died, or they have been excommunicated, or someone in their family is ill, or they have lost something. By going to the left they become recognizable in their trouble, and others visiting the Temple ask why they are doing so. The answer and the reply to it lead to a petition that God improve their condition. At first sight this supports the

view that going around to the left is a sign of Israel's loving-kindness. It also hints that excommunication does not mean banishment from the congregation. As I have said, some see going to the left as "a sign of calamity." What does that view mean? Do those who go to the left bring calamity with them? And if so, is going to the left a kind of warning to keep away from them and the calamity they bring? On such a reading the Mishnah offers a model that excludes people who have suffered a calamity, since they cannot join the congregation in the ordinary way. This is a religious or cultural position according to which one who has suffered a calamity—"one to whom something has happened"—is in a dangerous condition: he carries calamity with him and is therefore dangerous to come into contact with. As noted, Evel Rabbati adds someone who has lost an object or property and someone with a sick family member to the list of those who circle left. If its purpose is consolation and loving-kindness, we shall need to broaden our account of why people go to the left, for one who has lost something does not require consolation as a mourner does. What connects the mourner, the excommunicated person, and the person who has lost something is the need to draw public attention. In this way the mourner and the excommunicated person will be comforted, and the lost object will stand a chance of being found because the public will hear about it.

In rabbinic Hebrew the root *ʾ-r-ʿ* ("to happen," "to befall") occurs in negative contexts: "lest some mishap occur at the meal" (Tosefta, Yoma 4:14); "five things befell our ancestors on the seventeenth of Tammuz" (Mishnah, Ta'anit 4:6); "that no mishap may occur through me" (Mishnah, Berakhot 4:2). Here too, under the heading "one to whom something has happened," are those who have experienced a calamity, to whom something bad has happened. The question is whether the expression "one in whose case something has happened" (מי שאירע בו דבר) is similar or identical to the expression in Middot, "one to whom something has happened" (מי שארעו דבר). This matters because the former is regarded as a transgressor. The Jerusalem Talmud (Moed Katan 3:1) discusses an elder "in whose case something has happened": "For Rabbi Shmuel said in the name of Rabbi Abbahu: An elder in whose case something has happened is not removed from his high office. Rather, they say to him, 'Preserve your dignity and stay at home.'" The Babylonian Talmud interprets the "occurrence" as a transgression: "The head of a court who has misbehaved is not removed from his high office. Rather, they say to him, 'Preserve your dignity and stay at home.'" The Bavli, then, takes it for granted that what happened in the elder's case involved a transgression or sin. On this reading, to say that "something has happened in his case," apparently of anyone who has suffered a distressing event, is also another way of saying that he is a transgressor. This seems to represent a theological view that a person's troubles spring from his own sins. How does this find expression in each of the figures mentioned in Middot and Evel Rabbati?

I shall begin with the mourner and the excommunicated person, mentioned in Middot. The mishnah quoted above gives Rabbi Yose's response to Rabbi Meir: "Rabbi Yose said to him: 'You make it sound as though they had perverted justice in his case. Say instead: May the One who dwells in this House put it into your heart to heed the words of your fellows, so that they may draw you near.'" Rabbi Yose is uneasy with the comparison between the two. In his view the excommunicated person brought the ban upon himself, and it is therefore for him to heed his fellows, who will then draw him near. Mourning, on the other hand, befell the mourner irrespective of his actions. What does Rabbi Meir's comparison express? Is he simply pointing to the similar practices both observe, or is there a deeper connection between them? It is hard to say.

As we have seen, the comparison is an ancient one, made already in Tosefta Ta'anit. The Bavli's discussion of mourning in Moed Katan, mentioned earlier, expands it and treats the mourner, the

excommunicated person, and the *metzora* in a single breath. Some hold that the discussion is chiefly about the mourner (Kraemer 2000, 122) and that it interprets him in terms of the excommunicated person and the *metzora*. Just as these two have sinned, so the mourner too is a sinner, and mourning follows from his sins. Such an analysis is problematic, as I shall show in Chapter Four, because the center of gravity of the discussion is in fact the excommunicated person. It is true, however, that the discussion regards the mourner as a transgressor and for that reason places him alongside the excommunicated person and the *metzora*. Even if we lack a key to Rabbi Meir's words, the very juxtaposition of mourner and excommunicated person, and their labeling as people to whom something has happened, betrays uneasiness about the mourner too. No trouble simply befalls a person. Every trouble has its origin in sin. If we accept the premise that "one to whom something has happened" is considered a transgressor, then from a religious point of view these people are being labeled as deviant in some respect. What social function, then, do such labels and markings serve? From a sociological perspective the labeling of "one to whom something has happened" as a problematic social being serves to reduce the threat he poses. Calamity makes him a negative social agent. People upon whom calamity has fallen are in a distressed and unsettled state of mind, and as such pose a threat to the sense of social solidarity and to prevailing beliefs and opinions. It is not enough to say that "what they have in common, without a doubt, is that all are preoccupied with their reflections and absorbed in a particular mood, which sets them apart from ordinary people" (Kaminka 1948–49, xxxviii). The discussion leads to the conclusion that these people are not merely "preoccupied with their thoughts." They presumably "carry" with them grievances against a system of theological assumptions that regards God and His ways as just and His rewards and punishments as fitting. They are labeled and marked both as transgressors and on account of the social threat they pose. Seen in this light, the instruction to enter the Temple Mount from the left is meant to limit and circumscribe communication with problematic social agents, particularly in public places and in places where theological questions carry greater weight.

The Prohibition on Cutting the Hair

The Mishnah (Moed Katan 3:1) provides that certain people may shave during the intermediate days of a festival. This is an exceptional permission. All other Jews are forbidden to shave or cut their hair during those days, a prohibition designed to induce people to shave before the festival:

> These may shave during the festival [that is, these are the people who, unlike others, are permitted to shave during the intermediate days]: one who arrives from overseas, one who comes out of captivity, one released from prison, and the excommunicated person whom the sages have released [shaving is forbidden under the ban; it is permitted only when the ban is lifted]; likewise one who consulted a sage and was released [from his vow], the Nazirite, and the *metzora* who passes from impurity to purity.

The prohibition also appears in a baraita: "Excommunicated persons and *metzora'im* may neither launder their clothes nor cut their hair" (Babylonian Talmud, Moed Katan 15a).

In discussing the prohibition in mourning, Rubin points to the relative ease with which hair can convey messages. This has made attention to the hair a common feature of mourning practices across cultures: "In Jewish society, which makes strict demands of its members in matters of body and dress, permission to leave the hair untended provides an outlet for anger and protest against the injustice of death" (Rubin 1997, 176). Van Gennep, it may be noted, considers hair central to rites of passage because it identifies the individual in relation to the group (van Gennep 1960, 167).

Hair, then, is central to a person's identity and condition—whether it is groomed or neglected, long or short—and is visible from afar. In our context, where hair is part of a whole arrangement of measures of distancing, the prohibition seems to have two cumulative effects. First, one recognizes the excommunicated person from a distance as a particular individual. Second, one recognizes that individual as someone under the ban. Glick sees the unusual sight of overgrown hair as a means of attracting "the attention of those around the mourners so that they too can discharge their obligation toward them, the duty of comforting mourners" (Glick 1990–91, 88). In terms of distancing, however, the hair is the first feature that identifies someone as standing outside the community. Neglected, unruly hair is a very clear sign. It prompts others to hold back from communication, both through its aesthetic effect and because someone who lets his hair grow is perceived as unwilling to comply with social conventions. This presentation of self makes people draw away from him and see him as a source of danger. Hair, as van Gennep argued, matters to our identity because it distinguishes us from other people. We recognize ourselves, and others recognize us, by our hair. On this account, the prohibition imposed on the excommunicated person is more than a ban on haircuts. It is designed to bring about a deliberate neglect of the hair and its care. That neglect allows others to recognize the distanced person from afar as someone with whom communication must be circumscribed and limited.

Covering the Head

A. Rav Yosef and Abaye: A Person Excommunicated by Heaven and One Excommunicated by the Sages

The Babylonian Talmud records Rav Yosef's view that the excommunicated person must cover his head: "What of an excommunicated person: must he cover his head? Rav Yosef said: *Ta shema* [come and hear]: They [those observing a public fast] wrap themselves and sit like excommunicated persons and mourners until Heaven shows them mercy. Abaye said to him: Perhaps one placed under the ban by Heaven is different, since it is more severe [perhaps the case of someone excommunicated by Heaven differs because the ban is more severe]" (Babylonian Talmud, Moed Katan 15a).

The obligation to cover the head is learned from the congregation observing a public fast, which is also obliged to cover the head. The most common public fast is the fast undertaken when rain is withheld, described in Mishnah Ta'anit. The first chapter of the tractate tells how the community copes with a worsening drought. At the first stage, if no rain has fallen by the middle of Ḥeshvan, "individuals" (Torah scholars or eccentric pietists) begin to fast from morning until evening. At the second stage, if no rain has fallen by the new moon of Kislev, the court decrees three daytime fasts for the community. If there is still no rain after these, the court decrees three further public fasts, more severe than the first. They last from evening to evening. Besides eating and drinking, what is now forbidden is "work, bathing, anointing, wearing sandals, and sexual intercourse, and they close the bathhouses" (mishnah 6). If the drought persists after these three fasts, the community observes seven more. In addition to all the previous restrictions they sound the shofars and close the shops. If the rain is still withheld after these seven, the prohibitions are not tightened further. Instead, "they curtail business dealings, building and planting, betrothals and marriages, and the exchange of greetings with one another, like people rebuked by the Omnipresent" (mishnah 7).

The prevailing view of why the community fasts during a drought is that those who fasted understood the drought as punishment for the community's sins and the fast as a means of atonement. This tendency is clearly expressed in Scripture: drought punishes the sins of the people, while rain falls in response to their walking in God's ways. "If you indeed heed My

commandments […] I will give the rain for your land in its season […]" (Deuteronomy 11:13–14). Job takes a different view of the troubles that befall him. He does not accept his friends' premise that every trouble is punishment for sin. Again and again he invites God to explain why he has lost his children and his possessions, and why he himself is afflicted with boils. His overriding feeling is that God, great and terrible, is ignoring him, small as he is. Thus while the prevailing biblical view sees afflictions as punishments for sins, another view sees in them God's disregard and His silence. This takes on particular force in the case of rain. Rain, as I have noted, is understood as a means of communication between God and the community (Walfish 2000–01, 11). In that sense, its withholding expresses God's disregard and silence. This disregard may stem from anger at the community's sins. Yet the center of gravity of the drought is not necessarily the community's sins or God's anger, but the fact that He is ignoring the community. What matters more than the community's sins is the ban that the Holy One, blessed be He, places on the community and the silence He imposes upon it.

If we place the mourning practices observed by the community during a public fast in the context of excommunication, we can better understand why they grow more severe in the first chapter of Ta'anit. Silence is intimately bound up with excommunication and death. The withholding of rain is thus akin to ostracism through silence (the silent treatment). It illuminates both the use of mourning practices on a fast and the process of intensification described at the beginning of the tractate. In both cases a figure of importance ignores the person or persons under the ban, and in both the effect of being ignored is profound and decisive. The silent treatment affects the basic human needs of those subjected to it (Williams 2001, 23): the needs for control, for a sense of self-worth, for belonging, and for a meaningful existence. The community experiences the withholding of rain as excommunication. It observes mourning practices because being ignored by God makes the community feel its own death in the face of His silence. These practices were chosen as a means of inducing God to break His silence and gradually turn His attention to the community's condition, because they express so aptly the "death" of the excommunicated community in its own eyes. The intensification of the practices is more than a shift from physical anxiety (no rain, no wheat) to spiritual anxiety over God's anger at the people's sins (Walfish 2000–01, 14). It reflects the community's state of mind and its desire to sound out God's attitude toward it little by little. Is He simply indifferent to the people's condition? Is He angry? And if He is angry, at what? The community hopes and believes that its mourning practices will call God's attention to its plight. At the same time, the gradual intensification of fasting expresses its fear of provoking the God who has placed it under the ban. This is why, after thirteen fasts, they suddenly cease to decree further fasts and observe only some mourning practices, "like people rebuked by the Omnipresent." The assumption is that the gradual intensification, which has sought to attract God's attention slowly rather than directly and abruptly, has reached its peak. From here on it puts the people at risk, for its repetition and severity might draw an unpredictable response from God.

Another view, recorded in the Bavli among the third and fourth generations of Babylonian amoraim, rejects this tendency to link the excommunicated person and those who observe a public fast with mourning: "Rav Rafram said in the name of Rav Ḥisda: Wherever the reason is mourning, as on the Ninth of Av or in the case of a mourner, both hot and cold are forbidden [one may not bathe in either hot or cold water]. Wherever the reason is pleasure, as on a public fast, hot is forbidden and cold is permitted" (Babylonian Talmud, Ta'anit 13a).

This dictum has led scholars to argue that mourning and a public fast differ in kind. On a public fast the practices are intended to deny the community pleasure, and the prohibition on work ensures that the day's purposes are achieved: uniting the community and enabling it to face distress together.

Mourning is more than a restriction on pleasure, as is the Ninth of Av, which expresses sorrow over a grievous historical event. Hence even washing for practical purposes in cold water is forbidden in mourning, whereas on a public fast, whose whole purpose is to prevent pleasure, one may wash certain parts of the body and bathing was permitted (David Levine 2000–01, 58). Yet with covering the head, exchanging greetings, bathing, wearing sandals, and sexual intercourse, we can see the opposite tendency as well. Rav Yosef draws a full comparison between the excommunicated person and those observing a public fast. The excommunicated person may not wear sandals, just as those who fast may not. He may not bathe, just as they may not. He may have sexual intercourse and send his offerings, just as the Israelites could when they were under the ban in the wilderness. The laws of excommunication are worked out in direct relation to the laws of public fasting. Where Rav Yosef cannot find a source for a law of excommunication in a public fast, he brings one likewise concerned with a public ban: the collective excommunication of the Israelites in the wilderness.

For Rav Yosef the mourning practices observed by the individual under the ban mirror the laws of mourning observed by the community as a whole when it is under the ban. He draws no methodological distinction between community and individual. On the contrary, he sees the public fast as a model for individual excommunication. In his eyes those who fast are under a ban imposed by Heaven. This ban may be connected precisely with the view that sees the withholding of rain as God's silence. The Tosefta's comparison between the excommunicated person, the mourner, and those who observe a public fast is no casual analogy, at least for Rav Yosef. It expresses a deep connection among the three. Here are his comparisons (Moed Katan 15a–b):

1. "What of an excommunicated person: must he cover his head? Rav Yosef said: Come and hear [from a tannaitic source]: 'They wrap themselves and sit like mourners and excommunicated persons.'" (The excommunicated person is required to cover his head, as are those observing a public fast, who must sit like mourners and excommunicated persons.)
2. "What of an excommunicated person: may he exchange greetings? Rav Yosef said: Come and hear: 'As for exchanging greetings with one another, they are like people rebuked by the Omnipresent.'" (He may not exchange greetings, like those observing a public fast, who must behave as people under rebuke.)
3. "What of an excommunicated person: may he work? Rav Yosef said: Come and hear: 'When they said work was forbidden, they said so only of the daytime; at night it is permitted.' And so you find with an excommunicated person and a mourner." (He may not work, like those observing a public fast, who are forbidden to work by day.)
4. "What of an excommunicated person: may he bathe? Rav Yosef said: Come and hear: 'When they said bathing was forbidden, they meant only the whole body. The face, hands, and feet are permitted.' And so you find with an excommunicated person and a mourner." (He may not wash his whole body, like those observing a public fast, who are forbidden to wash the entire body.)
5. "What of an excommunicated person: may he wear sandals? Rav Yosef said: Come and hear: 'When they said wearing sandals was forbidden, they meant only in town; on the road it is permitted. How so? When one sets out on the road, one puts them on; on entering town one takes them off.' And so you find with an excommunicated person and a mourner." (He may not wear sandals, like those observing a public fast, who are forbidden to wear sandals in town.)
6. "What of an excommunicated person: may he have sexual intercourse? Rav Yosef said: Come and hear: 'All those years that Israel was in the wilderness they were under the ban and had intercourse.'" (He may have intercourse, just as the Israelites under the ban in the wilderness were permitted to have intercourse.)

7. “What of an excommunicated person: may he send his offerings? Rav Yosef said: Come and hear: ‘All those years that Israel was in the wilderness they were under the ban and sent their offerings.’” (He may send his offerings, just as the Israelites under the ban in the wilderness were permitted to appoint an agent to offer their sacrifices.)

What do these comparisons teach us? They clarify how a community understands itself when the rains fail to come in season. In its own eyes its members are under the ban because God is ignoring them. The public fast is a way both of drawing God’s attention to the community’s plight and of expressing the community’s symbolic death, manifested in God’s disregard. But what do the comparisons teach us about the excommunicated person? For Rav Yosef the mourning practices personally observed by him (and by the mourner) mirror the laws of mourning observed by the entire community under the ban. Rav Yosef brings four kinds of comparison: the excommunicated person with those fasting; the excommunicated person with the mourner and those fasting; the excommunicated person with the collective excommunication of Israel; and, finally, a source dealing with the excommunicated person in his own right, without comparison to other figures. The excommunicated person is thus the link between the laws of fasting and those of mourning. Rav Yosef makes no methodological distinction between community and individual. On the contrary, he sees the public fast as the model for both excommunication and mourning.

The reservations expressed by Rav Yosef’s pupil Abaye show that the comparison is intimately tied to the authority of whoever imposes the ban. For Rav Yosef a divine ban and one imposed by the sages are one and the same. The “divine rebuke” expressed in the withholding of rain or the death of a relative is the same rebuke the sages administer to someone who refuses to accept their ruling. Whereas his pupil repeatedly seeks to distinguish someone placed under the ban “by Heaven” from someone placed under the ban “by the sages,” Rav Yosef considers the two mechanisms identical. First, this tells us how Rav Yosef imagines the public as a community. If the ban on the entire community imposed by Heaven and the ban on an individual imposed by the sages are in effect the same, then Rav Yosef imagines the community as one body. Individual and multitude behave alike. This uniformity reaches into the very heart of excommunication, which is meant to deal with elements that threaten that uniformity. Here too, in matters of authority, the comparison increases conformity. If God’s ban and the sages’ ban are comparable, then the sages must be seen as drawing their authority directly from God, and a ban they impose is consequently identical to the divine ban. Moreover, if individuals and those observing a public fast are similarly under a ban, there is a claim here about religious experience more generally: for Rav Yosef excommunication is inseparable from religious life.

Abaye qualifies the argument: “Perhaps one placed under the ban by Heaven is different, since it is more severe [perhaps one excommunicated by God is different, since the ban is more severe]” (Moed Katan 15a). His qualification takes on new significance in this light. First, his words leave no doubt that Rav Yosef understands those observing a public fast, or Israel in the wilderness, as being under the ban: that is his conceptual framework for discussing them. Second, Abaye challenges the comparison between a divine ban and one imposed by the sages. He accepts neither the equation of the two authorities nor Rav Yosef’s imagined community. He challenges the comparison several times:

1. On covering the head: “Perhaps one placed under the ban by Heaven is different, since it is more severe.”
2. On exchanging greetings: “Perhaps one placed under the ban by Heaven is different, since it is more severe.”

3. On sexual intercourse: “Perhaps one placed under the ban by Heaven is different, since it is more lenient.”
4. On sending offerings: “Perhaps one placed under the ban by Heaven is different, since it is more lenient.”

Abaye evidently has no fixed model of a lighter or a heavier ban as between one imposed by the sages and one imposed by God. His argument is against the comparison itself. He does not connect a community’s sense that it is under a ban with the sages’ excommunication of an individual who has challenged their authority. For him these are two different events that do not admit of comparison.

B. The Meaning of Covering the Head under the Ban

According to Rav Yosef, then, the excommunicated person must cover his head. How does this covering distance him and neutralize the threat he poses?

The obligation to cover the head is generally understood as an obligation to cover the mouth. This reading is derived from the Jerusalem Talmud: “‘Do not cover your upper lip’: from here [we learn] that he must cover his mouth. Let him cover it from below. Rav Ḥisda said: ‘Let him cover it from below? It is to keep people from saying that his mouth is troubling him’ [that is, from thinking he covered his mouth because of pain]” (Moed Katan 3:5). According to the Jerusalem Talmud the excommunicated person must therefore cover his mouth from above his upper lip, lest it be thought he is covering it because of toothache. Covering the head is explicitly mentioned in Scripture in connection with the *metzora*: “He shall cover his upper lip.” Targum Onkelos renders this: “Over his upper lip he shall wrap himself like a mourner.” According to Pirkei de-Rabbi Eliezer (end of chapter 17), a relatively late source redacted in the eighth or ninth century CE, the excommunicated person was not required to cover his mouth and upper lip: “If one entered by the mourners’ gate and his upper lip was covered, they knew that he was a mourner […] and if one entered by the mourners’ gate and his upper lip was not covered, they knew that he was under the ban.”

Let us nevertheless try to understand the meaning of the restriction as Rav Yosef sees it, since in his view the excommunicated person must indeed cover his head. Here, as with cutting the hair, distancing may be said to work in two ways. First, there is identification from afar: one recognizes a particular person as someone who has been distanced as soon as one sees the covering over his mouth. That recognition shapes the entire way people relate to him and the patterns of their communication with him. Second, covering the mouth also bars physical proximity: it blocks every ordinary, easy form of human communication. Covering the mouth up to the nose is a familiar phenomenon, much studied in research on head covering in the Muslim world. Van Gennep points to the symbolic isolation represented by a head covering that separates the sacred world from the profane (1960, 168). He considers that “sight is itself a kind of communication.” He had in mind, of course, a complete head covering that prevents people from communicating through eye contact. His point can nonetheless be applied here. First, the hair and the covered mouth are noticed from a distance, before smell or physical contact enters into play. Second, covering the mouth as part of covering the head quite literally brings about muteness and silencing. Even from afar the person with his mouth covered looks unable to converse or communicate. When one comes closer, the physical possibility of conversation is itself in question. Rabbinic literature contains no prohibition on speaking with the excommunicated person (Libson 1978–80, 193). Such a prohibition appears only in later literature. Yet the obligation to cover the head, like other practices of excommunication to be discussed below, puts him in a difficult and complex position. Nothing

forbids speaking with him, yet conversation is itself fraught, and the distancing imposed on him hangs over it like a balloon.

Van Gennep sees isolation as part of a rite of separation: a married woman is separated from the rest of society; a woman in mourning is separated from her husband or from the other women and men. Such separation has elements of oppression and silencing. Much has been written on the Muslim hijab and its importance in the oppression and exclusion of women. Here too, as I have said, the covered mouth should be connected with the oppression and exclusion of the excommunicated person. It makes communication very difficult and conveys a clear message that speech is blocked. This enforced muteness, like all the other mourning practices, works in two directions. The person whose mouth is covered cannot enter into the physical act of conversation, which requires words to flow freely. And those around him do not address him. The covering is visible from far off, and the very sight of it establishes how people will relate to him. In this way the excommunicated person who covers his mouth is excluded from society.

Outward Signs, Inward Effects

The forms of distancing that allow the excommunicated person to be perceived from afar—circling to the left on entering the Temple Mount, the prohibition on cutting his hair, and the obligation to cover his head—do more than label him. They can also affect his identity. In *The Presentation of Self in Everyday Life*, Erving Goffman draws attention to the connection between the particular social situation in which one finds oneself and the self one presents in it (Goffman 1969, 3). His metaphor for everyday life is the theater. For Goffman the self makes decisions and choices and functions as a character according to the situation in which it finds itself. The self is changeable and nonorganic. It is not the source of a person's ideas, actions, or way of behaving in the world. Instead it is a person's dramatic conduct in a particular social situation that comes first and constitutes the self. Looking at the "face" or façade that people hope to achieve through their actions helps us understand the strong connection between the making of the self and the contexts of interaction. Goffman distinguishes in this connection between front stage and backstage. The front stage requires more rigorous filtering out of those aspects of identity unsuited to the situation —the social setting—whereas backstage people are less concerned with the face they wish to project. Goffman's theory is not without problems. Yet even if we do not accept his account of how the self is constructed, it teaches us that the way the self presents itself affects the way it sees itself. The theory clarifies how the practices imposed on the excommunicated person can matter to his very inner identity. Unlike other theories of the external construction of the self, Goffman focuses on everyday life. He examines the everyday aspects of self-presentation, showing how we alter our selves according to our wish to present a particular persona on a particular occasion. This perspective brings out how profoundly outward practices affecting appearance can influence the excommunicated person's view of himself. Labeling him from afar marks him as an unsocial person. This presentation can set off a chain of human responses: society distances him; he internalizes the distancing and regards himself as someone who deserves to be kept at a distance.

Identity and the Prevention of Communication: Distancing at Intermediate Range

The prohibitions on exchanging greetings and on Torah study concern distancing at an intermediate range. What is restricted is communication within speaking distance, where the parties can already clearly see each other's physical appearance and speak to one another, but need not enter each other's four cubits. As with appearance, the physical or verbal aspect of a restriction on

communication within speaking distance has a range of social effects. When greetings are forbidden, it becomes very difficult to begin any human conversation, and communication becomes fraught and forced. The excommunicated person is thus prevented from conveying his problematic ideas to the other members of the community. The centrality of Torah study to the sages as a means of conveying messages and of socialization makes it clear that forbidding such study is intended both to restrict communication and to withhold recognition from him.

Exchanging Greetings

As with covering the head, Rav Yosef takes the lead in arguing that the excommunicated person may not exchange greetings, on the basis of a comparison with those who observe a public fast: "And [they are forbidden] to exchange greetings with one another, like people rebuked by the Omnipresent" (Mishnah, Ta'anit 1:7). I discussed above the possibility that this comparison shows how deeply interconnected a ban imposed by the sages and one imposed by God were in Rav Yosef's thinking. This mishnah mentions neither an excommunicated person nor a mourner, only the state of rebuke of those fasting. Yet he saw fit to find here a source for forbidding the excommunicated person to exchange greetings. How does that prohibition affect him? It casts a shadow over the beginning of human contact. Notice that here, as with the covered head, speech itself is not forbidden. Being unable to open an everyday conversation disrupts the means of communication and prevents its free flow.

A closer look shows that the effect goes beyond discomfort in communicating with another person. An exchange of greetings is an event that establishes communal boundaries, determining who belongs to the group and who comes from outside. Van Gennep shows how in what he calls semi-civilized societies a greeting reaffirms and renews community membership for an existing member and functions as a barrier to strangers, who are presented first to a narrow circle of friends and only later to wider circles (van Gennep 1960, 32). Moreover, a greeting has a particular place in making initial contact with the other, in identifying a person, and, more importantly, in granting recognition to the person addressed (Perinbanayagam 2000, 61). In light of these approaches, a greeting is more than the beginning of any human conversation. It is a central element in recognizing a person and his membership in the community. Without this beginning a conversation is truncated and fraught. It cannot flow as it ordinarily would and lead to an affirmation of the selves of those speaking. For the excommunicated person, whom one cannot greet, the "self" is profoundly unsettled. The prohibition restricts communication with him, but it also undermines his sense that he is someone who can be addressed, a person whom others ought to acknowledge.

The Prohibition on Torah Study

Most scholars hold that in the mishnaic period excommunication consisted primarily in removal from the house of study and the isolation of the excommunicated person in humiliation and disgrace, rather than banishment or expulsion from Pharisaic society altogether (Libson 1978–80, 186). The story of the excommunication of Rabbi Eliezer ben Hyrcanus supports this view, as does the story of the lifting of the ban: both emphasize the breaking off or resumption of debate between Rabbi Eliezer and the sages (Libson, ibid.). A baraita in Evel Rabbati (also called tractate Semaḥot; scholars differ on the date of its redaction, placing it anywhere from the third to the eighth century CE) stipulates:

> An excommunicated person does not read, nor do others read with him [he does not read the Torah for the community, nor do they read the Torah for him]. He does not recite, nor do others recite with him [he does not recite the Mishnah for the community, nor is the Mishnah recited for him]. But he may read by himself and recite by himself so that he does not forget his learning.

> They may hire him, and others may hire themselves out to him [they can hire him for work and he too can hire workers], not for his own benefit [Zlotnick 1966, ad loc.: not as a favor to him], but so as not to close the door in his face. (Evel Rabbati 5:14)

In the Babylonian Talmud this law appears with variations (the person under *niddui* in Evel Rabbati becomes the person under *ḥerem* in the Bavli): "A person under *ḥerem* does not recite, nor do others recite for him. He may not be hired, nor may others hire themselves out to him. But he may recite to himself so as not to interrupt his learning, and he may set up a small shop to earn his living" (Moed Katan 15a).

The context in which the law is taught admits of two interpretations. It may indeed concern removal specifically from the house of study. But it is equally possible that the house of study is not necessarily its frame of reference. The baraita just quoted brings together the prohibition on Torah study, the hiring of the excommunicated person as a laborer, and the prohibition on working for him. These require intensive communication and are forbidden. In the first century CE expulsion from the house of study may have been central. Reading the later law as a whole, however, suggests that the ban on Torah study does not concern an elite of Torah scholars but applies to every excommunicated person. Both the formulation of the Bavli and that of Evel Rabbati, which join the prohibition on work to the prohibition on Torah study, can be understood as restrictions on intensive or everyday social interactions. Exclusion from the house of study, as in the case of Rabbi Eliezer ben Hyrcanus, was a measure directed at the scholarly elite. The prohibition here bars an excommunicated person from studying Torah with those around him.

What, then, is the symbolic meaning of the prohibition on Torah study? As is well known, Torah study is one of the most important principles in the sages' world: "Among the sages a man's standing was determined first and foremost by his mastery of Torah and his devotion to it, in study and in the observance of its commandments alike. This was their aspiration in life and the supreme value of their existence" (Lee I. Levine 1985–86, 23). Such a formulation, which places Torah study at the center of the sages' world but not that of the public, in fact strengthens the supposition that the prohibition relates only to the scholarly elite. At a later period, however, after the generation of Usha in the second century CE and after the Bar Kokhba revolt, Torah study became a popular occupation (Alon 1967, 56, 64, 71). From the third century CE onward it was widespread among the people. The prohibition thus has general force, extending beyond the house of study that figures in the story of Rabbi Eliezer ben Hyrcanus. This, then, is why the baraita compares Torah study with work: both concern the same thing, the practice of a craft. Gedaliah Alon cites Tosefta Bava Batra 6:4 as a source: "Brothers, one of whom took two hundred zuz and went to learn Torah or to learn a craft." The heading for the baraita linking Torah study to work should therefore be "The excommunicated person may not practice a craft." In keeping with the prevailing tendency, the craft of Torah study was listed separately from the other crafts, yet also as their equal. I shall examine the meaning of the prohibition on work critically below. I want now to return to the effect of forbidding the excommunicated person to study Torah, on the assumption that it has distinctive features beyond the prohibition on practicing a craft. Even if we accept that it is directed only at the sages as a group, we must still establish the character of the prohibition and its effects on the excommunicated person.

The distancing bound up with the prohibition finds expression in three principal features of this craft. Torah study is one of the paramount values of rabbinic Pharisaic society. It is dialogical by nature, with implications for the sense of belonging to the people of Israel. And it has a political dimension. I have already discussed its importance to the sages and, in later generations, to the public at large. Forbidding Torah study severely limits the depth of human communication. Where

forbidding greetings impairs the ability to open a conversation and diminishes the recognition accorded the excommunicated person, here the restriction is on substantive communication with him. More is involved, however: his very socialization into society is restricted. If Torah study is a central value, then those who engage in it together are necessarily being socialized by doing so. The ban on Torah study prevents socialization of this kind.

Torah study is not a private event but one undertaken by at least two people: "A person under *ḥerem* does not recite, nor do others recite for him. He may not be hired, nor may others hire themselves out to him. But he may recite to himself so as not to interrupt his learning" (Moed Katan 15a). The baraita takes for granted that Torah study requires at least two participants. It introduces permission to recite by oneself as the exception. The person under *ḥerem* "recites" to himself: even his independent study draws its vocabulary and metaphors from the world of Torah study with others. Neusner argues that in rabbinic literature Torah study is always a public experience, even if only metaphorically so (1985, 13). It is an experience bound up with the ethos of the people of Israel, and taking part in it strengthens the bond between an individual and his people. Torah study is a public act with symbolic significance for community membership. It is also a principal means of disseminating ideas, a channel through which social, political, and religious ideas circulated. Interpreting Scripture, and engaging in the interpretation of Scripture, are fundamentally political acts. Closing this channel to the excommunicated person neutralizes the threat that he will spread his unsettling ideas.

The Bavli's distinction between *niddui* and *ḥerem* now takes on greater significance. The person under *ḥerem* may not study Torah, while the person under *niddui* may. Permission to engage in words of Torah is also permission for substantive communication with those around him, communication through which messages are conveyed, socialization into the community takes place, and his "self" is recognized. This suggests that at the initial stage, during the first sixty days of excommunication, his nonconformity is not yet so threatening to the community. The permission has substantive as well as functional significance. Despite the other severe restrictions on him, Torah study can greatly ease his condition. It lets his voice be heard through a significant channel of communication, even though he is labeled from afar and the exchange of greetings is restricted. Those restrictions cast Torah study in his company in a different light. His voice may be heard, but it is "filtered." People treat it with special caution and sensitivity in view of the warning signs that accompany it when he is labeled as a person under the ban. In any event, I think it fair to say that the Bavli's permission for someone under *niddui*, as distinct from *ḥerem*, to study Torah lessens his sense of social death and his existential fears. For the person under *ḥerem* the reverse is true.

The Absence of Social Interaction Impairs the Formation of the Self

The excommunicated person is labeled from afar. He may not cut his hair, and he must go around to the left on entering the Temple Mount. This labeling can also affect how he experiences and sees himself, since practices that act upon the body, outward though they seem, can also work inwardly upon the psyche. We have now seen that within speaking distance the opening of conversation is disrupted and substantive conversation, in which he might receive recognition or convey his ideas, is forbidden. How does this restriction on substantive conversation affect his self? We constitute our personalities through social interactions. An adult makes an object of himself by taking the role of another and seeing himself through the other's eyes and from the other's point of view (Mead 1944, 164, 173). The self is not an independent, uniform, single, unchanging unit. It is a dynamic process that depends on the expectations and responses of those around it and on the way it interprets the social activity and interactions that surround it. Every kind of communication in fact presupposes the capacity for such objectification: the ability to anticipate another's responses and

to play the other's role. The break in communication impairs the excommunicated person's ability to perceive his own actions as part of a social interaction. Excommunication makes it very difficult for him to imagine himself in someone else's shoes and, consequently, to go on forming his personality through continuing social contact.

Distancing at Close Range: Disgust

The restrictions on the body and on dress serve to keep people from physical contact with the excommunicated person. This section will consider the prohibition on entering the Temple courtyard, on sitting within his four cubits, on bathing, on laundering clothes, on working, and on wearing sandals. All engage the senses of smell and touch. These prohibitions forestall physical contact. This is more than a technical matter of following an instruction to keep one's distance: the effect is far more extensive. The prohibitions considered here bind the element of distancing in excommunication to the activation of the senses. The connection tells us something about the elemental character of this distancing. As I shall show, something elemental that brings together repulsion, distancing, and the senses finds expression in what we call disgust. This disgust accords with the view of the excommunicated person as a dead man walking, for disgust is intimately related to drawing away from death and from things that remind us we are mortal. The sages use the suspension of personal hygiene—bathing, laundering, cutting the hair, wearing sandals—to enlist the sense of smell in making the excommunicated person disgusting. In the rabbinic period, on the testimony of rabbinic literature itself, great importance attached to outward appearance and to maintaining the basic standards of hygiene expressed in bathing, washing one's clothes, and wearing shoes. The prohibitions on observing these standards do more than impede ordinary communication in the public baths. They work a more elemental distancing: they engage the senses so that those who come close recoil from the excommunicated person and feel disgust at him.

The Prohibition on Entering the Temple Courtyard

As noted, the excommunicated person may enter the Temple Mount, provided he goes around it to the left. Entry into the courtyard is another matter (Mishnah, Eduyot 5:6): "Rabbi Yehudah said: 'Heaven forbid that Akavya should have been excommunicated! For the courtyard is not closed in the face of any Israelite the equal of Akavya ben Mahalalel in wisdom and fear of sin.'" It is inferred from this mishnah that an excommunicated person was forbidden to enter the courtyard. Gedaliah Alon argues: "They prevented serious offenders, those who had departed from the ways of the community, from entering the Temple. For excommunication is nothing other than formal recognition that the excommunicated person has departed from the ways of the many" (Alon 1967, 116). Alon holds that the mishnah cannot mean "that when the courtyard was closed on the eves of Passover because of the crowds entering it, there was no one in all that multitude as great in wisdom and fear of sin as Akavya." We must take it in its plain sense: "It is inconceivable that Akavya, whose wisdom and fear of sin were so great, should be prevented from entering the courtyard, a punishment reserved for only the gravest offenders" (Alon 1937–38, 283).

Lieberman argues: "The ancients' attitude to their temples found expression in particular laws that embodied their reverence for holy places. There was, of course, a rule common to Jews and gentiles that people who were impure or improperly dressed were forbidden to enter the sacred precinct. The peoples of the East, the Greeks, and the Romans added to these the perpetrators of certain moral offenses, as well as those mourning the death of a relative. […] The Targum expressly says that offenders ('sinners and the guilty') do not enter the Temple. It also appears from the Mishnah that the excommunicated person was forbidden to enter the Temple" (Lieberman 1983–84, 272).

Let us consider our mishnah in light of these assumptions. If the courtyard was closed only to serious offenders, and it is inconceivable that Akavya ben Mahalalel could come under that description, Rabbi Yehudah's meaning is: Heaven forbid that Akavya was excommunicated, for he was a man great in wisdom and fear of sin, and the courtyard is therefore not closed to him. Closing the gates of the courtyard is an important sign of excommunication. What is it about this courtyard that makes barring entry to it a symbol of the ban? One can, of course, follow Alon and Lieberman and hold that the excommunicated person, like all who depart from the ways of the community, cannot enter the Temple out of reverence for the place. Yet here we must be more precise. What makes those who depart from the ways of the community, those who attend theaters (as Alon shows), personae non gratae in the Temple? What is the honor denied them when they are forbidden to enter it? What, in other words, is the symbolic meaning of the courtyard, and what is the symbolic meaning of preventing the excommunicated person from entering it?

Judging by its dimensions as described in tractate Middot, the courtyard's "capacity […] was small" (Alon 1967, 115). One entered it when bringing an offering to the Temple. It was used particularly on the three pilgrimage festivals and on the Day of Atonement, when Israelites who had come on pilgrimage and succeeded in getting in stood there. Its size and uses help us understand the mishnah from Eduyot. The difficulty in Alon's explanation emerges from the plain sense of the words "for the courtyard is not closed in the face of any Israelite." On their face the words point to a situation in which the courtyard actually had to be closed because of the crowd. The mishnah should therefore be understood as follows: on the three pilgrimage festivals, when the courtyard was full and the multitudes of Israel wanted to enter and the gates had to be closed because it was full, even on those days they admitted Akavya ben Mahalalel by virtue of his standing as a Torah scholar. We should apparently combine Alon's explanation with the Mishnah commentators' first intuition, that the words refer to a courtyard filled to capacity. If we accept this interpretation, we must establish both the courtyard's symbolic significance and why it was not closed to a man like Akavya when it would have been closed to any other Israelite. Why did it matter that a scholar like Akavya be allowed to enter on the three pilgrimage festivals when it was full? Even on the most conservative estimates the courtyard was very crowded on festivals, and it was there that the acts defining a pilgrimage festival took place: the sacrifice of the offerings of appearance and the festival peace offerings. The purpose and symbolic meaning of standing in the courtyard derive from its function on ordinary days. On an ordinary day the division of Israelites serving at that time stood in the courtyard. As Mishnah Ta'anit 4:2 says:

> What are the *ma'amadot* [representative delegations]? For it is said: "Command the children of Israel and say to them: My offering, My food." How can a person's offering be presented unless he stands beside it? The early prophets established twenty-four divisions. Corresponding to each division was a delegation in Jerusalem of priests, Levites, and Israelites. When a division's turn came to go up, the priests and Levites went up to Jerusalem, while the Israelites of that division assembled in their towns and read the account of Creation.

This mishnah concerns representation. An offering requires the owner's presence when it is sacrificed. Communal offerings therefore require the presence of the entire community. Hence the people were divided into twenty-four priestly divisions. To each division they attached a delegation of Israelites, those who stood in the courtyard when the offerings were presented. An Israelite able to go up to Jerusalem during his division's turn was appointed to act for the whole people in the courtyard during the presentation of the communal offerings. The division thus represents the whole people of Israel. On the three pilgrimage festivals and the Days of Awe, the Israelites who stood in the courtyard likewise represented Israel as a whole. In this light, the proper context in which to examine pilgrimage and the ceremony in the courtyard seems to be that of a "public

ritual": a public event whose space, time, and conduct are structured differently from those of ordinary daily behavior. This structuring allows us to interpret public ritual as an expression of an active social and political tendency. Geertz observed that rituals present the state and its government not only as important and necessary but as part of the world's "natural order" (1985, 15). In this sense rituals both point to a social and political reality and "produce" a political reality. Public ritual is intended, on the one hand, to generate feelings of belonging and loyalty to the group and, on the other, to construct personal identity. A national political ritual, for example, is meant to present the state as a uniform and united, sovereign and independent entity with a social order and a historical mission. It presents the state as having an essence above disagreements and competing currents. The elements of the ritual reinforce feelings of belonging, of being part of a natural order, and of loyalty. They generally also construct a memory of the past. An account of the national past makes it possible to give order and clarity to the present as well, yielding a clearer and less chaotic picture of the world.

The Temple service in the courtyard during the three pilgrimage festivals was a public ritual. Its social purpose, the symbolic significance of the Israelites' assembly in the courtyard, and the commandments associated with the ritual—appearance, the festival offering, and rejoicing—are all directed toward strengthening the sense of belonging to the people of Israel and marking the boundary between those who belong and those who do not. In this sense entering and standing in the courtyard are part of an entire arrangement that strengthens the unity of people and community. Standing in the courtyard actually brings that unity into being. On this reading the "honor of the Temple" of which Alon spoke is another name for preventing the excommunicated person from taking part in a ceremony one of whose purposes is to forge the community. The prohibition prevents him from participating in the unity expressed by standing there. He may, as noted, enter the Temple Mount on condition that he identifies and labels himself. Barring him from the courtyard may express a more stringent restriction on physical access to the Temple, just as Alon suggests. But the permission and prohibition are intertwined. He appears on the Temple Mount like everyone else, identifying and labeling himself as excommunicated. At the same time he cannot take an active part in the religious rites or share in the atmosphere that creates the feeling of unity. The obligation to circle left and the prohibition on entering the courtyard thus serve the same end. They heighten his sense of excommunication because he remains within the community's bounds while feeling intensely his exclusion from the circle of ritual that binds all its members together. The statement that "the courtyard is not closed upon any Israelite the equal of Akavya ben Mahalalel in wisdom and fear of sin" can therefore mean that Akavya is permitted to enter because his presence poses no danger, no social threat, and he in particular can participate in the public ritual that takes place there.

Apart from the symbolic meaning of his exclusion there is a simple and direct social significance: preventing physical and communicative contact with him. People stood very close together in the courtyard (Safrai 1993–94, 59). The prohibition on physical contact finds expression in the obligation to refrain from sitting within his four cubits, which I shall analyze next. For our purposes, if four cubits measure approximately 1.4 to 1.6 meters, it is quite plausible that on the three pilgrimage festivals the courtyard was too crowded to maintain a distance of four cubits between one person and the next, and that for this reason the excommunicated person was forbidden to enter it.

The Prohibition on Sitting within Four Cubits

A. The Prohibition in Babylonia or in the Land of Israel

The prohibition on sitting within four cubits of an excommunicated person is learned from the famous account of the excommunication of Rabbi Eliezer ben Hyrcanus. As is well known, he was excommunicated in consequence of the episode of the Oven of Akhnai. (Rabbi Eliezer held that an impure oven that had been divided into sections and then put together again was pure. The sages held that its former impurity remained. He refused to accept their view, so they excommunicated him and declared impure everything he had pronounced pure.) Some infer from the Jerusalem Talmud (Shabbat 2:7) that the distance of four cubits was not observed in excommunication in the Land of Israel:

> It happened that Rabbi Eliezer was dying on the eve of the Sabbath as darkness fell. His son Hyrcanus came in to remove his phylacteries. He said to him: "My son, have you set aside the commandment of the lamp, which is a matter of Sabbath rest [a rabbinic commandment] and for which one is liable to *karet* [excision, if you light the lamps after dark], and come to remove phylacteries, which is only discretionary and only a commandment [wearing phylacteries, a commandment on weekdays, is forbidden on the Sabbath from nightfall, and it is a commandment to remove them just before dark on the eve of the Sabbath]?!" He went out crying, "Woe is me, my father has lost his mind!" [Hyrcanus did not understand his father's intention.] He said to him: "It is your mind that is lost. Mine is not." When his disciples saw that he had answered them wisely, they came in to him and began asking him questions. He called the impure impure and the pure pure. His last word was "Pure," and his soul departed. They said: "It is plain that our master is pure." Rabbi Mana said: "Only now is it evident?! [Is it only now evident?!]" Rabbi Yehoshua came in, removed his phylacteries, embraced and kissed him, and wept, saying: "My master, my master, the vow is released! My master, the chariot of Israel and its horsemen!" [Interpretation of the story after Fraenkel 2001, 157.]

From the fact that his disciples came in to him and Rabbi Yehoshua removed his phylacteries, some conclude that the distance of four cubits was not observed in the Land of Israel. The Babylonian source, by comparison, expressly notes the four cubits the sages kept between themselves and Rabbi Eliezer. Yet an omission need not be read as a negative. The practice may have been so familiar to the source from the Land of Israel that it needed no mention. Can we in fact read the Yerushalmi on the supposition that the distance was observed there? The disciples' entering Rabbi Eliezer's room does not require them to sit within his four cubits. Removing the phylacteries does require someone to stand within that distance. In the story, however, Rabbi Yehoshua removes them only after concluding that the vow has been released and Rabbi Eliezer is no longer under the ban (after his soul has departed). The Yerushalmi also recounts how Rabbi Akiva was chosen to inform Rabbi Eliezer of his excommunication and says he "came before him" (*ata le-gabbeh*; Moed Katan 3:1). From the fact that he stood before Rabbi Eliezer—"came before him"—it has been concluded that he stood within his four cubits. The expression does suggest physical proximity, but we must remember that the degree of proximity is not unambiguous. Furthermore, within the logic of the story the sages may have understood the ban to begin only when word reached Rabbi Eliezer. Standing before him while giving him the news would not yet fall within the period of the ban. In the Bavli the parallel to the Yerushalmi's account of Rabbi Eliezer's death expressly says that the sages sat four cubits away:

> Was it not taught: When Rabbi Eliezer fell ill, Rabbi Akiva and his fellows came to visit him. He was sitting under his bed canopy and they in his reception hall. When the sages saw that his mind was clear, they went in and sat before him at a distance of four cubits. He said to them: "Why

> have you come?" They said: "We have come to learn Torah." He said to them: "And why did you not come before now?" They said: "We had no leisure." He said to them: "I shall be surprised if they die their own deaths" [I shall be surprised if they die a natural death]. (Sanhedrin 68a)

There may be a substantive difference between the Babylonian tradition and that of the Land of Israel. But one can also suppose that they are one tradition, stated explicitly in the Bavli and emerging from the story in the Yerushalmi. After all, only Hyrcanus, Rabbi Eliezer's son, concerned himself with removing the phylacteries; Rabbi Yehoshua did so only once it was clear to him that the vow of excommunication had been released.

B. The Meaning of the Prohibition on Sitting within Four Cubits

What does it mean to prohibit sitting within the excommunicated person's four cubits? The term "four cubits" denotes a "minimum distance" and, figuratively, a person's immediate surroundings, a very confined space. A cubit is the part of the arm extending from the elbow to the wrist. It denotes an ancient unit of length estimated at about forty centimeters. Four cubits thus amount to about 1.6 meters, and one may not sit with the excommunicated person within that radius. The term occurs dozens of times in the Mishnah and hundreds of times in the two Talmuds. Relatively few sources, however, use both "four cubits" and the root *r-ḥ-q* ("to be distant") to indicate a customary distance to be kept from an object or a person. Such distancing has two characteristics. The first is the protection of a person's private space. This finds expression in mishnayot in Bava Batra dealing with keeping damage away from another person's property. For example: "One whose wall was near his fellow's wall may not place another wall alongside it unless he sets it back four cubits. And in relation to windows: four cubits above, below, and opposite" (2:4). The Mishnah requires a distance of four cubits in building a partition wall between houses "so as not to darken his fellow's house" (ibid.). It also requires windows to be built four cubits lower or higher than a neighbor's windows, to protect his privacy and prevent looking in.

"Four cubits" also occurs in association with the root *r-ḥ-q* in the context of keeping away from what disgusts. For example: "Once a child can eat an olive's bulk of grain, one keeps four cubits away from its excrement and its urine" (Tosefta, Berakhot 2:16). And: "A person must not pass water in the place where he prays unless he distances himself four cubits" (ibid., 2:19; parallel in Babylonian Talmud, Megillah 27b).

Let us consider these two characteristics.

Not entering the excommunicated person's private space. This is a physical distancing that establishes a minimum distance from him. For any living organism, control of the space central to its survival, usually the space close to it, is important (Lyman and Scott 1970, 214). Personal space is a kind of boundary between body and surroundings, into which others are not supposed to enter. Entry is regarded as an invasion (Sommer 1969, 26). Personal space naturally varies with cultural context, but, as I have said, it exists for every living creature. Keeping four cubits away is thus an advance declaration, a categorical declaration, that one will not enter another's personal space. This is deeply significant. Although personal space affords protection, having other people enter it is a psychological and physical need of every human being. Such entry also helps define and strengthen the self. It allows the boundaries between self and other to dissolve and the self to return into itself, and ultimately brings about mutual recognition (Gurevitch 1990, 187). The prohibition on entering the excommunicated person's private space thus has a profound meaning. It carries grave consequences: it makes it impossible for him to connect with others and come into physical contact with them, and consequently deprives him of the possibility of receiving their recognition. Moving

about in public while his personal space is closed makes him feel the impossibility of connection many times more keenly. Just as he may enter the Temple Mount but not the courtyard, so the prohibition on sitting within his four cubits allows him to come into company but distances him from close interaction and denies him recognition.

Rava sees the prohibition on sitting within four cubits as part of the prohibition on eating and drinking with the excommunicated person. He derives it from Judges 5:23: "'Curse Meroz,' said the angel of the Lord, 'utterly curse its inhabitants'" (curse Meroz, which did not come to the aid of Barak and Deborah). Rava says: "One who eats and drinks with him [one excommunicates the person who eats and drinks with the excommunicated person] and stands within his four cubits [as well as the person who is within his four cubits], for it is written, 'its inhabitants.'" (Moed Katan 16a). Not entering his personal space already includes the prohibition on eating and drinking with him. What is limited, then, is both the possibility of touch and the normal possibility of communication. The great importance of eating and drinking together in sustaining interpersonal ties hardly needs stating. The primary meaning of the prohibition on entering his four cubits, then, is to prevent intimate interaction with him.

Four cubits as a distance from what disgusts. As already noted, the tannaitic sources that connect distancing with four cubits speak of keeping away from excrement and urine. There is also a saying attributed to a first-century tanna: "And Rabbi Yitzḥak said in the name of Rabbi Yoḥanan on the authority of Rabbi Eliezer ben Yaakov: A corpse occupies four cubits with regard to impurity" (Babylonian Talmud, Sotah 43b). The usual assumption is that this is a rabbinic decree intended to prevent someone from touching the dead. Berakhot likewise says: "A corpse occupies four cubits with regard to the recitation of the Shema" (Babylonian Talmud, Berakhot 18a). One may not recite the Shema within four cubits of a dead person. The usual assumption is that the prohibition springs from the wish to prevent "mocking the poor," that is, mocking the dead. Clearly there is a wish here to avoid contact with the dead, so the conventional minimum distance is adopted. But is there something else characteristic of keeping this minimum distance from the dead? Examining the rabbinic sources that use the root *r-ḥ-q* together with "four cubits" suggests to me that there is indeed a substantive connection in the choice of four cubits as the distance from a corpse, excrement, or urine.

Researchers identify contamination as one of the chief components of disgust (Rozin et al. 2000, 641). Disgust differs from distaste because it depends on what the subject takes the disgusting object to be. If a person thinks what is before him is urine, its smell will be disgusting. If he thinks it is tropical fruit juice, the smell will not disgust him. Disgust is also different from danger. Dangerous objects such as poisonous mushrooms are not considered disgusting, and once the poisonous component is removed, people have no difficulty eating or approaching them. Disgust, by contrast, sets off a chain of contamination: someone who has touched something considered disgusting can himself contaminate anyone or anything he touches. Even if one removes the dangerous element from a disgusting thing—a sterilized cockroach is the classic example—it remains as disgusting as before. Things are disgusting because they remind us of our resemblance to animals. Excrement, urine, semen, menstrual blood: humans and animals share them all. Disgust serves to prevent contact with the things that remind us of this resemblance, a recollection that arouses disgust in us (ibid.). Miller rejects resemblance to animals as the central explanation. What matters, he argues, is that we, like animals, are subject to decay and dissolution. To come into contact with things that arouse disgust is to come into contact with death. This is why a corpse is one of the most disgusting things of all (Miller 1997, 14). Disgust is closely bound up with moral judgment and moral qualities. Whereas a general moral evaluation is abstract, disgust conveys an

unequivocal and unanswerable rejection, here and now. As noted above, expressing disgust constructs a hierarchy in which we stand above the disgusting object. We are disgusted only by something particular, of which we must be aware in order to feel disgust. The hierarchy it conveys is clear: the disgusting object is low and despicable in relation to the person disgusted by it. Yet fear of contamination works both ways. In defining an object or person as dangerous and contaminating, the one who feels disgust also reveals his own vulnerability and the relative power of the contaminated person (Miller 1997, 5). Unlike contempt, which causes the contemptuous person no discomfort, disgust entails discomfort for the person experiencing it. Moreover, disgust contains a subversive element. Julia Kristeva draws attention to the subversive quality of the disgusting thing. Like Douglas, she sees what disturbs "identity, system, order" as what makes something abject (Kristeva 2005, 9). But for her the abject not only disrupts order, it also undermines it:

> A person who defies morality is not abject: there can be greatness in amorality, even in a crime that flaunts its disrespect for the law—rebellious, liberating, suicidal. Abjection, by contrast, is immoral, dark, scheming and suspect: terror that disguises itself, hatred that smiles, a desire for the body that trades in it instead of setting it aflame, a debtor who sells you out, a friend who puts a knife into you … (ibid.)

For Kristeva disgust has to do with challenging order and laying bare the fragility of the existing order. Thus "every crime is abject […] but premeditated crime, planned murder […] are all the more abject, since they redouble this display of the law's fragility" (ibid.). It is easy to see why the excommunicated person is labeled as disgusting: he represents precisely this exposure of the fragility of the established order, of the subordination of community members to its institutions and to the sages' authority.

To return to the prohibition on sitting within his four cubits: in tannaitic sources, as we have seen, keeping four cubits away is intimately bound up with keeping away from things considered disgusting, excrement and urine. We have also seen that the corpse, the disgusting object par excellence, occupies four cubits for purposes of impurity. If we accept that the prohibition is to be read in the context of distancing from disgusting things, a fact already hinted at comes to light: the excommunicated person represents something disgusting that stands in turn for death and dissolution. Marking him as disgusting or dead has moral as well as physical implications: a negative moral significance is attributed to him. To ascribe to him a whole negative moral order by labeling him as disgusting and keeping four cubits away from him as from urine, excrement, or the dead has a severe effect upon him.

The excommunicated person opposes the prevailing morality from a moral position of his own. He declares his social deviance and publicly refuses to accept the authority of the sages. Subjecting him to a system of disgust—by keeping four cubits away and, as I shall show, through other practices too—moves him from the realm of someone considered heroic in his declared opposition to the regime into the realm of a devious criminal who resorts to intrigue to undermine the regime from within. The semiotic context is clear: making him disgusting is tied to his subversiveness and to his exposure of the fragility of the existing order. Consequently, though the social system of distancing under which he lives exacts a heavy price, he cannot even take comfort in preserving his moral integrity. He is labeled as abject and disgusting.

Bathing and Wearing Sandals

The excommunicated person may not bathe (he may wash his face, hands, and feet, but not his whole body) and, according to Rav Yosef, may not wear sandals in town. The prohibition on

bathing occurs in a tannaitic source that compares the mourner, the excommunicated person, and those observing a public fast: “What of an excommunicated person: may he bathe? Rav Yosef said: Come and hear: When they said bathing is forbidden, they meant only the whole body, but the face, hands, and feet are permitted. And so you find with an excommunicated person and a mourner” (Babylonian Talmud, Moed Katan 15b; parallels in Tosefta, Ta’anit 1:6; Evel Rabbati 5:12; Jerusalem Talmud, Berakhot 2:7).

As noted above, the Bavli took the prohibition on bathing in particular as a touchstone for distinguishing the experience of fasting on the Ninth of Av from that of a public fast: “Wherever the reason is mourning, as on the Ninth of Av or in the case of a mourner […] wherever the reason is pleasure, as on a public fast […]” (Ta’anit 13a). On a straightforward reading, some have concluded that the prohibitions of a public fast differ in kind from those of mourning. The restrictions of a public fast are meant to lead the community to set aside its usual concerns and come together in the face of collective distress. The restrictions of mourning are meant to induce a feeling of mourning. On this view one may wash in cold water during a public fast, because that does not compromise the purpose of the restrictions. In mourning all washing would be forbidden because the restrictions were instituted to induce a feeling of mourning in the person who observes them (David Levine 2000–01, 58). Other views, however, permit functional washing in mourning. Rubin, for example, argues that the prohibition is “part of the symbolism of ‘invisibility’ in the rite of passage. It is no affliction, but a symbolic expression of the mourner’s condition. A fastidious person may therefore bathe, and anyone may wash in cold water” (1997, 174). Reservations about the elements common to the public fast and mourning seem to belong to the later texts. The early texts speak in the same breath, and without qualification, of the mourner, the excommunicated person, and those observing a public fast. In this framework the prohibition on bathing both reflects their feeling of distance and excommunication and acts as a means of distancing them.

How does the distancing practiced in excommunication find expression in the prohibition on bathing, in light of the hygiene practices of the time? Rabbinic literature clearly attests to the existence of bathhouses. The question is when Jews began to use them and how widespread their use was in Jewish society. Bathing in bathhouses was probably customary already in the Second Temple period (Eliav 1992–93, 34, 59–62). Rabbinic literature suggests that the bathhouse was “an integral part of the Jewish city” (ibid., 36). Some hold that in the talmudic period “bathhouses were a necessity, not a luxury” (Kottek 1985, 144). The conclusion is that from early on the bathhouse was “a legitimate and accepted institution among Jews” (Eliav 1992–93, 41). Its existence and the routine of bathing there clarify the first restriction entailed in the prohibition. Since people then washed in public bathhouses, the prohibition impedes physical communication. Bathhouses had social importance in the Roman period as places for conversation and the formation of social ties (Jackson 1988, 48). First, the prohibition on washing the whole body deprives the excommunicated person of the socialization inseparable from the bathhouse experience. Second, it makes him disgusting to those around him. Anyone who comes near him cannot help smelling his body odor. The baraita provides that “when they said bathing was forbidden, they meant only the whole body; the face, hands, and feet are permitted.” The prohibition was more flexible and delicate than those on cutting the hair or laundering clothes, yet in practice it feeds the process of making him disgusting. The baraita’s concern is not to cause him pain, and so he may wash his hands and feet. Its aim is to distance him from the bathhouse and make him disgusting to anyone who approaches. The prohibition brings disgust to the very threshold of his body. The laundry prohibition affects his clothes and, in the economy of his psyche, can be regarded as something separate from him. The prohibition on bathing arouses disgust at his actual body. Forbidding him to wash with water heightens his sense of his own decay and dissolution and intensifies his fear of death.

The excommunicated person may not wear sandals in town: “It was taught [in a tannaitic source]: A mourner and an excommunicated person walking on the road may wear sandals. When they reach town they shall take them off. And so on the Ninth of Av and on a public fast” (Jerusalem Talmud, Berakhot 2:7). The prohibition is confined to town. On the road the mourner, the excommunicated person, the person on a public fast, and the person fasting on the Ninth of Av may wear sandals. The prohibition thus acquires meaning only in public. On the road the excommunicated person or the mourner need not observe a practice of distancing.

This sounds logical for the excommunicated person. He is distanced from the community and need not keep his distance where there is no prospect of interacting with others. But how does it fit the mourner or those fasting on a public fast or on the Ninth of Av? Rubin sees the mourner’s prohibition on wearing sandals as a further expression of his symbolic nakedness and as an outward sign that he is a mourner (1997, 177). From the very leniency that allows sandals outside town, Rubin infers that the prohibition is not necessarily “affliction for its own sake” but a symbolic expression of the mourner’s condition. Yet the comparison with the excommunicated person and those on a public fast suggests that going without sandals may have served to distance a person and that such an effect was relevant only in town. I discussed above the connection between excommunication and the public fast. Those who fast must likewise observe distancing practices, because they too are under the ban. These acts of distancing have meaning in public, so wearing sandals outside town poses no problem. I have also briefly discussed the difficulties posed by the mourner and the need to silence and distance him. The rules about sandals may be part of that arrangement; I shall return to it. Our discussion thus adds a comparison between those who fast on the Ninth of Av and all the figures already mentioned. This comparison points to a connection between the feeling of being under a ban and the affliction of the Ninth of Av. Mishnah Ta’anit gives the reasons for the fast:

> Five things befell our ancestors on the seventeenth of Tammuz and five on the Ninth of Av. On the seventeenth of Tammuz the tablets were broken, the daily offering ceased, the city was breached, Apostomos burned the Torah, and he set up an idol in the sanctuary. On the Ninth of Av it was decreed that our ancestors would not enter the Land, the Temple was destroyed the first time and the second, Betar was captured, and the city was plowed up. Once Av begins, rejoicing is curtailed. (4:6)

The seventeenth of Tammuz and the Ninth of Av are indeed fast days, but the intention behind making them days of calamity is not entirely clear. Consider the alternatives: if a fast is an act of repentance and atonement in the face of an impending trouble, the fasts of the Ninth of Av and the seventeenth of Tammuz are for troubles past, not present. Why, then, does this mishnah appear at the close of the tractate? It is precisely the reading of the fast as a means of dealing with God’s silence and the ban He imposes that clarifies the connection between the mishnah on the “five things” and tractate Ta’anit. After laying down rules for acting sensitively during a drought (a ban God imposes through His silence), for fear that He might react unpredictably, the Mishnah goes on to establish that there are days on which one would do well to be cautious and to act with sevenfold sensitivity. There are indications on those days—the seventeenth of Tammuz and the Ninth of Av—that God is “in the mood” to impose a ban. On such days there is more reason to fear uncontrolled outbursts, and one must be cautious in communicating with God.

The grouping of the excommunicated person, the mourner, those on a public fast, and those fasting on the Ninth of Av thus rests on an understanding of all four situations as situations of excommunication requiring restrictions and distancing, but only in the context of contact with the

community. When the distanced person is alone, distancing has no meaning and can therefore be suspended.

The feet are among the parts of the body that get dirtiest because they come into contact with the ground. The ban on wearing sandals requires direct contact between foot and ground, soiling the foot with dust, mud, and filth. The dirt that clings to the feet is washed off on entering a house after a long journey. Abraham, sitting at the entrance to his tent in the heat of the day and recognizing his guests from afar, invites them in and urges them: "Wash your feet […]" (Genesis 18:4). Here too distancing operates on two levels. On the first, feet soiled with filth arouse disgust in those around the distanced person. He not only internalizes their disgust but feels disgust at himself because the feet that touch the ground are also part of his body. The body's bare contact with ground teeming with dirt activates in its own right his sense of his own impurity. His self-disgust springs precisely from the feeling that he is part of the dirt on the ground. Nothing separates his own organic dissolution from that of the things his feet touch.

On the second level, wearing sandals is connected with social status. In ancient Egyptian culture there was a connection between sandals and rank (Hall 1847, 5). Did such a connection also exist in the rabbinic period? The prohibition is ancient and appears already in God's instruction to Ezekiel: "Put your shoes on your feet" (Ezekiel 24:17). God commands Ezekiel to put on shoes although he is a mourner, hence the scriptural support for the prohibition on wearing sandals during mourning. The sages forbid going out on the Sabbath in nail-studded sandals (soldiers' sandals used by Jews during the Bar Kokhba revolt), for fear of Sabbath desecration (Mishnah, Shabbat 6:2). Researchers have found evidence of nail-studded sandals at Ketef Jericho, concluding that they are of the same types found at Masada in first- and second-century CE strata (Eshel 1987–88, 191). In any case, the very prohibition on wearing a nail-studded sandal makes it clear that wearing sandals was widespread and going without them exceptional. We might venture that, as in ancient Egypt and in our own time, this essential item of dress was also a sign of status, both in the very wearing of it and in the quality of its workmanship. On this supposition the prohibition also has a hierarchical component: it marks the excommunicated person as inferior and disgraced, coloring communication with him in the hues of hierarchy and power.

The Prohibition on Laundering Clothes

The prohibition on laundering is learned from the Mishnah in Moed Katan: "These may launder during the festival […] and the excommunicated person whom the sages have released" (3:2). Ordinarily washing clothes on the intermediate days is forbidden, to ensure that clothes are washed before the festival. Someone whose ban is lifted in the middle of the festival, however, may launder because he could not do so beforehand. It follows that an excommunicated person may not wash his clothes. It is learned also from the baraita: "Excommunicated persons and *metzora'im* may neither cut their hair nor launder their clothes" (Moed Katan 15a). In mourning the prohibition is one of the features of the mourner's liminal state (his transition from the status of a person to that of a bereaved person). Since nakedness is one of the distinctive features of a liminal condition, "clothing is one of a person's status symbols, determining his place in his surroundings, for among naked people distinctions of status cannot be discerned. When clothes are unwashed, they help blur status and give expression to symbolic nakedness" (Rubin 1997, 178). Yet placing the prohibition in the context of distancing shows that the garment's standing as a status symbol is powerfully present in the prohibition on washing it and is not canceled by the prohibition. Forbidding the laundering of clothes has two faces. First, as one approaches the distanced person one can make out the stains on his clothes. Like his unkempt hair (the prohibition on cutting his hair) and his covered mouth (the practice of covering the head), the dirt shows that he stands outside the circle of social

convention and thus warns against communicating with him. Appearance and clothing, as noted, are central in determining the character of future interactions with a person. Second, we are now among those forms of distancing that involve coming physically close to him. Such proximity, even without entering his four cubits, entails noticing his unwashed clothes. More than that, one may smell the sweat that has accumulated on his body and soaked into his clothes, along with other odors that have clung to the fabric. All these arouse disgust in people who come physically close to him.

Smell is central to the production of disgust. Smells are the "carriers" of the contamination associated with disgust and are "threatening like poison" (Miller 1997, 66). Distancing through smell is especially powerful. A disgusting odor coming from a person makes it impossible to remain in his company and produces a hierarchy in which the one who feels disgust stands above the one who inspires it. Leaving clothes unwashed establishes a clear hierarchy between the distanced person and his social surroundings, burdening the social situation with discomfort. The smell of his clothes also affects the excommunicated person's own consciousness. Ordinarily one becomes aware of one's own smell and uncomfortable about it only after realizing that others can smell it. This is the process the distanced person undergoes: from being identified and labeled from afar to having people enter the range of his smell. Entry into that range activates mechanisms different from those to which he has so far been subject. Until now distancing has found expression in labeling him and limiting communication with him. These restrictions affect the constitution of his self. He feels rejected, but he does not feel his self annihilated. The disgust felt by those who come within smelling distance poses a far greater threat to his self. As I have said, disgust is a powerful feeling. One cannot cope with it or repress it. It comes from the body. The disgust the distanced person arouses is unequivocal. It brings home to him both his isolation and his inability to argue against it, for it rests on bodily feelings that no rational argument can dispel. Disgust arises in us when we come into contact with things that remind us of our perishable bodies. Arousing disgust toward the distanced person makes him feel his organic existence more intensely. He becomes acutely aware of his body with its odors, bowel movements, and secretions, an awareness heightened by the isolation he feels. This intensified consciousness of being an animal whose body decays joins with his loneliness. Together they bring into sharp relief his fear of death and the fact that he is, in effect, a dead man walking.

Tearing the Garment

Most medieval halakhic authorities held that tearing the garment was not among the practices of excommunication. This also emerges from the discussion in Moed Katan, which leaves unresolved (*teiku*) whether the excommunicated person must tear his garment. Yet the account of Rabbi Eliezer ben Hyrcanus's excommunication tells us that "he tore his clothes, took off his shoes, and sat on the ground" (Bava Metzia 59b). Naḥmanides (Rabbi Moses ben Naḥman, thirteenth century) and Rashba (Rabbi Shlomo ben Avraham, thirteenth century) infer that Rabbi Eliezer was specifically placed under *ḥerem* rather than *niddui*, and that *ḥerem* also entails tearing the garment. In any event, let us try to establish the significance of tearing for the excommunicated person. This will give us a key to understanding Rabbi Eliezer's action even if it was spontaneous. What is the source of such a spontaneous act? From what cultural sources does it draw?

Tearing is one of the acts most closely identified with the onset of mourning. Symbolically it is not only a rite of passage marking an irreversible transition, say, from "parent" to "bereaved parent" when a child dies. It also signifies, quite simply, the mourner's being torn by the death of the person close to him (Rubin 1997, 163–67). The loss is like the amputation of one of the mourner's limbs. Tearing is thus a physical expression of his distress. Baring the shoulder, a talmudic

mourning practice that follows immediately upon tearing the garment, likewise resembles amputation on one reading: “Perhaps baring the shoulder resembles a practice still current in Arab Muslim society today. In rural areas of Egypt the closest family members, and only the men, bare a shoulder. They take their arm out of the sleeve of the galabiyya. The sleeve swings empty, but the flesh of the body is not seen” (Rubin 1997, 170). The empty sleeve symbolizes the severed arm, the feeling that death has cut off one of the mourner’s limbs. Tearing the garment over the heart can symbolize the torn and grieving heart (Friedman 2007–08, 234). In this sense Rabbi Eliezer’s tearing of his clothes is directed toward mourning his own death as an excommunicated person. From his perspective, it may continue the symbolic act performed by Rabbi Akiva, who dressed in black when he came to tell him of his ban.

Yet we still have to establish the meaning of tearing as part of the distancing mechanism of excommunication. In mourning the emphasis falls on baring the heart: “For all other dead one does not bare one’s heart; for one’s father and mother one bares one’s heart” (Evel Rabbati 9:5). And in the Bavli: “For all other dead one tears a handbreadth; for one’s father and mother, until one bares one’s heart” (Moed Katan 22b; also Jerusalem Talmud, Moed Katan 3:7). The stricter requirement for parents and the double meaning of “baring the heart” point toward the therapeutic effect of tearing. The question is what effect it has in disciplining and distancing in the context of excommunication. Tearing lays bare the skin of the distanced person; it removes the layer of dress that covers him and exposes the skin. The skin, at the very point where a human being meets the world, is a site upon which a moral order can be imposed, even produced. In Jewish culture nakedness symbolizes poverty, shame, slavery, and humiliation. Greek culture turned this on its head, treating the uncovered body and nakedness with pride (Bonfante 1989, 546). Rabbinic sources that forbid prayer, Torah reading, and putting on phylacteries when naked can also be read as conceiving of nakedness as a source of dread (Smith 1966, 219). Exposure of the body thus has implications for morality and status. It signals the excommunicated person’s moral inferiority, the fact that he is wanting and impoverished, and marks him as something threatening. Some have argued that in mourning, tearing is primarily concerned with what the torn garment symbolizes, rather than with nakedness (Rosen-Zvi 2008, 74). Rubin, on the other hand, saw in tearing a “ritual nakedness” and thus assigned significance to tearing as an act, even a symbolic one, that exposes the skin. The naked body need not actually be exposed: tearing the garment itself brings the act into the context of “nakedness.” Tearing the garment is of course degrading, yet it is also a symbolic act with a dimension of moral hierarchy, of which degradation is only one part. For the excommunicated person too it functions as a means of distancing. First it labels him from afar as someone with whom communication is limited. Second it imposes on him a symbolic nakedness that makes him morally inferior, a creature low in the social hierarchy. In his case, as the story of Rabbi Eliezer ben Hyrcanus also shows, tearing has a further symbolic meaning: the excommunicated person is detached, torn away, from the social body. Tearing both symbolizes his mourning for his social death and labels him as morally and socially inferior. It is also a declaration that he does not belong to the social body whose members cover their skin with clothes.

Sitting on the Ground and Working: Close Range and Confined Space

Sitting on the Ground

Both the prohibition on laundering and the obligation to tear the garment involve a physical proximity close enough to see the stains on the clothes and smell their odor, as well as exposing the

skin and the odor rising from it. Sitting on the ground and working are also practices of excommunication that involve interactions at close range and in a confined space. Sitting on the ground (or overturning the bed, that is, turning it upside down) concerns the distanced person's intimate space. Working involves entering his workspace. Both examples involve enclosed spaces of modest size, where the power of sight and smell is heightened. Entering the distanced person's confined space, the place where his bed stands overturned or where he works, throws the elements of distancing into sharper relief.

Let us begin with overturning the bed, the practice of turning the mourner's bed upside down. The discussion in Moed Katan is ambiguous as to whether the excommunicated person is obliged to do so (it leaves the question unresolved in his case). Here too the source for such an obligation, if there is one, is the account of Rabbi Eliezer ben Hyrcanus, who "sat on the ground" (Bava Metzia 59b). Why does Rabbi Eliezer sit on the ground? In mourning the reason for overturning the bed is given as follows: "For Bar Kappara taught [Bar Kappara recited]: 'I placed the likeness of My image in them [My likeness was given to human beings: the image of God], and because of their sins I overturned it [because of their sins I brought mourning and death upon them]. Overturn your beds on its account [overturn the bed on account of the human being who is the image of God]'" (Moed Katan 15b). The metaphor of "overturning," from a living image of God to a dead person, underlies the overturning of the bed. The reasoning is that the dead person's sins caused his death and that the mourner, too, is implicated in sin, so he must overturn his bed just as God overturned the likeness of His image in the human being. We might say that Rabbi Eliezer regards himself as dead, and that he sits on the ground because his own divine image has been overturned, from a living person to a dead one. A similar explanation is offered for "let the intermediary be overturned": "The bed is an intermediary or go-between, the place where life comes into being. It must therefore be overturned as a symbol of the cessation of life" (Rubin 1997, 172).

What effect of distancing does sitting on the ground or overturning the bed have on the excommunicated person? Here again the distancing seems at once physical and symbolic. First, his sitting on the ground makes ordinary communication impossible. His unusual way of sitting while those around him sit as usual unsettles ordinary patterns of communication and gives them a different coloring. His ability to convey messages is thus impaired. His posture is a sort of warning sign to anyone in the vicinity. Physically sitting on the ground also works dirt into his clothes (he may neither wash them nor cut his hair) and makes him disgusting to those around him. I have shown how intimately this disgust is tied to his being a kind of walking corpse. Symbolically, sitting on the ground constructs a hierarchy in which he is at the bottom of the social ladder, severely diminishing his power to state a position or engage in substantive communication.

The Prohibition on Working

The explicit prohibition on the excommunicated person's working emerges from the baraita in Moed Katan according to which a person under *ḥerem* may not work: "He may not be hired, nor may others hire themselves out to him." I want to discuss what the prohibition on work means for the excommunicated person through a reading of the fifth chapter of Evel Rabbati. The tractate is admittedly concerned with the mourner rather than the excommunicated person. But since distancing also underlies the prohibition on work as it appears in this chapter, and we have already seen the deep connection between excommunication and mourning, I believe we stand to gain from examining it.

Evel Rabbati places the prohibition on the mourner's working at the center of mourning practices generally and gives it precedence. The first law of its fifth chapter states: "A mourner is forbidden

to work all seven days: he and his sons, his daughters, his male and female slaves, and his animal. Just as he is forbidden to do work for himself [just as he may not work], so others are forbidden to do it for him [so others may not work on his behalf]."

Reading this first law in particular and the fifth chapter in general raises two questions. First, what does the prohibition on work express within the context of Evel Rabbati? Second, why does it take precedence over the other mourning practices in this tractate? The sixth chapter, after all, enumerates all the other practices together in a single law: "A mourner is forbidden to read Torah, Prophets, and Writings; to study Mishnah and Talmud, halakhot and aggadot; to bathe, anoint himself, wear sandals, or have sexual intercourse. And he is obliged to cover his head and overturn his bed."

The prohibition on work has been explained as a restriction on instrumental social contacts, in which social contact is a means to some other end rather than an end in itself. These are distinguished from contacts in "primary groups," such as family and friends, where the social contact itself is the point. The claim is that forbidding work provides an opportunity for greater solidarity because there is more free time and consequently more social contact with family and one's immediate circle (Rubin 1997, 183). It has also been explained as a passage to the liminal stage between the mourner's former and new statuses. At that threshold it expresses a break with his old status and his rebirth. Some see the prohibitions on work and Torah study as reflecting the mourner's state of mind. He cannot engage in activities concerned with repairing the world and creating; more than that, he does not want to return to the world and engage in them (Halbertal, lecture on the laws of mourning in Moed Katan). Whether the prohibition forms part of his isolation at the threshold or reflects his depressive state of mind, its placement and primacy remain to be explained. Why does it come first, and why is a large part of the fifth chapter devoted to it? Moreover, why does that same chapter deal with restrictions on the excommunicated person? What is the thematic connection between them?

One distinctive feature of the prohibition on work is its decisive impact on the mourner's daily routine and particularly on his modes of contact with others. As noted, Rubin sees it as part of the system that isolates the mourner after he has left his old status and before he enters the new one. In the prohibition he finds precisely the opportunity for social solidarity with the mourner. Reading it in the context of Evel Rabbati, however, makes clear that the purpose of isolating him cannot be understood through Rubin's therapeutic explanation. The tractate proceeds chronologically from the time of dying until after the year of mourning. Chapter Five concerns the stage after the dead body has been buried. Burial does put a stop to impurity in its highest degrees and distance it, but it does not dispel the threat in death. Death is still intensely present. In this context the mourner's being a "primary source of impurity" (*av ha-tum'ah*), as one who has touched a corpse, symbolizes death's clinging to him and the fact that by his very presence he carries death with him. Yet he is more than a "dead man walking." His mental state is also profoundly unsettled, especially immediately after burial. In this condition he becomes a threatening social agent, a danger to social consensus. His gathering anger and rebellion against the wrong done him can undermine the assumptions on which the social system rests: questions of reward and punishment, recompense, and the justification of God's ways (Rubin 1997, 231). This condition is reflected in all psychological approaches to mourning. All emphasize the physical and psychological difficulties of the first stage immediately after the relative's death (Sanders 1999, 36–46). There is evidence that the first stage is usually the hardest in terms of the intensity of the emotions that flood the mourner, and that his psychological condition is generally at its worst.

His state of mind includes anger directed both at society and at himself, feelings of guilt, and frustration at the loss of control over life. A mourner who belongs to a religious community will be full of theological questions about the justice of God's ways in the world and the doctrine of recompense. Studies show that in the early stages of grief he loses familiar patterns of social behavior. These points clarify the challenge that death and, in its wake, the mourner present to society as a whole and to its social and institutional structures. By the very nature of his condition and his proximity to death, the mourner is a destabilizing presence among those around him. He carries death with him; death here is also another name for a challenge to the theological justification of God's ways of acting in the world. Evel Rabbati devotes an entire chapter to the prohibition on work, while all the other mourning practices it sets out together occupy only one chapter. Work, whether in field or workshop, is understood as a principal element in the ties between human beings. The prohibition on work isolates the mourner. This isolation is first and foremost physical and allows people to decide whether or not to come into contact with him. He is touched by death, and it is the fear of death and of coming face to face with it that drives the prohibition. There is no danger that the mourner, and with him death, will appear without warning and without preparation before people who find his presence or physical contact with him hard to bear. In the verbal realm, we should remember that his state of mind gives rise to theological doubts. Communication during work is powerful because work lends it legitimacy. By the very act of working a person becomes part of the social body. He receives social recognition, and what he says consequently gets a hearing. In this verbal context the prohibition gives communication with the mourner a particular coloring, one that will keep him from endangering social uniformity and allow his anger and unsettled state of mind to be absorbed. Communication outside work, with the mourner's condition constantly in view, diminishes the weight of what he says. Moreover, the prohibition concerns not only physical and verbal contact but also the sight of the mourner. It excludes him from the public sphere. Even if he works alone in his own field, he is still publicly visible. In the period following the death that visibility threatens the public for the reasons given above. His isolation does not preclude social interactions. They take place, however, in a defined space and within rules laid down in the laws of the fifth chapter of Evel Rabbati. Within the context of the tractate the importance of the prohibition thus lies in preventing the mourner's physical presence from threatening society: his physical and verbal contact with others, and his visibility. The features of the prohibition enumerated in our chapter fit this explanation. The mourner and his entire household may not work for seven days, and no work may be done for him. The ban is not absolute. Others may work for him to avoid an irreparable loss, and he may work in private if he is the only artisan of his kind in town, "out of respect for the people." The seven-day prohibition expresses the initial period in which the mourner is still unsettled and the death with which he is touched is still present. The prohibition on work by others is designed to ensure his isolation. Appointing people to perform the work requires his involvement: contact with him, speaking with him, taking instructions from him. It is therefore forbidden.

For the excommunicated person the prohibition on work appears as one in a list of mourning practices. The main difference between Evel Rabbati and the Bavli is that in the Bavli the prohibition on working with the excommunicated person is directed specifically at work in an enclosed, intimate space: it appears beside the distancing practices that concern his immediate physical surroundings. Evel Rabbati has no such context. Yet the elements of distancing are identical in the tractate and in the Bavli. As a means of distancing and silencing, the prohibition on work expresses the heightened threat of encountering the mourner or the excommunicated person in his own working environment. An interaction between retailer and customer or between artisan

and customer carries considerable potential for threat, precisely because the working environment casts a veil of normality over it and legitimizes communication between the parties.

In this light we should analyze the Bavli's distinction between a person under *niddui* and one under *ḥerem* (someone excommunicated who still has not recanted after sixty days), and the distinction between the person under *niddui* in Evel Rabbati and the person under *ḥerem* in the Bavli. In the Bavli one under *niddui* may work ("he may be hired and others may hire themselves out to him," Moed Katan 15b). Thus here, as with Torah study, a substantial and common avenue of communication opens to the person under *niddui* that is closed to the person under *ḥerem*. Work itself gives meaning to his life and lessens his existential anxiety. The communication that accompanies it, and the fellowship that grows among workers, do much to alleviate the terrors of the other forms of distancing imposed on him. I pointed out above that Evel Rabbati made no distinction between *niddui* and *ḥerem*, and that in effect its person under *niddui* is the Bavli's person under *ḥerem*. Yet of the person under *niddui* Evel Rabbati says: "He may be hired and others may hire themselves out to him, not in order to enjoy a benefit with him, but so as not to close the door in his face" (5:14). This permission is distinctive, since in the matter of Torah study the person under *niddui* in Evel Rabbati and the person under *ḥerem* in the Bavli are identical. A person under *niddui* in Evel Rabbati may thus work, and consequently, as noted, the existential anxieties accompanying his condition are lessened. Still, every communication with him, whether about work itself or another matter, is colored by distancing. Being labeled, kept at a distance, and made an object of disgust necessarily affects his capacity for substantive contact with those around him.

Stoning the Coffin

Mishnah Eduyot 5:6 states: "Whom, then, did they excommunicate? Eliezer ben Ḥanokh, who called into question the washing of hands. When he died, the court sent someone to lay a stone on his coffin. This teaches that if a person is excommunicated and dies under the ban, they stone his coffin." Evel Rabbati gives further detail: "An excommunicated person who dies requires stoning. They do not raise a great heap of stones over him as over Achan. Rather, an officer of the court takes the stone and places it on his coffin to fulfill the commandment of stoning" (5:13).

Rabbi Shlomo ben Avraham ibn Adret (Rashba, thirteenth century) suggests that the stoning of the coffin is so that people will see and be afraid (in his commentary on tractate Mashkin). Maimonides held that people do not accompany the coffin of an excommunicated person or eulogize him, just as with those executed by a court, "for whom nothing at all is done" (Evel Rabbati 2:6). As the law itself specifies, this is not an actual stoning but a symbolic act. What system of signs does this symbolic act invoke? Stoning, as is well known, is one of the four forms of execution entrusted to a court: "Four modes of death were entrusted to the court: stoning, burning, slaying, and strangulation. Rabbi Shimon says: burning, stoning, strangulation, and slaying" (Mishnah, Sanhedrin 7:1). Stoning is a severe death, the punishment of the blasphemer and the idolater, considered the "archetypal sinners" (Shemesh 2002–03, 53). In this sense the comparison between the excommunicated person and those executed by a court, effected by the stoning of his coffin, labels him as a deviant whose deviation was grave. Evel Rabbati rules that "one does not attend to those executed by a court": there is no eulogy and one does not accompany the coffin. Why? These prohibitions have symbolic meaning. A eulogy and a funeral procession are accorded to someone who belongs to the social body. The eulogy comforts the deceased's family, strengthens the community's solidarity, and holds out to each person the promise that he will not be cast into his grave uncared for and unregarded (Rubin 1997, 205–06). By their transgressions those executed by

a court have removed themselves from this body. They have left the community through an intolerable deviation that disqualifies them from being counted among its members. Their death does not affect the community because they have placed themselves outside it. The stoning of the coffin, then, is meant to teach the public something about the excommunicated person's standing during his lifetime. It marks him as one whose deviation in life was intolerable and whose unexpected death requires us to make do with stoning his coffin alone. And yet the coffin is stoned only after he dies. In life he represented a deviation that did not require his stoning or his complete expulsion from society. His death under the ban allows the sages to dispel the ambivalence of his condition: he belonged to the public and held rights within it even as he was distanced and silenced. Once dead he can be presented in sharper outline as one who crossed every line. The stoning of the coffin is thus a severe deterrent act that brings out precisely how indistinct and ambivalent his position was while he lived.

Stoning may also be a kind of continuation of his symbolic death. While alive he is a dead man walking, and from this determination flow the practices of excommunication and the psychological and sociological processes he undergoes. Stoning the coffin expresses the continuation of the ban. It consists in a court officer's laying a stone on the coffin rather than an actual stoning. The emphasis falls on "an excommunicated person who died under his ban," expressing the fact that he is still excommunicated, or that his body is still under the ban. These features may lead to the conclusion that stoning is a symbolic punishment for one who is under a ban "and dies under his ban."

Conclusion

The excommunicated person observes mourning practices. They distance him in three dimensions: labeling him, restricting communication, and making him an object of disgust. The practices that label him from a distance are meant to make him identifiable, so that even before encountering him members of the community know he is under the ban. Such are circling to the left on the Temple Mount, the prohibition on cutting the hair, and the obligation to cover the head. These practices affect how others perceive him, but also how he experiences himself. His untidy, unruly hair, his circling left on the Temple Mount, and his obligation to cover his head cause those who see him from afar to form assumptions about his character and his values. These assumptions shape communication when people meet him and make him feel himself to be an unsocial person. The forms of distancing within speaking range, the restrictions on exchanging greetings and on studying Torah with him, impair people's ability to hold an ordinary conversation with him in which he can gain recognition as a member of the community. The prohibition on Torah study deprives him of the ability to share his views with those around him and of the feeling of belonging to the community. The restrictions on communication are not merely external to him. They can diminish his very self, constituted as it is in part through these interactions. The prohibitions that involve smell and being close to him—the prohibitions on bathing and laundering, on remaining within his four cubits, on wearing sandals, and on working, as well as the obligation to overturn the bed—all serve to make him an object of disgust to those around him. To make him disgusting is, in effect, to turn him into an object that calls death to mind. Arousing this disgust through smell and sight intensifies his sense of being a dead man walking, takes human contact out of his reach, and closes off the possibility of substantive human interaction.

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